By Mr. PATMAN:

H. Res. 226. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 114; to the Committee on House Administration.

By Mr. SCHWENGEL:

H. Res. 227. Resolution providing for the copying and distribution by the U.S. Capitol Historical Society of the film of the ceremonies and reenactment of the 100th anniversary of the Second Inauguration of President Abraham Lincoln; to the Committee on House Administration.

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. 4278. A bill for the relief of Hom Wai Hong; to the Committee on the Judiciary.

H.R. 4279. A bill for the relief of Emanuel Stavrakis; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4280. A bill for the relief of Giovanni Buonincontro and family; to the Committee on the Judiciary.

H.R. 4281. A bill for the relief of Giuseppe and Angiolina Grifoni Ciprietti; to the Committee on the Judiciary.

H.R. 4282. A bill for the relief of Emilio Garcio-Sumayod; to the Committee on the Judiciary.

H.R. 4283. A bill for the relief of Marianna Marino; to the Committee on the Judiciary.

H.R. 4284. A bill for the relief of Maria Martinangelo; to the Committee on the Judiciary.

H.R. 4285. A bill for the relief of Antonio and Concetta Mattaliano; to the Committee on the Judiciary.

H.R. 4286. A bill for the relief of Nunzia Platinia to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 4287. A bill for the relief of Angel Aguilus and his wife, Lydia Solomon Aguilus; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 4288. A bill for the relief of Giuseppe Lo Duca; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 4289. A bill for the relief of Robert A. Pickering to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 4290. A bill for the relief of Ramesh Lilaram Daswani; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 4291. A bill for the relief of Girolamo Asaro, Francesca Asaro, and Maria Antonina Asaro to the Committee on the Judiciary.

H.R. 4292. A bill for the relief of Margarita Badolamenti; to the Committee on the Judiciary.

H.R. 4293. A bill for the relief of Salvatore Fontana; to the Committee on the Judiciary.

H.R. 4294. A bill for the relief of Giovanni Rugeri; to the Committee on the Judiciary.

H.R. 4295. A bill for the relief of Calvin Williams; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 4296. A bill for the relief of Barbara Sears Carroll (nee Barbara Sears); to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusettts:

H.R. 4297. A bill for the relief of Maria E. Egea; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 4298. A bill for the relief of Mr. Elias Adib Elias, and his wife, Ruth S. Elias; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 4299. A bill for the relief of Antonio Ciancio; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4300. A bill to provide for the free entry of one electron spin resonance spectrometer for the use of the University of Rochester, Rochester, N.Y.; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 4301. A bill for the relief of Jose Antonio; to the Committee on the Judiciary.

H.R. 4302. A bill for the relief of Andria Davies; to the Committee on the Judiciary.

H.R. 4303. A bill for the relief of the estate of Patrick H. Harrington, deceased; to the Committee on the Judiciary.

H.R. 4304. A bill for the relief of Thomas C. Johnson; to the Committee on the Judiciary.

H.R. 4305. A bill for the relief of Raymond P. Murphy; to the Committee on the Judiciary.

H.R. 4306. A bill for the relief of Florinda Soares Rebelo; to the Committee on the Judiciary.

H.R. 4307. A bill for the relief of Alexandrinha de Mederios Sipriano; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 4308. A bill for the relief of William J. Walsh; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 4309. A bill for the relief of Miss Leticia Criman; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 4310. A bill for the relief of Charles Colbath; to the Committee on the Judiciary.

H.R. 4311. A bill for the relief of Santo Sapienza; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 4312. A bill for the relief of Theodore J. Malowicki; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 4313. A bill for the relief of Ida Kunstmann, Waldemar F. Kunstmann, and Anneliese E. Kunstmann; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 4314. A bill for the relief of Guiseppa Grasso; to the Committee on the Judiciary.

H.R. 4315. A bill for the relief of Maria Scire; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 4316. A bill for the relief of Timothy L. Ancrum (also known as Timmie Rogers); to the Committee on the Judiciary.

H.R. 4317. A bill for the relief of Peter Goldson, his wife, Merva Hedy Goldson, and child, Brian Goldson; to the Committee on the Judiciary.

H.R. 4318. A bill for the relief of Mary Lou Joseph; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 4319. A bill for the relief of Josephine Dumpit; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 4320. A bill for the relief of Lydia Bernardez; to the Committee on the Judiciary.

H.R. 4321. A bill for the relief of Jane V. R. Bryant; to the Committee on the Judiciary.

H.R. 4322. A bill for the relief of Antonino Greco; to the Committee on the Judiciary.

H.R. 4323. A bill for the relief of Josephine P. Hynes; to the Committee on the Judiciary.

H.R. 4324. A bill for the relief of Victoria Louise Soberanis; to the Committee on the Judiciary.

H.R. 4325. A bill for the relief of Arpi L. Vartian; to the Committee on the Judiciary.

H.R. 4326. A bill for the relief of Christoline A. Ysaguirre; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 4327. A bill for the relief of Robert L. Stevenson; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Con. Res. 158. Concurrent resolution expressing the sense of Congress in respect to the act of Mary Perkins; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

13. By the SPEAKER: Memorial from a special aide to the Governor of the Commonwealth of Puerto Rico; relative to an amendment to the constitution of the Commonwealth granting the right to vote to all persons over 18 years of age; to the Committee on Interior and Insular Affairs.

14. Also, a memorial of the Legislature of the State of New York, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

15. Also, a memorial of the House of Representatives of the State of Washington, relative to the restoration of funds for the Hanford diversification project in Washington; to the Joint Committee on Atomic Energy.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

24. By the SPEAKER: Petition of the Common Council, Buffalo, N.Y., relative to declaring January 15 a national holiday in honor of Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

25. Also, petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on the Judiciary.

26. Also, petition of Milton Mayer, Newark, N.J., relative to redress of grievances; to the Committee on the Judiciary.

27. Also, petition of the Council of the City of New York, N.Y., relative to income tax deductions for child care; to the Committee on Ways and Means.

SENATE—*Wednesday, February 10, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:30 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:

God of grace and God of glory, we pray for all those to whom Thou hast committed the Government of this Nation. Grant to them at this time special gifts of understanding and wisdom, of counsel and strength, that being devoted to what is right and just, they may devise such legislation as will be for the welfare of this Nation and the peace of the world.

O Thou protector of the traveler, we thank Thee for the safe return of voyagers in space and for the advancement

in scientific knowledge accomplished by their mission.

O Lord whose tender care is over all Thy people, come graciously near to all who suffer from the shaking of the earth. Comfort the bereaved. Heal the injured. Be with all who minister to the needs of the afflicted. And draw all of us together in the spirit of compassion and in the fellowship of prayer for the betterment of our common life.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 9, 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider nominations on the Executive Calendar, beginning with the Environmental Protection Agency.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar.

The legislative clerk proceeded to read sundry nominations in the Environmental Protection Agency.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the following nominations:

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as indicated, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. COOPER. Mr. President, I am very happy that the Senate has voted to confirm Mr. George Bush as U.S. Ambassador to the United Nations, and representative on the Security Council of the United Nations. President Nixon's choice of George Bush to represent this country at the United Nations was made with knowledge of the crucial issues that are under consideration at the United Nations. The need for intelligent, energetic, and thoughtful presentation of U.S. interests in the United Nations caused the President to choose a man of demonstrated ability like George Bush.

I am confident that George Bush will fulfill the President's trust in him and the confidence that the Senate has shown in its confirmation of the President's nomination.

Many of us here remember George Bush's father, former Senator from Connecticut, Prescott Bush. Many of the qualities that we valued so highly in the Senate in Senator Bush's long service are already evident in the public service rendered by his son. On both sides, from father and mother he inherits strength and a tradition of public service.

Ambassador Bush faces very difficult problems at the United Nations. On his shoulders have been placed the Middle East problem and such vital issues as control of the arms race and the peaceful use of the resources of the sea. Ambassador Bush will also be faced with ways in which the United Nations can be adequately financed and can be strengthened by the development of a permanent peacekeeping force and necessary improvements in the procedures of both the Security Council and the General Assembly. I am confident that Ambassador Bush will make every effort to make these needed changes a practical reality.

I know that Ambassador Bush will bring credit to the United States as he assumes his very important duties in New York.

SMALL BUSINESS ADMINISTRATION

The legislative clerk read the nomination of Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

The PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be so notified.

UNANIMOUS-CONSENT AGREEMENT TO VOTE ON CERTAIN TREATIES AND CONVENTIONS

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished minority leader, he is aware of the fact that at 1 o'clock today the Senate will vote on Executive K, 91st Congress, second session. That will be a yea-and-nay vote.

On yesterday there was reported unanimously by the Committee on Foreign Relations a convention with Nicaragua terminating the Bryan-Chamorro Treaty; and also an extradition treaty with Spain, which was reported unanimously. To the best of my knowledge, there is no conflict or opposition to them, and I was wondering, in view of the fact that the Senate will have a yea-and-nay vote on Executive K at 1 o'clock, if it would meet with the approval of the distinguished minority leader if, at that same time, and in consecutive order, we have rollcall votes on the convention with Nicaragua and the extradition treaty with Spain.

Mr. SCOTT. Mr. President, I have consulted with the Senator from Vermont (Mr. AIKEN), the ranking minority member of the Foreign Relations Committee. He tells me he knows of no objection, and I have none.

I understand these will be three consecutive votes, however, rather than a single vote. Is that correct?

Mr. MANSFIELD. That is correct. If there were the least opposition to these treaties, I would not propose their consideration at this time, but I thought, as long as there is going to be a vote on one treaty we might as well have votes on the others.

Mr. SCOTT. I understand that under the treaty we might have built a canal across Nicaragua.

Mr. MANSFIELD. That is correct. This obviates that possibility. The extradition treaty with Spain is the usual extradition treaty, as I understand, also taking into consideration some other factors, such as covering drugs, and so forth, which I think is worth while.

The PRESIDENT pro tempore. Does the majority leader anticipate any speeches on it?

Mr. MANSFIELD. No, Mr. President. The chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT), or some other member of the committee will make the explanations. I shall call them up immediately after the vote on Executive K.

If necessary, I can give the three explanations. Mr. President, may I make this request? I ask unanimous consent that when the one vote is taken, it be considered as three separate rollcall votes and so set out in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

S. 691 AND S. 692—INTRODUCTION OF BILLS FOR THE RELIEF OF MRS. VASSILIKI SPANOS AND FERDL FETTIG

Mr. MANSFIELD. Mr. President, at the request of the distinguished Senator

from Wyoming (Mr. McGEE), I introduce, on his behalf, two bills and ask that they be appropriately referred.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills (S. 691) for the relief of Mrs. Vassiliki Spanos; and (S. 692) for the relief of Ferdl Fettig, introduced by Mr. MANSFIELD (for Mr. McGEE) were received, read twice by their titles and referred to the Committee on the Judiciary.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order entered by the Senate, the Senator from Arizona (Mr. FANNIN) is recognized for 15 minutes.

S. 693—INTRODUCTION OF A BILL PROVIDING FOR A WHITE HOUSE CONFERENCE ON INDIAN AFFAIRS

Mr. FANNIN. Mr. President, today I introduce a bill providing for a White House Conference on Indian Affairs.

The Bureau of Indian Affairs estimates there are 668,000 persons classified as Indians living in the United States. It is expected the total may be considerably higher than this estimate when 1970 census figures are completely tabulated.

Of the estimated total, about 450,000 are living on or near reservations.

Those of us who live in the West are especially concerned about the well-being and the future of Indians. They make up a substantial part of our population.

Arizona has the largest Indian population, estimated at 105,900 in 1968. We have 15 Indian reservations, including the vast Navajo, Papago, and Apache Reservations.

The Navajo Reservation alone spreads over nearly 24,000 square miles. About one out of five Indians in our Nation is a Navajo.

In Arizona, most Indian tribes are living in the homeland of their ancient ancestors. Hopis, Pimas, Papagos, and Yuman Indians all descend from peoples who occupied what is now Arizona at least 10,000 years ago. Ancestors of the current Navajos and Apaches showed up in Arizona about 1,000 years ago.

Not only in Arizona, but across our Nation, we feel a special obligation to the Indians because their roots are so deep in the land that we now call America. They were the first Americans.

Mr. President, the decade of the seventies, is a very significant one for our Indian tribes. This is a decade of transition. It is a very appropriate time for an objective study of the problems facing the Indians.

This bill calls for the White House Conference on Indian Affairs to be held before next September. Spokesmen for Indians, Eskimos, and Aleuts would play a prominent role, along with other experts on Indian problems.

These native Americans, especially those still on reservations, face problems that are unique. Their problems are different from those of other minorities in our Nation.

Government policy for many, many years was one of paternalism. Now there is a trend in the opposite direction.

A White House conference would focus national attention on the problems of the Indians.

It would provide a forum to discuss such issues as how to bring Indians into the mainstream of American life without destroying their proud heritage. It could explore the frequent division within Indian tribes of the traditionalists on one side and the progressives on the other.

This conference hopefully would result in some unity or consensus of purpose among the Indians themselves. We should be able to compile valuable material to help in charting the Government role in the future of Indian health, education, employment, economic development, and migration to the cities.

Mr. President, after almost two centuries as a Nation, it is time for such a top-level conference on the problems of our Indian citizens.

I send the bill to the desk and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 693) to provide for a White House Conference on Indian Affairs, introduced by Mr. FANNIN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 694—INTRODUCTION OF A BILL TO CURB THE INTERNATIONAL TRAFFIC IN ILLEGAL DRUGS

Mr. FANNIN. Mr. President, I also introduce a bill which provides for a vigorous program to stop the worldwide traffic in illegal drugs.

Last Friday the International Narcotics Control Board in Geneva released its annual report which carried an alarming estimate on the scope of the international narcotics traffic.

The Board said that last year about 1,200 tons of opium were produced and sold through the world's illicit channels. This was an amount about equal to the legal production authorized by the Control Board for legitimate medical use.

It is impossible to say, of course, exactly how much of this opium eventually came into the United States after being refined into heroin.

We know that heroin addiction means a person must have $40 to $80 per day to support the habit. This almost inevitably leads to a life of crime.

Drug addiction is a main element in the deterioration of our cities. And it also has reached even our smaller communities which were once sanctuaries from such horrors.

We know that an appallingly large amount of illegal narcotics comes across our borders.

In Arizona alone, State agents confiscated narcotics in 1970 conservatively estimated at worth more than $12 million on the illicit market. This included 5 pounds of heroin, 17 grams of opium, 9,231 pounds of marihuana, 12 ounces of hashish, 19 ounces of cocaine, 30 ounces of amphetamine, enough LSD for 35,000 tablets, and 18,000 capsules of other dangerous drugs. That was in Arizona alone.

Mr. President, in the last several years, we have all become acutely aware of the growing menace of drug abuse. Our response has not been as rapid nor as vigorous as it should have been. We have, however, started to mobilize to fight the terrible threat to our youth, and indeed, our entire Nation.

The Nixon administration, Congress, law enforcement officers across our Nation, and local citizens have been moving to solve the problems of drug abuse.

In Arizona we have just received a $324,552 grant from the National Institutes of Health for the Community Organization on Drug Abuse Control. This Maricopa County program is highly respected and may well serve as a model for other communities that are planning all-out attacks on the narcotics problem.

I might add that an additional sum of approximately $250,000 was raised in 1970 by contributions from private individuals, to be added to the amount appropriated for the project, which involves parents, teachers, police, and young people in a broad program to cut down on drug use and to help those who are addicted or on the road to addiction.

In Tucson, another program known as Awareness House is making a similar effort.

I feel that the people of Arizona are making a commendable effort to understand to deal with the problems of drug abuse.

Congress last year passed new legislation which should be effective in fighting drug abuse within the United States.

The Government has increased the number of agents monitoring our ports of entry to stop narcotics smuggling.

These are all very good signs.

We have taken action to deal with the problem at home, but we will never stamp out the blight of drug abuse without the strong cooperation of other nations where narcotics are grown and manufactured.

We must step up the international fight against illicit narcotics. We must prevent these narcotics from reaching our borders, and the best way is to nip them at the source.

President Nixon realizes this; he called attention to the fact more than 18 months ago. On July 14, 1969, the President declared that the elimination of trafficking in illegal narcotics is a matter of national policy.

The administration has made a fine start in implementing the policy by working closely with the Government of Mexico to help stamp out the flow of illegal drugs from the south.

The administration also has attempted to use diplomatic leverage to get similar cooperation from other nations. There has been a certain amount of success in this bilateral approach.

In Turkey, for example, the number of provinces where opium production is legal has been reduced from 21 to seven. Still, Turkey is a major source of illegal opium that eventually reaches our shores as heroin.

The administration has made progress, but there still is a long way to go.

My bill would tell the President and the world that the Congress stands squarely behind the administration's determination to wipe out the sources of illegal

narcotics wherever they may be. It would give him the tools to carry out the job.

The President is directed to support effective multilateral programs aimed at stopping the illegal growing and production. Such action would be taken through international organizations, including the United Nations.

This bill pledges that not less than 10 percent of the U.S. fiscal 1971 appropriations for voluntary contributions to the United Nations development program be spent to establish a multilateral fund to be used to support activities designed to bring an end to the illegal international traffic in narcotics. It directs the President to support the strengthening of those powers presently give to the United Nations concerning narcotics, to include investigation and publication of information relating to illegal production and traffic in narcotics, and a further convention concerning production and traffic in synthetic drugs, the so-called psychotropics.

Finally, the bill directs the President to withhold U.S. assistance to nations which refuse to cooperate with the U.N. programs or with the United States aimed in the suppressing of illegal narcotic traffic.

This bill in no way ties the hands of the President. The Government can still carry on its efforts through bilateral agreements to stop illegal narcotics production in other nations, such as has been attempted with Turkey.

The bill is in keeping with recommendations of the International Narcotics Control Board. Mr. President, I ask unanimous consent to have printed in the RECORD a Los Angeles Times Service article regarding the report of the Board, as published in the Washington Post of February 6, 1971.

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

[From the Washington Post, Feb. 6, 1971]

GLOBAL EFFORT TO CUT DRUG TRAFFIC

(By Don Cook)

PARIS.—The International Narcotics Control Board, in its annual report released today at its Geneva headquarters, called for the creation of a special United Nations fund to finance a global program to reduce illicit opium production and check international drug traffic.

"The gravity of the situation has deepened during the year," the report said.

"The board remains convinced that a global approach is essential for the ultimate elimination of illicit and uncontrolled production of narcotics raw material. The very fact that the difficulties are so formidable and so deep-seated makes it all the more necessary to embark as soon as possible on an overall plan and prosecute it with vigor and determination."

The board estimated that approximately 1,200 tons of illicit opium flooded the world in the past year—which was almost exactly equal to the legalized or authorized production fixed by the control board for necessary world-wide medical use. After a country-by-country review of the drug-growing trouble-spots, the control board concluded somewhat pessimistically:

"Where production is under government control, the closing of loopholes is mainly a matter of improving administrative efficiency and success should be achievable within a relatively short time.

"Where it exists in defiance of government edict or by reasons of fundamental economic handicaps, it would be unrealistic to look for progress except over many years and as a result of united effort comprehensively planned and adequately equipped."

Here, in alphabetical order, are the highlights of the reports on what the control board diplomatically calls its "special cases":

Afghanistan: Production forbidden but the ban is not enforced. There seems to be an abundant supply of both opium and of cannabis. Smuggling a matter of deep concern to countries farther afield. Remedies will not be easy. Underlying social and economic factors now existing in Afghanistan present formidable difficulties and the government will need substantial external aid if it is to be enabled to bring the situation under control.

Burma: Fairly extensive illicit traffic, particularly east of the Salween River converging on the borders of Laos and Thailand. This area is at present virtually beyond the control of the government, and suppression of traffic further hampered by the fact that opium has been the sole cash crop of the inhabitants for nearly two centuries. The government hopes that some reduction may result from regional development programs. Control board trusts that the Burmese government will see its way to invite participation by a United Nations study group.

Iran: Stern punishment has been meted out to convicted traffickers, but concern over the situation is now deepened by reports that authorized poppy cultivation is to be markedly increased in 1971 to about 30,000 acres (12,000 hectares) which is double the area cultivated in 1970. So great an increase will obviously make control more difficult and will intensify the risk of further abusive consumption of opium within Iran and leakage into illicit traffic.

Laos: Legislative authorities are reported to be actively considering a draft law to prohibit poppy cultivation. Another useful step would be to ratify the 1961 International Narcotics Control Convention. Both should begin to be applied as soon as possible.

Lebanon: Government pressing on with green plan for replacing cannabis, reports that 4,500 hectares have been converted to sunflower, but recent illicit seizures illustrate measures so far fall materially short of what is needed. Renewed strength and vigilance needed to repair evident breaches in controls system.

Nepal: Board has long sought to establish links with the government of Nepal which is not a party to the 1961 convention. Both cannabis and opium finding its way into illicit channels, which is particularly embarrassing to India, which has one of the best control systems of any producing country.

Thailand: Considerable local uncontrolled production of opium, but also attracts additional supplies from Burma and Laos. Much converted into morphine and heroin which is mainly for local consumption but flows into international illicit channels. Assistance of United Nations has been enlisted in devising and applying remedial measures to diversify agricultural economy and raise low living standards. But already there are signs that international illicit traffickers are turning their attention to Southeast Asia as their accustomed sources of supply in the Mediterranean and the Near East begin to be narrowed.

Turkey: Provinces where production authorized has been reduced from 25 to 7. A certain improvement in efficiency of control, but utmost vigilance needed to consolidate the improvement so far. Draft law now before parliament whereby individual cultivators will be licensed.

The report also discusses problems of cocoa-leaf production from which crude cocaine is obtained in the South American countries of Bolivia, Peru, Ecuador and Costa Rica.

Mr. FANNIN. Mr. President, another good article on the narcotics problem in Arizona and the Nation was written by Ben Cole of the Arizona Republic and was published in that newspaper November 29, 1970. I ask unanimous consent that it be printed in the RECORD.

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

MEXICO MARIJUANA SATURATES THE UNITED STATES

(By Ben Cole)

WASHINGTON.—Most of the marijuana and about 15 per cent of the heroin smuggled into the United States comes from Mexico, a lot of it across the Arizona border.

Federal narcotics officials here said the smuggling of hard drugs across the Arizona-Mexican border is a serious problem even though it represents only a small amount of the heroin traffic.

Conversations with the men who run the nation's drug enforcement program also revealed these facts about dope traffic in the United States:

Europe still produces the greatest quantity of illicit heroin coming into the United States;

The big drug rings are still centered on the East Coast with Mafia-type organization in command;

Cuban and Colombian smugglers are moving into the drug racket, being more and more prominent in cocaine and marijuana operations;

Contrary to popular concept, the Mexican government has made a remarkable record fighting illegal narcotics producers and smugglers and its officers have often surrendered their lives in open combat with the racketeers;

Federal narcotics agents today face more danger by far than their predecessors, and

Foreign governments that cooperate with the United States to fight the drug rings often find they can't get reciprocal help in extraditing criminals from the United States.

Here are some of the particulars:

The nation's battle against the dope racketeers and narcotics pushers is run from a gleaming white building at 14th and I streets in northwest Washington.

Ray Enright, chief of operations for the Bureau of Narcotics and Dangerous Drugs, emphasizes that drug rings operating in the Southwest can't be written off as unimportant despite the fact that they account for a relatively small share of the overall traffic. They are organized, Enright said, and dangerous to the public, but he finds the flow of narcotics across the Mexican border small when compared to the whole picture.

The traffic in marijuana, of course, is another matter because most of the controversial weed brought into the United States comes from Mexico. The magnitude of the marijuana traffic is reflected in Customs Bureau figures showing fiscal 1969 seizures numbered 2,673 and amounted to 47,164 pounds; but the fiscal 1970 figures were 4,113 seizures and 103,304 pounds.

Seizures of course, represent only a small portion of the total marijuana traffic.

Mexico became a source of heroin during World War II when the drug rings' sources in Europe were isolated by lack of shipping and because of military operations.

Contraband poppy fields sprang up on the slopes of Mexican mountains, and underground laboratories went into operation. But with the end of the war, the Mafia resumed the European traffic. Poppies grown in Turkey supplied opium or morphine to illicit laboratories in Corsica.

But the Mexican laboratories still provide 15 per cent of the heroin coming into the United States.

"It is imported by organized rings—maybe

not as tightly organized as the 'five families' (Mafia), but certainly not fly-by-night, either," Enright said.

Mexico's effort to stop this illegal traffic was described as "heroic" by George H. Gaffney, special assistant to Chief John Ingersoll of the Bureau of Narcotics and Dangerous Drugs. Gaffney, an outspoken lawman who is about to retire, said he gets fed up with people who downgrade Mexican police authorities.

"They have done a wonderful job," Gaffney said. "And, remember, we're victims in this drug business; they're helping us."

Gaffney, who has worked with Mexican authorities, said the Mexican government has made good use of American-supplied airplanes to spot poppy fields.

"They have lost a lot of men who were murdered in this effort," Gaffney said. He added that even Mexican army personnel have been killed fighting the drug racketeers.

The heroin made in Mexico that trickles across the border goes principally to San Francisco and may move east from there, Enright said. He pointed to Chicago and Detroit as the places where the movement of drugs east and west mix.

But the drug traffic is so complicated that drugs entering the United States from Europe often are flown to California then carried eastward. Some heroin moves up the California coast from Mexico to Vancouver, Canada, which has the highest addict ratio on the continent.

Opium and heroin from China arrives in Vancouver, but evidently in smaller amounts.

Although Mexico figures prominently in the marijuana traffic and in a lesser way in heroin and cocaine, there are some interesting aspects of the cross-border illicit commerce.

For instance, California is the source of most of the barbiturates and amphetamines in the illegal market. They start out from legitimate drug sources, are sent into Mexico for reimportation as contraband.

Some heroin from Europe moves through Mexico, most of it via airplane through Mexico City. Mexico thus becomes an alternate route for the Mafia-directed drug flow if East Coast points such as New York, Philadelphia, Montreal and Miami become too hot.

Most dope, even that from Mexico, travels by air.

The Customs Bureau, however, made its biggest haul of heroin when it found an automobile aboard a French liner with 200 pounds of heroin concealed in it.

Although heroin and marijuana are the big items in the drug battle, the so-called dangerous drugs—the barbiturates and amphetamines—are figuring bigger all the time. In 1969, the Customs Bureau seized 639 shipments of these totaling 4,763,361 units of 5 grains each. By 1970 the seizures numbered 1,081 and the number of 5-grain doses 12,171,023.

The battle against the dope peddlers is becoming more dangerous according to Gaffney.

Mr. FANNIN. Mr. President, we must stop the flood of illegal narcotics if we are to have any real hope of controlling drug abuse. We cannot allow the temptation of easy access to drugs to lure our youth into narcotics bondage.

I send the bill to the desk, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 694) to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes, introduced by Mr. FANNIN, was received, read twice by its title and referred to the Committee on Foreign Relations.

LITHUANIA'S INDEPENDENCE DAY

Mr. FANNIN. Mr. President, just a few weeks ago we took note of the 53d anniversary of the short-lived independence of the Ukraine. Next Tuesday marks the 53d anniversary of another captive nation subjugated by the Soviet Union.

February 16, 1918, was Independence Day for Lithuania. This small but proud nation on the Baltic Sea declared its independence at a time when the Communists in Russia were shouting their false slogans promising freedom and self-determination.

For the next two decades, the tiny nation of Lithuania made great strides forward.

Then, in 1940, the Soviet Union pounced upon not only Lithuania, but Latvia and Estonia. During their ruthless rule of these captive nations, it is estimated that the Soviet Union has deported or killed more than 25 percent of the Lithuanian population.

The lessons of the Ukraine, Lithuania, and, more recently, Czechoslovakia, should serve as a reminder to all of us that the Soviets have followed a consistently sinister plan for more than half a century. It should serve as a warning to those people and nations who think that the Communists will deal honorably or respect the integrity of any less powerful nation.

As for the people of Lithuania, we can pray that someday they will again enjoy the independence they declared 53 years ago.

NATIONAL FORESTS IN ARIZONA

Mr. FANNIN. Mr. President, Arizona is blessed to have so much natural beauty and so many natural resources. We also have a beautiful magazine, Arizona Highways.

In the January 1971 issue of the magazine there is an excellent article on the National Forests in Arizona.

This article describes the forests and the multiple use concept which provides the most benefit for the most people. These forests are especially important to us because they are on our watersheds, and water is the one thing that Arizonans prize above all else as far as resources is concerned.

But these forests also provide timber and recreation, two other important commodities.

I ask unanimous consent to have the Arizona Highways article printed in the RECORD so that I may share it with my colleagues in the Senate and House of Representatives.

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

NATIONAL FORESTS IN ARIZONA

Winter or summer there are always opportunities for outdoor recreation within the varied climes of seven National Forests in Arizona—11 million acres of public land managed by the Forest Service, U.S. Department of Agriculture. But while most people—and there were 7.2 million visits in 1969—know the forests as mountain playgrounds, they serve other equally important purposes. More than half of the water used in Arizona homes, industry, and agriculture originates as rain and snow on the high mountains within the National Forests. Sixty percent of the sawtimber volume used by Arizona's wood products industries comes from the same lands and thousands of cattle, sheep, and big game animals harvest National Forest forage.

The National Forests live up to their billing as "Lands of Many Uses."

Come along on an armchair tour of these special public lands which were withdrawn from the public domain early in the century to ensure that the renewable resources would not be abused. Included were some desert lands in southern and central Arizona where management would minimize erosion and protect the quality of water flowing from the high country. The northernmost National Forests are the Coconino, 1.8 million acres, and the timber-rich Kaibab with 1.7 million acres. The Old West still lingers here in the land and the people. The Mogollon Rim, also known as the Tonto Rim, formed the backdrop for many of Zane Grey's western novels and much of Arizona's early history developed within view of the ageless, meandering cliffs that bound the Coconino on the south. The rocky rim marks the end of the high plateau and the beginning of the rolling hills that lead to the southern desert. Beautiful Oak Creek Canyon, a favorite of visitors to the Coconino and the setting for dozens of western movies, is a showcase of multi-colored rock formations which fall away from the Mogollon Rim south of Flagstaff and then blend into the famous red rock country as the canyon widens. Many of the red buttes have been carved by the elements into recognizable forms. There is Cathedral Rock, Bell Rock, and Capitol Butte. Hundreds of others must depend on the imagination for names. Oak Creek wanders along the canyon bottom wearing the red rock into eye-catching shapes. The clear, rushing creek is stocked with trout for the pleasure of the fisherman. For the anglers who disdain the too-popular stream, there are plenty of other places. The Coconino offers 191 miles of fishing streams and many lakes. Oak Creek Canyon boasts 11 camp and picnic sites with space for 260 families. During the summer months several times as many tables and fireplaces would be needed to meet the demand generated by the natural beauty of the red rock.

The vacationer needn't despair. Oak Creek Canyon is only one of many recreation spots on the Coconino. The Forest spreads in every direction from Flagstaff. It is part of the largest continuous stand of ponderosa pine in the West—300 miles of forest beginning in southwestern New Mexico.

Where the Coconino ends to the west, the Kaibab National Forest begins. The southern border of the Coconino marks the northern edges of the Prescott and Tonto National Forests and the Sitgreaves National Forest lies to the east. Rising abruptly just north of Flagstaff, where the elevation is almost 7,000 feet, are the San Francisco Peaks which enjoy the year-round popularity. The Arizona Snow Bowl ski area occupies part of 11,600-foot Agassiz Peak where the chairlift operates winter and summer. A favorite pastime for the adventurous is hiking from Agassiz, across a glacier-carved saddle, to the top of 12,680-foot Humphreys Peak. The view

is breathtaking from any point. There is plenty of big game for both hunters and shutterbugs on every National Forest. Game animals are managed by the State which sets seasons and bag limits. Common to most National Forests in Arizona and New Mexico, the two states making up the Forest Service's Southwestern Region, are deer, elk, antelope, bear, and turkey. Mountain lions roam the area as well as many species of small game and birds.

Kaibab North makes up the greater part of the Grand Canyon National Game Preserve, where hunting is strictly controlled. It is world-renowned for the Kaibab deer herd from which several Boone and Crockett trophies have come. The rare and beautiful Kaibab Squirrel, with its plume-like white tail and tufted ears, makes its home only in this area. It is only one of a long list of rare or endangered species of wildlife found on the National Forests. Special care is taken to protect these animals, birds, and fish and the habitat on which they depend. In 1969, representatives of the Arizona Game and Fish Department, National Park Service, and the Forest Service met at Jacob Lake to launch a study of the squirrel and its total dependence on ponderosa pine groves. The meeting produced plans for continued measurements of squirrel populations and trends by sampling the numbers of pine branch tips clipped by feeding squirrels. Tiny radio transmitters have been attached to individual squirrels to study travel patterns. Experts from the Kaibab National Forest were charged with developing studies to learn how timber harvesting activity may affect the habitat of the squirrel and whether harvesting must be modified to permanently maintain a suitable home for the unique animal. Another effort to save an endangered species was completed in November, 1970 in the Gila National Forest just across the border in New Mexico. The Gila trout, a native on the verge of extinction, was given a new lease on life. Fisheries experts from the New Mexico Department of Game and Fish and the Forest Service trapped about 200 of the estimated 3,000–4,000 trout in Main Diamond Creek of the Black Range Primitive Area and moved them to McKnight Canyon, some 20 miles south and outside the Primitive Area. The move capped five years of research and planning which found that the trout, once common throughout the Gila River drainage, was making its last stand in a four-mile stretch of Diamond Creek where an outbreak of disease or pollution caused by a sizable forest fire could destroy all of them. The decline of the species is attributed in part to competition and hybridization with other species of trout introduced over many years. All fish were eliminated from McKnight Creek before the transplant and a barrier was constructed to prevent unwanted fish from returning. Other streams in the Gila National Forest are considered suitable for reintroduction of the Gila trout, and the results obtained in McKnight Creek will decide whether further transplants will be carried out.

Returning to northern Arizona and the Kaibab, another of its attractions is the beauty of magnificent timber stands, often compared with the rich forests of the northwestern states. On the Kaibab and throughout Arizona and New Mexico, the timber industry is a mainstay of the economy. Stockmen, who pay for permits allowing them to use National Forest forage, provide another economic base for nearby communities.

Overriding other resources is the watershed value of the high country. The same mountains that are such a pleasure to the vacationist do the important job of catching and holding vast amounts of snow and rain. This moisture finds its way to many farms and communities via streams and rivers and as underground water. To accommodate recreationists, the Forest Service has scattered camp and picnic grounds and other public facilities throughout the National Forests. Maps of each Forest are available free from the Regional Office in Albuquerque or from each Supervisor's office.

Other National Forests in Arizona are the Tonto, 2.8 million acres, headquartered in Phoenix; the Apache. 1.2 million acres, in Springerville; Prescott, 1.2 million acres, in Prescott; Sitgraves, 807,000 acres, in Holbrook; and the Coronado, 1.7 million acres, in Tucson. There are five more in New Mexico totaling 9 million acres. Within the Forests are ten Wildernesses encompassing 1.1 million acres and seven Primitive Areas—administered as Wilderness but not part of the Wilderness System until each is reviewed for suitability by Congress—with 594,000 acres. Each was set aside as a living museum, the land as it was before civilization moved west. No one enters except on foot or horseback and all mechanized equipment is forbidden. They are lands of yesterday where nature takes its course. Each life zone, from the desert to the alpine. is represented in at least one of the roadless areas, making a wilderness experience available at any time of year. Perhaps the most famous of the Wilderness is the Superstition of the Tonto National Forest in south-central Arizona. The desert mountain range is steeped in legend from the pioneer days and centuries earlier the awesome mountains were entwined in Indian folklore. Its winding trails and stark beauty are favorites of winter visitors to the Arizona desert country. The Tonto also has the Mazatzal and Sierra Ancha Wildernesses, while further south the Chiricahua and the Galiuro lie within the Coronado National Forest. The Blue Range Primitive Area takes up 180,000 acres of the Apache, overlapping into New Mexico. The Prescott and Tonto share the Pine Mountain Primitive Area and Sycamore Canyon has parts within the Coconino, Kaibab, and Prescott.

In the early days of statehood, management of the rich southwestern mountains was comparatively simple. The guiding principles are the same—multiple use management for sustained yield of the renewable resources—but the cowboy and the logger are no longer alone. Every year the number of recreation users of the National Forests grows rapidly.

The growing use and concern for the environment have required more specialized and sophisticated management techniques. Wilderness and natural beauty now are considered major resources along with such tangibles as wood and water. Policies now in effect emphasize natural beauty, protection of wildlife, and guarding against pollution. The new standard for timber harvest areas requires lopping branches from tree tops left after sawlogs are removed. This keeps the debris close to the ground and speeds decay, reduces fire danger, and improves appearances. All felled trees, brush, and logging debris along roadways, including spur roads, and streams must be disposed of. This requires piling of slash for later burning when weather conditions are favorable and when few people are in the area. There are many areas within the region where the effects of these policies are already visible. Management of National Forest rangeland also is subject to new standards. Where pinyon and juniper trees are removed to increase forage production, esthetic values have taken on major importance. Trees toppled by bulldozers are piled and burned. Edges of new meadows are left uneven to emulate nature. The treated land is reseeded with grasses and forbs favored by livestock and wildlife, and a new ecological chain of life is re-cycled.

The Forest Ranger in charge of each Ranger District uses as a prime management tool a Multiple Use Plan. It incorporates a map and written section developed within the framework of the Region's Multiple Use Management Guide.

The guide creates nine management zones and defines how each is to be managed and upon what resource emphasis will be placed. The zone concept provides the backbone of a system designed to produce the greatest good for the greatest number of people while protecting, and often enhancing, the basic resources. Briefly, the Management Zones are:

Water Influence Zone—A vital resource in the Southwest, water in streams and lakes is a major attraction for recreationists. Management emphasis is placed on maintaining water quality for its ultimate use in homes, agriculture, and industry; developing recreation facilities and protecting scenic beauty.

Travel Influence Zone—Beauty and opportunities for outdoor fun are the zone's major features. It includes areas along roads, trails, railroads, other travel routes, and picnic and campgrounds. Other resources are used, but only in ways that enhance the quality of the environment.

Intermediate Zone—The most important for the production of sawtimber and forage. Ranging from 5,000 to 10,500 feet above sea level, the zone covers about 30 percent of the Region's National Forests. Big game animals are plentiful. Fishing, hiking, and camping are other attractions. The zone frequently provides the distant scenery visible from highways. It receives comparatively little public use. Major importance is for sustained yield of timber, water, wildlife, and forage.

Desert Zone—Large parts of southern Arizona and New Mexico fall into this category with its rugged beauty and desert plants and wildlife. Management is aimed at maintaining the native desert flora and fauna for its recreational and esthetic values. It ranges from 1,400 to 3,500 feet.

Grassland Zone—Because of climatic limitations and erosive soils, this zone is suitable for forage production but not for cultivation. Management aims at demonstrating good grassland agriculture on these lands to encourage owners of similar lands to do the same—protect natural beauty and develop recreational opportunities.

Chaparral Zone—This is land covered with brushy vegetation in central and southeastern Arizona and in southwestern New Mexico. Livestock and wildlife make limited use of the area. Management goals are increasing water yield, reducing fire hazard, stabilizing soil, and improving forage.

Special Zone—They are areas classified because of some special feature or use. Included are wildernesses; primitive, scenic, and natural areas; experimental forests and ranges; and historical, geological, archeological, or botanical areas.

Woodland Zone—The common pinyon and juniper land of the Southwest. Important for forage production, game habitat, and improved watershed conditions. Soil stability must be carefully controlled.

Crest Zone—Ranging in elevation from 10,500 feet up, this zone is characterized by rocky ridges and limited stands of subalpine fir, dwarfed Engelmann spruce, and limber pine. The San Francisco Peaks area of the Coconino are an example of the zone. It produces more water per acre than any other land in the Southwest. It also is among the most beautiful parts of the National Forests.

The 12 National Forests of the Southwestern Region are among 154 Forests in the National Forest System totaling 187 million acres. Forest Service Chief Edward P. Cliff, Washington, D.C., delegates responsibility to nine Regional Foresters. Directly responsible to the Regional Foresters are Forest Supervisors and below them are the Forest Service's keymen, the District Forest Rangers, the officers charged with on-the-ground execution of management policies. Southwestern Regional Forester Wm. D. Hurst com-

mented in a recent statement: "Our population is growing rapidly, but our land resources are not. This means that we must get all we can out of the existing land without impairing its ability to produce. The Forest Service is convinced that Multiple Use Management is the best system devised to date to enable the National Forests to produce the maximum in public benefits now and in the future."

Within the law, concept of Multiple Use Management of the National Forests can be intensified, depending on the will of the people and Congress. But while they may have to work harder, the National Forests will always be lands where American families can choose their outdoor fun, whether it be a weekend picnic or a trip to the far mountains, where civilization cannot follow.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Vermont is now recognized.

A PROPOSED INTERNATIONAL CONFERENCE TO PROMOTE PEACE IN INDOCHINA

Mr. AIKEN. Mr. President, John Greenleaf Whittier once wrote:

Of all sad words of tongue or pen, the saddest are these: "it might have been!"

Since Whittier's day, we have devised a new term called "Monday morning quarterbacking."

Whatever we call it, however, it is an insidious disease which affects a large percentage of the human race.

It affects people differently.

In some cases, the victim, having made a mistake, spends the rest of his natural life trying to justify it and putting the blame on others for his personal error.

In other cases, the victim seeks fame and glory in exposing the real or imaginary mistakes of others—frequently without offering any constructive alternative of his own.

The disease I am speaking of is no respecter of race, creed, color, or nationalities.

It thrives and propagates with great rapidity in the media of international relations.

It is no respecter of status and has been known to attack even Members of Congress with great virulence.

The war in Indochina has provided a particularly rich culture for the multiplication of this germ.

Frankly, I don't like this bug.

I get no satisfaction in trying to humiliate others for mistakes of the past.

For the good of our own country, we should spend our time planning for the future instead of promoting recrimination for the past.

In an effort to follow my own advice, I want to make a specific suggestion designed to help the President in at least one part of the world toward his goal of a "generation of peace."

My suggestion concerns Vietnam and Southeast Asia.

Its purpose is to foster a logical reason for American policy in that part of the world.

It is obvious that a great many Americans, very probably a large majority, now think that we had no right to become involved as we have been in Vietnam.

This sense of guilt pervades our national life in many ways.

In such an atmosphere, the rule of reason does not always prevail.

Arguments about past sins of commission and omission become more rituals than debates, more symptoms of a fever than contributions to its cure.

The President's Asian problem is not of his making.

Whoever had occupied the White House after 1968 would have found that the Presidency had already been weakened in the conduct of foreign policy.

Some redress in the balance of authority away from the White House and toward Congress was both necessary and desirable.

The authority of the President and of the foreign relations bureaucracy in the 1960's clearly got out of hand.

As far back as 1966, I called for a unilateral decision on our part in Vietnam that would have stopped the massive export of our foreign relations bureaucracy—military and civilian—an act that made self-determination impossible in that distressed country.

My proposal was rejected.

Now, politicians and others are vying with one another in fanciful suggestions for absolving ourselves of our errors either through pretending that Southeast Asia is not important, or through advocating further political interventions in order to produce a government of accommodation in Vietnam, a government that is dedicated to relieving us from mistakes of the past.

Some of the suggestions now being made would simply postpone the day of national healing, rather than bring about betterment.

There is, and always has been, the possibility of a third course in Vietnam, one which rejects military solutions on the one hand and further political interventions on the other.

It is a course which has been intimated by both President Nixon and President Johnson, but which has so far not materialized largely because it is not within the power of the President of the United States to initiate this course.

The course I refer to is the possibility that other governments may now see fit to associate themselves with what must be done in Southeast Asia.

The course I refer to involves the nations of that part of the world creating new circumstances which will permit others, as well as the United States, to contribute to the peaceful development of that area.

So long as the United States was dispensing alliances and others were lining up to join them, the White House was the logical place to look for initiatives designed to give justification to our actions abroad.

The Korean war was a good example of this.

However, Washington is not dispensing alliances any more; neither is Moscow nor Peking.

The great powers cannot dispense alliances today because under current world conditions their vast military power cannot be translated into comparable political influence.

When they fail politically, they risk having to use their power for ruthless repression, as Russia did in Czechoslovakia.

In fact, wherever the Soviet Army has moved beyond its borders since World War II, it has been to suppress its so-called allies.

Or, when we overstep the mark, as we did in Vietnam, we are condemned to withdraw in a manner that will look to all the world like a retreat into isolationism.

We are now faced with a condition where, unless others can fashion some new reason for American policy in Southeast Asia, it does not lie in the President's power to make the Nixon doctrine much more than such a retreat.

President Nixon knows he cannot hope to contain opposition at home by engaging in military adventures abroad, an option that continually tempts totalitarian regimes.

His foreign policy must now be presented in a context that is understood and supported by the American people.

He could claim justification on the grounds that the national interest is directly threatened.

Or, he could claim justification as part of a collective action by a group of nations pledged to keep some peace in Indochina.

President Nixon no longer claims the former.

Unless other nations create conditions that permit him to claim the latter, his policy will become one, not just of withdrawal, but, of retreat.

Militarily, we are told by the administration that our withdrawing from Indochina is an irreversible process.

The role of our air power, currently a source of apprehension here at home, has changed radically.

The President has made it clear that bombing as a tactical measure to pursue an elusive military victory has become bombing to cover a withdrawal and to protect us on the way out.

Opposing its use now would seem as futile as it would have been to oppose the use of air power at Dunkirk.

Yet, bombing has never healed the national divisions in any country, except in those countries on which the bombs fell.

Vietnam, however, is not Dunkirk; we are not leaving a defeated nation behind, but, hopefully, a nation capable of defending itself.

The purport of our withdrawal is to correct the grave mistakes of the past.

The President's unfortunate dilemma was bound to increase demands for relief through further political intervention.

Hanoi is obviously still counting on just this possibility.

The broken record of the Paris peace talks always sticks at that point where we are asked to intervene again in the selection of a President in Saigon in order to accommodate the Communists.

Hanoi does not just want us to withdraw our forces and by a given date.

Hanoi wants us to deliver to them the Government of South Vietnam.

To them that is what the war has been about from the beginning.

The President resolutely refuses to add betrayal to our other mistakes in Vietnam, and I support him in this resolve.

The validity of the Saigon government will be tested in an election next October.

Americans, officials, and politicians alike will be tempted to choose sides along with the Vietnamese.

Electoral events the world over have the tendency to attract American activists as flypaper attracts flies.

Some, I fear, will be quick to apply the word "corruption," as happened in the elections of 1967.

This is very risky, because those who make the charge often do not realize how different Vietnamese culture is from our own.

It would be highly dangerous to tamper with the political test that will take place in South Vietnam next October.

I believe the President when he says that the Nationalists in South Vietnam are now strong enough militarily to tend to their own defense and determine their own political course.

I was willing to take that gamble over 5 years ago, before our massive interventions.

In a sense, we have come full circle.

It is possible to say again, as it was in the early 1960's, that, in the absence of renewed intervention, the political solution of conflicts in Indochina can be left largely to the parties there.

With the withdrawal of our troops, self-determination will be possible again.

I do not want to get into the details of future financial and economic assistance to Indochina, but there is no evading the fact that we are leaving the people there not only with an enormous supply of weapons with which to settle their disputes, but also with an economy that for a while at least will be dangerously dependent on subsidies mainly from the U.S. Treasury.

Direct and indirect expenditures of the U.S. Government now account for about 60 percent of all the measurable economic activity in South Vietnam.

Military activities already account for 80 percent of the South Vietnamese budget, with the prospect that the share will go even higher as our troops withdraw.

This prospect of a continued, large financial drain, analogous to the military drain of recent years, will feed the tendency to make the Nixon doctrine more a reflection of domestic than foreign policy.

It is bound to feed the isolationist trend.

The world should know that the Presidency and the Congress of the United States are simply not powerful enough to do alone what many think should be done to help the peoples of Southeast Asia.

This would be so even if there existed among us a real consensus about what ought to be done, which is manifestly not so now.

Public opinion has curtailed the power of the Presidency to control and direct foreign policy in this part of the world.

As yet, there has been no commensurate increase in the contribution of the Congress toward constructive alternatives.

Either there is a new plausible reason for our actions in Southeast Asia or events will inexorably diminish our involvement financially as well as militarily.

If we are to have new requests every 6 months or so from the White House or State or Defense Departments for large subsidies for Indochina without any new justification for our actions, it means trouble ahead.

Congress will rightfully rebel.

If, in its efforts to persuade Congress to appropriate these subsidies, the Executive resorts to arguments that can only reopen old wounds, it will encourage the still active ritual of self-destruction that has characterized the Vietnam debate in this country in recent months.

The time has come for someone other than the President of the United States or the great powers of Europe to convene a conference of nations concerned with Southeast Asia to consider collective action in support of the people there.

We need a new setting, not the reactivation of the Geneva Conference on Indochina.

We need a conference whose purpose would be to promote peace, but not necessarily by trying to write a peace treaty.

Peace, after all, is not a final solution.

It is a state of affairs that permits more effort to be spent on activities of a constructive, even if competitive nature, and less on military affairs.

The normal state of relations among nations is not one of perfect harmony and cooperation.

It is a state of competing and conflicting interests that are reconciled through continuous negotiation and diplomacy.

This is the realistic objective in Southeast Asia as elsewhere.

A new conference should concern itself primarily with reconstruction and development in a context that would encourage the parties directly concerned in Indochina to make peace among themselves.

I have no quarrel with the principles of the Geneva Accords laid down in 1954 for Vietnam and in 1962 for Laos.

Those principles assert the right of the nations of Indochina to determine their own political course, free of foreign intervention, and in strict neutrality in the conflicts among the great powers.

While the United States, in deference to the position of President Diem of South Vietnam, did not sign the Geneva Accords of 1954, we did sign those of 1962 concerning Laos.

A new conference can accept these principles without necessarily concerning itself with writing a peace treaty.

In the past year, several suggestions have been made to reactivate the Geneva Conference with a formal peace treaty in mind.

There have been honorable suggestions from the Government of France, from the Secretary General of the United Nations, and from a group of Southeast Asian nations hosted by the Government of Indonesia in Djakarta.

The British Government, in its capacity with Russia as cochairman of the Geneva Conference, has issued repeated invitations.

The British have a noble record in these matters, for they were the prime movers behind the first conference in 1954.

And President Nixon, himself, in his speech of October 7, last, accepted the substance of these suggestions.

The Russians, however, have persistently refused.

Maybe, they were right.

They may have recognized the futility of such action.

Without detracting at all from these several honorable initiatives, the time has come for nations to face the fact that the day has passed when the major problems of Asia can be settled in some European city, where Russia and the Western Powers enjoy a protocol status far in excess of their real influence.

The time has come for nations to recognize that formal peace among the parties in Indochina will only come as a result of agreement among themselves.

It cannot be imposed by others.

The conference I have in mind would recognize these facts.

And the conference itself would be the result of an Asian initiative, not American or European.

We Americans tend to measure the interest of other nations in Indochina in terms of their financial aid or of the troops they have sent to fight there, often at our expense.

These are false measurements.

They hark back to the day when it was possible to dispense alliances because nations were lining up to join.

Those days are over, and our past misguided policies in Vietnam hastened their departure.

This does not mean that no one but the Communists is interested is Indochina.

Japan is very interested and for very practical reasons.

Isolationism is not possible for Japan, despite the evident, lingering feeling of the Japanese people that their country should present a very low profile in world politics.

The Japanese economy has to expand outside of its borders in order to support a large population at rising living standards.

At the same time, the Japanese do not want to repeat our mistakes in Southeast Asia.

It is not surprising, then, that the Japanese Foreign Minister has said on many occasions that his country would make a much larger financial contribution in Indochina if there were only some international mechanism to receive and disburse it.

The Japanese do not pretend, as some Americans like to do, that Southeast Asia is not really very important.

They look on the region as an indispensable area for their own economic expansion.

At the same time, if I read the tea leaves correctly, our Japanese friends are

expecting us to find a new legitimacy for our actions there.

If we withdraw pellmell from the region, it will force the Japanese Government to make fundamental decisions for which the Japanese people do not seem yet ready.

It is rather depressing that so much White House time is taken up with matters like textile quotas when the Japanese are looking for just what President Nixon is looking for in Southeast Asia, a new course for actions which they feel they must take in their own interest.

Textile quotas would have been less of a problem today if they had been viewed in this broader context.

The Japanese would have a vital interest in a new conference, although they may not be ready to take the kind of international initiative I am suggesting.

As to India, could not New Delhi replace Geneva as the place where Asian problems are discussed and, hopefully, resolved?

We should not assume that India has only a marginal interest in that corner of the world where she has so many cultural and historical ties.

Indian leaders since World War II have placed their faith in democracy and development to keep together in that Nation the vast diversity of the Indian peoples.

As an American, I am profoundly moved by the spectacle of Indians by the millions going to the polls, as they will this March, to elect their leaders.

I say this with humility for it is not the preachments of those who love democracy that count; it is the willingness of others to practice the art.

Yet India could, if democracy fails, fly apart in a dozen, Balkanized pieces.

To prevent such a disaster India needs help from all the world.

And, in these circumstances, it is not presumptuous to suggest that the world may also need India's help at this juncture in history.

India, whose interest in reconstruction and development is so pronounced, could well cooperate in calling a conference so vital to her own future.

As to the Southeast Asian nations themselves, not so long ago they were thought of as national dominoes, destined to tumble one by one following a collapse in Saigon.

Now, it is more fashionable to consider them as the Balkans of Asia.

Probably this does them a great injustice, for there are signs of the beginning of regional cooperation in Southeast Asia.

The U.S. Government has been loud in its promotions of regional cooperation, but little has been forthcoming in the way of practical support.

During the 91st Congress, we failed to consider seriously, and on its merits, a long promised contribution to the Asian Development Bank.

The issue was not presented to us in terms of the Nixon doctrine, nor was it debated that way.

So the debate became another small indication of how the Nixon doctrine, no matter what the President says or wants, can become just a prelude to greater isolationism.

It is not realistic at this point to expect the United States to play the role of chief promoter of regional cooperation in Southeast Asia.

Our participation, if it is to materialize, should come after the nations there invite it.

On the other hand, an opportunity exists to make such an invitation just the kind of new reason for the United States to play a constructive role in that region.

The interest of Australia and New Zealand in Southeast Asia is self-evident.

These are our partners in the Anzus Treaty.

Together with the United Kingdom, but not the United States, they have extended certain security guarantees to the governments of Malaysia and Singapore.

We should not measure their interest in Southeast Asia only in terms of their token military and financial contributions to Vietnam and Cambodia.

Australia looks at Southeast Asia through the vast archipelago of Indonesia.

The government in Djakarta is the object of considerable international attention today, but it is still a moot question whether that government is so secure that Australians can afford to indulge in an isolationism of their own.

No doubt they are tempted, just as we are.

No doubt that as they extend guarantees to Malaysia and Singapore, they will seek and receive further guarantees from us simply to insure their own future.

The Southeast Asian Nations and Japan met in Djakarta last May to ask reactivation of the Geneva Conference on Indochina.

They might be well advised to seek a conference themselves in Asia, rather than Geneva, to discuss Asian problems.

If they should do so and invite the Western European Powers, I doubt that the latter would fail to come just because Geneva was not the site or Britain and Russia not the cochairmen.

The connection between our predicament in Vietnam and our willingness to maintain large forces to police Western Europe's borders would not be lost in London or Bonn or Paris.

A retreat on the one front could easily trigger a retreat on the other.

Nor should be dismiss lightly the legitimate economic interests of the Western European Nations in Southeast Asia or the contributions they could make to the reconstruction and development of Indochina.

Would Communist China attend such a conference?

Would Russia or Hanoi?

I assume invitations would be tendered; the responses would be interesting, even instructive.

The world has come around to recognizing the fact that China will play a role in world affairs in the future commensurate with its rich history and culture and with its sheer size.

Slowly, but surely, it is becoming accepted that the device of diplomatic nonrecognition, whatever force it might have had once, has little force today.

It seems to be only a question of time now before China occupies an important place in the United Nations.

But those who believe that such diplomatic adjustments in and of themselves will yield benefits in terms of world comity are just as wrong as those who cling to the effectiveness of diplomatic nonrecognition.

China will play a role in civilized diplomacy when the authorities in Peking decide that it is in their interest to do so, and not before.

China did play such a role in the Geneva Conferences on Indochina in 1954 and 1962.

It would be very interesting to know if she would also play a role if a conference were held in Asia, convened by Asians, and not in Europe, convened by Europeans.

Would Russia attend a conference in Asia convened by Asians?

I do not pretend to know, but we would find out.

I cannot believe that Russia has of late had a vested interest in keeping up the conflict in Indochina.

No doubt there are some in Moscow who relish our predicament, but others must know that progress on things like the SALT talks and keeping the peace in the Middle East depend to considerable extent on wht happens in Southeast Asia.

Again, I say, I am hopeful for a conference, not to write a peace treaty but to consider collective support for the peoples of Indochina while their governments resolve their own disputes without outside interference.

It goes without saying that a great many countries besides the United States want a dignified, reasonable and politically defensible way out of their difficulties in Indochina.

President Nixon's decision to withdraw American troops from Vietnam should now reactivate diplomatic activity in a practical manner.

If nothing else, the withdrawal of our troops means one thing certain—the war will not again be fought as it has been in the recent past.

Only the United States could afford such wanton extravagance.

If the forthcoming elections in Saigon prove to be reasonably open, they should be accepted at face value and any tendency not to do so on our part should be studiously avoided.

It is not my intention to present these suggestions to the Senate in any formal manner or to suggest that this body or any part thereof take any formal action at this time.

Nor would I undertake to tell the nations of Southeast Asia what their role in the theater of world affairs should be, although I hope they do recognize the opportunity which lies on their doorstep and use it to the advantage of all mankind.

I am, however, convinced that neither the Senate nor the American people are of an isolationist mind for we all know that the self-righteousness of isolationism is as dangerous to our security and prosperity as is the self-righteousness of misguided intervention.

Mr. MANSFIELD. Mr. President, once again, the distinguished senior Senator

from Vermont (Mr. AIKEN), the dean of Republicans in this body, a man of sound commonsense, a real follower of John Greenleaf Whittier, Thoreau, Longfellow, and others who come from the region he so ably represents, has had something worth saying and something worth listening to.

I note that on page 3 of his prepared address, he states:

Some redress in the balance of authority away from the White House and towards the Congress was both necessary and desirable.

That is a sound observation. That has been done in the last Congress to some degree. It is my hope that it will be furthered in this Congress and Congresses yet to come on an appropriate basis and with due recognition of the responsibilities which are the President's on the one hand and Congress'—especially the Senate's—on the other.

Then on page 7, referring to the situation in Vietnam, I quote this sage statement:

The purport of our withdrawal is to correct the grave mistakes of the past.

All I can say to that is, Amen. It is brief, to the point, and I hope we have learned a lesson from this misadventure, this mistake and this tragedy in which we have been engaged for so many years and which has cost us so much in blood and treasure.

Again, on page 11, he states:

The time has come for someone other than the President of the United States or the great powers of Europe to convene a conference of nations concerned with Southeast Asia to consider collective action in support of the people there.

Another good idea—a possibility. What will happen remains to be seen, but someone other than the President of the United States, someone other than the Prime Minister of Great Britain or the chairman of the Communist Party in the Soviet Union, or someone from anywhere else; and that someone, of course, refers to the peoples in the areas directly concerned who have the primary interest in the countries in which they live and who have, of course, an overriding interest in the future.

I think it is a good idea to try to turn the coin around and face it in the direction of those who are most primarily interested, who have suffered the most, and who have, up to this time, achieved and received the least.

Then, on page 13, there is this wise statement:

Without detracting at all from these several honorable initiatives, the time has come for nations to face the fact that the day has passed when the major problems of Asia can be settled in some European city, where Russia and the Western Powers enjoy a protocol status far in excess of their real influence.

Truer words were never said.

Then on page 14:

The time has come for nations to recognize that formal peace among the parties in Indo-China will only come as a result of agreement among themselves.

It cannot be imposed by others.

Enough said.

Then on the last page, perhaps the wisest statement of all appears:

I am, however, convinced that neither the Senate nor the American people are of an isolationist mind for we all know that the self-righteousness of isolationism is as dangerous to our security and prosperity as is the self-righteousness of misguided intervention.

That paragraph alone should cause a lot of deep thinking.

I want to say to the distinguished Senator from Vermont that once again he has rendered a public service. I congratulate and commend him for his sagacity, his wisdom, and his facing up to the realities of today and for his looking to the future, to tomorrow.

Mr. PELL. Mr. President, I strongly endorse and support the suggestion of the distinguished Senator from Vermont and the comments of the distinguished majority leader.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, may I just ask the Chair if there was not a later order entered which extended the period for the transaction of routine morning business beyond that?

The PRESIDING OFFICER. Until the Senator from Montana (Mr. MANSFIELD) is recognized.

Mr. BYRD of West Virginia. I thank the Chair. That is correct.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORTS ON MILITARY CONSTRUCTION

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, two reports—the first provides the reports of military construction projects which have been placed under contract in the fiscal year 1970, in which the current working estimate (based upon bids received), exceeded the amount authorized by the Congress for that project by more than 25 per centum; and the second provides the reports of individual projects in which the project scope was reduced in order to permit contract award within the available authorization (with accompanying reports); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AMEND THE SMALL BUSINESS ACT

A letter from Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION TO FACILITATE THE PRESERVATION OF HISTORIC MONUMENTS, AND FOR OTHER PURPOSES

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to facilitate the preservation of historic monuments, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

REPORT OF SPECIALIZED OR TECHNICAL SERVICES PROVIDED TO STATE OR LOCAL GOVERNMENTS BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Director, National Aeronautics and Space Administration, reporting, pursuant to law, with respect to the scope of the specialized or technical services provided to State or local governments by the Agency during calendar year 1970; to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for improving training results and efficiency at the East Bay Skills Center, Oakland, Calif., under the Manpower Development and Training Act, Department of Labor, Department of Health, Education, and Welfare, dated February 10, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Washington; to the Committee on Commerce:

"SENATE JOINT MEMORIAL NO. 1

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, the living marine resources found in the waters adjacent to and associated with the United Sates continental shelf and slope provide an important part of the seafood needs of the country; and

"Whereas, these living marine resources are particularly vulnerable to damage from unrestrained fishing; and

"Whereas, the United States is handicapped in providing proper protection and management for these living marine resources by lack of adequate jurisdiction over all fishing in the area in which these resources are found; and

"Whereas, your Memorialists believe that the harvesting of these marine resources on

a sustained basis can be effective only if a greater measure of jurisdiction is given to coastal authorities.

"Now, therefore, Your memorialists respectfully pray that the United States by appropriate means secure fisheries jurisdiction off its coastline to the outer edge of the continental slope or to such additional distance as will give adequate protection and management to fishery resources emanating from or adjacent to the United States with such fishery jurisdiction being qualified to permit foreign fishing inside the United States fishery zone through agreements with foreign governments similar to those which are presently in effect.

"Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

A joint resolution of the Legislature of the State of Washington; to the Committee on Foreign Relations:

"HOUSE JOINT MEMORIAL No. 4

"To the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, Article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government becomes the 'supreme law of the land'; and

"Whereas, Notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it 'shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them'; and

"Whereas, The government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 13, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

"Whereas, Repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist violence have proven ineffective through the United States Department of State.

"Now, therefore, your Memorialists respectfully pray that the President and Congress of the United States of America do direct the Department of State to continue its determined efforts to obtain the release of names of prisoners now held; to effect the immediate release of sick and wounded prisoners, to achieve impartial inspections of prisoner of war facilities; to assure proper treatment of all prisoners; to facilitate the regular flow of mail; and most importantly, to obtain the release and freedom from captivity of those American men of this "undeclared" war with North Vietnam.

"Be it resolved, That there be enacted by the Congress of the United States a code of protective legislation similar to the Uniform Code of Military Justice, Public Law 506, applicable to American personnel captured in military operations other than in a "declared war" to assure that the full force, authority, and power of the United States of America shall henceforth be publicly committed to the attainment of freedom from captivity of all Americans captured in such military actions, past and future.

"Be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Washington."

A joint resolution of the legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROVIDE FOR INTERGOVERNMENTAL SHARING OF FEDERAL INCOME TAX REVENUE

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened State Governments; and

"Whereas, the Federal Government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the Federal Government and the state and local governments; and

"Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes; and

"Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth; and

"Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system; and

"Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources; and

"Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation; now, therefore, be it

"Resolved: That we, your Memorialists, recommend and urge that the Congress of the United States give immediate and favorable consideration to intergovernmental sharing of Federal Income Tax Revenue; and be it further

"Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to the members of the said Senate and House of Representatives from this State.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG (for Mr. PASTORE), from the Committee on Commerce, with amendments:

S. Res. 25. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SPARKMAN. Mr. President, as in executive session, I report favorably from the Banking, Housing and Urban Affairs Committee the nominations of Richard H. Grant, John J. Hutchinson, Joseph F. Hinchey, Lorena Causey Matthews, Marion F. Gregory, James W. Dodd, and DuBois McGee, nominees for the Board of Directors of the National Credit Union Administration.

This board was established pursuant to Public Law 91–206 which was passed by the Congress and approved by the President last year.

Mr. President, this board is somewhat unique among boards that have been established by legislation. It is unique in that the law requires that those who are appointed to the Board must be active within the Federal Credit Union movement. Since this is the case it is difficult to find members for the Board who would not have a direct interest in or direct dealings with such credit unions. This, of course, in turn brings up the question of conflict of interest. Nevertheless, I have a letter dated February 10, 1971, from the General Counsel of the National Credit Union Administration who has consulted with each of the nominees to the Board and who states in the letter that in his judgment the appointment of these individuals to the Board creates no conflict of interest with the functions that they would perform on the Board.

Mr. President, I ask unanimous consent that the letter from the General Counsel of the National Credit Union Administration be printed in the RECORD following these remarks.

The PRESIDING OFFICER (Mr. TAFT). The reports will be received, and the nominations will be placed on the Executive Calendar; and, without objection, the letter will be printed in the RECORD.

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

NATIONAL CREDIT UNION ADMINISTRATION,
Washington, D.C., February 10, 1971.

HON. JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reference to the Committee on Banking, Housing and Urban Affairs hearing this morning, February 10, 1971, concerning the confirmation of Richard H. Grant, John J. Hutchinson, Joseph F. Hinchey, Lorena Causey Matthews, Marion F. Gregory, James W. Dodd, and DuBois McGee, nominees for the Board of Directors of the National Credit Union Administration.

At the Committee hearing you suggested that the above nominees consult with me as General Counsel of the National Credit Union Administration concerning any conflict of interest they may have in relation to their financial situation insofar as it might create a conflict with their duties as Chairman and members of the Board respectively. I have talked to each nominee and, in my judgment, their situation creates no conflict of interest with the functions they would perform on the Board.

Sincerely,

FRED M. HADEN,
General Counsel.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MANSFIELD (for Mr. McGEE):

S. 691. A bill for the relief of Mrs. Vassiliki Spanos; and

S. 692. A bill for the relief of Ferdl Fettig; to the Committee on the Judiciary.

(The remarks of Mr. MANSFIELD when he introduced the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. FANNIN (for himself, Mr. ALLOTT, Mr. BELLMON, Mr. BENNETT, Mr. DOLE, Mr. GOLDWATER, Mr. GURNEY, Mr. SCHWEIKER, and Mr. STEVENS):

S. 693. A bill to provide for a White House Conference on Indian Affairs; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. FANNIN when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. FANNIN:

S. 694. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and to provide for withholding of U.S. assistance to nations refusing to cooperate with such international organizations, or refusing to take appropriate steps to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. FANNIN when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. ELLENDER:

S. 695. A bill for the relief of Subhash Verma; to the Committee on the Judiciary.

By Mr. COTTON:

S. 696. A bill to provide for a coordinated national boating safety program; to the committee on Commerce.

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

By Mr. COTTON (for himself and Mr. MAGNUSON) (by request):

S. 697. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases;

S. 698. A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States;

S. 699. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States; to the Committee on Commerce.

S. 700. A bill to regulate interstate commerce by strengthening and improving consumer protection upon the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes; and

S. 701. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

(The remarks of Mr. COTTON when he introduced the bills appear below under separate headings.)

By Mr. GRAVEL:

S. 702. A bill to amend the Communications Satellite Act of 1962, and for other purposes; to the Committee on Commerce.

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

By Mr. PELL (for himself and Mr. MONDALE):

S. 703. A bill to provide minimum health benefits to employees and their immediate families and to provide for the distribution of health benefits, for medical education, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. INOUYE (for himself, Mr. ALLEN, Mr. BIBLE, Mr. COOPER, Mr. DOLE, Mr. EASTLAND, Mr. ERVIN, Mr. GOLDWATER, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONTOYA, Mr. PASTORE, Mr. PELL, Mr. STEVENS, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS):

S. 704. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

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

By Mr. INOUYE:

S. 705. A bill for the relief of Mrs. Nun Son Kim; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. HARRIS, Mr. SAXBE, and Mr. CASE):

S. 706. A bill to provide for a comprehensive program of community-based and coordinated child development programs; 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. COTTON:

S. 707. A bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. PROUTY:

S. 708. A bill for the relief of the village of Orleans, Vt.; to the Committee on the Judiciary.

S. 709. A bill to provide for the establishment of a national cemetery in the State of Vermont; to the Committee on Veterans' Affairs.

(The remarks of Mr. PROUTY when he introduced the bills appear below under separate headings.)

By Mr. PERCY:

S. 710. A bill to amend titles X, XVI, and XIX of the Social Security Act so as to limit, for purposes of determining need of an individual for aid under any State program established pursuant to any of such titles, to specified relatives of such individual the persons whose financial responsibility for such individual may be taken into account;

S. 711. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefit of an individual, who first becomes entitled to such benefit after attainment of age 65, will be equal to 100 percent of the primary insurance amount of the deceased spouse of such individual;

S. 712. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title;

S. 713. A bill to amend title II of the Social Security Act to provide for periodic cost-of-living increases in monthly benefits payable thereunder; and

S. 714. A bill to amend title II of the Social Security Act to permit a child under certain circumstances, to become entitled to a child's insurance benefits thereunder on the basis of the wages and self-employment income of his grandparent, and to permit certain children who are adopted by their grandparent and who under existing law are not entitled to such insurance benefits to become entitled thereto; to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. ALLOTT, and Mr. SPARKMAN) (by request):

S. 715. A bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs and then to the Committee on Banking, Housing and Urban Affairs, if Mr. SPARKMAN wishes it, by unanimous consent.

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

By Mr. JACKSON (for himself and Mr. ALLOTT, by request):

S. 716. A bill to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. PACKWOOD:

S. 717. A bill to establish th Hells Canyon-Snake River in the States of Idaho, Oregon, and Washington, and for other purposes; 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. ROTH (for himself, Mr. BOGGS, Mr. BEALL, Mr. BENNETT, Mr. CASE, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. PERCY, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, and Mr. TOWER):

S. 718. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

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

By Mr. SPARKMAN:

S. 719. A bill for the relief of Sergio Lopez de Gabourel, and his wife, Natividad Castro de Lopez; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. CURTIS) (by request):

S. 720. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

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

By Mr. CHURCH (for himself and Mr. JORDAN of Idaho):

S. 721. A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho," approved May 31, 1962; to the Committee on Interior and Insular Affairs.

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

By Mr. NELSON:

S. 722. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands parts of the reservation involved;

S. 723. A bill to declare that certain federally owned land is held by the United States in trust for the Bad River community and to make such lands parts of the reservation involved; and

S. 724. A bill to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles community and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

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

By Mr. MONDALE:

S. 725. A bill for the relief of Michele Giampaolo; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, and Mr. YOUNG):

S. 726. A bill to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities; and

S. 727. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price; to the Committee on Agriculture and Forestry.

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

By Mr. HARTKE (for himself and Mr. HART):

S. 728. A bill to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans; to the Committee on Commerce.

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

By Mr. HOLLINGS:

S. 729. A bill for the relief of James Walton Owens and his wife, Margaret; to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. BENTSEN):

S. 730. A bill giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States; to the Committee on the Judiciary.

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

By Mr. JAVITS (for himself, Mr. MATHIAS, Mr. PELL, and Mr. SPONG):

S. 731. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Relations.

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

By Mr. RANDOLPH (for himself, Mr. MONTOYA, Mr. ANDERSON, Mr. BAYH, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CRANSTON, Mr. EAGLETON, Mr. EASTLAND, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SPONG, and Mr. TUNNEY):

S. 732. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra-high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

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

By Mr. LONG:

S. 733. A bill to create an additional judicial district in the State of Louisiana, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 734. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Armed Services.

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

By Mr. CRANSTON:

S. 735. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area; to the Committee on Banking, Housing and Urban Affairs.

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

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 736. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; and

S. 737. A bill to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bills appear below under the appropriate headings.)

By Mr. CRANSTON:

S. 738. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

S. 739. A bill to amend title 38 of the United States Code to require that all Veterans' Administration hospital and domiciliary facilities be of earthquake-resisting construction; to the Committee on Veterans' Affairs.

(The remarks of Mr. CRANSTON when he introduced the bills appear below under the appropriate headings.)

By Mr. CRANSTON (for himself, Mr. EAGLETON, Mr. HUGHES, Mr. KENNEDY, Mr. MONDALE, Mr. NELSON, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, and Mr. WILLIAMS:

S. 740. A bill to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARRIS:

S. 741. A bill for the relief of Napoleone Domenico Stalteri; to the Committee on the Judiciary.

By Mr. PEARSON (for himself, Mr. ALLOTT, Mr. BAYH, Mr. BENTSEN, Mr. BURDICK, Mr. CHURCH, Mr. COOPER, Mr. DOLE, Mr. HART, Mr. HOLLINGS, Mr. HRUSKA, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MONTOYA, Mr. NELSON, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. STEVENS, Mr. SYMINGTON, Mr. THURMOND, and Mr. YOUNG):

S. 742. A bill to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

By Mr. MCGOVERN (for himself and Mr. JAVITS):

S. 743. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

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

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 744. A bill to amend section 214(b) of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

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

By Mr. PACKWOOD:

S. 745. A bill to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. BAKER (for himself, Mr. COOPER and Mr. SCOTT):

S.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

(The remarks of Mr. BAKER when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 33. Joint resolution to provide for a study of the potential methods of returning Federal tax sources to the prerogatives of State and local governments; to the Committee on Finance.

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

By Mr. SCOTT (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BEALL, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BYRD of Virginia, Mr. CHILES, Mr. COOPER, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HOLLINGS, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MCCLELLAN, Mr. MCINTYRE, Mr. MILLER, Mr. PASTORE, Mr. RANDOLPH, Mr. SCHWEIKER, Mrs. SMITH, Mr. SPONG, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings; to the Committee on the Judiciary.

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

By Mr. JACKSON (for himself, and Mr. ALLOTT) (by request):

S.J. Res. 35. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission; to the Committee on Interior and Insular Affairs.

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

By Mr. HART:

S.J. Res. 36. Joint resolution authorizing the President to proclaim the occasion of the celebration of the tercentennial of St. Ignace, Mich.; to the Committee on the Judiciary.

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

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S.J. Res. 37. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week"; to the Committee on the Judiciary.

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

S. 696—INTRODUCTION OF THE FEDERAL BOAT SAFETY ACT OF 1971

Mr. COTTON. Mr. President, I introduce for appropriate reference a bill to provide for a coordinated national boating safety program. This bill is identical to the bill H.R. 15041 of the 91st Congress, 2d session as passed by the House of Representatives and referred to our Committee on Commerce. During the closing days of the last Congress, however, it was not possible for our committee to complete consideration of this measure. For the benefit of those interested in this measure, I wish to note that the report accompanying that earlier bill was House Report No. 91-1611, 91st Congress, 2d session.

Mr. President, I ask unanimous consent that the text of the bill and a copy of a letter which I received on an earlier date from Mr. Alton H. Stone, director of safety services, department of safety for the State of New Hampshire, expressing support for such legislation be printed in the RECORD.

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

The bill (S. 696) to provide for a coordinated national boating safety program, introduced by Mr. COTTON, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 696

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 "Federal Boat Safety Act of 1971".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

SEC. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component; and

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

(11) An eligible State means one that has an accepted State boating safety program.

APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests required to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment, contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but within that limitation may require compliance or performance that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established in compliance with this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

SEC. 8. The Secretary may, subject to regulations, supervision, and review as he may

prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary to carry out his responsibilities under sections 5 and 6 of this Act.

EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

PROHIBITED ACTS

SEC. 12. (a) No person may manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, may sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(1) it conforms with regulations and standards prescribed under this Act, or

(2) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) No person may be held liable for a violation of this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards on, in, or with a boat or item of associated equipment, which is false or misleading.

(d) No person may use a vessel in violation of this Act or regulations issued thereunder.

(e) No person may use a vessel, including one otherwise exempted by subsection 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(f) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation or suspension, and related matters.

(g) Subsection 12(f) of this Act shall not apply to any vessel being used for bona fide dealer demonstration furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in subsection 12(f) of this Act for persons in control of vessels carrying passengers for hire.

SEC. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

SEC. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF BOAT DEFECTS

SEC. 15. (a) Every boat manufacturer shall furnish notification of a defect in any boat produced by the manufacturer, which he determines in good faith relates to safe use of the boat, to the dealer to whom the boat was delivered and to the purchaser (when known to the manufacturer) of the boat, within a reasonable time after the manufacturer has discovered the defect.

(b) Notification shall be accomplished—

(1) by certified mail to the first purchaser (not including any dealer of the manufacturer) of the boat containing the defect, and to any subsequent purchaser to whom has been transferred any warranty on the boat; and

(2) by certified mail or other more expeditious means to the dealer to whom the boat was delivered.

(c) Notification shall contain a clear description of the defect, an evaluation of the risk to boating safety reasonably resulting from the defect, and a statement of measures to be taken to repair the defect.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to purchasers or dealers required under this Act. The Secretary may publish so much of the information contained in the communication as he deems will contribute to boating safety.

RENDERING OF ASSISTANCE IN CASUALTIES

SEC. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

NUMBERING OF CERTAIN VESSELS

VESSELS REQUIRING NUMBERING

SEC. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

SEC. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any

certificate of number issued by the Secretary, as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

SEC. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessels that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

SEC. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

SEC. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

SEC. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

SEC. 23. The issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system.

FURNISHING OF INFORMATION

SEC. 24. Manufacturers may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by the manufacturer of the cost of retrieval and furnishing of the information requested.

STATE BOATING SAFETY PROGRAMS

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safety efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conforms sufficiently to insure uniformity and promote comity among the several jurisdictions;

(3) provides for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agency will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a)(2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in any way intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State, and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several eligible States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying eligible State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying eligible States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in fiscal year 1975, and 33⅓ per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to an eligible State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPENDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

APPROPRIATIONS AUTHORIZATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the

earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretay shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds received by the States under this Act.

CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the States whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to assist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council, which shall not exceed twenty-one members, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Advisory Council on any other major boat safety matters related to this Act.

(c) Members of the Advisory Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employees of grade GS–18 when engaged in the duties of the Council. Members, while away from their home or regular places of business, may be allowed travel expenses, including a per diem in lieu of subsistence 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 purposes.

CRIMINAL PENALTIES

SEC. 34. Any person who willfully violates subsection 12(d) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

SEC. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this title or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

SEC. 36. 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 Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by terms (1), (3), and (4) of subsection 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A State shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with findings and recommendations he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

SEC. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

MISCELLANEOUS PROVISIONS

SEC. 39. (a) The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76–484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85–911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86–396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87–171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'SEC. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Boat Safety Act of 1970.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

(c) Any vesssel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified or amended by the Secretary under the regulatory authority of this Act.

(f) A criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

The letter presented by Mr. COTTON is as follows:

THE STATE OF NEW HAMPSHIRE,
DIVISION OF SAFETY SERVICES,
Concord, N.H., October 23, 1970.

Senator NORRIS COTTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: I am writing urging your support of Senate Bill 3199 and House Bill 15041 so called the Federal Boat Act of 1970.

We feel that this is an important piece of legislation and hope that you can endorse this.

Yours very truly,
ALTON H. STONE
Director of Safety Services.

S. 697, S. 698, AND S. 699—INTRODUCTION OF BILLS TO AMEND THE UNIFORM TIME ACT; TO PROMOTE THE SAFETY OF PORTS, HARBORS, WATERFRONT AREAS, and NAVIGABLE WATERS OF THE UNITED STATES; AND TO REQUIRE A RADIOTELEPHONE ON CERTAIN VESSELS WHILE NAVIGATING UPON SPECIFIC U.S. WATERS

Mr. COTTON. Mr. President, by request of the Secretary of Transportation, I introduce, for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. MAGNUSON) the following bills:

A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases;

A bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; and

A bill to require a radiotelephone on certain vessels while navigating upon specific waters of the United States.

I ask unanimous consent that the text of the bill and the letter from the Secretary of Transportation to the President of the Senate transmitting each of the above bills be printed in the RECORD.

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

The bills, introduced by Mr. COTTON (for himself and Mr. MAGNUSON), by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 697

A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone;"

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 1, 1971.

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

DEAR MR. PRESIDENT: I transmit herewith for the consideration of the Congress a draft bill "To amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases."

Pursuant to the Uniform Time Act of 1966, the Secretary of Transportation is required to define the limits of each of the eight statutory time zones in the United States. Within the zones as defined by this Department, "Daylight Saving Time" is mandatory from the last Sunday in April to the last Sunday in October, except that any State may, by law, exempt the *entire* State from Daylight Saving Time observance.

In cases in which a time zone line divides a State, that State frequently finds its eastern and western populations in disagreement on the question of whether or not the State legislature should act to exempt it. This is particularly so in those States split between Eastern and Central time (e.g. Indiana and Kentucky). Because of the strong economic and communications influence of the Atlantic Coast communities, the observance of Eastern time has been extended considerably further into the Central time zone than it would if the sun alone were the determining factor. The eastern part of a State so split, being at the western extreme of its time zone, experiences later sunrises and sunsets than the rest of its time zone. This is accentuated when the time zone line is further westward than it would be on a solar basis, as is the line between Eastern and general times (especially in Indiana and Kentucky). To many residents of these areas, this amounts to being on Daylight Saving Time even though it is called *Standard Time.* When they are required by the Uniform Time Act to go on advanced time in the summer, those eastern residents view it as "double daylight time" and overwhelmingly support exemption from Daylight Saving Time. The western population of the same States, being primarily on and observing Central time, is generally satisfied and opposes exemption.

To obviate this difficulty, the Department recommends that the Uniform Time Act be amended to permit, in the case of "split States", the exemption of the entire area of the State lying in a given time zone. (The Act, as so amended, would continue to permit exemption of the entire State.) For example, in Indiana and Kentucky, the eastern populations of those States could be exempted by State action from Daylight Saving Time, as they now prefer, while the western populations of those same States could go on advanced time, for which they have expressed their support. Such exemption authority would afford each "split" State a more flexible means of accommodating the desires of the majority of its population, would promote observance of the established time zones, and would extricate the Department's zone-line-defining function from matters of primarily local concern.

With respect to Indiana, for example, after two attempts by proposed rule making, neither of which was well received, the Department found that it could not, by relocation of the time zone boundary alone, provide a viable solution to that State's perennial time dilemma. The only permanent solution involved two steps. First, the Department issued a final rule based on a proposal to place all but the northwestern and southwestern counties in the Eastern time zone, because it was clear to us that the northwestern and southwestern counties wanted Central time with advanced time in the summer. It was equally clear that the rest of Indiana wanted Eastern time, but without advanced time. Second, the Department recommends this legislation to allow any State having more than one time zone to exempt any of the zones within the State, as well as the entire State, from advanced time. The Indiana State Legislature could then exempt the Eastern time portion of the State from advanced time without disturbing the Central time portion of the State.

In the absence of such an option, and following the Act's requirement that an exemption apply to the entire State, the Indiana State Legislature, on January 25, 1971, enacted a state-wide exemption law. As a direct result, the 12 Indiana counties in the Central time zone will be required to observe a standard of time during the six summer months which is totally incongruous with the surrounding regions of their own and neighboring States.

Except in Alaska, which lies in four time zones, the net effect of exempting the eastern part of a "split" State would be to put the entire State on the same time during the summer, and on split times during the winter, rather than on split time for the entire year. To put it another way—the point at which an east-west traveler would observe a time change in that State in the winter would be on the line defined by this Department; in the summer it would be on the eastern boundary of the State.

Before passage of the Uniform Time Act of 1966, the transportation, broadcasting, and other concerned industries were forced to

look to thousands of county and community units to determine whether, and on which dates, each unit observed Daylight Saving Time. The 1966 Act (1) provided industry and the public with set dates on which advanced time could be commenced and ended, (2) prevented the widespread "checkerboard" effect caused by local option exercised among adjacent counties and communities, and (3) provided the element of certainty, previously lacking, necessary for scheduling and operating continuity.

The improvements and certainty in time matters brought about by the enactment of the 1966 Act appear to have improved the situation to the point where only a perfecting amendment as recommended herein is necessary to provide for proper administration of the Act and a means for solving the existing dilemma in Indiana. For this reason, the proposed amendment has been drafted so as to limit its effect to the precise situations where local problems have evolved in split States.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN VOLPE.

S. 698

A bill to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States:

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 Ports and Waterways Safety Act of 1971.

SEC. 2. (a) To promote safe and efficient maritime transportation or to promote the safety and environmental quality of the ports, harbors, and navigable waters of the United States, the Secretary of the Department in which the Coast Guard is operating (hereinafter referred to as the "Secretary") may prescribe standards, procedures, regulations, or other measures designed (1) to prevent damage to, or the destruction or loss of any vessel, structure or facility on or in such waters, or any structure or facility on land adjacent to such waters; and (2) to protect navigable waters, the resources therein and adjoining land areas.

(b) In carrying out his responsibilities under this section, the Secretary may:

(1) prescribe or approve marine traffic control procedures and methods, and establish, operate, maintain, require or approve marine including but not limited to size and speed limitations, operating capabilities, and pilotage where pilotage is not required by state law;

(2) direct, regulate, and control the anchorage, mooring or movement of any vessel, including the taking of full or partial possession and control, if necessary, to prevent damage to or by the vessels or to or by its cargo, stores, supplies, or fuel;

(3) establish or approve procedures, measures, and standards for handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control and disposition of:

(i) any explosives or other dangerous articles or substances, the transportation of which is subject to regulation by the Secretary; and

(ii) any dangerous articles for use as vessel stores, supplies or fuel;

(4) prescribe minimum equipment requirements for structures and facilities to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(5) establish safety zones or otherwise control the use of or regulate access to vessels, structures, facilities, waters, waterfront and shoreline areas as may be necessary for their protection; and

(6) establish procedures for inspection and approval to assure compliance with standards, procedures, regulations, or other measures prescribed pursuant to this Act.

(b) For the purpose of this Act, the term "United States" means the 50 States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

SEC. 3. (a) This Act does not apply to foreign vessels in transit through straits used for international navigation; nor is it to be applied in other territorial seas to hamper the right of innocent passage as recognized under international law.

(b) Nothing contained in this Act is intended to supplant or modify any treaty or Federal statute or authority granted thereunder, nor is it intended to prevent a state or a political subdivision thereof, in the exercise of its lawful authority, from prescribing higher equipment requirements or safety standards than those which may be prescribed for structures and facilities pursuant to section 2 of this Act.

(c) In the exercise of his authority under this Act, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to the vessels, structures and facilities covered by this Act. The Secretary may also consider, utilize, or incorporate regulations or similar directory materials issued by port or other state and local authorities.

SEC. 4. The Secretary is authorized to investigate any incident, accident, or willful or negligent act involving the loss or destruction of, or damage to, any facility or structure subject to section 2 of this Act, or which affects or may affect safety of, on or in the ports, harbors, or navigable waters of the United States. In any investigation under this Act, the Secretary may issue a subpena to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of any district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States. The Secretary may prescribe such regulations as necessary to carry out this section.

SEC. 5. Whoever violates a regulation issued under this Act shall be liable to a civil penalty of not more than $1,000. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to commence an action for collection in any district court of the United States. Any vessel used or employed in a violation of any regulation under this Act shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

SEC. 6. Whoever willfully violates a regulation issued under this Act shall be fined not less than $1,000 nor more than $10,000 or imprisoned for not more than 10 years, or both.

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill "To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States."

The proposed bill, which would implement a recommendation originally made in a Presidential message to the 91st Congress on oil spills, would authorize the Secretary of the Department in which the Coast Guard is operating to institute measures and issue regulations to safeguard vessels, harbors, ports, waterfront areas, waterfront facilities, and navigable waters from loss or damage or the threat thereof resulting from the operation of vessels and facilities, and to investigate accidents and casualties occurring on or involving such facilities.

In 1950 the President, acting pursuant to the Magnuson Act, 50 United States Code 191, which authorizes him to make rules governing the movement, inspection and guarding of vessels, harbors, ports, and waterfront facilities in the United States upon a determination that our national security is endangered, issued Executive Order 10173. This order, as subsequently modified, is currently the basic authority for the Coast Guard's port security and safety programs.

During the past twenty years, ports, waterways, and waterfront facilities have continued to expand and tankers and other vessels have grown in size to accommodate an increasing flow of dangerous cargoes. New and complex problems resulting from these changes have gradually made it evident that action must be taken to improve our port security programs from the standpoint of public safety and environmental protection. Although Executive Order 10173 is manifestly linked with prevention of sabotage and subversion activity in our waterfront areas, there are numerous safety functions as well which are now carried out by the Coast Guard in its port security programs and which rest solely upon that Executive Order as the source of authority. These include, but are not limited to, the supervision and control of vessel movements to prevent damage to vessels or waterfront facilities, the imposition of conditions and restrictions regarding inspection, operation, maintenance, guarding, manning, and fire prevention aboard vessels and in waterfront facilities, and the important task of supervision and control of the transportation, handling, loading, discharging, stowage and storage of explosives, inflammable or combustible materials and other dangerous articles or cargo. It is important that such functions be performed regardless of the international situation and that they be based upon permanent statutory authority which adequately reflects that need.

The draft bill is designed to provide continuing general authority to protect vessels, structures, harbors, ports, and waterways from damage or loss resulting from causes other than subversive activity. Recent incidents such as vessels grounding or colliding with bridges and other structures, with the attendant risk of release of oil or other harmful substance points up the need for the legislation. The favorable impact that more carefully supervised vessel traffic can have on the environment is apparent. The best possible solution to the oil pollution problem in the waterways of the United States, for example, is, of course, to prevent the oil from being discharged into the water in the first place. Reduction of vessel casualty risks through closer attention to vessel control and equipment in congested waters can make a significant contribution in that regard.

The bill would also permit the establishment of safety zones wherein vessel traffic or other activities could be prohibited or curtailed for a particular reason or purpose, and usually for brief periods. A need might arise, for example, in the area of a collision or other accident, or to assure safety at a vessel launching or in connection with other special occasions.

The draft bill contains provisions which make it clear that it will not hamper the right of innocent passage, as recognized in

international law, in the territorial seas of the United States and that it would not apply in straits used for international navigation.

The proposal would also streamline present enforcement procedures by authorizing investigations and hearings (including the power to subpoena witnesses and documents) and by instituting a system of civil penalties to supplement the criminal penalties. Such investigations would not only serve to determine the causes of casualties but would also contribute to the important functions of critically reviewing existing safety regulations with a view of modernizing them as needed and of making other recommendations to enhance the overall safety posture of our port facilities.

Cities and municipalities which border on ports and harbors have placed considerable reliance on the Coast Guard's continuing ability to prevent and eliminate dangers which represent potential major disasters. This proposed legislation is necessary to insure continued justification for that reliance. At the same time, we would expect to continue to encourage greater involvement and allocation of resources by state and local port authorities. Though the regulatory authority of our proposal will assure appropriate federal coordination and general uniformity, the scope of the port safety task as well as unique local conditions and problems virtually compels local as well as federal effort. Because the Coast Guard is now involved, in varying degree, in all of the functional areas addressed, enactment of the bill would have no immediate budgetary impact. Future costs will, of course, depend on the extent of activities found necessary to implement further the port safety function defined in the proposed bill.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JOHN VOLPE.

S. 699

A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States:

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 "Vessel Bridge-to-Bridge Radiotelephone Act".

SEC. 2. It is the purpose of this Act to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. To effectively accomplish this, there is need for a specific frequency dedicated to the exchange of navigational information, on navigable waters of the United States.

SEC. 3. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating;

(2) "power-driven vessel" means any vessel propelled by machinery; and

(3) "towing vessel" means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

SEC. 4. (a) Except as provided in section 6 of this Act—

(1) every power-driven vessel of three hundred gross tons and upward while navigating;

(2) every vessel of one hundred gross tons and upward carrying one or more passengers for hire while navigating;

(3) every towing vessel of twenty-six feet or over in length at the water line while navigating; and

(4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect the navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.

SEC. 5. The radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain or cause to be maintained a listening watch on the designated frequency. Nothing contained herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this Act.

SEC. 6. Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 7. The Secretary may, if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he considers appropriate.

SEC. 8. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 9. (a) Whoever, being the master or person in charge of a vessel subject to this Act, fails to enforce or comply with this Act or the regulation, hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to this Act to pilot or direct the movement of the vessel, fails to enforce or comply with this Act or the regulations hereunder—

Is liable to a civil penalty of $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of $500 to be assessed by the Secretary for which the vessel may be proceeded against in any district court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 10. This Act shall become effective March 1, 1971, or six months after the promulgation of regulations which would implement its provisions, whichever is later.

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

THE SECRETARY OF TRANPORTATION,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill "To require a radiotelephone on certain vessels while navigating upon specified waters of the United States."

The proposed bill would require all foreign and domestic vessels of 300 gross tons and upward, those of 100 gross tons and upward carrying passengers, and towing vessels of 26 feet or over in length, when navigating in specified areas, and dredges and other floating plants when their operations restrict marine traffic in those areas, to be equipped with short-range radiotelephones for the exchange of navigational information. The areas of application would be the navigable waters of the United States inside of lines which demarcate the inland waters of the United States. Included would be the harbors and bays along the Atlantic, Gulf and Pacific Coasts and those of Alaska, Hawaii, Puerto Rico and the Virgin Islands. Also would be included the Great Lakes and the Mississippi and other river systems. Bridge-to-bridge radiotelephones would, in the opinion of the Department, prove to be of cardinal importance in promoting navigational safety on those waters of the United States upon which deep-draft vessels operate.

Since World War II, short-range (line of sight) radiotelephones have been used with increasing effectiveness on bridges of ships. During the war, it had been found that such radiotelephones were an invaluable aid in multiship maneuvering situations where their use allowed ship masters to collaborate on their intended movements. To a navigator already receiving radar information about an approaching vessel in fog, a radiotelephone can supply a positive means of determining that vessel's future movements. In times of good visibility, it can supplement required whistle signals of intent. This improved means of ship-to-ship communication is particularly important when the wind conditions prevent whistle signals from being heard or when the volume of traffic is so heavy that whistle signals are sometimes confusing rather than helpful. Since World War II there has been a nearly continuous effort directed toward making the radiotelephone a more useful tool for collision prevention, but neither national nor international agreement has been achieved. During the past two decades, it has become increasingly evident that increased speed capabilities and sizes of vessels and technological advances require additional steps, supplementary to the required whistle signals, to help prevent collision in confined waters. It is well established that a significant factor in many collisions was doubt about intended movements of vessels which the required use of radiotelephones would help to prevent.

Within the United States there have been some limited, voluntary applications of shortrange, bridge-to-bridge communications. The concepts and usages of the systems employed are varied; and since they are voluntary systems, assurance that other vessels encountered would be appropriately equipped is lacking. The proposed bill would provide a workable and predictable communications system for those United States waters where its implementation could result in a significant reduction in the haz-

ards of marine navigation. The bill is also a step toward the fulfillment of recommendations resulting from the congressional hearings held at the time of the ANDREA DORIA STOCKHOLM collision and also those submitted by the Secretary of the Treasury's Tanker Hazards Committee.

Although primarily an aid to and an instrument of navigation, the required radiotelephones would, to some extent, come within the Federal Communications Commission's field of statutory responsibility. Under the proposed bill, authority over technical aspects would be vested in the Federal Communications Commission, and concurrence of the Commission would be required in the establishment of enforcement regulations.

Enactment of the proposed bill would not in itself result in any increased costs in the operating expenses of the Coast Guard. Coast Guard vessels that would be required to have radiotelephones either have the necessary equipment or are programmed for its installation within currently appropriated funds.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JOHN VOLPE.

S. 700—INTRODUCTION OF THE WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

Mr. COTTON. Mr. President, by request of the Secretary of Health, Education, and Welfare, I introduce for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. MAGNUSON) a bill to regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, and for other purposes. I ask unanimous consent that the text of the bill, the letter from the Secretary of Health, Education, and Welfare to the President of the Senate transmitting the bill and the accompanying section-by-section analysis be printed in the RECORD.

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

The bill (S. 700) to regulate interstate commerce by strengthening and improving consumer protection upon the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes, introduced by Mr. COTTON (for himself and Mr. MAGNUSON), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 700

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 "Wholesome Fish and Fishery Products Act of 1971".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares—

(1) that fish and fishery products are an important source of the Nation's total supply of food;

(2) that these foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources;

(3) that it is essential that the health and welfare of consumers be better protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, unadulterated, and properly marked, labeled, and packaged;

(4) that fish or fishery products, whether processed for intrastate or interstate commerce, which do not meet these standards depress markets for and compete unfairly with fish and fishery products that do meet such standards, to the detriment of consumers, commercial fishermen, and processors of fish and fishery products; and

(5) that, therefore, all fish and fishery products regulated under the amendments made by this Act are either in interstate commerce or substantially affect such commerce, and that Federal regulation and cooperation by the State and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT—DEFINITIONS

SEC. 101. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof capable of use as human food.

"(2) The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh or frozen or otherwise processed, or any part thereof.

"(z) The term 'fishery product' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are excepted from the definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portions thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or product thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The terms 'process', 'processed', and 'processing', with respect to fish or fishery products, mean harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding thereof.

"(cc) The term 'official mark' means any symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product or of any processing establishment or vessel under this Act.

"(dd) The term 'official certificate' means any certificate prescribed by regulation of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ee) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(ff) The term 'owner or operator' means any person who, as the case may be, owns, operates, leases, charters, or otherwise controls any establishment or vessel.

"(gg) The term 'vessel' means a vessel, as defined in section 3 of title 1, United States Code, which is engaged primarily in the processing of fish for landing and human consumption in any State.

"(hh) The term 'establishment' means the premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing of fish and fishery products.

"(ii) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(jj) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to inspect articles under the authority of this Act."

PROHIBITED ACTS

SEC. 102. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end of such section the following new paragraphs:

"(r) (1) Casting, printing, lithographing, or otherwise making, except as authorized by the Secretary, any official mark, official certificate, official device, or simulation thereof.

"(2) Forging, counterfeiting, simulating, or falsely representing, any official mark, official certificate, or official device.

"(3) (i) Without authorization from the Secretary using any official device official mark, or official certificate, or simulation thereof, or altering, defacing, detaching, or destroying any official mark, official certificate, or official device; or (ii) contrary to regulations prescribed by the Secretary, failing to use, or to detach, deface, or destroy, any official device, official mark, or official certificate.

"(4) Possessing without promptly notifying the Secretary thereof, (i) any official device, or (ii) any forged, counterfeited, simulated, or improperly altered official certificate, or (iii) any device or labeling, or any fish or fishery product or part thereof, bearing a forged, counterfeit, simulated, or improperly altered official mark.

"(5) Making a false statement in a shipper's or other certificate provided for in regulations.

"(6) Falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from inspection.

"(s) (1) The processing of any fish or fishery product in any establishment or vessel preparing any such article in violation of any requirement of part B of chapter IV or regulations prescribed pursuant thereto.

"(2) The doing of any act in violation of section 411(e) or regulations thereunder, with respect to any fish or fishery product which is not intended for use as human food.

"(t) The importation of fish and fishery products in violation of section 410(i)."

(b) Section 301(e) of such Act is amended (1) by striking out "or" after "507 (d) or (g)," and (2) by inserting "or 411(b)," after "512 (j), (l), or (m),".

(c) Section 301(f) of such Act is amended by inserting "410(d), 422(d), or" after "section".

(d) Section 303(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ": or (6) for having violated section 301(r) (4) (ii) or (iii), if the possession involved was in good faith and such person had no reason to believe that the certificate or mark involved was forged, counterfeited, simulated, or improperly altered; or (7) for having violated section 301(r) (5) or (6)

if the statement or representation involved was made by such person with respect to fish or a fishery product in good faith reliance on a like statement or representation in a shipper's or other certificate of another person from whom he received such article and he had no reason to believe that the statement or representation was false or misleading, unless the person charged with such violation refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he received such article and copies of the certificate relied upon and of any other documents pertaining to the delivery of the article to him."

ADULTERATION

SEC. 103. Section 402 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(2) If it is, or is made or derived in whole or in part from, shellfish and such shellfish (A) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (B) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (C) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

SURVEILLANCE OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

SEC. 104. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "PART A—GENERAL" immediately below the chapter heading, and (2) by adding at the end of such chapter the following

"PART B—FISH AND FISHERY PRODUCTS

"SUBPART 1—SURVEILLANCE AND REGULATION OF PRODUCTS, ESTABLISHMENTS, AND VESSELS

"SEC. 410. (a) GOOD PROCESSING PRACTICES.—The Secretary shall by regulation prescribe standards of sanitation and quality control for the processing (including storage or other handling) of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations. Prior to the issuance of such standards the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of consumer organizations and the commercial fishing industry, other interested persons and organizations, and the advisory committee appointed pursuant to section 434. The initial regulatio s pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) proscribed pursuant to this subsection shall become effective on the date specified in the order prescribing them, but the initial regulations shall be made effective within one year after the day on which they are issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or part of such regulations into effect. On and after the effective date of such regulations no person shall process in or for interstate commerce fish or fishery products in any establishment under his control without complying with such regulations.

"(b) CERTIFICATION OF ESTABLISHMENTS AND VESSELS.—On and after the 60th day following the effective date of such regulations, no person shall process in or for interstate commerce fish or fishery products in any establishments or vessel under his control unless there is in effect for such establishment or vessel an annual certificate of registration issued by the Secretary. The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act. If a certificate of registration is denied, the denial shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(c) SUSPENSION AND REINSTATEMENT OF CERTIFICATES.—The certificate of registration of any establishment or vessel may be suspended, after opportunity for hearing, for failure to comply with the requirements of this subpart. The certificate may be immediately suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers if processing were to continue prior to the correction of such violation: *Provided*, That the authority conferred by this sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such suspended certificate may at any time apply for reinstatement, and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this chapter and the regulations. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section. In the event of any judicial proceeding relating to such summary suspension before the proceeding under section 412 the only issue to be judicially determined shall be whether the Secretary had reasonable cause under the circumstances of the case to take summary action.

"(d) SURVEILLANCE, INCLUDING INSPECTION.—(1) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it. Any inspector appointed or commissioned for the purpose of this part shall at any time have access to any establishment or vessel where fish or fishery products are processed for interstate commerce. Denial of access to such inspector shall be ground for suspension of the certificate of registration. The Secretary, whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery product found to be adulterated shall be immediately condemned and segregated and shall, if no administrative appeal is taken from the inspector's determination of condemnation or if upon completion of an appeal inspection such condemnation is sustained, be destroyed for human food purposes under the supervision of an inspector: *Provided*, That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be ground for suspension of the certificate of registration. An appeal under this paragraph from the determination of condemnation shall be at the cost of the appellant if the Secretary determines that the appeal was frivolous.

"(2) The cost of any inspection, including any continuous inspection, under this subpart, other than any cost of appeal determined to be payable by the appellant pursuant to paragraph (1), shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"(e) USE OF OFFICIAL MARK.—When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended certificate of registration and are placed or packed in any container or wrapper, the person processing such products shall, at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be required by the Secretary by regulation.

"(f) LABELING AND PACKAGING.—If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and any otherwise required official mark not used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. If the person using or proposing to use such labeling or packaging does not accept the determination of the Secretary, such person may request a hearing, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(g) TRADE NAMES AND ESTABLISHED PACKAGES.—Established trade names or other labeling and packaging which are not false or misleading in any particular are permitted.

"(h) STORAGE OR HANDLING REGULATIONS.—Regulations pursuant to subsection (a) shall include standards prescribing conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing, such articles.

"(i) IMPORTATION OF FISH AND FISHERY PRODUCTS.—After the effective date of regulations issued under this subpart the following provisions shall apply:

"(1) No fish or fishery products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the surveillance and inspection, good processing practice, and other provisions of this Act and regulations issued thereunder applicable to such articles in interstate commerce within the United States: *Provided,* That whenever, in the case of any foreign country, it shall be determined by the Secretary, after such investigation and evaluation, conducted at least annually, as he considers necessary or appropriate, that its system of surveillance, including plant and vessel inspection, of fish and fishery products is at least equal to all the surveillance, including inspection, good processing practice, and other provisions of this Act and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with that country's inspection, good processing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart for such period and on such terms and conditions as he may prescribe: *Provided further,* That any fish or fishery products covered by such certificates shall be marked and labeled as may be required by regulations for such imported articles.

"(2) The Secretary may prescribe, under section 801 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (A) they are exported by the consignee within the time fixed therefor by the Secretary, or (B) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury and the Secretary of State, may from time to time, by regulation, designate ports in the United States for the importation of fish or fishery products for commercial purposes into the United States. After the effective date of such regulations such importation, except into ports so designated, is prohibited.

"(4) Nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household except that the total amount of such fish shall not exceed such weight as the Secretary may prescribe by regulation; and the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"SEC. 411. (a) WITHHOLDING, WITHDRAWING, AND REINSTATING CERTIFICATES.—The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may withhold a certificate of registration under section 410 or may suspend or withdraw such a certificate issued under that section, with respect to any establishment if he determines that the applicant or holder of such certificate is unfit to engage in any business requiring a certificate under that section because such person, or anyone responsibly connected with him, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony, or more than one misdemeanor, based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony involving fraud, bribery, extortion, or any other act or circumstance indicating a lack of the integrity needed for the conduct of operations affecting the public health. This section shall not affect in any way other provisions of this Act for suspension of a certificate under section 410. For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section shall be subject to the opportunity for hearing and judicial review provided by section 412.

"(b) RECORDS AND REPORTS.—For the purpose of facilitating enforcement of the provisions of this Act, persons engaged in the business of processing fish or fishery products for human consumption in or for interstate commerce or holding such products after transportation in interstate commerce shall, as may be required by regulations of the Secretary—

"(1) maintain accurate records (A) showing, to the extent that such persons are concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products, or (B) showing matters bearing upon sanitation and quality control in establishments or vessels under the control of such persons, or relating to the labeling of fish or fishery products processed in such establishments or vessels, or otherwise relating to whether fish or fishery products subject to this subpart are adulterated or misbranded;

"(2) upon the request of the Secretary permit him at reasonable times to have access to and copy any such records; and

"(3) make such reports to the Secretary with respect to such matters, including reports as to labeling practices, as the Secretary may reasonably require.

Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"(c) ADMINISTRATIVE DETENTION OF FISH OR FISHERY PRODUCTS.—Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or misbranded or otherwise in violation of the provisions of this Act or of any other Federal or State law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject to condemnation under section 410(d), may be detained by such representative for a period not to exceed 20 days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that article is eligible to retain such marks.

"(d) INSPECTION EXEMPTIONS.—(1) The provisions of this subpart shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in interstate commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers are conducted on the premises where such sales to consumers are made.

"(3) Regulations pursuant to section 410(a) with respect to storage or other handling of fish or fishery products by persons engaged in the business of buying, selling, freezing, storing, transporting, or importing the same shall not apply to storage and handling at any retail store or other establishment that would be subject to that section only because of purchases in interstate commerce, if such storage and handling at such establishment are regulated, under applicable State law, in a manner which the Secretary, after consultation with appropriate State representatives and other interested persons, determines to be adequate to effectuate the purposes of the storage or other handling regulations prescribed pursuant to section 410(e).

"(4) The Secretary may suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"(e) PROCESSORS OF INDUSTRIAL FISHERY PRODUCTS AND RELATED INDUSTRIES.—No person shall buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION, OR WITHDRAWAL OF CERTIFICATES, AND OF WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING

"SEC. 412. (a) OPPORTUNITY FOR HEARING.—(1) Any person denied a certificate under section 410(b) or 411(a), or whose certificate has been suspended or who has been denied reinstatement under section 410(c), or who has been refused any official mark authorized or required by regulation for proposed labeling or packaging under section 410(f), or from whom it is proposed to withdraw a certificate under section 411(a), may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objections. The Secretary shall afford an opportunity for a hearing on such objections, and shall expedite such hearing upon request. As soon as practicable, after the hearing, the Secretary shall act upon the objections.

"(2) Such order shall be based upon a fair evaluation of the entire record at such hearing, and shall contain findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"(b) JUDICIAL REVIEW.—(1) Any person adversely affected by the Secretary's action on his objections may obtain judicial review by filing in the United States Court of Appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"EVIDENCE FOR INVESTIGATIONS AND HEARINGS—SUBPENAS

"SEC. 413. For the purpose of any hearing, investigation, or other proceeding authorized or directed under this part, the Secretary is authorized to issue subpenas requiring the attendance and testimony of witnesses and the production of any documentary or other evidence that relates to any matter under investigation or in question before the Secretary, and to administer oaths or affirmations. Witnesses so subpenaed shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, the district court of the United States for the district in which the person charged with contumacy or refusal to obey is found or resides or transacts business shall, upon application by the United States and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, or to appear and produce documentary or other evidence before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"SUBPART 2.—FEDERAL AND STATE COOPERATION

"SEC. 421. (a) It is the policy of the Congress to assist in efforts by State and other Government agencies to protect the consuming public from fish and fishery products that are adulterated, misbranded, or otherwise not processed in accordance with standards in effect under this Act. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering a State fish and fishery products surveillance program in any State which has enacted a State fish and fishery products surveillance law that imposes mandatory requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing an adequate State program under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such program. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times (i) upon the administration of the State program in a manner which the Secretary, after such consultation with the advisory committee appointed under section 434 as he considers appropriate, deems adequate to effectuate the purpose of this section, and (ii) upon agreement by the State, when requested by the Secretary, to cooperate with the Department by making available (upon a reimbursable basis or otherwise, as may be agreed upon) the services of qualified personnel of the State agency, when duly commissioned by the Secretary pursuant to section 702, for the conduct of surveillance (including inspection) activities on behalf of the Department for the purposes of subpart 1 of this part.

"(b) The apppropriate State agency with which the Secretary may cooperate under this subpart shall be an agency designated by the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act: *Provided*, That with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program, or the performance of services on behalf of the Department (referred to in clause (ii) of the third sentence of subsection (a)(2)), includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a)(1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under section 410(a) of this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or a representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this section, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register; and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shal promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery products and the surveillance, including inspection, of such operations.

"(d) For the purpose of enabling the Secretary to make determinations required of him under this section, the authority conferred by subpart 1 of this part and by section 704 to cause to be made inspections of establishments by inspectors appointed by him shall extend to establishments in any State processing fish or fishery products solely for distribution in such State.

"STATE JURISDICTION

"SEC. 423. (a) Requirements within the scope of subpart 1 of this part, with respect to any establishment or vessel at which a certificate of registration is required under subpart 1, which are in addition to or different from those made under such subpart may not be imposed by any State, except that any such jurisdiction may impose record-keeping and other requirements within the scope of section 411(b) with respect to any

such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over such articles (including imported articles after their entry into the United States) for the purpose of preventing distribution of any such articles which are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel (with respect to such articles) as the Secretary, by or pursuant to regulation, determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

"(b) Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish including shellfish intended for introduction in interstate commerce. This section shall not preclude any State from making requirements or taking other action, consistent with subpart 1, with respect to any other matters not regulated thereunder. Nothing in this section shall be construed to preclude the utilization of State or local personnel for services on behalf of the Department, upon being commissioned by the Secretary pursuant to section 702.

"SUBPART 3.—GENERAL

"INTERDEPARTMENTAL COOPERATION

"SEC. 431. (a) There shall be consultation between the Secretary and the Secretary of Commerce, and any other interested agencies, prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and the advisory committee provided for under this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may, by agreement with the agency concerned, utilize with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act and, in connection therewith, may commission such personnel as officers of the Department. The Secretary is also encouraged to enter, where appropriate, into agreements or other arrangements (on a reimbursable basis or otherwise) with any State for utilization of the facilities, services, and qualified personnel of such State (duly commissioned by him pursuant to section 702) in carrying out the provisions of this Act, and in particular subpart 1 of this part, including enforcement.

"RESEARCH

"SEC. 432. The Secretary is authorized to conduct, directly or through grants to or contracts with public or private agencies or organizations and individuals, studies, research, experiments, and demonstrations—

"(1) to improve sanitation practices in the processing of fish and fishery products; and

"(2) to develop improved techniques in the conduct of surveillance (including inspection) activities under this Act.

"PERSONNEL—APPOINTMENT AND TRAINING

"SEC. 433. (a) The Secretary shall, subject to the civil service and classification laws, appoint such employees, qualified by training or education, as he deems requisite for the administration of this part and prescribe their duties.

"(b) The Secretary shall, to the extent necessary or appropriate, provide training for personnel appointed pursuant to this section. He shall work with educational institutions in developing programs designed to enable persons to qualify for positions in the administration of this part.

"NATIONAL ADVISORY COMMITTEE

"SEC. 434. (a) The Secretary shall appoint, without regard to the civil service and classification laws, a national advisory committee to advise him concerning Federal and State programs of fish and fishery product surveillance and on other matters within the scope of this part, including the evaluation of State programs for purposes of this part and the promotion of improved coordination among State programs and between Federal and State programs. The chairman (who shall be designated by the Secretary) and a majority of the members shall be drawn from the public (including persons representative of consumer organizations), from the fields of the environmental, and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fisheries industry.

"(b) Members of the committee who are not regular full-time employees of the United States shall, while serving on business of the committee, be entitled to compensation at rates fixed by the Secretary, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, including travel time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

EXISTING AUTHORITY

SEC. 105. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by or under provisions of the Federal Food, Drug, and Cosmetic Act in force prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Compliance with the requirements prescribed by or pursuant to the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act of 1971) with respect to fish and fishery products, including any continuous inspection that may be established thereunder, shall not exempt any person from any liability under common or State law.

The letter and analysis, presented by Mr. COTTON, are as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: We are transmitting herewith a draft bill "To regulate interstate commerce by strengthening and improving consumer protection under the Federal Food, Drug, and Cosmetic Act with respect to fish and fishery products, including provision for assistance to and cooperation with the States in the administration of their related programs and assistance by them in the carrying out of the Federal program, and for other purposes". The bill has the short title "Wholesome Fish and Fishery Products Act of 1971". Also enclosed is a section by section analysis of the bill.

This bill would carry out a recommendation by the President in his Message on legislation not enacted during the 91st Congress.

Fish and fishery products are a major food supply for Americans and provide a significant source of protein in their diet. Recent findings of mercury residues in fish, as well as the highly perishable nature of this food, emphasize the need for extended measures to safeguard the safety and wholesomeness of these products. Both the consumer and industry would benefit from the surveillance and inspection program authorized by this legislative proposal. The consumer would be benefitted by the program since he could be assured that such products meet high nationally uniform standards of quality; and industry would benefit from the increased consumer confidence in its products.

We should appreciate it if you would refer this legislative proposal to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that its enactment would be in accord with the program of the President.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

SECTION-BY-SECTION ANALYSIS OF WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

(NOTE.—Except for the above-mentioned short title of the bill, § 2 (Congressional findings), and § 105 (saving provisions), this bill consists entirely of amendments to the Federal Food, Drug, and Cosmetic Act and is to be read within the framework of that Act. (That Act is referred to below as the Food and Drug Act, or simply, as "the Act.")

Section 2. Congressional Finding. This section contains a Congressional finding that all fish and fishery products regulated under this bill are either in, or substantially affect, interstate commerce and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by the bill (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens on interstate commerce in fish and fishery products and to protect the health and welfare of the consumer.

Section 101. Definitions. This section would insert a number of new definitions in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). The term "fish" is defined as any aquatic animal (including amphibians) or part thereof capable of use as human food, and a "fishery product" is defined as any product capable of use as human food [1] which is made wholly or in part from any "fish" or portion thereof, except products which contain fish only in small proportions or (in the Secretary's judgment) have historically not been considered by consumers as products of the commercial fishing industry and are excepted from the definition by the Secretary under appropriate safeguards. The term "shellfish", as used in the provisions of the bill specifically referring to shellfish, is defined as oysters, clams, or mussels, either shucked or in the shell, and either fresh or frozen or otherwise processed; this would thus include such bivalves when canned. The terms "process", "processed", and "processing" are defined as meaning harvesting, handling, storing, preparing, producing, manufacturing, preserving, packing, transporting, or holding of fish or fishery products. Also defined would be

[1] The term "capable of use as human food" is defined as applicable to any fish or part or product thereof unless naturally inedible by humans, or unless denatured or otherwise identified (as prescribed by the Secretary) to deter its use as human food.

"official mark", "official certificate", "official device", "vessel", "establishment" (which includes vehicles), "owner or operator", "continuous inspection", and "inspector".

Section 102. Prohibited Acts. This section would add certain "prohibited acts" to those now enumerated in § 301 of the Food and Drug Act (21 U.S.C. 331). (Under the Food and Drug Act, the commission or causing of a "prohibited act" constitutes a basis for civil actions for injunctions or for criminal penalties.) The following acts and the causing thereof would be prohibited:

1. (As a new paragraph (r) of § 301 of the Act). The unauthorized making or use of an official mark, certificate, or device; forging, counterfeiting, or simulation thereof; unauthorized defacing, detaching, or destruction of an official mark, certificate, or device; the failure, contrary to regulations, to use, detach, deface, or destroy such a mark, certificate, or device; the possession (without prompt reporting) of an official device, or of a forged, counterfeit, simulated, or improperly altered official certificate, or of a device, labeling, or fish or fishery product bearing a forged, counterfeit, simulated, or improperly altered official mark; a false statement in a shipper's or other certificate provided for in regulations; and a false or misleading representation that fish or fishery products have been inspected and passed or exempted from inspection.[2]

2. (As a new paragraph (s) of § 301). The processing (as above defined) of *any* fish or fishery products in an establishment or vessel preparing any such article in violation of the requirements of the new part B added to chapter IV (the food chapter) of the Food and Drug Act by § 104 of the bill (which is summarized below and which contains special regulatory requirements for fish and fishery products). In the case of establishments or vessels processing any fish or fishery products in or for interstate commerce, this paragraph would apply also to those fish or fishery products processed for intrastate commerce.[3]

3. (As a new paragraph (t) of § 301 of the Act). The importation of fish or fishery products in violation of the import provisions in the proposed § 410(i) of the Act inserted by §104 of the bill.

4. (As an amendment to § 301(e) of the Act). The failure to maintain or to afford official access to records, or to make reports, as required by the proposed § 411(b) of the Act inserted by § 104 of the bill.

5. (As an amendment to § 301(f) of the Act). The refusal to permit entry or inspection as authorized by §§ 410(d) and 422(d) of the Act inserted by § 104 of the bill.

Section 103. Adulteration. This section would add a new paragraph (f), consisting of two subparagraphs, to the definition of adulterated food in section 402 of the Food and Drug Act.

The first subparagraph would deem a food adulterated if it is, bears, or contains any fish or fishery product and has been processed, stored, or handled in violation of the proposed section 410 or 411 or of any regulations issued under those sections. This would, in the case of establishments subject to registration under § 410(b), apply to all fish and fishery products processed therein, including those intended for intrastate commerce.

The second paragraph would deem shellfish (as above defined), or any food derived wholly or in part from shellfish, adulterated if the shellfish (A) was not harvested in a State under an annual State plan (approved by the Secretary of HEW) for classification and control of growing areas and regulation and control of harvesting practices (or, in the case of shellfish from a foreign country, an at least equal shellfish control program, or (B) was not harvested, or was not purified after harvesting, in conformity with such State or foreign program, or (C) was harvested in a growing area declared closed by the Secretary.

Section 104. Surveillance of Fish and Fishery Products, Establishments, and Vessels. The existing provisions (sections 401 through 409, 21 U.S.C. 341–348) of chapter IV (Food) of the Food and Drug Act would be designated "Part A—General" of that chapter and a new "Part B—Fish and Fishery Products", consisting of three subparts, would be added to that chapter by this section of the bill. The new Subpart 1—Surveillance and Regulation of Products, Establishments, and Vessels, of Part B, consisting of sections 410 through 413 of the Food and Drug Act, would provide as follows:

Section 410. (a) *Good processing practices.* Within one year after funds are first appropriated for carrying out this part of the Act, the Secretary would be required—after consultation with the national advisory council provided for in the bill and with interested Federal agencies, and State and consumer and industry representatives, etc.—to issue regulations prescribing standards of sanitation and quality control for processing (including storage or other handling) of fish and fishery products. The initial regulations would have to be made effective no later than one year after they are issued, unless the Secretary finds it necessary to postpone the effective date of all or any part of such regulations by an additional period not in excess of one year. (The maximum time allowable before all such regulations become fully effective would thus be three years from the time funds are first appropriated.) Such regulations could from time to time be amended.

(b) *Certification of establishments and vessels.* Beginning 60 days after the effective date of such regulations, no establishment or vessel could process fish or fishery products in or for interstate commerce without a valid annual certificate of registration issued by the Secretary. The application for such a certificate would have to be accompanied by adequate assurance (in accordance with regulations) that the establishment or vessel is and will be maintained in compliance with applicable standards. The Secretary could not issue such a certificate for an establishment unless he had made an intensive inspection after issuance of the regulations required by subsection (a) and had determined, on the basis of the inspection and of the application, that there was satisfactory assurance that the establishment was adequately equipped, staffed, and managed to conform to the standards issued under subsection (a) and that fish and fishery products processed by the establishment, including their labeling and packaging, would in all respects comply with the requirements of the Act. Denial of a certificate would be subject to the provisions of section 412 (see below) as to hearing and judicial review.

(c) *Suspension and reinstatement of certificates.* Certificates of registration could be suspended for failure to comply with the requirements of subpart 1 of the new part B. Suspension could be imposed only after opportunity for hearing, except that a certificate could be suspended immediately, without a *prior* opportunity for hearing, for failure to permit access for inspection, or where an inspection discloses violation of any provision of the food chapter of the Act or a regulation thereunder and the Secretary determines that an undue risk of imminent harm to consumers is involved. The authority to impose summary suspension could not be delegated to a nonsupervisory officer or employee of the Department. The reinstatement of a suspended certificate would, upon application, have to be granted immediately if it were found that adequate measures to comply with the requirements of the Act and regulations have been taken. Suspension of a certificate or denial of reinstatement would be subject to the hearing and judicial review provisions of section 412, but a summary suspension would remain in effect during the administrative proceeding under that section.

(d) *Surveillance, including inspection.* For the purpose of preventing introduction or use of adulterated or misbranded fish or fishery products in interstate commerce, the Secretary would be required to establish and maintain continuous and effective surveillance of all segments of the industries involved, in accordance with the most modern public health and food production practices. As a part of such surveillance, the Secretary would be required to have inspectors make such inspections, including continuous inspection whenever deemed necessary by him, as in his judgment will reasonably assure continuing compliance with, and most effectively achieve, the purposes of the provisions of the bill and of the Food and Drug Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied to any establishment or vessel, the Secretary would have to consider, among other things, the results of the intensive inspection required for issuance of a registration certificate and any other relevant experience or information (obtained through inspection or otherwise) relating to the establishment or vessel or to fish or fishery products processed by it. (Such experience could of course result in a determination to apply continuous inspection to an entire segment of the industry or to a particular class of processing operations.) If access to the establishment or vessel is denied to the inspector, this is specifically made a ground for suspension of the certificate of registration.

Any fish or fishery products found by an inspector to be adulterated would have to be immediately condemned and segregated and, if no administrative appeal is taken from the inspector's determination, or if upon completion of an appeal inspection the condemnation is sustained, would have to be destroyed for human food purposes under supervision of an inspector, except that such fish and fishery products are not to be condemned and destroyed if reprocessing under the supervision of an inspector can and does render them *not* adulterated. The cost of the abovementioned administrative appeal from a determination of condemnation would have to be borne by the appellant if the Secretary determines that the appeal was frivolous.

Costs of inspection, including any continuous inspection, other than administrative appeal costs determined to be payable by the appellant as above mentioned, would be borne by the United States, except that the cost of overtime and holiday pay for inspection services performed in an establishment at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the establishment's control, would be borne by the establishment.

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[2] In line with provisions of the present Act (§ 303(c)) the bill (§ 102(d)) allows, under certain safeguards, affirmative defenses in prosecutions with respect to possession of a forged certificate, etc., where the possessor had no reason to believe that there was a forgery, etc., or with respect to false or misleading statements or representations which were made in good faith reliance on like statements or representations of a supplier of fish or fishery products to the defendant.

[3] The bill, also, specifically lists as a "prohibited" act any violation of the bill's special requirements with respect to fish and fishery products not intended for human consumption. Insofar as such violations involve transportation, they are also "prohibited acts" under the first subparagraph of paragraph (s), above, since "processing" includes transportation.

(e) *Use of official mark.* The label of any fish or fishery products processed for interstate commerce in a registered establishment or vessel would be required to bear such identifying official mark as the Secretary might prescribe.

(f) *Labeling and packaging.* If the Secretary has reason to believe that any labeling or packaging used or proposed for use with respect to fish or fishery products would render such products misbranded, he would be authorized, subject to opportunity for hearing and judicial review in accordance with § 412, to direct that such labeling or packaging be withheld, and any otherwise required official mark not be used, unless such labeling or packaging were modified as prescribed by him to achieve full compliance with the Act. Should the user or proposed user affected by the Secretary's initial determination object and request a hearing, the Secretary could require that such labeling or packaging not be used pending hearing and final determination by the Secretary.

(g) *Trade names and established packages.* Established trade names or other labeling and packaging which are not false or misleading would be permitted.

(h) *Storage and handling regulations.* This subsection provides that the regulations prescribed pursuant to subsection (a) shall include standards governing the conditions of storage and handling of fish or fishery products (capable of use as human food) by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for interstate commerce, or importing them. See § 411(d)(3) for exemption of certain retail establishments.

(i) *Importation of fish and fishery products.* Imported fish or fishery products must comply with all provisions of the Act which are applicable to domestic products in interstate commerce, but the Secretary would be authorized to accept as compliance with the comparable requirements of this Act (for such period and on such terms as he might prescribe) certificates of a foreign country as to compliance with the requirements of its regulatory system if the Secretary determined that the particular foreign system of surveillance of fish and fishery products, including inspections and good processing practice, is at least equal to all the requirements of the system of regulation provided under this Act for domestic fish and fishery products and that such certificates are reliable. Products covered by such certificates would be marked and labeled as required by regulations for such imported articles. Determination of the Secretary with respect to foreign countries under this subsection would have to be based on such investigation (including inspection) and evaluation as he considered necessary or appropriate and would have to be reviewed at least annually.

Articles imported contrary to the provisions of this section and not reexported would have to be destroyed or, if merely misbranded, brought into compliance with the Act under supervision of representatives of the Secretary. With the approval of the Secretary of the Treasury and the Secretary of State, Secretary could designate exclusive ports for importation of fish or fishery products.

Section 411. Administrative and Auxiliary Provisions.

(a) *Withholding, withdrawing, and reinstating certificates.* The Secretary could refuse to issue, or could suspend or withdraw, a certificate of registration with respect to any establishment, notwithstanding compliance with the provisions of section 410, if the Secretary determined that the applicant for, or holder of, such certificate is unfit to engage in any business requiring such certificate because such person, or "anyone responsibly connected with him", has been convicted in any Federal or State court, within the previous 10 years of any felony or more than one misdemeanor based on acquiring, handling, or distributing adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or of any felony involving fraud, bribery, extortion, or any other act that indicates a lack of the integrity needed for conduct of operations affecting the public health. A person shall be deemed "responsibly connected" with the business if he was a partner, officer, director, holder or owner of 10% or more of its voting stock, or employee in a managerial or executive capacity. Withholding, withdrawal, and refusal to reinstate a certificate under this section are subject to provisions of section 412 concerning hearing and judicial review.

(b) *Maintenance and retention of records.* Persons engaged in processing fish or fishery products for human consumption in or for interstate commerce, or holding such products after transportation in interstate commerce, could be required by regulation to maintain (for 2 years after each transaction involved) accurate records of the receipt, delivery, sale, movement, or disposition of fish or fishery products, and records relating to sanitation and quality control or labeling or otherwise bearing on whether fish or fishery products are adulterated or misbranded, and would have to permit the Secretary to have access to and copy such records. The Secretary could also require reports as to such matters, including reports as to labeling practices.

(c) *Administrative detention of fish or fishery products.* Whenever an authorized representative finds fish or fishery products subject to the Act on any premise and there is reason to believe that such, fish or fishery products are adulterated, misbranded, or otherwise in violation of the provisions of the Act or any other Federal or State law, or have been or are intended to be distributed in violation of any such provisions, such articles could be detained by him (in a suitable manner at the owner's expense to prevent decomposition) for a period not to exceed 20 days, pending institution of court seizure proceedings under the Act or notification of other government authorities having jurisdiction thereof. This procedure is authorized for articles not subject to condemnation under section 410(d).

(d) *Inspection exemptions.* Provisions of this subpart do not apply to fish or fishery products harvested, processed, or transported by an individual exclusively for use by himself, his household, and his nonpaying guests and employees, if such individual is not engaged in the fish business. The Secretary also may—upon such conditions as to sanitary standards, practices, or procedures as he may by regulation prescribe—exempt from specific provisions of this subpart retail dealers who sell fish or fishery products directly to consumers in individual retail stores, if the only processing operations performed by such dealers are conducted on the premises where such sales are made. Finally, good processing regulations under § 410(a) with respect to storage or other handling of fish or fishery products by persons engaged in buying, selling, freezing, storing, transporting, or importing the same would not apply to storage and handling at a retail store or other establishment that is subject to that section only by virtue of their purchases in interstate commerce, if such storage and handling at such establishment are adequately regulated under State law, as determined by the Secretary after consulting with State representatives and others interested. The Secretary could suspend or terminate an exemption under this subsection with respect to any person to effectuate the purposes of the Act.

(e) *Processors of industrial fishery products and related industries.* This subsection would make it unlawful to buy, sell or offer for sale, or transport or offer or receive for transportation, in interstate commerce, or import, any fish or fishery products not intended for use as human food unless such articles are naturally inedible by humans or are first denatured or otherwise identified as prescribed by regulation.

Section 412. Opportunity for Hearing and Judicial Review of Denial, Withholding, Suspension, or Withdrawal of Certificates, and of Withholding of Approval of Labeling or Packaging.

(a) *Opportunity for hearing.* Any person denied a certificates of registration, or with respect to whom a certificate has been suspended, denied reinstatement, or is proposed to be withdrawn, or who has under § 410(f) been refused the official mark for proposed labeling or packaging, may file objections thereto and, if such objections state reasonable grounds, shall be afforded a hearing upon request therefor. The order of the Secretary shall be based on a fair evaluation of the entire record at such hearing. Pending final decision in the case of objections to an order suspending or withdrawing a certificate, the Secretary shall grant such interim relief, if any, as he may find warranted.

(b) *Judicial review.* A final order of the Secretary on objections filed under subsection (a) may be judicially reviewed by petition filed, within 60 days, in the United States court of appeals for the circuit in which such person resides or has his principal place of business. The Secretary's findings of fact shall be sustained if based upon a fair evaluation of the entire record.

Section 413. Evidence for investigations and hearings—Subpoenas. This section would authorize the Secretary—for the purpose of any hearing, investigation, or other proceeding under the new part B which the bill would add to the food chapter (chapter IV) of the Food and Drug Act—to issue subpoenas (enforceable through court order if necessary) for the attendance and testimony of witnesses or productions of documentary of other evidence.

SUBPART 2—FEDERAL AND STATE COOPERATION

Section 421. (a) The Secretary would be authorized to cooperate with appropriate State agencies in developing and administering (1) State fish and fishery products surveillance programs—applicable to persons processing such articles solely for intrastate distribution—that are at least equal to the regulatory system established under subpart 1 for establishments processing such articles in or for interstate commerce, and (2) in the development of effective State programs (under State plans approved annually by the Secretary as meeting Federal standards) for the classification and control of shellfish growing areas and harvesting practices, including shellfish intended for introduction into interstate commerce. Such cooperation could include advisory, technical training, and financial assistance to such State agencies. The Federal grant to any State could not exceed 50% of the estimated total cost of the cooperative program in such State. Such cooperation and payment would be contingent upon State administration being deemed adequate by the Secretary to effectuate the purpose of this section and upon agreement by the State, when requested by the Secretary, to make the services of qualified personnel of the State agency available to conduct inspections or other surveillance activities for the Department when commissioned by the Secretary under § 702 of the Food and Drug Act. Such utilization agreements could provide for Federal reimbursement of all or part of the cost to the State.

(b) The State agency with which the Secretary may cooperate would be an agency, designated by the State, with primary responsibility for coordination of the State programs having objectives similar to those under the Act, except that with respect to the above-mentioned shellfish control program it

could, in the case of States in which different shellfish control program functions are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of the Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, that unit would be deemed a part of the State agency for purposes of this section.

Section 422. (a) If, after regulations promulgated under this Act have been in effect two years less thirty days, the Secretary believed that a State had not established or was not enforcing, for wholly intrastate establishments, inspection and sanitation requirements (for fish or fishery products processed for use as human food) at least equal to those established for interstate establishments under subpart 1 and under related provisions of the Food and Drug Act, he would so notify the Governor. If the Secretary, after consultation with the Governor or his representatives, determines that such State has not developed or activated such requirements, the Secretary, promptly after expiration of such two-year period, would be required to designate such State as one in which the provisions of such subpart 1 and related provisions applicable to interstate establishments will apply to operations wholly within such State; the "designation" would then have this effect upon expiration of 30 days after publication in the Federal Register. However, the Secretary would be authorized to give the State a grace period of an additional year to achieve compliance if he determines that there is reason to believe that the State is likely to do so within such additional period.

If, at any time (whether within the 2-year period or the additional grace period for the State as a whole) prior to the designation of a State as being subject to subpart 1 and related provisions relating to interstate establishments, the Secretary determines that any establishment within such State is producing adulterated fish or fishery products which clearly endanger the public health, he shall so notify the Governor. If corrective action is not taken by the State within a reasonable time thereafter, the Secretary would be authorized to designate such establishment forthwith as subject to the above-mentioned provisions relating to interstate establishments until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed by such provisions.

(b) When the Secretary determines that any State previously "designated" under this section has developed and will enforce State requirements at least equal to those under subpart 1. He would be required to terminate such designation but may thereafter redesignate the State upon 30 days' notice to the Governor and publication in the Federal Register. The Secretary also could, upon such 30 days' notice and publication, designate a State that is not effectively *enforcing* requirements at least equal to those imposed by the above-mentioned interstate commerce provisions of this Act, whether or not the State had theretofore been designated.

(c) The Secretary would, promptly upon enactment of this bill and at least annually thereafter, review the requirements (including enforcement thereof) of State surveillance programs of States not designated under this section.

(d) For the purpose of enabling the Secretary to make determinations required of him under this section, his inspection authority under § 704 of the Food and Drug Act and under the provisions of subpart 1 contained in this bill would in all cases extend to establishments in any State processing fish or fishery products solely for distribution in the State.

Section 423. State jurisdiction. This section provides that States may not impose with respect to establishments or vessels subject to registration under subpart 1 of part B of chapter IV of the Act requirements (other than recordkeeping and other requirements within the scope of § 411(b)) that are within the scope of but are additional to or different from requirements imposed by such subpart 1 and that States may not, with respect to articles processed at any such establishment or vessel in accordance with the requirements of such subpart, impose marking, labeling, packaging, or ingredient requirements that are different from or additional to those imposed under the Food and Drug Act. States may, however, exercise (consistently with the requirements of the Act) concurrent jurisdiction with the Secretary over such articles for the purpose of preventing distribution of any such articles that are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel as the Secretary (by or pursuant to regulation) determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

SUBPART 3—GENERAL

Section 431. Interdepartmental cooperation. This section requires the Secretary of Health, Education, and Welfare to consult with the Secretary of Commerce and other interested Federal agencies, and with the advisory committee (see § 434) prior to the issuance of standards under the Act applicable to fish and fishery products. The Secretary may by agreement, with or without reimbursement, utilize personnel and facilities of other Federal agencies, and is encouraged to make similar arrangements with any State, to assist the Department in carrying out its responsibilities. Personnel so utilized could be commissioned as officers of the Department of HEW under existing provisions (§ 702) of the Food and Drug Act.

Section 432. Research. This proposed new section of the Food and Drug Act would authorize the Secretary to conduct, directly or through grants or contracts, research and demonstrations for the improvement of sanitation practices in the processing of fish or fishery products and for the development of improved techniques in surveillance (including inspection) activities under the Food and Drug Act. With respect to direct or contract research, this provision is confirmatory of existing authority implied in the Act.

Section 433. Personnel—Appointment and training. This section provides for the appointment of any necessary additional qualified career personnel for carrying out the new provisions relating to fish and fishery products and directs the Secretary to provide necessary or appropriate training for such personnel. It also directs the Secretary to work with educational institutions in developing programs designed to enable persons to qualify for such positions.

Section 434. National advisory committee. This section, which concludes the bill's amendments to the Food and Drug Act, provides for the appointment, by the Secretary, of a national advisory committee for the newly added program. It provides that the chairman (to be designated by the Secretary) and a majority of the committee's members shall be drawn from the public (including persons representative of consumer organizations), from the environments and other relevant sciences, and from persons especially conversant with State programs, and shall have no economic interest in the commercial fishing industry.

Section 105 of the bill. Existing authority. Subsection (a) of this section preserves all authority under existing law, including specifically the Food and Drug Act, the Fair Packaging and Labeling Act, and the Public Health Service Act. There already exists broad regulatory and inspection authority in this field under the first two cited Acts, including standard setting authority. For example, the bill, in requiring the prescription of standards of sanitation and quality control for processing fish and fishery products, to be issued after appropriations are made for the new part, would not preempt existing authority for regulations under § 701(a) of the Act prescribing good manufacturing (or processing) standards for the food industries, including the fish and fisheries industries.

Subsection (b) provides that compliance with the requirements of the bill shall not relieve any person from any liability under common or State law.

S. 701—INTRODUCTION OF A BILL TO AMEND SECTION 14 OF THE NATURAL GAS ACT

Mr. COTTON. Mr. President, by request of the Chairman of the Federal Power Commission, I introduce, for appropriate reference, for myself and the chairman of our Commerce Committee (Mr. MAGNUSON) a bill to amend the Natural Gas Act so as to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of interested parties. I ask unanimous consent that the text of the bill and the letter from the Chairman of the Federal Power Commission to the President of the Senate transmitting the bill be printed in the RECORD.

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

The bill (S. 701) to amend section 14 of the Natural Gas Act, introduced by Mr. COTTON (for himself and Mr. MAGNUSON), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Natural Gas Act, as amended (15 U.S.C. 717m), is amended by adding two new subsections as follows:

"(i) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution, and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial, and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The

Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(j) The Commission in making studies, investigations, and reports under this section shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs of existing departments, bureaus, offices, agencies, and other entities of the United States, of the respective States and of the natural gas industry. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government."

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

FEDERAL POWER COMMISSION,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the appropriate committee are twenty copies of a draft bill to amend section 14 of the Natural Gas Act to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of the Congress, consumers, responsible government agencies, investors, and the industry. The amendment would be comparable to existing provisions of the Federal Power Act.

The natural gas industry supplies approximately one-third of the nation's total energy requirements. The continued prosperity of this vital industry will depend on progress in the industry itself, conscientious public regulation, and an informed public.

By Section 311 of the Federal Power Act the Congress has authorized the Commission to secure information from electric utilities and to publish such data on a regular basis; and today statistics published by the Federal Power Commission facilitate the appraisal of rates and practices of electric distribution utilities. Both gas and electric utilities are excused from the industrial censuses, apparently on the theory that the Commission's regular statistical programs fully cover the field. But the Congress has not yet provided a parallel sustained program of public information on the gas distribution utilities, even though these gas utilities are increasingly engaged in competition with the electric utilities.

At present the Commission may secure reports from natural gas companies subject to its jurisdiction and may also investigate to determine whether any person has violated the Natural Gas Act (or is about to violate the Act) or to obtain information to serve as a basis for legislative recommendations to the Congress. Although about two-thirds of the natural gas used in this country enters interstate commerce, and consequently comes under FPC jurisdiction for a time, the ultimate distribution of the gas is generally by companies not subject to FPC jurisdiction.

Congress has concluded, in section 1(a) of the Natural Gas Act, that "the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest" and has provided for Federal regulation of interstate transportation and sales for resale to complement and support state regulation of the ultimate sales to consumers. In view of the Federal regulatory commitment to assure just and reasonable rates to the distribution companies, we believe that Congress and the public are entitled to comprehensive information concerning the ultimate distribution of gas.

Determinations entrusted to the Commission significantly affect gas supply and requirements. We believe that increased access to comprehensive data would permit us more readily to evaluate the implications of matters coming before us for decision and would, thereby, serve the interests of both the regulated industry and the public.

The bill would not expand the regulatory responsibility of the Commission. It is intended solely to enhance the Commission's ability to gather and publish information. Although some gas industry statistics are now collected by a variety of private and Government agencies for limited purposes and, in most cases, on a voluntary basis, no Government body is responsible for securing and publishing statistics on all phases of the gas industry from producing well to burner tip. The bill would direct the Commission to use all available data sources in the Federal Government, the States and the natural gas industry before the Commission seeks information from individual companies but the bill would improve upon the information now available to satisfy public needs. For example, the bill would strengthen the public's right to authoritative and impartial information in areas such as:

(1) Data on the retail price of gas in all parts of the country, comparable to data in the Commission's publication of "Typical Electric Bills" for cities over 2,500 population. Apart from summary data for two dozen larger metropolitan areas, no agency publishes data comparable to "Typical Electric Bills". Such information would help the consumer spotlight out-of-line prices and stimulate companies to improve performance.

(2) Annual summaries of financial and operating information of individual gas companies comparable to data on interstate gas pipeline and electric companies the Commission now publishes. This would be of particular aid to the investing public. No agency now publishes such summaries. The bill would not expand the Commission's authority to collect and publish financial and operating information concerning diversified activities of natural gas producers not directly related to the production and sale of natural gas.

With better data the Commission would also be able to exercise its regulatory powers more efficiently. For example, the Commission may need a study of the retail market beyond its regulatory jurisdiction in order to decide whether to approve a proposed jurisdictional pipeline project. It now requires natural gas pipeline transmission companies to submit evidence on their proposed markets with certificate applications. The Commission must, in turn, evaluate such evidence and initiate studies in each particular case. This *ad hoc* procedure may delay completion of the case, and could be streamlined if the Commission were empowered to collect data on retail markets on a broad continuing basis.

Industry associations are undertaking substantial improvements in their data systems, but further information would be useful to our Commission, to State commissions, to defense agencies for use in planning for emergencies, and to Congress to keep informed on the state of the natural gas industry. Thus at present, no authoritative source collects and publishes gas reserves for each of the major gas fields and reservoirs. At least two States (California and Mississippi) publish such details but most producing States do not. Some associations and private parties publish certain conglomerate data, undifferentiated, however, as to field or reservoir and without full disclosure of the source or accuracy of the basic information. The bill would direct the Commission to secure data on gas reserves on a field or reservoir, rather than company basis, in order to protect certain confidential industry information.

The natural gas industry, as a part of a private market economy, would itself operate more efficiently with more accurate and more comprehensive data. The bill would provide a means whereby information now in the possession of individual members of the natural gas industry but inaccessible to the public would be gathered by a single agency and made generally available.

We envision no difficulty in compliance by, or undue hardship upon, those who would be expected to report. The bill minimizes any reporting burden on individual companies by directing the use of all available government and industry information sources.

The Office of Management and Budget advises that enactment of the proposed bill would be in accord with the President's program.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

S. 702—INTRODUCTION OF A BILL TO AMEND THE COMMUNICATIONS SATELLITE ACT OF 1962, AND FOR OTHER PURPOSES

Mr. GRAVEL. Mr. President, the bill I introduce today is aimed at correcting an inequity that has manifested itself in retardation of the whole communications industry during the last few years. The conflict of interest caused by the presence of competing communications carriers on the Board of Directors of the Communications Satellite Corporation is no longer a probability, it is an established fact. What Congress feared might eventuate 8 years ago has, unfortunately, become fact.

An investigation into the relationship of Comsat and A.T. & T. officials will demonstrate that the Nation's biggest monopoly has overpowered and outmaneuvered the fledgling Comsat management to the detriment of the public, the taxpayers, the Government and the Comsat stockholders.

My bill would remove carriers who are competitors of Comsat from Comsat's management. Its provisions would give the carriers ample time to divest themselves of Comsat stock—as was the case when DuPont divested itself of General Motors stock.

I believe that a cleansed Comsat will introduced a real era of satellite communications in the United States instead of a thin veneer of rhetoric and airless sparring before the FCC.

I ask unanimous consent to have printed in the RECORD a copy of the Justice Department letter of January 5, 1971, which I interpret as endorsing the antitrust intent of this bill. The only difference relates to effective dates since it took Justice and the Bureau of Management and Budget almost a year to reply.

I hope the Congress will give early hearings to this proposed legislation.

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

The bill (S. 702) to amend the Communications Satellite Act of 1962, and for other purposes, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. GRAVEL is as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., January 5, 1971.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: This is in response to your letter of February 12, 1970, requesting comments from the Antitrust Division on a proposed draft amendment to the Communications Satellite Act of 1962 as amended ("1962 Act"), 47 U.S.C. §§ 701–744. This draft amendment would, if enacted, eliminate direct control over the Communications Satellite Corporation ("Comsat") by the terrestrial communications common carriers ("carriers"). It would do so by (i) barring any representatives of the carriers from sitting on the Board of Directors of Comsat after January 1, 1971, and (ii) barring carriers from owning any shares of Comsat stock after January 1, 1972.

In general, we would favor enactment of legislation along these lines to eliminate direct carrier control or influence over Comsat. Such a step, combined hopefully with some modification of regulatory constraints on Comsat's activities (discussed below), would significantly enhance Comsat's competitive potential.

The 1962 Act was a compromise. It ignored traditional policies that restrict the common ownership and control of competing modes of regulated business (e.g., 49 U.S.C.A. § 5 (14); 49 U.S.C.A. § 78; 47 U.S.C.A. § 314). Instead the 1962 Act provided for extensive carrier ownership of Comsat stock and for six carrier nominees as directors of the corporation. As a result carriers controlled half the shares and more than a third of the directors. American Telephone & Telegraph Company (AT&T) alone is by far the largest Comsat stockholder, with 29 percent of the stock and 20 percent of the Board.

From the outset, this arrangement has been criticized as being inconsistent with the stated Congressional mandate "that the corporation created [i.e., Comsat] . . . be so organized and operated as to maintain and strengthen competition in the provision of communication services to the public" (47 U.S.C.A. § 701(c)). (See, e.g., Legislation Note, *The Comsat Act of 1962*, 76 Harv. L. Rev. 388, 398 (1962)). This criticism has been reinforced by experience. (See, e.g., Schwarz, *Comsat the Carriers, and the Earth Stations—Some Problems with "Melding Variegated Interests,"* 76 Yale L. J. 441 (1967); Report of the President's Task Force on Communication Policy (1968), Chap. 2, p. 15).

Moreover, the carriers' stockholding and directorship arrangements in Comsat are contrary to the normal antitrust prohibitions against anticompetitive stock acquisition and director interlocks contained in Clayton §§ 7, 8 (15 U.S.C. §§ 18, 19). The prohibition of Clayton § 7 applies where minority ownership results in the probability of anticompetitive consequences, *U.S.* v. *duPont*, 353 U.S. 586, 592 (1957); and, because of the "opportunity thereby afforded to . . . compel a relaxation of the full vigor of . . . competitive effort," the prohibition applies with equal force to directors appointed by such minority owner. *Hamilton Watch Co.* v. *Benrus Watch Co.*, 114 F. Supp. 307, 317 (D. Conn, 1952), aff'd 206 F. 2d 738 (2d Cir. 1953). Under § 8 of the Clayton Act, interlocking directorates among competitors are *per se* violations. *U.S.* v. *Sears, Roebuck & Co.*, 111 F. Supp. 614 (S.D. N.Y. 1953).

In these circumstances, we believe that a good case can be made for eliminating the direct carrier influence over Comsat flowing from their shareholding and directorships. This approach is consistent with the Department's original position in 1962 when the Attorney General emphasized that we "place great importance on competition because the communications industry is particularly susceptible to domination by one company—AT&T." (*Hearings on H.R. 10115 and H.R. 10138 Before the House Committee on Interstate and Foreign Commerce*, 87th Cong., 2d Sess., pt. 2 at 565 (1962) (testimony of Attorney General Kennedy)). Moreover, it is consistent with the policy of this Administration of placing "more reliance on economic incentives and market mechanisms in regulated industries" so that "increased competition will eventually make it possible to let market forces assume more of the role of detailed regulation" in communications (*Economic Report of the President* 108–109 (1970)).

The problem is, however, only partially one of the Comsat corporate arrangements covered by the draft legislation. Regulatory decisions by the Federal Communications Commission have been at least as significant a factor in limiting Comsat's competitive potential vis-a-vis existing carriers.

Of particular significance is the FCC's *Authorized User* decision, 4 F.C.C. 2d 421 (166), in which the Commission unanimously ruled that Comsat was to be only a "carriers' carrier," precluded from retailing its services direct to users (including the Government), except under "unique or exceptional circumstances" to be determined by the Commission. However, because the Commission declared that it would authorize direct Comsat service absent a reduction in the carriers' rates "fully to reflect the economies made available through the leasing of circuits in the satellite system," some potential competition remained and was reflected in some very substantial rate reductions made by the carriers.

This decision was followed the same year by the Commission's *Earth Station* decision further reducing Comsat's potential to compete vigorously with the carriers. 5 F.C.C. 2d 812, 816 (1966). Here the Commission decided (reversing an earlier decision, 38 F.C.C. 1104 (1965)) that Comsat had to share ownership of all earth stations with the carriers: 50 percent was to be owned by Comsat, with the balance apportioned among the other carriers on a use basis. The day-to-day management, and apparently, all equipment design and procurement of the earth stations are thus made by a joint operating committee made up of Comsat and the carriers.

To summarize, we favor generally some legislation along the lines of the proposed amendments, in order to eliminate direct carrier control or influence over Comsat. However, unless combined with at least some reversal of the FCC's decisions protecting existing carriers from satellite competition, such legislation is not likely to enhance significantly Comsat's competitive potential.

Sincerely yours,

RICHARD W. MCLAREN,
Assistant Attorney General Antitrust Division.

S. 704—INTRODUCTION OF A BILL TO PROVIDE FOR THE PROCUREMENT AND RETENTION OF JUDGE ADVOCATES AND LAW SPECIALIST FOR THE ARMED SERVICES

Mr. INOUYE. Mr. President, events of the past few years, culminating in the current trial of Lt. William Calley, should focus our attention on one of the most important but least known components of the Armed Forces—the Office of the Judge Advocate General.

A military lawyer performs an important function in the modern armed services. With greater respect for the rights of the individual serviceman and the improvement of military justice through the Military Justice Act of 1968, we can expect increased demands on the time of judge advocates.

There is no one in the Congress who would disagree with the objective of according every serviceman all the protection and best counsel due him under the Anglo-American legal tradition. Yet I fear that unless we act soon the Judge Advocate General Corps will suffer irremediably from the departure of competent, experienced military lawyers.

A Department of Defense study of military lawyer procurement, utilization, and retention was completed in October 1968. The survey revealed that the military services were experiencing no major problems in the initial procurement of junior military lawyers since draft pressures produced a sufficient number of volunteers. However, severe problems were encountered in retaining seasoned military lawyers beyond their initial obligation of 4 years.

In July 1969, when I introduced the bill, there was a shortage of experienced lawyers of 737 throughout the Department. Since that time—in the space of a year and a half—this number has increased to 842. This figure has been much higher, and only the reduction in personnel has prevented this number from increasing. The retention rates of the services are as follows: Army, 29 percent; Navy, 38 percent; Marine Corps, 18 percent; and Air Force, 49 percent. These figures are far below what the services consider adequate to staff the large number of posts with knowledgeable, trained JAG officers. During the fiscal years of 1968 through 1970, the Department of Defense was able to attract into the career force only 42 percent of the total number of junior officers considered necessary for retention to sustain an effective and adequately manned career force. The Army lacked 304 JAG officers in the career force. For the Navy the figure was 106. The Marine Corps faced a deficiency of 135, and the Air Force lacked 297 career-level officers.

It is probable that this situation will deteriorate further as draft reforms are enacted lessening the threat of induction. Young lawyers faced with the prospect of high salaries in the civilian sector and unaffected by the selective service will choose a civilian career in the overwhelming number of cases. Moreover, it is clear that there will be an even greater demand for military lawyers as reforms of the military justice system are enacted and implemented.

To maintain a career force with the desired experience level, an adequate number of junior officers must be attracted annually into the career group, that is, into the fifth year. It is in this middle range of officers that the shortage is most acute.

In order to meet this problem, I am again introducing a bill that would provide special pay for lawyers and continuation pay for lawyers who reenlist for at least 3 years. The incentive pay would provide for $50 per month for grades 0–1 through 0–3; $150 per month for grades 0–4 and 0–5; and $200 per month for grades 0–6 and above. The continuation pay would be paid to those judge advocates who extend their service on active duty for at least 3 years but not more than 6 years, at the rate of 2 month's pay for each additional year

that he agrees to remain on active duty. The bonus is payable upon the completion of 4 years' active duty.

Hopefully, the special pay will have the effect of providing an additional incentive to idealistic young lawyers who might choose a military career if it were not for the financial drawbacks. This factor will become increasingly important if the military becomes all-volunteer. Additional remuneration also recognizes the status of military lawyers. Military physicians and dentists already receive additional compensation ranging from $100 to $350 per month. Veterinarians receive special pay of $100 per month. Other special crafts and skills are similarily recognized through extra pay or continuation bonuses. I do not believe that we can or should continue to treat the military lawyer as a second-class citizen.

I should emphasize that I do not believe that my bill will be a panacea. However, it is the first step in dealing with a serious problem that has been ignored for too long.

The Department of Defense has endorsed the need to take immediate steps to alleviate this deficiency in experienced lawyers. The Acting General Counsel of the Department noted that "the lawyer retention problem is serious in each of the military services." He further remarked that the Department recognizes that "chronic, critical nature of the military retention problem." In hearings on the procurement authorization for fiscal year 1971, Secretary of the Army Resor, General Westmoreland, Secretary of the Navy Chafee, Admiral Moorer, and General Chapman all testified in behalf of incentive legislation. This bill also has the strong backing of the American Bar Association, the Federal Bar Association, and the Judge Advocates Association.

During the last Congress, a companion bill in the House received the unanimous support of the Armed Services Committee and passed the House in December 1969. However, the Senate did not have an opportunity to consider the legislation. It is my hope that the Senate will finally act on this long overdue bill.

I ask unanimous consent that the names of the cosponsors of my bill be printed at this point in the RECORD.

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

The bill (S. 704) to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces, introduced by Mr. INOUYE (for himself and other Senators), was received, read twice by its title and referred to the Committee on Armed Services.

The cosponsors of S. 704 are as follows: Mr. ALLEN, Mr. BIBLE, Mr. COOPER, Mr. DOLE, Mr. EASTLAND, Mr. ERVIN, Mr. GOLDWATER, Mr. HART, Mr. HOLLINGS, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. METCALF, Mr. MONTOYA, Mr. PASTORE, Mr. PELL, Mr. STEVENS, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS.

S. 706—INTRODUCTION OF THE "COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971"

Mr. JAVITS. Mr. President, I introduce today the Comprehensive Community Child Development Act of 1971, a bill to provide for a comprehensive program of community based and coordinated child development programs. It represents a joint proposal developed by Senator FRED R. HARRIS, Democrat, of Oklahoma, and myself and is cosponsored by Senators CASE and SAXBE.

Mr. President, the White House Conference on Children—which met last December was charged, under the call of its Chairman with the responsibility of establishing priorities and issues relating to child development and formulating effective procedures for implementation and administration of child development programs: "by which all available or committed resources can be identified, coordinated and harmonized into a national effort, having as its goal the enhanced development of the American child through the remaining years of the 20th century."

We share a commitment to that goal, and accordingly, we introduce this measure for its implementation.

We have drafted this legislation having in mind the following key objectives:

First. There should be provided sufficient funding for a full range of activities designed to promote the intellectual, emotional, social, and physical growth of children through age 13, with a strong priority for the needs of preschool children, particularly children of low-income families.

We must have substantial funds to enable us to develop a comprehensive approach to child care which—while respecting the differing needs of children and other family members—will free us from the limited doctrines and scattered approaches that have characterized our efforts in the past.

Second. Our proposal has been formulated on the basic principle that the total of the White House Conference can best be achieved if the responsibility for the allocations and coordination of child development resources is placed at the community level.

In his recent state of the Union message, President Nixon emphasized the need to let those on the community level participate more fully in the governmental process. The proposed act would implement that objective in the very important area of child development by providing a framework under which the essential decisions would be made at that level, where comprehensive services can be provided, where parents and other members of the family can participate fully in determining the direction as well as the conduct of programs, and where the redtape generated by multiple funding sources can be cut.

Third. Those on the community level who are operating programs according to the way we envisage them, should have the benefit of technical assistance from State agencies in identifying goals and needs, effecting coordination between programs within the State, strengthening health, educational, child welfare, and other essential components of community programs and providing supportive research, development, and evaluation.

In a number of instances, State government—including my own State of New York—has taken meaningful initiatives in the field of child development and day care. The act will permit that early experience to be imparted to those on the local level where it can best be channeled to meet the particular needs of the community.

Fourth. The proper role of the Federal Government is in maintaining a strong oversight to insure that programs continue to focus on children of low-income families, and that programmatic quality is advanced throughout the Nation through research, demonstration, and evaluative activities.

While decisionmaking must be shifted to the State and community level, the Federal responsibility for insuring that our previously established priorities are kept cannot be shifted.

As I shall outline later, the Federal Government can serve another special function—by becoming a model employer insofar as child development programs are concerned, in dealing with the children of its own employees.

Fifth. Relating to the programs which are ongoing now, we should not only maintain, but expand the role of community action, single-purpose Headstart agencies, and other community-based and parent-formed organizations, as well as educational and child welfare agencies, which have brought child development to the threshold of universal expansion.

This is not a bill designed to eliminate existing programs—while it would repeal the present authority for Headstart. As I shall point out in detail, it is designed instead to make such programs more secure in a new framework where they can have the advantage of substantially additional sources of funding.

Finally, business, industry, labor, employee, and labor-management organizations should be encouraged to contribute funds to community programs and provide facilities at or near a place of business in the context of total community plans.

We must neither ignore the contribution which the private sector can make nor allow it to take over completely the sensitive matter of child care, which requires an interdisciplinary approach.

To carry out these principles the proposed act consists of three titles: Under title I, the Secretary of Health, Education, and Welfare is directed to fund child programs pursuant to community child-care plans developed by broadly representative councils at the community level, with technical assistance provided from a State Child Care Council pursuant to a State child-care assistance plan. The following amounts are authorized for such purposes: $900,000,000 for fiscal year 1973; $1,800,000,000 for fiscal year 1974; and $2,800,000,000 for fiscal year 1975. In round figures, this represents an aggregate of about $5 billion. Title II au-

thorizes additional amounts for Federal activities such as research, demonstration, and evaluation, and for special programs for children of Federal employees. Under this title, the following amounts are authorized: $125,000,000 for fiscal year 1973; $175,000,000 for fiscal year 1974, and $175,000,000 for fiscal year 1975, making a total of $475 million. Title III contains general authorities with respect to the operation of the provisions of the act, but titles I and II are the main components.

With this general background, I shall now indicate the manner in which each of the objectives and principles is met in terms of specific provisions of the proposal which we submit today.

A FULL RANGE OF PROGRAMS TO ASSIST ALL CHILDREN TO REACH THEIR FULL POTENTIAL

Mr. President, I share and endorse the dual objective of the women's liberation movement for universal child care and the insistence, very importantly, that it be quality care—having in mind that the needs of the child as well as the needs of the parent should be held before us.

There are more than 26,129,000 preschool children in the Nation, including 3,997,737, preschool children of low-income families. Yet, Headstart and other preschool programs are reaching less than a tenth of the latter number—approximately 400,000 in this current fiscal year.

The administration has requested quite commendably—a total of $376,500,000 for the programs for fiscal year 1972 to provide opportunities, an increase of $16,500,000 over this fiscal year's request, but it will by no means satisfy the needs which I have cited.

While there are 4 million children under 6 whose mothers work, there are less than 700,000 licensed day-care center slots in the Nation.

We need additional Federal funding to support the provision of a wide range of child-care services and facilities—ranging from full-time, part-time, family, day, night, intermittent, and other services, but all on the basis of quality and all available as a right of the family, not merely as a singular educational right of the child or merely as an economic right or need of the parents. Accordingly, child-development activities must go beyond the limited custodial concept to provide families with comprehensive services.

Mr. President, the amounts authorized under the proposed act, to provide both preschool and after school opportunities, are by no means out of line. For the purpose of indicating that they are not, I wish to point out that even taking the most conservative estimate of cost for a preschool opportunity—$1,700—the proposed act would provide only 527,400 slots in fiscal year 1973, 1,058,800 in fiscal year 1974, and 1,647,060 in fiscal year 1975. Thus, even in the third year, we would reach a level of coverage representing only approximately a third of the 3,997,737 preschool children of low-income families and less than one-tenth of the total number of preschool children in the Nation.

DECISIONMAKING AT THE COMMUNITY LEVEL

Mr. President, the right of the family to child care can be effectively exercised only by direction at the community level where comprehensive services can be provided, parents can be totally involved, and programs can be consolidated, integrated, and coordinated.

Under title I of the act, 90 percent of the funds apportioned to the States would be available to the Secretary of Health, Education, and Welfare for the designation of community child-care councils and for the conduct of programs pursuant to a community child-care plan prepared by the council.

The act provides that the Secretary may designate community child-care councils to be responsible for the planning, coordination, and monitoring of child-development programs for each area of a State which he determines to be a suitable area for the conduct of such programs and which comprises either a city, county, or other unit of general governmental powers substantially similar to those of a city; a combination of such units; a neighborhood or other portion of a city; or an Indian reservation.

We have prescribed specific factors to be taken into account in determining whether an area is "suitable." The Secretary is directed to consider factors such as the number of children of low-income families in the area, as well as the relationship of such area to those previously established for the administration of child-development programs and those established for the administration of education, manpower, training, and health services.

The council would be designated upon consideration of an application for designation submitted by any public agency or nonprofit organization within the suitable area.

Mr. President, flexibility of the kind authorized in the proposed act is necessary if we are to provide a structure tailored to individual needs. We must recognize that a neighborhood or other portion of a city—such as that which may exist in my own city of New York, may be the most suitable unit for decisionmaking in respect to child-care programs. Indeed, at the present time, New York City has taken the initiative in proposing that planning of programs be accomplished essentially on a neighborhood basis.

The application must provide for the establishment of a community child-care council which is broadly representative of community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, public and private educational agencies and institutions in the area to be served, parents and other concerned individuals, agencies, and organizations interested in child development.

The council is to be responsible for the planning, coordination, and monitoring of child-development programs and for the submission of child-care plans governing programs to be conducted in the area.

The child-care plan would be prepared by the council after considering project applications from the various agencies and organizations in the community, subject to certain procedures and conditions.

The requirement of a representative council is key to the success of efforts at the community level.

We cannot expect such a council to meet always in harmony; indeed it is the interplay of forces at the community level which will eventually result in programs directed toward the true interest of the community. Such a consensus cannot be effected under existing law with questions of funding and, therefore, of community priorities being decided piecemeal by a number of agencies at the Federal level.

Within this general community context, various provisions of title I of the act emphasize comprehensive services, parental involvement and the integration, coordination, and consolidation of programs.

The comprehensiveness of services is insured by:

Requirements that all programs to be funded under the community child-care plan provide educational, nutritional, health, and related services necessary to provide each child with an opportunity to meet his full potential, and special provisions for the establishment of diagnostic and assessment services to deal with the special needs of children who have particular psychological, educational, or other barriers.

The proposed act emphasizes parental involvement and linkage between the home and the programmatic environment in the following ways:

Not less than one-half of the membership of the community councils responsible for planning program and activities must consist of parents of children enrolled in programs under the act;

Parent cooperatives are among the organizations which must be represented on the council and which are eligible for financial and technical assistance as project applicants. Special provisions insure that the child-care councils give due consideration to applications from such sources;

To the fullest extent possible, each program to be conducted under a community child-care plan must be subject to the direction of a governing board of parents and the program must itself include extensive parental participation;

Provision is made for programs to train parents and older members of the family as well as youths, in child development;

Programs must be conducted in such a manner as to provide meaningful environmental linkage between the home and the environment in which programs are to be conducted; and

Funds are authorized for child-development information centers in the community, to increase parental awareness and support.

It is the overriding need for parental involvement that makes the placement of decisionmaking at the community level so desirable. Community control

will bring programmatic decisions closer to the parents and therefore closer to the interests of the child. Community control without substantial parental involvement would be of little value.

Moreover, as I indicated, attacking the problem on a community basis will enable us to bring together a number of splintered programs.

Mr. President, Federal expenditures for child care have increased from less than $1 million in fiscal year 1962 to approximately $600 million in fiscal year 1971. With that increase we have proliferated a variety of child-care programs, each having its own objective—and in many cases its own disciplinary bias: Programs established with the objective of getting parents off of relief rolls run the risk of ignoring the needs of the child and merely perpetuating the cycle of poverty; educational programs are run with little relationship to preschool efforts; and "industrial" child-care efforts often starve for lack of supportive services to complement the need for facilities.

The proposed act would repeal the basic authorities under the Economic Opportunity Act—Headstart, title IV–B day care, and other references under that act. It would not repeal what is done under the Social Security Act.

However, building on the Headstart base, the bill would attempt to channel new funds into a community-operated plan on terms that would encourage the coordination and integration with other existing programs and bridge the disciplinary gap at the local level.

In addition to the composition of the Child Care Council, the act seeks to effect a concentration of effort at the local level by requirements that the community child-care plans set forth:

Arrangements in the area served for the integration into the plan of child-development facilities and services for which financial assistance is provided by the Secretary of Health, Education, and Welfare. This would include child-care programs under the proposed Family Assistance Act, and under title IV–A of the Social Security Act. The section is not intended to include programs conducted by educational or health agencies under other authorities;

Arrangements between project sponsors and administrators of local school systems, both public and nonpublic, to effect coordination between programs conducted under this and other acts;

Arrangements in the area served for the integration of programs conducted with the support of business, industry, labor, employee, and labor-management organizations; and

Arrangements for program coordination between approved project sponsors through joint program services, purchasing arrangements, common business services, and other arrangements.

Moreover, the act makes available to the Secretary 2 percent of all funds under title I to be used as an incentive for a linkage between preschool and educational programs, and an additional 2 percent would be available for programs to provide linkage to manpower training programs.

ROLE OF STATE GOVERNMENTS

While the major focus of the proposed act is on decisionmaking on the community level, it charts out a substantial role for State government.

As I noted, this measure retains the existing authorities for programs financed through the States under title IV–A and other sections of the Social Security Act, requiring only that there be coordination and integration at the community level.

The proposed act also authorizes the Secretary to designate State comprehensive child-care councils for each State upon approval of an application for designation submitted by the chief executive of the State.

The key requirement for the State council is that it be broadly representative of educational, welfare, health, manpower training, and other State agencies interested in child development in the State, as well as other individuals and public and private organizations interested in child development. As in the case of the Community Child Care Council, not less than one-half of the membership of the State council must consist of parents of children enrolled in child-development programs under the act, chosen by democratic selection procedures with the initial designation made on the basis of those children enrolled in Project Headstart and other child-development programs. Recognizing the initiatives taken by a number of Governors in this important area, the chief executive of the State is to serve as the chairman of the council.

The State child-care council is responsible for the submission of "State child-care assistance plans" and the review of applications for designation of child-care councils as well as for the review of community child-care plans.

In reviewing the applications for designation and in reviewing the child-care plans, the council is authorized to comment thereon and recommend to the Secretary any proposed changes deemed to be in the interest of maintaining the quality of programs, assuring an equitable distribution of programs within the State, insuring cooperation and coordination, and encouraging the maximum utilization of available services and facilities within the State.

The act reserves 10 percent of the funds allocated to each State under title I for any of the following activities under State child-care assistance plans:

Identifying child-development goals and needs within the State;

Providing technical assistance through State agencies and other organizations to assist in the establishment of community child-care councils, encourage the effective coordination between programs within the State, strengthen the educational, health, child welfare, and related components of programs to be conducted in the State, and assist in the acquisition or improvement of facilities for child-development programs;

Conducting child-development personnel training and exchange programs;

Assessing the effect of research programs and State and local licensing codes; and

Making recommendations in respect to the conduct of programs generally.

Mr. President, in this way we should encourage the full utilization of State expertise in the child development area which has been exemplified in New York and other States.

FEDERAL ROLE

Mr. President, with a shift of decisionmaking to the community and State levels, it is essential that the Federal Government retain sufficient authority and funding to insure a continued focus on children of low-income families, maintain programmatic quality and advance new approaches and knowledge.

While the impetus will come from the communities and the States, the Federal Government must maintain a strong oversight. A number of provisions have been included for this purpose:

Although plans are formulated at the community level, and commented upon at the State level, the final decision with respect to funding lies with Secretary of Health, Education, and Welfare;

The Secretary retains power to withdraw assistance in whole or in part in the event that the requirements for plans are not being met; and

Direct funding provisions authorize the Secretary to provide direct financial assistance to agencies and organizations, irrespective of whether a State or community child-care council has been designated or a plan has been approved, if he determines that children of low-income families will not otherwise be served effectively or that the provision of such assistance is otherwise necessary to effect the purposes of the act.

The proposed act contains also a reservation of 6 percent of the total funds under the act to insure equitable coverage of children of migrants and Indians and children whose functional language is other than English.

We have witnessed in recent years sincere and expanded efforts in the human resources field on the part of States and localities—sometimes rivaling even the Federal commitment—but, on the other hand, we continue to see attempts by such governments to deny the poor the benefits of programs, suggesting clearly that the Federal Government cannot let go completely yet.

Federal involvement that unnecessarily complicates the funding process must be avoided, but so-called Federal interference will still be necessary if the established priorities of the Nation are to be met. A denial of a benefit to a child is the denial of an opportunity to a person for life and any subsequent discrimination in education, employment, or otherwise will just be another insult piled upon a basic injustice.

Title II of the act provides for a strong Federal supportive role. Among its provisions are:

Expanded authority for research, demonstration, information, and evaluation;

Special resources for training and for studies to determine the need for additional personnel;

Federal standards for child-development services and a procedure to encourage the development of a model code for uniform State and local standards relating to child-development facilities;

A requirement that the Secretary conduct studies on the extent to which Federal, State, or local facilities might be used as child-development facilities; and

Establishment of a special National Child Development Advisory Committee to guarantee an interdisciplinary oversight of child-care programs at the Federal level.

ROLE OF AGENCIES AND ORGANIZATIONS CURRENTLY CONDUCTING PROGRAMS

Mr. President, as I indicated, we do not approach the field of child development without previous commitment. It is often said that we must build on past efforts. I agree. But we must not enact legislation that would merely pile a superstructure for the advantaged over the house that community action, educational and welfare agencies have built. The proposed act has been designed to insure not only that previous involvement is maintained but that such organizations participate in future growth.

Among the proposed act's requirements that provide this assurance are the following:

Community and State councils must consist of not less than 50 percent of parents of children enrolled in programs with initial designation made from parents of children in the Headstart and other child-development programs;

Agencies administering Headstart programs have the first opportunity to initiate formation of the community council, and are given special consideration on the community level to be appointed as the administering agency;

Plans cannot be approved without the comments of the Headstart agency as well as of educational agencies in the community;

A plan must include arrangements to insure that funds are allocated among project applicants in such a way as to insure special consideration to the needs of children of low-income families;

A plan must include arrangements for the utilization of services and facilities which are available from Federal, State, and local agencies, including community action agencies, child welfare agencies and educational agencies;

The Secretary is directed to adjust allocations to States in order to maintain funding for community action and other Headstart agencies;

The Director of the Office of Economic Opportunity must concur as to all rules, regulations, and the approval of plans as they may affect community action agencies and single-purpose Headstart agencies; and

The Commissioner of Education must concur with respect to programs and program components to be conducted by educational agencies and institutions.

INVOLVEMENT OF THE PRIVATE SECTOR

Mr. President, despite the rhetoric about the involvement of the private sector in child-care efforts and legislation to that end—including title VB of the Economic Opportunity Act, which I authored and 1969 legislation authorizing the establishment of joint labor-management trust funds—there are less than 200 industry or union related child-care centers in the country today attributed to this movement.

We should be aware of the intrinsic limitations of the private sector which arise from the mobility of employees and the need for more than custodial care—but we should not hesitate to involve the private sector in the context of total communitywide efforts.

We have, therefore, included various provisions in the bill to enable the private sector to cooperate infinitely better than it has so far in respect of these child-care programs. To that end, the bill contains the following provisions:

Business, industry, employee, and labor-management representatives are to be included on the child-care councils at the community, State, and Federal levels;

A requirement of each community child-care plan is that it include arrangements for the participation of business, industry, labor, employee, and labor-management resources and assistance within the community, including programs to encourage the provision of child-development facilities and services at or in association with a place of employment;

The requirements for matching authorize the Secretary to provide special incentives for private contributions;

The demonstration authority includes projects to test out programs providing child-development services by business, industry, labor, employee, and labor-management organizations;

Information and technical assistance provisions at the community, State, and Federal levels emphasize availability of services to the private sector; and

Among the specific assignments of the National Advisory Committee on Child Development is the assessment of the private role.

THE FEDERAL GOVERNMENT AS A MODEL EMPLOYER

Mr. President, as President Johnson instituted efforts to make the Federal Government a "model employer" for equal employment policies, so I suggest to President Nixon that he make the Federal Government a "model employer" insofar as child development is concerned. Such an action would evidence the commitment of the administration to the concept of the universality of child care and provide an example for private employee and other child-care programs as to the proper blending of services that can put equal priority on the parent and the child's needs. To that end, part B of title II would authorize special sums for programs for Federal employees which meet the same substantive requirements as are set forth under title I and certain other requirements. For fiscal year 1973, the sum of $50 million would be provided, with an authorization of $75 million for fiscal year 1974, and $100 million for fiscal year 1975.

At present the effort for Federal employees is limited. In 1968, the Department of Labor opened a child-care center for 30 preschool children of its employees, with half of the children selected from new employees who could not accept employment unless low-cost child care were available, and half selected from other Department employees in all grade levels. There have been similar activities in the Department of Agriculture, and other agencies of the Federal Government are considering such programs.

The Federal Government, as we know, has a great potential with regard to this matter. It has millions of employees, most of whom have children and many of those children could be subject to this act.

Mr. President, we can expect that at some time in the coming weeks the President will receive the report and recommendations of the White House Conference—which was attended by more than 4,000 distinguished educators, physicians, social scientists, and other persons interested in the welfare of children. It is my hope that after studying the report and its recommendations that the administration will make the kind of massive commitment to child care—beyond the provisions of the Family Assistance Act—both in terms of increased funding and support for legislation which this important matter deserves.

It is my hope that with the leadership of the administration, the Congress will effect comprehensive action on this crucial matter. I pledge, along with Senator HARRIS, to work toward the goal of the White House conference with Senator MONDALE—who I understand will reintroduce his own bill shortly—and with Senator PROUTY—who introduced a bill in the last session—Senator BAYH, and others in a combined effort to determine what melding of the interests of those currently involved in child development and what new approaches can best serve the cause of child development and avoid a proliferation of programs which can only diminish the expected returns for those who participate.

We are dealing with a problem which has had some attention, but not nearly enough and not really in a coordinated way in the local communities with the State and Federal Government assistance which is required.

We have proposed that child-development programs be evolved through a grant-in-aid approach, departing from previous proposals in its emphasis on the community. While general revenue sharing may make it possible for greater local financial participation, it would be inappropriate and detrimental to place the essential matter of child care under special revenue sharing where the objectives which I have outlined—community control, parental involvement, respect for the poor—could not be implemented.

To do our job on child development will take a full commitment by the administration, comprehensive action by the Congress and a willingness on the part of those who represent particular client groups in the current splintered structure to accept a place in an interrelated community system.

The measure relates to the problem of welfare and enables working mothers to work. It also relates to the care and education of children.

I ask unanimous consent that there be printed at this point in the RECORD a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. GAM-

BRELL). The bill will be received and appropriately referred; and, without objection, the section-by-section analysis will be printed in the RECORD.

The bill (S. 706) to provide for a comprehensive program of community-based and coordinated child development programs, introduced by Mr. JAVITS (for himself, Mr. HARRIS, Mr. SAXBE, and Mr. CASE), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section analysis, presented by Mr. JAVITS, is as follows:

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT ACT OF 1971

Section 2: *Statement of Findings and Purpose.* This section expresses the principal purpose of the Act—to provide a framework and authorize additional funds for the meaningful and coordinated evolution of child development programs at the community level so as eventually to make such programs universally available to every family in the Nation.

TITLE I. COMPREHENSIVE COMMUNITY CHILD DEVELOPMENT PROGRAMS

Section 101: *Direction to Establish Program.* This section directs and authorizes the Secretary of Health, Education and Welfare (hereinafter referred to as the "Secretary") to establish comprehensive community child development programs through the support of activities in accordance with the provisions of title I.

Section 102: *Authorization of Appropriations.* This section authorizes the following amounts for programs under title I: $900,000,000 for the fiscal year ending June 30, 1973; $1,800,000,000 for the fiscal year ending June 30, 1974; and $2,800,000,000 for the fiscal year ending June 30, 1975.

Section 103: *Application for Designation of Community Child Councils.* This section authorizes the Secretary to designate Community Child Care Councils to be responsible for the planning, coordination, and monitoring of child development programs in each area in a State which he determines to be a suitable area for the conduct of such programs and which is the area of (i) a city, (ii) a county or other unit of general local government determined to have general governmental powers substantially similar to those of a city, (iii) a combination of such units, (iv) a neighborhood or other portion of a city or (v) an Indian Reservation.

In determining whether an area is "suitable" for the conduct of child development programs, the Secretary is directed to take into account such factors as he shall prescribe, including the number of children of low income families in the area and the extent to which such children and other children will be served effectively, as well as the relationship of such areas to those previously established under Child-Development programs and areas established for education, manpower training and health programs. (subsection a)

An application for designation may be submitted on behalf of such council by any public agency or non-profit organization or combination of such agencies or organization within the area.

The application must provide for the establishment of a Community Child Care Council which is broadly representative of community action agencies, single-purpose Head Start agencies, community corporations, parent cooperatives, representatives of public and private educational agencies and institutions in the area to be served and certain other agencies, institutions and organizations interested in child development programs, as well as public officials for the area to be served. Not less than one-half of the membership of the Council must consist of parents of children enrolled in child development programs under the title (or for the purpose of initial designation, parents of children representative of those previously enrolled in project Head Start and other programs), chosen by democratic selection procedures established by the Secretary with prior concurrence of the Director of the Office of Economic Opportunity. The Chairman of the Council shall be elected by its members.

In addition, the application must describe the geographical area to be served, evidence capability of the Council for effective planning, coordination, and monitoring of programs in the area to be served and designate an agency to be responsible for disbursing funds and effecting coordination. The agency may be an existing agency or one newly created. Wherever feasible, any community action or other agency previously conducting project Head Start programs shall be designated.

In the case of two or more applications covering a common or overlapping geographical area, the Secretary shall determine the one which will most effectively carry out the purposes of the title, with special consideration for initial designation given to applications submitted by community action and other agencies previously conducting Project Head Start programs. (subsection c).

The application must be submitted in accordance with certain procedures, with an opportunity to comment accorded to any state Child Care Council (or chief executive of the State if no State Council has been approved), and by other applicants to serve a common or overlapping area. (subsection d).

Provisions govern the disapproval or withdrawal of an application (subsection e).

Section 104: *Responsibilities of Community Child Care Councils.* This section outlines the principal responsibilities of the Community Child Care Council to the Secretary—the planning, coordination and monitoring of child development programs and the submission of Community Child Care Plans for such programs in the area to be served—as well as its responsibilities to project applicants. The latter include the provision of a hearing before the Council in case of adverse determination, and the provision of technical assistance to individuals, agencies, and organizations interested in the establishment of programs in the area to be served. (Subsection a.) In order to carry out these responsibilities, the Council is authorized to obtain the services of staff, consult with other federal and state authorities, and utilize the services and facilities of other agencies. (subsection b.) The Secretary is directed to reserve not less than 2% of Title I funds for the purposes of the section. (subsection c).

Section 105: *Community Child Care Plans:* This section sets forth the requirements for Community Child Care Plans submitted by the Councils. Each plan must include (i) a description of the purposes for which financial assistance will be used; (ii) programs to ensure assistance on an equitable basis for children of migrants and other low-income families; (iii) appropriate arrangements to ensure that Community action and other Head Start agencies receive an allocation not less than that received the previous year and such additional allocations as may be necessary to insure special consideration to the needs * * *.

* * * codes on programs; (vii) conducting experimental, development, demonstration and pilot projects; and (viii) making recommendations to the Secretary, Community Child Care Councils and other agencies with respect to programs conducted under Title I.

Under Section 116(b), not less than ten percent of all funds allocated to the States for title I programs are reserved for services and activities under State Child Care Assistance Plans.

Section 111: *Direct Federal Funding.* This section authorizes the Secretary to provide financial assistance directly to any public or private agency or organization for the purposes set forth in Section 106, irrespective of whether a State or Community Child Care Council is serving such area, if he determines (in consultation with the Director of the Office of Economic Opportunity) that children of low-income families will not otherwise be equitably served or that the provision of such direct financial assistance is otherwise necessary to effect the purposes of the Act (subsection a). Subsection (b) directs the Secretary to establish procedures to govern his receipt of information which may be the basis for a determination under subsection (a).

Section 112: *Special Conditions.* This section provides that no assistance is to be provided under the title unless the Secretary determines that (i) children participating in the programs will receive such educational, food, nutritional, health and related services as are necessary to provide each child with the opportunity to reach his full potential; (ii) to the fullest extent possible programs shall be subject to the direction of a governing board of parents and that provision has been made for extensive parental participation; (iii) priority has been given to the provision of services to children of low-income families from birth through the age of five; (iv) programs will be conducted with linkage between the home and the environment in which conducted; (v) in the case of programs carried out by a local educational agency, children will not be denied the benefits because of their attendance in private preschool programs; (vi) programs will provide for the participation of families who are not low-income families, wherever possible; (vii) programs shall meet federal standards promulgated under Section 208; (viii) special requirements shall apply as to construction; and (ix) special requirements as to training programs are met.

Section 113: *Non-Compliance or Absence of an Approved Plan.* This section defines the circumstances in which the Secretary may determine that a State or Community Child Care Council, or project sponsor is no longer complying with the requirements of the Act. (Subsection a.) No determination of noncompliance can be made without the concurrence of the Commissioner of Education or the Director of the Office of Economic Opportunity with respect to matters as to which concurrence was required under Section 201.

Section 114: *Federal Control Prohibited.* This section prohibits federal control over the personnel curriculum, method of instruction or administration of any educational agency or institution.

Section 115: *Matching Requirements.* This section provides up to 80 percent sharing in the programs for any State or Community Child Care Council or agency, but permits greater sharing in the case of Community Councils where needed to insure equitable coverage of children of low-income families and authorizes varying sharing families to encourage contributions from private organizations. The non-federal share may be provided through public or private funds. Provision is made for application of non-federal contributions exceeding requirements to other programs.

Section 116: *Allocations.* This section allocates the funds appropriated under Title I as follows:

(a) 75 percent of funds are allocated among the states as follows: 30 percent (of the 75%) based upon the number of families having an annual income below the poverty level; 30 percent on the number of children under fourteen years of age of working mothers; and 40 percent on the number of

children who have not attained six years of age. (Sec. 116(a)(2)).

(b) 6 percent of funds are to be available for financial assistance under the direct funding provisions of Section 111 to supplement programs conducted under other provisions of Title I for children of migrants, Indians, or children whose functional language is other than English. (Section 116(a)(1)(A) and (c)).

(c) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation at the community level between agencies conducting child care programs and those conducting manpower employment and training programs assisted under other Federal laws. (Sec. 116(a)(1)(B) and (d)).

(d) 2 percent of funds are to be available for providing financial assistance as an incentive for the establishment by Community Child Care Councils of appropriate procedures for coordination and cooperation and continuity between preschool programs and educational and related programs conducted by Administrators of school systems at the community level. (Sec. 115(a)(1)(c) and (e)).

(e) 15 percent of funds are to be available to the Secretary for assistance under Title I without regard to apportionment.

The Section also provides for reallocations to ensure that funds available to Community action and other Head Start agencies are maintained (subsection f) and for other purposes (subsection d). Provisions for the publication of apportionment criteria (subsection h) and for maintenance of effort by States and units of general local government are included. (subsection i).

TITLE II—SPECIAL FEDERAL RESPONSIBILITIES

Part A Research, evaluation, training, and special provisions

Section 201: *Administration of Programs.* This section directs the Secretary to establish in the Department of Health, Education, and Welfare, an Office of Child Development as the principal agency for programs and activities relating to child development and for the carrying out of the provisions of the Act. (subsection a). The concurrence of the Commissioner of Education and of the Director of the Office of Economic Opportunity must be obtained with respect to programs or program components to be conducted by educational agencies and institutions and by community action and other Head Start agencies respectively.

Section 202. *Research.* This section directs the Secretary to establish a comprehensive program of research in the field of child development and to establish a program for the continuing dissemination of results of such research to State and Community Child Care Councils and other organizations to insure effective programmatic use of knowledge.

Section 203: *Demonstration.* This section directs the Secretary to establish a program of experimental, developmental and similar projects to evaluate the effectiveness of specialized methods in meeting the Nation's needs for child development programs, including the testing of programs involving tuition assistance, purchase, voucher or similar plans and to encourage the development of child development services and facilities at near places of business.

Section 204: *Information and Personnel Exchanges.* This section directs the Secretary to develop jointly with State and Community Child Care Councils a comprehensive program for the exchange of personnel and of information regarding programs in various communities.

Section 205: *Evaluation.* This section directs the Secretary to develop new and improved methods of evaluation of programs under the Act and to insure that evaluations are conducted by agencies and organizations independent of agencies participating in such programs at the community level.

Section 206: *Training of Child Development Personnel.* This section amends section 531(b) and 532 of the Higher Education Act of 1962 to provide greater funds for personnel for child development programs and Section 205(b)(3) of the National Defense Education Act, to make scholarships available for that purpose. The section is designed to supplement training activities pursuant to Child Care Assistance Plans and Community Child Care Plans under Title I.

Section 207: *Special Studies.* This section directs the Secretary (in consultation with the Secretary of Labor and Director of the Office of Economic Opportunity) to make continuing studies to determine the need for and availability of child development personnel, to make recommendations to the President and the Congress in respect thereto, and to promulgate guidelines for task and skill requirements for specific jobs and recommended job descriptions in the child development field.

Section 208: *Federal Standards for Child Development Programs.* This section establishes the authority ofr the promulgation of federal standards for child development programs.

Section 209: *Development of Uniform Code for Facilities.* This section directs the appointment of a special committee to develop a uniform code for facilities dealing with the health, safety and physical comfort of children, to be used in licensing facilities, and directs the Secretary to encourage their adoption by State and local governments. The Committee is to be comprised of parents and children enrolled in child development programs, representatives of state and local licensing agencies, public health officials, and others; not less than one-half of the Committee must consist of parents of children enrolled in Head Start programs and programs conducted under Title IV B of the Social Security Act.

Section 210: *Use of Federal, State and Local Government Facilities for Child Development Programs.* This section directs the Secretary after consultation with other officials of the Federal Government to report to the Congress, the extent to which facilities owned or leased by Federal departments, agencies and independent authorities could be used for child development programs, during times and periods when not utilized fully for usual purposes, and authorizes the Secretary to require a similar review and report on the part of any State or local unit of general local government as a condition to the receipt of assistance under the Act.

Section 211: *Advisory Committee Established.* This section requires the establishment of a broadly representative National Child Development Advisory Committee, given a broad mandate to assess the Nation's needs, review the administration of programs, and make recommendations in respect thereto.

Section 212: *Authorizations.* This section authorizes for Part A the sum of $75,000,000 for fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $100,000,000 for the fiscal year ending June 30, 1975.

Part B—Special child development programs for Federal employees

Section 221: *Program Authorized.* This section authorizes the Secretary to enter into agreements and provide technical assistance to Federal Departments, agencies and independent authorities and public and private agencies and organizations for programs for the children of employees of the federal government. (subsection a). In order to qualify, programs must meet the substantive requirements set forth for programs under Title I and provide a means of determining priority of eligibility, a scale of fees, and incorporation with Child Care Plan Programs under Title I, (subsection b).

Under the section, 80% matching is available. (subsection d). Programs cannot be conducted without approval of the plan from the head of the agency involved and the heads of agencies are authorized to make space available to such programs. (subsections (c)(e)).

Section 222: *Advisory Committee on Child Development Programs for Federal Employees.* This section directs the Secretary to appoint a special Advisory Committee on Child Care programs for Federal Employees, composed of one official and one parent from each of the Cabinet Departments and an official and a parent from each of three other agencies or authorities of the Federal Government. The Committee is responsible for identifying the child development needs of children, reviewing plans submitted pursuant to Section 222, assessing and evaluating the extent to which child development programs are sufficient to meet the needs and making recommendations for the further development programs for federal employees.

Section 223: *Authorization of Appropriations.* This section authorizes for Part B $50,000,000 for fiscal year ending June 30, 1973 and $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

TITLE III. GENERAL PROVISIONS

Section 301: *Advance Funding.* This section authorizes advance funding under the Act and transitions to such funding.

Section 302: *Definitions.* This section defines "child," "child development program," "children of low income families," "parent," "poverty level," "Secretary," and "state."

Section 303: *Nutritious Commodities.* This section directs the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, to make commodities available for child development programs under existing laws.

Section 304: *Legal Authority.* This section authorizes the Secretary to prescribe rules, regulations, guidelines.

Section 305: *Labor Standards.* This section requires the application of the provisions of the Davis-Bacon Act.

Section 306: *Interstate Agreements.* This section provides for interstate agreements for programs under the Act.

Section 307: *Effective Date.* This section makes the Act effective July 1, 1972.

Section 308: *Repeal, Consolidation and Coordination.* This section repeals section 222(a)(1), Part B of title V and Sections 16(2)(b), 123(a) and 312 of the Economic Opportunity Act of 1964.

Mr. HARRIS. Mr. President, the most valid predictor of whether a nation will survive and prosper is found not in such indices as the gross national product, birth rates, crime statistics, or mental health data, but rather, in the concern, within the nation, of one generation for the next.

This assessment, made by Dr. Urie Brofenbrenner, professor of psychology at Cornell University, points up the serious challenge facing the Congress as we consider legislation dealing with child care and development.

The increasing awareness of need for child care and development facilities in this country was spotlighted by the recent White House Conference on Children in its sessions involving "Developmental Child Care Services." The overall impact of the conference was to point up the great deficiencies in the ways in which our Nation attempts to protect the interests of its children.

The crisis in availability of child care services has come about from many diverse factors in our changing society: the increasing number of working mothers; the new emphasis on work training and work requirements as a part of our welfare laws; the change in family living patterns caused by shifts in population to urban areas; the breakdown in traditional family patterns arising from growing divorce rates and separation from larger family units; and, as to child development, the knowledge we have gained about the significant impact on a child's intelligence made by the stimulation and care received during the first few years of life.

Let us consider the working mother. Since the end of World War II, which was the high tide for working women to that date, the number of working women has doubled. But, the number of working mothers has increased nearly eightfold. In March 1969, 11.6 million mothers with children under 18 were working or seeking work; more than 4.2 million of these mothers had children under 6 years of age. Latest figures from the U.S. Department of Labor, Bureau of Labor Statistics, indicate that half of the Nation's mothers with school-age children, and one-third of mothers with children under 6 work at least part time. With these millions of children to be cared for, we now have in this country less than 700,000 available licensed day care slots.

Mothers are working today for varying reasons. Many are the sole support of their families, and work from harsh necessity. Others must, in inflationary times, work to supplement the family income to provide a better standard of living for the family. Today's emphasis on women's rights has caused many women to reconsider their traditional place in society. Those who are well educated or professionally trained would like freedom of decision as to their place in society and in the family. All of these working mothers share the same need; child care facilities which will be a creative force in the development of the children involved. While recognizing the prime responsibility of the parent or parents for the welfare and nurture of their children, other facts cannot be ignored. There are millions of young children whose mothers are now working. Statistics from the Department of Labor indicate that there will be increasing employment of mothers in future years. Society must be concerned with the well-being and development of these children during the hours they are separated from their mothers.

Studies have been made, as of 1965, concerning child care arrangements made by working mothers of 12.3 million children. Forty-six percent of the children studied were cared for at home by a father, other relative or a paid caretaker. About 18 percent were cared for away from home, with 2 percent being cared for in group centers. Another 28 percent were cared for by the mother. In these instances, 15 percent had mothers who worked only during school hours, while 13 percent accompanied their mothers to work. There have been no in-depth studies as to the quality and adequacy of care received under these varying arrangements. However, it is doubtful that these millions of children are receiving care and other services which will enable them to develop to their full potential. Many, doubtlessly, have a television set as their prime source of stimulation and occupation.

What of the 8 percent of children not accounted for in these figures? The cited study indicated that 8 percent of the 12.3 million children cared for themselves. This is nearly 1 million children with no supervision or training during the periods that their mothers are working. Four percent of these children were under the age of six. What kind of society can knowingly allow a million children to be without the care necessary to insure their safety, to say nothing of their overall development?

Faced with a glaring need for supplemental services for children, what should our response as a Nation be?

As we learn more about the impact of early education on the very young child, we can no longer espouse a program of custodial day care which merely keeps the child off the streets and provides some degree of safety. We owe the Nation's children much more.

The concept of universal early education for all children is gaining momentum. Research by psychologists, educators, and pediatricians places stress on the significance of a child's early years in shaping the person he is to become. Human intelligence develops up to 50 percent by the time a child is 4 years old. Development of knowledge in this field has led to increasing demand for preschool educational programs for all children—not limited to those who receive social services as a part of welfare programs, or those who need supplemental care while their mothers are working. In recognition of the importance of early education, the State of New York has recently adopted a policy of universal education for 4-year-olds, to be achieved over a 10-year period.

The varying needs of different children demand that any program of child development services provide a high degree of flexibility. Needs exist for full-time care, part-time care, day, nighttime, intermittent, after school, and varying types of emergency care. This care may best be provided in a home setting, or in a group program. Any program must, however, deal with the whole child—his educational, emotional, nutritional, health, social, and cultural development.

As a response to the needs of all children in our Nation, and with the purpose of setting up a framework which can ultimately be expanded to provide multiple supplemental services to all children, I join with the distinguished Senator from New York (Mr. JAVITS) in introducing the Comprehensive Community Child Development Act of 1971.

This act would provide for the increased availability of a wide range of child care services for children from infancy through the age of 13. It would, however, maintain continuing priority for children from low income families. The key to the operation of the program is strong emphasis on planning and decisionmaking at the local community level. Parents of children taking part in the programs would be fully involved, as well as other local groups with proven experience and concern for child development. The local groups would benefit from technical assistance and coordination efforts at the State level. Program standards, research and evaluation would be safeguarded by the Federal Government, which would also have authority to insure equitable provision of services for low-income families.

COMMUNITY COUNCILS

The proposed act consists of three basic titles. Title I would vest responsibility for the programs to be set up in the Secretary of Health, Education, and Welfare, who would approve funding child care programs developed by representative councils at the community level. Ninety percent of funds allocated to the States are available for local council programs. Technical assistance would be provided these local councils by State child care councils, set up under the provisions of this title. The following appropriations would be authorized: $900 million for 1973, $1.8 billion for 1974, and $2.8 billion for 1975. The second title of the act provides for Federal activities, including research, demonstration, and evaluation. It also would authorize a special program for children of Federal employees. This part of the act would authorize for appropriation $125 million for 1973, $175 million for 1974 and $175 million for 1975.

Upon application, the Secretary could designate local groups or community child care councils to have the responsibility for planning, coordination, and monitoring child development programs within areas deemed suitable by the Secretary. Due to the great diversity inherent in our Nation, a great deal of flexibility would be permitted as to the nature of the area in which a comprehensive program could be established. These could include a city, a county or other local governmental unit or combination of units, a neighborhood or part of a city, or an Indian reservation.

A number of factors would be stated to guide the Secretary in his decision as to the suitability of an area, including the number of children of low-income families within such area, the effectiveness of serving low income and other children within such an area, and the relationship of a selected area to the areas already established for education, manpower training and health programs and existing child development programs. These provisions would allow, within the flexible framework submitted, coordination with programs already established.

The Community Council created would be a public or nonprofit agency, representative of those groups in the community most knowledgeable and experienced in child development. This would include community action agencies, single-purpose Headstart agencies, representatives of educational institutions, parent cooperatives, representatives of labor, business, welfare, manpower training, and health agencies in the area. A

prime aim of this legislation is to insure that parents of children involved have an active voice in shaping these programs which so significantly affect their children. At least half the members of each council would have to be parents whose children are enrolled in programs established under this act.

In carrying out its responsibility for planning, coordinating and monitoring child development programs in the designated area, the council would prepare an overall plan covering the area to be served. Equitable assistance for children of migrants, bilingual children and Indian children in the area covered by the plan would be required. The act contains provisions for maintaining allocations presently received by community action and single-purpose head start agencies, and for integrating other child development programs financially assisted by the Secretary of Health, Education, and Welfare under other laws.

Child care plans would be further integrated into the overall community by provisions for coordination with other approved applicants. This can achieve substantial savings in joint program services, training and purchasing.

Provision is made for direct Federal funding of programs, if the Secretary finds that low income children will not otherwise equitably be served. The Secretary would not provide assistance under the provisions of the act unless he finds that certain special conditions have been met. These include: determinations that children will receive educational, nutritional, health, emotional, social, cultural, and cognitive development to allow each child the opportunity for achievement of his full potential. Parental governing boards and parental participation are given full stress. Priority is given for children of low income families from birth to 5 years of age, but suitable fees will be charged for services provided children whose family income is above the poverty level. Funds could be withheld by the Secretary if he determined, after notice and hearing, that the requirements of the act were not being met.

A formula for fund allocation among the States is set forth which would take into consideration three basic factors: the number of families in a State having an income below the poverty level; the number of children in a State under the age of 14 whose mothers are employed outside the home; and the number of children in the State who have not attained the age of six. Six percent of the funds authorized under title I are reserved for additional assistance for programs for children of migrants, Indian children, or children whose functional language is not English. Two percent of total funds would be reserved to provide for coordination and cooperation between preschool programs under this act and the educational systems in the community into which the children benefiting from the act will progress. Another 2 percent would be reserved for setting up procedures for coordination and cooperation between agencies providing programs under this act and manpower training programs conducted under other Federal laws.

In addition to funding of child development programs providing for a wide range of child care services, Community councils could also fund occupational training programs, training programs for parents, and such activities as an information dissemination center to inform parents of availability of child development services.

Title II of the act would establish in the Department of Health, Education, and Welfare an Office of Child Development, which would be the principal agency for programs relating to child development. Comprehensive research in the field of child development, evaluation of programs, and program standards implementation, would be among the more important responsibilities of the Office of Child Development.

Title II also provides for a National Advisory Committee that would be appointed by the President, which would have the responsibility for assessing the extent to which programs under this act and other acts establish an integrated approach to meeting the Nation's goals for child development programs.

A special provision of title II would authorize setting up child development programs for children of Federal Government employees. This, to my mind, would provide a particularly good opportunity for the government to take the lead in setting up a model program for children.

There are two other provisions in this act I would like to comment on briefly.

State Child Care Councils could be formed, representative of educational, welfare, health, and other State agencies interested in child development. However, one-half of the membership would be required to be parents. The Council would have the responsibility of reviewing and commenting upon applications for designation by community councils, reviewing child care plans, and insuring cooperation and coordination of programs conducted within the State.

It should also be noted that the act does not provide for the repeal of any existing Federal child care authorities, except those covered under the Economic Opportunity Act. It would leave intact what is now done under the Social Security Act, but would provide for consideration of those programs in coordinating all programs which receive financial assistance from the Department of Health, Education, and Welfare.

The existing Headstart programs are given full consideration in this act. The parents initially serving on the State and Community Councils would be chosen from parents of children presently in Headstart programs, and the Headstart agencies would be given special consideration in selection as administering agencies.

I hope that this Congress will give this important legislation and other proposals of this nature full and careful consideration. In the closing days of the last Congress the Senate Finance Committee, of which I am a member, attached an amendment to the social security bill that provided for the establishment of a Federal Child Care Corporation. I opposed the amendment in the Committee and joined with the distinguished senior Senator from New York (Mr. JAVITS) on the floor of the Senate in having this provision stricken from the bill. While I thought the Committee was to be commended for recognizing the need for better child care programs, I did not feel that the proposal for a Federal Child Care Corporation and the other proposals before Congress, including Senator JAVITS' bill, had been given ample consideration.

As a member of the Senate Finance Committee, I have long been concerned with various programs relating incidentally to child care as part of a larger legislative package—welfare, work training, or as proposed under the Administration's Family Assistance Plan. The information gained from my work in these areas has made me increasingly aware that programs affecting young children should stand on their own. They should not be merely a by-product of another Government program, but should be primarily concerned with the full development of the children involved. I further feel that any sound program dealing with children should strive for the highest possible degree of parental involvement and community control.

The bill that Senator JAVITS and I are proposing would set up a framework for coordination of presently fragmented programs. It would recognize the sound aim of dealing with all aspects of child development. It would particularly emphasize two important essentials of any child development program: parental involvement and community control.

Thoughtful consideration of the aims and methods in the proposed legislation can make 1971 a landmark year in the attempt of America to meet the needs of our children.

S. 707—INTRODUCTION OF A BILL TO ESTABLISH THE FORT CONSTITUTION NATIONAL HISTORIC SITE, NEW HAMPSHIRE

Mr. COTTON. Mr. President, the United States of America is approaching a historically significant period in its young life—the 200th anniversary of its Declaration of Independence.

We will mark this anniversary in 1976 when it is expected that every State in the Union will take part in the Nation's American Revolution Bicentennial celebration.

In my home State of New Hampshire, plans already are underway, stimulated and supervised by the New Hampshire American Revolution Bicentennial Commission and several of the State agencies.

New Hampshire, as the first to declare its independence, has an important role to play in the bicentennial. There is no more appropriate time, therefore, to introduce legislation seeking to designate Fort Constitution at New Castle, N.H., a historical site in the national park system. Such designation will mean the restoration of a site which had great bearing on the events of the Revolutionary War.

Fort Constitution formerly was Fort William and Mary. American patriots seized it in December 1771, the first armed attack on Great Britain in the period before Lexington and Concord. They secured gunpowder and other munitions used against British troops at the Battle of Bunker Hill.

The fort also was one of the sites to which Paul Revere rode, warning that the British were coming.

Today, Mr. President, I send to the desk a bill to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and I sincerely hope that with its passage we will be on our way toward having the historic landmark restored.

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

The bill (S. 707) to provide for the establishment of the Fort Constitution National Historic Site in New Hampshire, and for other purposes, introduced by Mr. COTTON, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 708—INTRODUCTION OF A BILL FOR THE RELIEF OF THE VILLAGE OF ORLEANS, VT.

Mr. PROUTY. Mr. President, I introduce for appropriate reference, a bill for the relief of the village of Orleans, Vt.

The purpose of the proposed legislation is to authorize and direct the Postmaster General to receive and consider any claims of the village of Orleans, Vt., for the repayment of six unpaid money orders issued to the village in 1945 in the aggregate amount of $527.31. The bill would require the Postmaster General to provide for the payment of the face value of the money orders to the village.

This bill is the same as S. 839 of the 90th Congress and S. 275 of the 91st Congress. Both bills were passed by the Senate but the House failed to take any action.

I ask unanimous consent to have printed in the RECORD an excerpt from the Senate Report, 91–209, explaining the reason for the Senate's prior favorable action on this bill.

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

The bill (S. 708) for the relief of the village of Orleans, Vt., introduced by Mr. PROUTY, was received, read twice by its title and referred to the Committee on the Judiciary.

The excerpt furnished by Mr. PROUTY is as follows:

STATEMENT

This bill (S. 275) is identical to S. 839 of the 90th Congress which was passed by the Senate and on which the House took no action. The facts of the case as contained in the report requested from the Post Office Department and as quoted verbatim in the report (No. 1238) of the Committe on the Judiciary in the 90th Congress accompanying S. 839 when it was passed by the Senate, are as follows:

The Department is prohibited by law from paying a money order after 20 years from the last day of the month of original issue. Also, claims for unpaid money orders are forever barred unless received by the Department within that period (39 U.S.C. 5103(d)).

It is our understanding that in 1945 the treasurer of the village of Orleans purchased six money orders totalling $527.31, to be used for payment to the Province of Quebec, Canada, of a duty tax on certain securities. Later it was determined that there was no tax liability on the securities, and consequently the money orders were not used. The present board of trustees of the village was unaware of the money orders until recently, when they turned up in the personal effects of the deceased village treasurer.

Pursuant to the law cited above, records relating to the subject money orders have been destroyed. We, therefore, have no way of knowing whether duplicate money orders were issued in this case. If they were, enactment of S. 839 would constitute a double payment.

We would suggest the probabilities are that duplicates effecting a refund to the village were issued, since in all likelihood the question of the unused money orders and what to do about them arose when the village authorities met to discuss the financial affairs of the village. Presumably, the original money orders were lost or mislaid at the time; in which case it is reasonable to expect that the village would file for duplicates.

Enactment of legislation such as S. 839 would make it incumbent upon the Department to maintain money order records indefinitely. This would be contrary to the policy established by Congress in enacting section 5103(d) of title 39, United States Code; namely, that the records of the Department cannot be maintained indefinitely to adjudicate the millions of money orders issued annually.

At the request of the committee, the sponsor of the bill has produced an affidavit from the village of Orleans, which the committee believes overcomes the objection of the Department. The affidavit indicates that in this case there is no danger of a double payment.

In agreement with the previous action in the 90th Congress, the committee recommends the bill favorably.

S. 709—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL CEMETERY IN THE STATE OF VERMONT

Mr. PROUTY. Mr. President, I introduce for appropriate reference a bill to provide for the establishment of a national cemetery in the State of Vermont.

Two years ago in introducing a similar measure, I noted that 35 of our 98 national cemeteries were inactive. I am distressed to note today that since then, 11 more facilities have been so classified. The Department of the Army informs me that this trend will continue and thus there will soon be little or no space available for our Nation to accord one final honor to those who have served our Nation well.

Not only is our national cemetery system short of space, but it is also inequitable geographically. Of particular concern to me is that there is no national cemetery in the six States of New England. The nearest national cemetery for burial of New England veterans is in Farmingdale, Long Island, N.Y. Not only is the distance too great for most New Englanders, but the Department of the Army informs me that space in this cemetery will run out in 1975.

The storage of space and the inequitable distribution of our national cemeteries demands the attention of the Congress. I am hopeful that the newly formed Committee on Veterans' Affairs which has jurisdiction over national cemeteries will review the problems I have raised.

Mr. President, my bill does not seek to revise the entire national cemetery system, though such a revision may well be in order. Rather the bill simply directs the Secretary of the Army to establish a national cemetery in the State of Vermont. In the measure I have purposely omitted reference to any specific location for this cemetery. I have, however, conditioned its selection on the approval of appropriate local officials.

Mr. President, while my bill responds only to the needs of my State, I hope its introduction may serve as a catalyst for a review of our entire national cemetery system.

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

The bill (S. 709) to provide for the establishment of a national cemetery in the State of Vermont, introduced by Mr. PROUTY, was received, read twice by its title and referred to the Committee on Veterans' Affairs.

S. 715—INTRODUCTION OF A BILL TO ESTABLISH THE FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT), the senior Senator from Alabama (Mr. SPARKMAN), and myself, I introduce for appropriate reference a bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes.

This proposal was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter from Under Secretary Fred J. Russell accompanying it be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes."

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

The bill establishes a Federal corporation to prepare a plan for the development area

between the Capitol and the White House. The corporation is directed to transmit the plan to the Secretary of the Interior, the National Capital Planning Commission, and the District of Columbia Government for approval. Upon such approval, the corporation is directed to submit the plan to the President of the Senate and the Speaker of the House of Representatives. Following 60 days after such transmittal, the corporation is authorized to proceed with the execution and implementation of the plan.

The corporation is authorized, among other things, to acquire, operate, and sell real and personal property, enter into contracts with public and private agencies or persons, establish such restrictions as are necessary to assure development, maintenance, and protection of the development area in accordance with the plan, and to borrow money from the Treasury in such amounts as may be authorized in appropriation acts.

The bill provides that no new construction shall be authorized or conducted within the development area after enactment except upon prior certification by the corporation that the construction is, or may reasonably expected to be, consistent with the development plan. If the plan has not become effective after 16 months, however, the requirement for such a certification will cease until the plan does become effective.

Provisions are included conforming the corporation's acquisition, relocation, and other authorities to applicable portions of the D.C. Code and other Federal laws, and the corporation is directed to make payments in lieu of taxes to the District of Columbia Government in connection with any real property acquired and owned by the corporation.

We support the concept of redeveloping this portion of the District of Columbia from the Capitol to the White House. As the President said on September 8, 1970, in support of similar legislation,

"Time is short. The approaching Bicentennial provides us an opportunity to fulfill in this city, at this time, a magnificent vision of the men who founded our Nation, and at the same time to create a standard for the rest of the Nation by which to measure their own urban achievement, and on which to build visions of their own. Much has been written of the crisis of the American city. Too much of what has been written is true. The time has come to measure what we do, not by what we are, but by what we can be. If we do not do this work now, other men will do it for us at another time. Let us do it now."

The submission of this draft legislation answers that directive.

Administrative services for the corporation will be provided by the General Services Administration on a reimbursable basis.

The bill authorizes the appropriation of such funds as may be required to carry out its purposes.

On September 30, 1965, the Secretary of the Interior, with the concurrence of the President, designated the Pennsylvania Avenue National Historic Site pursuant to the Act of August 21, 1935 (49 Stat. 666). All but approximately six blocks of the national historic site is located within the development area defined in this proposed bill.

The responsibility of the Secretary of the Interior for the national historic site is to assure that developments are consistent with the preservation of the historic character of the site. We believe the Secretary can exercise that responsibility within the context of the bill.

The Office of Management and Budget has advised that the presentation of this draft bill is in accord with the program of the President.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

Mr. JACKSON. This proposal was also submitted by the Department late in the second session of the 91st Congress and introduced by the senior Senator from Colorado and me. Hearings were held before the Interior Committee, but it was too late in the session for final action to be taken.

Mr. President, the senior Senator from Alabama (Mr. SPARKMAN) has spoken to me about this bill in connection with possible interests of the Committee on Banking, Housing, and Urban Affairs. After we have acted on it, we will be happy to have the bill referred to the Committee on Banking, Housing, and Urban Affairs, if that is his wish.

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

The bill (S. 715) to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators, by request), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs and then to the Committee on Banking, Housing, and Urban Affairs, if Mr. SPARKMAN wishes it, by unanimous consent.

S. 716—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM FOR FISCAL YEAR 1972

Mr. JACKSON. Mr. President, I join with my colleague from Colorado, the senior minority member of the Committee on Interior and Insular Affairs, to introduce, by request, the measure proposed by the Department of the Interior to authorize the fiscal year 1972 appropriations for the saline water conversion program. The Department's measure proposes an authorization totaling $27,025,000 to continue the program through fiscal year 1972. This amount supports the request for appropriations included in the President's budget, and it compares to a program level of $28,677,934 in fiscal year 1971.

The saline water conversion program was established by the Congress to support research and development aimed at the achievement of low-cost methods for desalting saline and brackish water for beneficial consumptive purposes. The program through fiscal year 1967 operated under two basic authorizations:

First. Authority to conduct research and development programs. Saline Water Act of 1952 (66 Stat. 328) as amended.

Second. Authority to construct, operate, and maintain desalting plants in order to demonstrate the production of desalted water (72 Stat. 1706).

In 1967, the Congress enacted legislation (81 Stat. 78) to consolidate the earlier acts under the title of the Saline Water Conversion Act, and to authorize appropriations for fiscal year 1968. It has since been the policy of the Congress to authorize appropriations for the program on an annual basis.

The existing legislation includes language establishing the fiscal year 1972 appropriation as the final year of full funding to accomplish the purposes of the saline water conversion program. The legislation provides for additional years of funding only for the orderly termination of the work undertaken through fiscal year 1972.

Although the administration has not yet made any recommendations concerning the future of the program, it will be necessary for the Congress to give consideration to this matter during this session.

The Committee on Interior and Insular Affairs will consider whether there is a need for further Federal efforts in desalting research and development as it reviews the proposed fiscal year 1972 authorization. We must decide whether the program is to be continued along present lines, restructured, or phased out. This will require basic policy decisions, and I am hopeful that the administration will make timely recommendations to assist in this effort.

I request that the text of the Department's letter transmitting the draft bill be included in the RECORD following my remarks.

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

The bill (S. 716) to authorize appropriations for the saline water conversion program for fiscal year 1972, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT, by request), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter furnished by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 29, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize appropriations for the Saline Water Conversion Program for fiscal year 1972, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted. This Department's Office of Saline Water (OSW) has made considerable progress in the development of practical, low-cost methods for producing fresh water from saline, brackish, and other mineralized or chemically-charged waters. It has fostered the development of desalting technology and has encouraged water planners and the desalting industry to cooperate in developing viable plans for meeting the Nation's water requirements.

The legislation under which the OSW conducts its program, the Act of July 3, 1952, as amended (42 U.S.C. 1951 *et seq.*), authorizes "to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts." In order to meet fiscal year 1972 program requirements, we propose an appropriation of $27,025,000 to enable the OSW to conduct its research and development program as follows:

I. Research and development operating expenses, $15,675,000;

II. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, $7,385,000;

III. Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,425,000; and

IV. Administration and coordination, $2,540,000.

Major changes from the fiscal year 1971 program of $28,677,934, are described as follows.

Research and development operating expenses activity contains a net increase of $495,066. Sizable cutbacks or elimination of effort for 1972 have been made in the materials, crystalliaztion, and electrodialysis research and development programs. Additional emphasis is planned for environmental research and development to assure that measures for protection of the ecology are incorporated in the process developmental program. Also, funds are required for additional equipment involved in further development of distillation processes.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities activity reflects an increase of $1,985,000 and includes a request for three additional positions. Two of the three positions are for managerial support at the Roswell, New Mexico and Freeport, Texas facilities. The manager at each of these facilities is the only OSW representative on site. The expanded activities require that the managers be provided assistance in technically coordinating the programs. The third position is for the Wrightsville Beach, North Carolina, Test Facility to assist the physical science technician in responding to the increasing analytical requirements associated with evaluation of new and improved sea water desalting development plants.

Included in the program for this activity in FY 1972 is $2,100,000 for acquisition of two reverse osmosis test beds. Acquisition of a reverse osmosis sea water plant is an essential intermediate step toward the advancement of economical desalting of sea water by this process. Past engineering and economic studies have shown that reverse osmosis is more economical than distillation for desalting sea water in plant sizes up to 5 million gallons per day. The plight of small communities where the population depends upon bottled water for cooking and drinking indicates a need for production plants of this type.

A 500,000 to 750,000 gpd High Product Recovery test bed plant is needed primarily to reduce the volume of brine effluent that must be disposed of without adverse effect on the environment, particularly in inland areas. Recognizing the need for development of high product recovery and high flux membrane plant technology OSW, over the past 3 years, has devoted significant efforts to develop suitable hardware and system components required for these plants. Evaluation of the technology on a test bed scale is now necessary to confirm pilot plant data prior to scale up to prototype and commercial plants of multimillion gallons per day capacity.

Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules activity is decreased by $4,170,000. This decrease is attributable to the acquisition cost of the Vertical Tube Evaporator/Multistage Flash Module that was authorized for fiscal year 1971.

Administration and coordination activity shows an increase of $37,000 and includes a request for two additional positions in the OSW Washington headquarters. These positions are: (1) a project management engineer to assist in planning cooperative programs with other water planning agencies and other field test programs; and (2) a budget clerk to assist the budget officer in preparing and managing the OSW budget.

The appropriation authorization requested for FY 1972 reflects two other changes from the FY 1971 authorization. It omits the dollar limitation on foreign expenditures and it provides for a 2 percent overrun in administration and coordination activity.

Deletion of limitation on foreign expenditures. The FY 1971 authorization limited foreign expenditures to $100,000. Restoration of foreign authority is requested for the continuation of highly promising research grants in the reverse osmosis area to foreign institutions. The FY 1971 funding of this activity is approximately $65,000. Since the enactment of the restriction on foreign expenditures, OSW has not been receiving research proposals from foreign institutions. In the past, OSW has only funded those research proposals that were unique and showed a high degree of promise. Removal of the restriction will help to assure that the United States will obtain the information possessed by foreign research scientists. The exchange of information between this Nation and foreign nations is most decidedly one way, i.e., we provide more information than we receive. Although it is not expected that expenditures for foreign research will be significant, it is hard to estimate precisely what the requirement will be.

Reprogramming—Administration and Coordination. The administration and coordination activity, approximating 10 percent of the total authorization, must provide for all OSW headquarters costs, of which 90 percent are for personnel. The authorization for this activity in fiscal year 1970, adjusted for the pay increase under Public Law 92–231, exceeded actual charges by less than $10,000. An inordinate degree of control is required throughout the year to assure that no action is taken which might result in overobligation of the authorized funds in this account. As an example of the problem, if personnel employment within the authorized ceiling exceeds the estimate by only one man-year and if sufficient savings cannot be made in the relatively small balance of the funds in other than personnel costs, the OSW may be required to seek congressional relief. A 2 percent reprogramming authority (approximately $50,000) appears reasonable.

A statement concerning significant environmental impacts of the proposal pursuant to section 102(2(C) of the National Environmental Policy Act of 1969 will be forwarded to accompany the bill.

The Office of Management and Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

S. 716

A bill to authorize appropriations for the Saline Water Conversion Program for fiscal year 1972, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1972 the sum of $27,025,000 to remain available until expended as follows:

(1) Research and development operating expenses not more than $15,675,000: *Provided,* That notwithstanding the provisions of section 8 of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1958), such funds may be obligated for the procurement of research services through contract with institutions or individuals in foreign countries;

(2) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $7,385,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,425,000; and

(4) Administration and coordination, not more than $2,540,000.

Expenditures and obligations under any of such items, may be increased by not more than 10 per centum, except item (4) which may be increased 2 per centum, if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items.

S. 717—INTRODUCTION OF A BILL TO ESTABLISH THE HELLS CANYON-SNAKE RIVER IN THE STATES OF IDAHO, OREGON, AND WASHINGTON

Mr. PACKWOOD. Mr. President, it is with extreme concern that I once again call the attention of the U.S. Senate to the dangerous threats to one of America's precious natural treasures—the Hells Canyon of the Snake River. It is incomprehensible to thousands of Americans that the Congress has not yet seen fit to protect this deepest of all river gorges on earth.

Last year I introduced legislation to establish the Hells Canyon-Snake National River, and the same bill was introduced on the House side by Congressman JOHN SAYLOR. Congress failed to take action and the legislation died when we adjourned the 91st Congress.

My great concern, and JOHN SAYLOR'S great concern, did not die. Neither did the concern of the thousands from New York to Oregon, and from Alaska to Texas, who have taken the time to express their heartfelt views to me, to the House and Senate Committees on Interior and Insular Affairs, and to newspapers, radio and television stations across our great land.

I still feel as strongly about this priceless treasure as I did last year, and I believe the recent nationwide television program "The American Wilderness," narrated by Hugh Downs, documented very well the magnitude of public opinion on this issue.

Today, I am again introducing legislation to preserve the Middle Snake and adjacent lands. This proposal will have some modifications from last year's version. The main change in the language is a change from so-called instant wilderness to a 2-year study of the proposed wilderness areas.

Mr. President, I ask unanimous consent to have the text of my proposal printed in the RECORD, along with the text of a letter I received from the Hells Canyon Preservation Council, Inc., of Idaho Falls, Idaho, immediately following my remarks.

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

The bill (S. 717) to establish the Hells Canyon-Snake River in the States of Idaho, Oregon, and Washington, and for other purposes, introduced by Mr. PACK-

WOOD, 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. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve, protect, develop, and interpret for the enjoyment of present and future generations the one hundred and twenty mile segment of the Snake River between the town of Homestead, Oregon, and the town of Asotin, Washington, together with portions of several of its tributaries, and the lands adjacent thereto, which possess unusual and outstanding scenic, recreational, geological, fish and wildlife, historical, cultural and other values, there is hereby established the Hells Canyon-Snake National River. The National River shall consist of the land, waters, and interests therein within the area generally depicted on the drawing entitled "Boundary Map, Proposed Hells Canyon-Snake National River" which is on file in the Department of Agriculture. The Hells Canyon-Snake National River shall be administered by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in the manner set forth in this Act.

SEC. 2. The Secretary may acquire lands, waters, and interest therein (including scenic and conservation easements) within the area comprising Hells Canyon-Snake National River by donation, purchase with donated or appropriated funds, exchange, or otherwise. Any property within such area owned by the State of Idaho, Oregon, or Washington, or any political subdivision thereof, may be acquired by donation only. All Federal lands, including national forest lands and all other Federally owned lands, within such area are hereby made a part of the Hells Canyon-Snake National River, and jurisdiction thereof shall reside with the Secretary.

SEC. 3. The Hells Canyon-Snake National River shall consist of three administrative units, as follows:

(A) The Seven Devils unit, consisting of approximately three hundred and fourteen thousand acres within the Nez Perce and Payette National Forests in the State of Idaho bordering on the Snake River, together with adjacent lands. The Snake River boundary of this unit shall begin at a point in Idaho approximately one-half mile north of the point on the Snake River directly east of the town of Homestead, Oregon, and extending northerly, a distance of approximately fifty-seven miles on the Idaho side of the Snake River to a point on the river in Idaho directly east of the point of confluence of Lookout Creek in the State of Oregon with the Snake River. The exterior boundaries of this unit shall be the boundaries set forth in the map referred to in the first section of this Act.

(B) The Imnaha unit consisting of approximately three hundred and fifty thousand acres in the Wallowa-Whitman National Forest in the State of Oregon, and extending along the Snake River in the State of Oregon from the southernmost point of the national forest boundary which touches the Snake River (approximately one-half mile above the mouth of McGraw Creek) northward approximately ninety-one miles along the Oregon side of the Snake River to the northern boundary of the Wallowa-Whitman Forest at the point where it touches the Snake River. The exterior boundaries of such unit are further defined in the map referred to in the first section of this Act.

(C) The Snake River unit of approximately fifty thousand acres, extending in a strip approximately one-quarter mile wide on the Idaho side of the Snake River from the northern boundary of the Seven Devils unit to a point due east of the southern boundary of the city limits of the town of Asotin, Washington; and extending northward approximately thirty-six miles on the Oregon and Washington side of the Snake River from the northern boundary of the Imnaha unit to the southern boundary of the city limits of the town of Asotin, Washington. Such unit shall also include both sides of the Salmon River in the State of Idaho in a strip approximately one-quarter mile wide on each side of such river, from the point of its confluence with the Snake River, upstream approximately one hundred miles to the mouth of Elkhorn Creek, and also include both sides of the Grande Ronde River in the States of Washington and Oregon in a strip approximately one-quarter of a mile wide on each side of said river, from the point of confluence with the Snake, upstream approximately forty miles to the town of Troy, Oregon.

SEC. 4. The Secretary shall administer the National River area in such a manner as will in his judgment best accomplish the following: (1) conservation of scenic, wilderness, recreational, cultural, historic and other values contributing to public enjoyment; (2) public outdoor recreation; (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, wilderness, recreational, cultural, historic, or other values contributing to the public enjoyment.

SEC. 5. (a) All lands comprising the National River are hereby withdrawn from mineral entry and location. Timber harvest within the area comprising the National River, except for the purpose of construction of recreational roads and other recreational developments, shall be excluded.

(b) Subject to the provisions of section 4, grazing is hereby specifically declared to be an allowable and permissible use within the National River.

(c) Scenic values of the Snake River unit shall be preserved primarily through acquisition of scenic and conservation easements, and through encouragement of appropriate State and local zoning restrictions.

SEC. 6. Within two years from the date of enactment of this Act, the Secretary shall review the area within the National River and shall report to the President in accordance with sections 3(b) and 3(d) of the Wilderness Act, his recommendations as to the suitability or nonsuitability of any area within the National River for designation as wilderness. Any designation of any such area as wilderness shall be accomplished in accordance with such sections of the Wilderness Act.

SEC. 7. Notwithstanding any other provision of this Act, the Secretary shall take no action with respect to acquiring by condemnation the fee title to any lands or waters authorized to be acquired pursuant to this Act, unless the Secretary has first determined that the acquisition of a scenic or conservation easement covering such lands or waters would not be economically feasible.

SEC. 8. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, no dams or other water impoundments shall be constructed on any portion or segment of the Snake, Imnaha, Salmon, and Grande Ronde Rivers within the Hells Canyon-Snake National River; except that the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act) on such portion or segment which is already constructed on the date of the enactment of this Act.

(b) The Secretary shall permit and encourage public hunting and fishing in all lands and waters under his control within the Hells Canyon-Snake National River. Such hunting and fishing shall be carried out in accordance with the law of the State within which such lands or waters are located.

SEC. 9. The Secretary may enter into cooperative agreements with the owners of property which are designated herein as included within the exterior boundaries of the Hells Canyon-Snake National River as sites in non-Federal ownership. Such agreements shall contain, but need not be limited to, provisions that in effect state that (1) the Secretary shall have the right of access at all reasonable times to all public portions of the property for the purpose of conducting visitors through the property and interpreting it to the public, and (2) no changes or alternations in the type of use shall be made in such non-Federal properties, including buildings and grounds, without the written consent of the Secretary.

SEC. 10. There is hereby authorized to be appropriated the sum of not more than $40,000,000 for improvement of the road from the town of Imnaha, Oregon, through the Imnaha River Canyon to Dug Bar on the Snake River, the road from White Bird, Idaho, to Pittsburg. Landing on the Snake River and the existing road from Imnaha, Oregon, to the Hat Point lookout above the Snake River. There is also authorized to be appropriated the sum of not more than $10,000,000 for the development of recreation facilities (principally campgrounds) along the three roads as described above and for the development of a visitors center at Hat Point and for such additional development as may be necessary to fulfill other requirements set forth herein. Further, there are authorized to be appropriated such sums, but not more than $10,000,000, as may be necessary for the acquisition of lands and interests in lands within the National River.

The letter presented by Mr. PACKWOOD is as follows:

HELLS CANYON PRESERVATION COUNCIL, INC.,
Idaho Falls, Idaho, February 5, 1971.

To: All Members of Congress from Idaho, Washington, and Oregon.

DEAR SIR: Few of America's great natural treasures remain today, unspoiled and yet unprotected. The legislation of earlier Congresses protect most and we now have a system of national parks and preserves unparalleled in man's history.

But the Hells Canyon of the Snake River is not protected. And yet it is a National treasure, unique in this World, left unspoiled because only recently has man found ways to conquer its greatness.

The deepest of all river gorges on our entire planet, Hells Canyon is still much as man first found it. And through its heart, nearly 8,000 feet below the snow-capped canyon rim, the last free-flowing stretch of the once-proud Middle Snake River still runs wild and rampant.

It is well known that Hells Canyon is threatened today, in danger of being lost forever. Applications are pending and final briefs have been filed with the Federal Power Commission for licenses to build dams in the canyon on the heretofore untouched portion of the Middle Snake.

But Hells Canyon is more than threatened. It is being lost today, slowly but surely. Three dams already choke the upper reaches of the canyon and reservoir pollutants are even now killing a once-healthy, ecological system. Just last month the Idaho Department of Health warned residents not to eat certain species of fish from the area because of high mercury contamination. Excess nitrogen and insufficient dissolved oxygen in the unnaturally heated water are killing downstream fish and ruining centuries-old salmon

runs. Less than two months ago, the Idaho Fish and Game Department testified at a Corps of Engineers' hearing that the minimum allowable flow downstream of the dams must be increased if aquatic life is to be preserved.

It is not only the existing dams that are spoiling this great American treasure. Road construction continues unabated in the wilderness areas adjacent to the river so that timber may be cut and trucked out. Some areas have already been lost to the loggers' axe, the timber almost given away to bolster a faltering lumber industry. Priceless petroglyphes and other archeological artifacts holding secrets to the canyon's early history have been defaced or stolen by careless sightseers.

You may recall that a bill, S. 940, was introduced and passed by the Senate during the last Congress to prohibit the licensing of hydroelectric dams on the Middle Snake for a period of eight years. In appearance this bill appears to be an adequate first step toward eventual protection. It is not!

The fish are dying today. The wilderness area is being logged. The archeological sites are being destroyed. The power and water interests are spending millions of dollars to clear the way for eventual exploitation of the river. None of this would be stopped by a moratorium. In ten years we would not have the opportunity to preserve the same unique treasure that we have today.

Another bill was also introduced during the last Congress. The Hells Canyon-Snake National River Bill by Senator Packwood and Congressman Saylor offers the only real protection for the river and the canyon.

It is a different bill than most. It is aimed at preserving the status quo of this magnificent Hells Canyon area. It offers something for all who would use the area but not exploit it. It is different from a national park status because it would allow the hunting and fishing to continue; administration would remain with the Forest Service. It is different from a wild river status because it would also preserve the adjacent wilderness areas and allow motorized boats to continue in operation.

The Hells Canyon-Snake National River Bill will soon be introduced. We ask that you support this legislation by co-sponsoring the bill with Bob Packwood and John Saylor. We feel your support by co-sponsorship will greatly help the chances of the bill getting fair consideration by Congress.

I am enclosing some additional information which I hope you will review. I ask you to discuss the matter in depth with Senator Packwood or Congressman Saylor. If we in the Council can be of any assistance in helping you to learn more of this great American treasure we are attempting to preserve for future generations, please let us know.

Very sincerely,

PETER B. HENAULT,
Director.

S. 718—INTRODUCTION OF THE PROGRAM INFORMATION ACT

Mr. ROTH. Mr. President, today I am introducing a bill which will create a catalog of Federal domestic assistance programs. The bill is cosponsored by Senators BOGGS, BEALL, BENNETT, CASE, JAVITS, KENNEDY, MATHIAS, PERCY, SCOTT, STEVENS, TAFT, and TOWER.

According to its terms, this bill will require the President to publish no later than May 1 of each year a catalog to identify and describe in a meaningful breakdown all Federal domestic assistance programs. The catalog shall identify and describe the program, including the type of assistance; provide financial information as available; state obligations of those receiving aid; identify the appropriate officials to contract; describe the application process, including pertinent deadlines; and identify closely related programs.

The purpose of this proposal is to provide meaningful information on Federal domestic assistance programs to those in most need of obtaining it, the intended beneficiaries. We, in the Congress, over the past decade have attempted to solve many of the problems existing in our society by vast Federal programs for the aid of individuals, States, and local governments. At the same time we have encouraged the creation of a vast bureaucracy to administer our legislative acts. Yet, we have done little to furnish efficiently the potential beneficiaries with enough information as to what is available. The Program Information Act will be a small but important step toward that end.

Since its introduction over 2½ years ago, this legislation has enjoyed wide support from the Members of Congress, the executive branch, the National Governors' Conference, and the National Association of County Officials and many other groups and individuals on both the National and State levels. In fact, this legislation has already enjoyed the approval of this body during the last Congress, when on October 7, 1970, S. 60 was unanimously approved.

MODIFICATIONS FROM S. 60

Mr. President, the legislation which I am introducing today contains two important changes from that which passed the Senate last October. First, the program information, now required to be included in the catalog on each Federal domestic assistance program, will include meaningful financial information of interest, not only to those applying for Federal assistance, but also the Members of Congress. The catalog envisioned by this legislation will provide information on current authorizations and appropriations for each program, as well as obligations incurred for past years and any unobligated balances. This will create a capability in the catalog to provide information on which Federal programs are available, which are being utilized, and which require more funding.

This proposed legislation also increases the free distribution of the catalog to encourage wider use. Under the proposed bill, 5,000 copies of the catalog will be made available to the Members of Congress and congressional committees. Twenty-five thousand additional copies will be provided to Federal agencies and State and local government units.

THE COST OF THIS PROPOSAL

Eight-thousand copies of the 1970 Catalog of Federal Domestic Assistance Programs have been sold. This was the Government Printing Office's entire stock. Four-thousand additional copies have been ordered to be printed for future demand. This is in addition to the 25,000 copies of the catalog distributed to the Federal agencies and State and local governments. I believe it would be penny wise and pound foolish to cut distribution figures for the catalog. The effect would be to further the gap between the richer localities and the poorer ones. It is the richer localities that will buy the catalog, the poorer communities will only view it as another expense, that is, if they know about it in the first place.

It is estimated that the cost of free distribution of 30,000 copies of this catalog will approximate $4 per copy or $120,000. The cost of distributing 10,000 copies of the catalog, as proposed in last year's legislation, would approximate $6 per copy or $60,000. In effect, we are gaining three times the distribution at twice the additional cost. These figures are contingent on whether the present binder form of the catalog is retained.

THE NEED FOR ENACTMENT

Recently the Office of Management and Budget, the executive agency presently responsible for the publication of a catalog similar to that contemplated by this legislation, issued its reporting instructions for its 1971 Catalog of Federal Domestic Assistance. First, it must be noted that these reporting instructions are improvements over former years. They now call for the inclusion of more detailed information than was previously provided and for a reference to related program information—something that in three prior works the executive branch had not chosen to provide. Those involved in the project at the Office of Management and Budget should be commended for these improvements. Nevertheless, in one facet, the Office of Management and Budget has taken a step backward—in the important area of updating.

Plans for the 1970 Catalog of Federal Domestic Assistance Programs called for quarterly updating. To this date, there has been only one update prepared for the 1970 catalog and that was released only during the last several weeks.

The Office of Management and Budget in light of experience with the 1970 Catalog now plans to update "periodically" the 1971 version. It must be concluded that without a congressional mandate, the executive branch will not on its own initiative provide an information source that can be used as a decisionmaking tool. If the catalog user is going to utilize the catalog in such a manner, the catalog must be accurate, reliable and up-to-date. A periodic updating will not suffice to achieve this end. This legislation will require that it be accomplished.

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

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

The bill (S. 718) to create a catalog of Federal assistance programs, and for other purposes, introduced by Mr. ROTH, for himself and other Senators, was received, read twice by its title, referred to the Committee on Government Operations and ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Program Information Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "Federal domestic assistance program" means any activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, that can be requested or applied for by a State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

(b) A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation. A program shall be identified in terms of differing legal authority, administering office, funding, financial outlays, purpose, benefits, and beneficiaries.

(c) "Assistance or benefits" includes but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans and insurance or other types of financial assistance; assistance in the form of provision of Federal facilities, goods, or services, donation or provision of surplus real and personal property; technical assistance and counseling; statistical and other expert information; and service activities of regulatory agencies. "Assistance or benefits" does not include conventional public information services.

(d) "Requested or applied for" means that the potential applicant or beneficiary must initiate the process which will eventually result in the provision of assistance or benefits.

(e) "Administering office" means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

EXCLUSION

SEC. 3. This Act does not apply to any activities related to the collection or evaluation of national security information.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

SEC. 4. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this Act as "the catalog", in accordance with this Act.

PURPOSE OF CATALOG

SEC. 5. The catalog shall be designed to assist the potential beneficiary to identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

REQUIRED PROGRAM INFORMATION

SEC. 6. For each Federal domestic assistance program, the catalog shall—

(1) identify the program, including the name of the program, the authorizing statute the specific administering office, and a brief description of the porgram and its objectives;

(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, and obligations and duties of recipients or beneficiaries;

(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information;

(4) identify the appropriate officials to contact, both in central and field offices, including addresses and telephone numbers;

(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations; and

(6) identify closely related programs.

FORM OF CATALOG

SEC. 7. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

(b) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

(c) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

QUARTERLY REVISION

SEC. 8. The President shall revise the catalog at no less than quarterly intervals. Each revision—

(1) shall reflect any changes in the program information listed in section 6;

(2) shall further reflect the addition, consolidation, reorganization, or cessation of Federal domestic assistance programs;

(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs;

(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

PUBLICATION AND DISTRIBUTION OF THE CATALOG

SEC. 9. (a) The President (or an official to whom such function is delegated pursuant to section 10 of this Act) shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demand.

(b) There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

(c) There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed twenty-five thousand copies of catalogs and revisions as determined by the President or his delegated representative.

(d) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by the Government. Specialized catalogs for specific ad hoc purposes may be developed within the framework of, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President.

(e) Any existing provisions of law requiring the preparation or publication of such catalogs are superseded to the extent they may be in conflict with the provisions of this Act.

DELEGATION OF FUNCTIONS

SEC. 10. The President may delegate any function conferred upon him by this Act, including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate.

S. 720—A BILL TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. ANDERSON. Mr. President, on behalf of myself, and the junior Senator from Nebraska (Mr. CURTIS) by request, I introduce for appropriate reference a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent that the bill be printed in the RECORD together with a letter from the Acting Administrator, National Aeronautics and Space Administration, requesting the proposed legislation and a sectional analysis of the bill.

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

The bill (S. 720) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, introduced by Mr. ANDERSON (for himself and Mr. CURTIS, by request), was received, read twice by its title, referred to the Committee on Aeronautical and Space Sciences and ordered to be printed in the RECORD, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $612,200,000;

(2) Space flight operations, $672,775,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $110,300,000;

(5) Lunar and planetary exploration, $311,500,000;

(6) Space applications, $182,500,000;

(7) Launch vehicle procurement, $146,100,000;

(8) Aeronautical research and technology, $110,000,000;

(9) Space research and technology, $75,105,000;

(10) Nuclear power and propulsion, $27,720,000;

(11) Tracking and data acquisition, $264,000,000;

(12) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $6,500,000;

(2) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $15,200,000;

(3) Various locations, $31,100,000;

(4) Facility planning and design not otherwise provided for, $3,500,000.

(c) For "Research and program management," $697,350,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2) and (3) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administrator, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (4) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authoirzed for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involves the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 7. Section 206 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), is amended as follows: (1) subsection (a) is hereby repealed, and (2) subsections (b), (c), and (d) are renumbered as subsections (a), (b), and (c), respectively.

Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972".

The material presented by Mr. ANDERSON is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., February 3, 1971.

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

DEAR MR. PRESIDENT: Herewith submitted is a draft of a bill, "To authorize appropria-

tions to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the standing rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 73, 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is the purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for the fiscal year ending June 30, 1972. The bill would authorize appropriations to be made to the National Aeronautics and Space Administration in the sum of $3,271,350,000, as follows:

(1) for "Research and development," $2,517,700,000; (2) for "Construction of facilities," $56,300,000; and (3) for "Research and program management," $697,350,000.

The draft bill submitted herewith is substantially the same as the National Aeronautics and Space Administration Auothorization Act, 1971 (Pub. L. 91-303, 84 Stat. 368), except for the necessary changes in the dollar amounts involved, and the substantive and editorial changes hereinafter discussed.

The following changes have been made to the "Research and development" program line items: the "Bioscience" program item has been deleted, since no funds are being requested for this program line item; the program line items "Space vehicle systems," "Electronics systems," "Human factor systems," "Basic research," "Space power and electric propulsion systems," "Nuclear rockets," "Chemical propulsion," and "Aeronautical vehicles" have been deleted and consolidated in three new line items entitled "Aeronautical research and technology," "Space research and technology" and "Nuclear power and propulsion." This consolidation of program line items is intended to reflect organizational changes designed to provide an increased emphasis on aeronautical research and the effective support of space research and technology.

The line items under "Construction of facilities" in section 1(b) have been decreased from nine to four. The locational line items for the Goddard Space Flight Center, the Jet Propulsion Laboratory, the Manned Spacecraft Center, the Marshall Space Flight Center, and the Nuclear Rocket Development Station, set forth in the fiscal year 1971 Authorization Act, have been omitted from the instant bill, since no funds are being requested for these locations.

That language of section 1(c) which specifically limited the amount available for personnel and related costs, together with sections 1(1) and 4(b) of the NASA Authorization Act, 1971, which set forth related language, have been omitted from the draft bill.

Section 7 of last year's NASA Authorization Act (which amended section 6 of the previous year's Act) has not been repeated since the language of the section indicates that the Congress intended it to be permanent legislation.

Section 7 of the enclosed draft bill would repeal section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476 (a)), and thereby eliminate the present requirement for a semiannual report to the Congress regarding NASA's activities and accomplishments. NASA is of a view that the report has limited value. Much of what is contained in these reports has previously been issued in other forms. Furthermore, the same material is presented in a more current but, perhaps, briefer form in the President's annual Aeronautics and Space Report to the Congress required by subsection 206(b) of the National Aeronautics and Space Act of 1958. This latter subsection would, of course, remain in effect. Accordingly, because of the approximately $100,000 annual cost for preparation of the subsection 206(a) reports, and because the information contained therein is provided to the Congress in a more timely manner in other ways, NASA proposes to delete the statutory requirement to publish these reports.

Finally, the last section of the draft bill, section 7, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972," rather than "1971."

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Office of Management and Budget has advised that there is no objection to the presentation of the draft bill to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely yours,

GEORGE M. LOW,
Acting Administrator.

SECTIONAL ANALYSIS

SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $3,271,350,000, as follows: (a) for "Research and development," a total of 12 program line items aggregating the sum of $2,517,700,000; (b) for "Construction of facilities," a total of 2 locational line items, together with one for various locations and one for facility planning and design, aggregating the sum of $56,300,000; and, (c) for "Research and program management," $697,350,000.

Subsection 1(d) would authorize the use of appropriations for "Research and development" for: (1) items of a capital nature (other than the acquisition of land) required for the performance of research and development contracts; and, (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive benefit therefrom adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $35,000 of "Research and program management" appropriation funds for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that no funds appropriated pursuant to subsection 1(c) for maintenance, repair, alteration and minor construction may be used to construct any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

Subsection 1(h) would provide that no part of the funds appropriated for "Research and development" may be used for grants to any nonprofit institution of higher learning unless the Administrator determines that recruiting personnel of any of the Armed Forces are not being barred from the premises or property of such institution. Subsection 1(h) would not apply if the Administrator determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the areonautical and space activities of the United States. The Secretary of Defense would be required to furnish to the Administrator on the dates prescribed the names of any non-profit institutions of higher learning which the Secretary of Defense determines are barring such recruiting personnel from premises or property of any such institution.

SECTION 2

Section 2 would authorize the 5 per centum upward variation of any of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) when, in the discretion of the Administrator, this is needed to meet unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (3).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if (1) the Administrator determines that such action is necessary because of changes in the space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and

(3) no amount appropriated pursuant to this Act may be used for any program which

has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Subsection 6(a) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of the Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution, then the institution would be required to deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act. If an institution denies an individual assistance under the authority of the first sentence of subsection 6(a), then any institution which such individual subsequently attends would be similarly required to deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual.

Subsection 6(b) would provide that if an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of the Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution would be required to deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to the Act.

Subsection 6(c)(1) would provide that nothing in the Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Subsection 6(c)(2) would provide that nothing in section 6 shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

Subsection 6(c)(3) would provide that nothing in section 6 shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SECTION 7

This section would repeal subsection 206 (a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476), and renumber subsequent subsections accordingly. Such repeal would eliminate the requirement for NASA to "submit to the President for transmittal to the Congress, semiannually and at such other times as it deems desirable, a report of its activities and accomplishments." Thus, this section would eliminate the semiannual report to the Congress by NASA. However, it would not affect the annal report by the President to the Congress concerning the accomplishments of all agencies of the United States (including NASA) in the field of aeronautics and space activities that is required by the present subsection 206(b).

SECTION 8

Section 8 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1972."

S. 721—INTRODUCTION OF A BILL TO AMEND AN ACT AUTHORIZING SALE OF CERTAIN PUBLIC LANDS IN IDAHO

Mr. CHURCH. Mr. President, I introduce, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), a bill to amend the act entitled "an act to authorize the Secretary of the Interior to sell certain lands in Idaho," approved May 31, 1962.

This act would be cited, Mr. President, as the "Omitted Lands Amendments Act of 1971."

This is a bill to prevent an injustice to a large number of Idaho citizens who reside on or own property along the famous Snake River in the southeastern portion of the State. Prior to 1962, Federal lands along the river were resurveyed, and it was decided by the Government that surveys made between 1875 and 1882 were erroneous—that these people were illegal occupants. In nearly every instance, they had occupied the land in full belief of their ownership, many with a chain of title exceeding 40 years. Their good faith was evident.

Realizing these people were threatened with the loss of their property, Congress passed the Omitted Lands Act in 1962. It provided that under certain conditions they could purchase the land at the present fair market value minus the cost of improvements. However, this has not proved a satisfactory solution—not only are the owners obliged to, in effect, pay twice over for their property, but the administrative costs to the Government have far exceeded the returns from sale of the property.

This bill, Mr. President, would allow the Government to sell the lands back to the people at a token price of $1.25 per acre, and would refund a total of approximately $60,000 paid the Government under the original act. I believe this is only just, and I hope we can have early action on this measure to bring prompt relief to these people. I ask that the text of the bill appear in the RECORD at the conclusion of my and Senator JORDAN's remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD following the remarks of the Senator from Idaho (Mr. JORDAN).

The bill (S. 721) to amend the act entitled "an act to authorize the Secretary of the Interior to sell certain public lands in Idaho," approved May 31, 1962, introduced by Mr. CHURCH (for himself and Mr. JORDAN of Idaho), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, following the remarks of the Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President, I am happy to join my distinguished colleague (Mr. CHURCH) in the introduction of this bill to amend the Omitted Lands Act of 1962.

It will bring much deserved relief to many good people in Idaho who have had a serious threat to the ownership of their property through erroneous surveys by the Government.

They have occupied or owned the property in good faith, with no question as to their title, until resurveys, nearly three-quarters of a century after the original surveys, indicated they were on Government property. Approximately 7,000 acres are involved.

An attempt to bring them relief through the Omitted Lands Act of 1962 has not been successful. While $60,000 has been collected from the resale of the lands, more than twice that amount has been required to complete the transactions—and the owners have been required to again pay for their property.

This bill provides that those who have occupied their lands in good faith can obtain title by a token payment of $1.25 per acre, and that those who have been required to pay fair market value are given a refund. An authorization of $60,000, the amount already paid the Government, is provided for this purpose.

The Bureau of Land Management, which administers the Omitted Lands Act, informs us there will be no additional administrative costs, and that it would be prepared to settle these title cases as quickly as possible.

Similar legislation is being introduced in the House of Representatives by the other members of the Idaho delegation, Mr. MCCLURE and Mr. HANSEN.

Mr. President, I hope we can have early action on this measure.

S. 721

A bill to amend the act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho", approved May 31, 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 2 of the Act entitled "An Act to authorize the Secretary of the Interior to sell certain public lands in Idaho", approved May 31, 1962 (76 Stat. 89), are amended to read as follows:

"That (a) the Secretary of the Interior, in his discretion, is hereby authorized to sell, subject to the provisions of subsection (b) of this section, any of those lands in the State of Idaho, in (1) the vicinity of the Snake River or any of its tributaries, or (2) any of the following townships: Township 1

south, range 36 east, township 1 south, range 37 east, township 2 south, range 35 east, township 2 south, range 36 east, township 3 south, range 34 east, township 3 south, range 35 east, township 4 south, range 33 east, township 4 south, range 34 east, township 1 north, range 37 east, township 2 north, range 37 east, township 2 north, range 43 east, township 3 north, range 37 east, township 3 north, range 41 east, township 3 north, range 42 east, township 3 north, range 43 east, township 4 north, range 37 east, township 4 north, range 39 east, township 4 north, range 40 east, township 4 north, range 41 east, township 5 north, range 37 east, township 5 north, range 38 east, township 5 north, range 39 east, township 6 north, range 38 east, township 6 north, range 39 east, township 7 north, range 39 east, township 7 north, range 40 east, township 7 north, range 41 east, township 8 north, range 41 east, Boise meridian; which have been, or may be, found upon survey to be omitted public lands of the United States, which lands are not within the boundaries of a national forest or other Federal reservation and are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws, or are not used and occupied by Indians claiming by reason of aboriginal rights or are not used and occupied by Indians who are eligible for an allotment under the laws pertaining to allotments on the public domain.

"(b) Any patent issued pursuant to subsection (a) of this Act shall be issued subject to the person receiving such patent paying to the Secretary as consideration therefor an amount equal to $1.25 for each acre of land included within such patent.

"SEC. 2. (a) Any citizen of the United States who, in good faith under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands subject to the operation of this Act, or whose ancestors or predecessors in title have taken such action, shall, if such lands be offered for sale by the Secretary, have a preference right to purchase such lands upon payment of consideration in accordance with subsection (b) of the first section of this Act, under such rules and regulations as the Secretary may prescribe for the operation of this Act.

"(b) In any case in which a person acquired a patent pursuant to this Act prior to the date of the enactment of the Omitted Lands Amendments Act of 1971 upon payment of the appraised fair-market value of the property conveyed by such patent, the Secretary of the Interior shall, upon receipt by him of an application filed by such person within one calendar year following the date of the enactment of this subsection, reimburse such person in an amount equal to the difference between the amount which such person paid as consideration for such patent and the amount which he would have been required to pay if he had acquired such patent pursuant to this Act as amended by the Omitted Lands Amendments Act of 1971.".

SEC. 2. There is authorized to be appropriated such sum, not to exceed $60,000, as may be necessary to carry out the provisions of this Act.

SEC. 3. This Act may be cited as the "Omitted Lands Amendments Act of 1971".

S. 722, S. 723, AND S. 724—INTRODUCTION OF THREE BILLS TO DECLARE THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR CERTAIN COMMUNITIES

Mr. NELSON. Mr. President, today I am introducing, for appropriate reference, legislation that would keep a promise made long ago by the U.S. Government to three Indian communities in Wisconsin: Stockbridge-Munsee, Lac Courte Oreilles, and Bad River. Specifically, the legislation would add more than 13,000 acres of land to each of the three reservations in accordance with policy established in the mid-1930's when the lands were acquired by the Federal Government.

This same legislation, in various forms and for several reservations in addition to those in Wisconsin, has been introduced in every session of Congress since the lands were first acquired. Time and again the Indians on these reservations have waited for the Government to keep its promise to them. But with only two notable exceptions, they have watched as bills that would have given them their small bits of homeland, have died in committee. The time is long overdue to honor the commitment made to the Indian people, to help them restore their homes and their culture.

Involved are the so-called FSA lands, a title designation referring to the now-defunct Farm Security Administration. There are more than 13,000 acres of these lands on each of the reservations covered by the separate bills I am introducing today.

The original objectives of the acquisition of the FSA land was the retirement from farming of unprofitable, badly-eroded, thin-soiled and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls. It should be pointed out that the occupants of these lands were, with minor exceptions, non-Indian.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the exclusive benefit of the Indians. It is this official commitment which has never been honored because Congress has failed repeatedly to enact legislation to deliver these lands to the tribes.

Congress already has demonstrated that it recognizes the commitment to make these FSA lands part of the Indian reservations involved. Legislation already has been enacted transferring to the Seminole Indians of Florida and to the Pueblos and other groups in New Mexico the lands that were purchased under the same Government program, and for the same purposes, as for Stockbridge–Munsee, Lac Courte Oreilles, and Bad River.

Clearly the policy has been recognized and the precedent has been established. It is now time for Congress to act.

Of special interest in these bills is the one involving lands for the Stockbridge–Munsee community. The fate of the Stockbridge–Munsee people rests on whether they obtain the FSA lands, because the lands consist of nearly all the area within their reservation boundaries. Without the lands they have no home. The Stockbridge–Munsee people have labored long and hard for their lands, and they, like the other reservations in Wisconsin, deserve no less than favorable action on the legislation being introduced today.

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

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

The bills, introduced by Mr. NELSON, were received, read twice by their titles, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 722

A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Stockbridge-Munsee community (LI–WI–11, 13,077 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

SEC. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

S. 723

A bill to declare that certain federally owned land is held by the United States in trust for the Bad River community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Bad River community (LI–WI–8, 13,069 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

SEC. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, of title he may have in the land involved.

S. 724

A bill to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles community and to make such lands parts of the reservation involved

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the

Act of August 24, 1935 (49 Stat. 750, 781), and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Lac Courte Oreilles community (LI–WI–9, 13,185 acres) are hereby declared to be held by the United States in trust for this Indian tribe, and the lands shall be parts of the reservation heretofore established for this tribe.

SEC. 2. Nothing in the Act shall deprive any person of any right of possession, contract right, interest, of title he may have in the land involved.

S. 726 AND S. 727—INTRODUCTION OF NATIONAL AGRICULTURAL BARGAINING AND MARKETING LEGISLATION

Mr. MONDALE. Mr. President, today I am introducing two bills designed to increase the marketing strength of U.S. farmers: The National Agricultural Bargaining Act of 1971, and the National Agricultural Marketing Act of 1971. Joining me as cosponsors of both these bills are Senators BURDICK, CHURCH, CRANSTON, HARRIS, HART, HUMPHREY, MANSFIELD, MCGEE, MCGOVERN, and YOUNG. I ask that the bills be received and referred to the appropriate committee or committees.

These bills are identical to titles I and II, respectively, of the National Agricultural Bargaining Act of 1969 (S. 812), which I introduced into the 91st Congress on January 31, 1969. Since January 1969, the general parity ratio of farm prices has gone down four points—from 72 to 68. Indeed, the farmers' economic plight is currently so serious that the Nixon administration—in an apparent attempt to "paper over" the unfavorable situation—has shifted the primary base period on which the parity ratio is computed from 1910–14 to 1967. The result is a paper increase of the parity ratio by 23 points—from 68 to 91.

Mr. President, it is impossible in this or any other way to disguise the fact that the Nation's farmers today need market power even more than they did 2 years ago. These bills are intended to focus debate on the best ways to accomplish this objective—in the best interests of the farmer and the American people generally.

None of those Senators who join with me in cosponsoring these bills are wedded to all of their specifics. Our purpose is to express our deep interest in finding out through hearings whether legislation is possible or workable.

These bills offer two approaches toward providing greater economic muscle for farmers. The National Agricultural Bargaining Act would enable farmer-elected marketing committees to bargain and negotiate with processors and other buyers for decent and adequate prices on a commodity-by-commodity basis. The National Agricultural Marketing Act would make all commodities eligible for marketing orders, and provide a broad new range of powers for farmers under market orders—including collective bargaining for minimum price and nonprice terms of sale of the particular commodity involved.

We had extensive hearings on this type of legislation in the 90th Congress, but no legislation was reported or recommended by the Senate Agriculture Committee. The hearings disclosed a great deal of controversy, but at the same time widespread and deep support for the concept of farmer bargaining legislation across the country.

The time has come finally to get down to the hard specifics of legislation, and see whether or not this concept can be achieved at all in legislative form. It is my hope that reintroduction of this legislation will encourage and focus debate on the benefits and problems that may be associated with farmer collective bargaining.

This legislation, or something very nearly like it is sorely needed and must be passed if we expect the American family farmer to continue in the business of farming. Without it, the farmers are doomed to economic disenfranchisement. Without it, farmers will continue to be the low man on our economic totem pole without any real hope of attaining the just portion of national income to which they are entitled.

No business—and farmers do run substantially large businesses—could function or stay in operation under the conditions faced by most farmers. They are, first of all, at the mercy of many variables, including the weather, entirely outside their control. In addition, farmers have no economic power to establish the price on the commodities they produce. They must take, in all reality, whatever is offered by way of the market price or Federal programs. They have no alternative.

There is no doubt, and the records are clear, that this inherently weak bargaining position has caused the American family farmer to lag far behind the prosperity enjoyed by nearly every other segment of our society. The record is quite clear. Consumers in this country are estimated to have expended about $85.5 billion during 1967 for domestic farm products. This represents an increase over the last 20 years of 100 percent.

The farmer's share, or the farm value of that food marketing bill, is only $27½ billion and has increased in the last 20 years by only one-half.

For example, the farmer receives only 2.7 cents for the wheat in a pound loaf of white bread, or 12 percent of the cost of that loaf. It is a fact that the American farmer subsidizes his consumer counterpart, by continuing to produce food for substandard returns. At the same time, the farmer has been increasing his own productivity fourfold over the last 30 years. Between 1950 and 1965 alone, the output per man-hour in agriculture rose nearly three times as fast as in nonfarming occupations, 132 percent in agriculture against 47 percent for the rest of the economy. In one sentence, that sums up the farm subsidy to consumers. Consumers pay more, but farmers get less.

The legislation that we introduce today is not intended to replace existing farm programs. We have not regarded the National Labor Relations Act as a total solution for all the ills of the workingman, and neither will these bills. The National Labor Relations Act has not superseded the need for minimum wage legislation or unemployment compensation legislation, and I do not expect that we can regard farm bargaining as a complete substitute for existing programs, at least not without much experience under it.

I will briefly explain the provisions of these bills and describe the general framework of their provisions.

The National Agricultural Bargaining Act of 1971 provides that when the price of a particular agricultural commodity is unfair and unreasonable, the farmers producing that commodity may ask the newly established National Agricultural Relations Board to conduct a farmer referendum for the purpose of electing a bargaining committee to negotiate a fair price and other terms of sale in bargaining sessions with a similar committee representing processors and other purchasers of that commodity.

The Board is established as an independent agency to assist farmers and buyers in the process of bargaining. If no agreement can be reached—whether on price or nonprice terms of sale—or if the purchasers fail to bargain in good faith, the unsettled or disputed issues would be resolved by a three-man Joint Settlement Committee. This Joint Settlement Committee would be composed of a farmer representative, a purchasers representative, and a neutral party.

The price and nonprice terms of sale of the commodity, whether reached through the bargaining process or the joint settlement committee would be binding on all producers and all buyers.

This procedure is available to the producers of all commodities under the proposed legislation without exception, and would also permit the farmer bargaining committee to recommend a plan of marketing controls for approval by farmers in an additional referendum.

The bill does not provide a specific, detailed test for determining whether farm prices are unfair or unreasonable, but relies on basic economic realities and prevailing market factors to achieve this objective. While farmer bargaining committees would be free to ask for any price level they feel necessary, they could not demand an unreasonably high price without running a very serious risk of competition from substitutes, increased integrated farming, loss of export markets, increased imports, or, in the absence of supply control, tremendous surplus-producing increases in production.

But while this proposal will require the fullest consideration of the realities of the marketplace it does seek to overcome the American family farmer's chief handicap; namely, that he is the weakest link in the marketing chain from the land to the table.

The bill does not describe in detailed terms who may serve on a purchasers' committee, nor spell out how that committee must be selected by the purchasers. It seems to me that this question may be more fairly and expeditiously reviewed during hearings in the Agriculture Committee.

The National Agricultural Marketing Act of 1971 is an amendment to the Agricultural Marketing Agreements Act of 1937. It would enable the producers of any agricultural commodity to form a market order, with a new broad range of powers available for use in the order—

including collective bargaining for establishment of minimum prices.

Under this bill an agricultural commodity is eligible for a market order if a majority of the producers favor the establishment of an order in a special referendum conducted for that purpose by the Secretary. Orders could include collective bargaining, minimum pricing, pooling of proceeds for commodities in addition to milk when prices are established on a use-classification basis, and producer allotments based on historical marketings or quantities currently available or any combination to assure equitable distribution of returns.

Prices or other terms agreed upon between farmers and processors or handlers would become binding on all producers and all buyers on the approval of the Secretary and, further, on reaching agreement with processors or handlers taking 50 percent of the volume of the commodity.

Provision is also made for the establishment of a producer advisory committee for the guidance of the Secretary on formulation of new market orders and specific order provisions.

In my judgment, these two bills are not contradictory. Congress could pass either or both or a combination of the two. They are different approaches to the same objective—bargaining power for farmers.

Mr. President, I ask unanimous consent that the bills, as well as a section-by-section analysis of them, be printed in the RECORD at this point.

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

The bills (S. 726) to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities; and (S. 727 to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price, introduced by Mr. MONDALE (for himself and other Senators), were received, read twice by their titles and referred to the Committee on Agriculture and Forestry, as follows:

S. 726

A bill to assist producers of agricultural commodities by providing an orderly means of bargaining with the handlers of such commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Agricultural Bargaining Act."

POLICY AND FINDINGS

SEC. 2. The Congres finds that the production and marketing of agricultural commodities is a basic and essential industry of the United States, involving the supply of the Nation's food, feed, and fiber which must be available in adequate volume without impairing or wasting the soil resources of the country.

Agricultural commodities produced for commercial purposes are marketed either in the current of interstate and foreign commerce or in a manner which directly burdens, obstructs, or affects such commerce and the marketing of that part of such commodity as enters directly into the current of interstate and foreign commerce cannot be effectively regulated without also extending the regulations, in the manner provided in this Act, to that part which is marketed within the State of production.

Farmers, ranchers, and other producers of agricultural commodities are located and operate throughout the United States, produce the same or similar or competitive crops in many States, carry on their farming operations with the use of borrowed funds and on leased land as well as their own land, and their operations are subject to uncontrollable and unforeseeable natural causes which often adversely affect the supply and directly affect consumer and national welfare.

Agricultural producers do not now enjoy the opportunity, comparable to that of industrial workers and those in many other forms of enterprise or employment, to organize and bargain effectively for a just and reasonable return or compensation for the commodities they offer for sale in domestic and foreign commerce. Adequate Government protection or assistance is not available to the vast majority of them in their effort to market their agricultural commodities in an orderly manner at reasonable prices. The producers of agricultural commodities are one of the very few economic groups, if not the only economic group, which must sell in markets largely controlled by the buyers, brokers, commission agents, and other representatives of buyers. As a result, producers of agricultural commodities are unable to effectively prevent or avoid the wasting of natural resources, the disorderly marketing of their commodities, congestion in transportation, storage, and processing, and other burdens on interstate and foreign commerce.

Disorderly marketing and abnormally excessive supplies of agricultural commodities unduly depress the prices received by the producers, burden and obstruct interstate and foreign commerce, cause wide and injurious disparity between the prices received by producers of such commodities and the cost to such producers of the materials and supplies required to produce such agricultural commodities, thus depressing the net return received by such producers, and threaten the maintenance of a continuous and stable supply of agricultural commodities to meet the requirement of the Nation and the consumers of said commodities.

NATIONAL AGRICULTURAL RELATIONS BOARD

SEC. 3. (1) There is hereby created a board, to be known as the National Agricultural Relations Board (hereinafter referred to as the "Board"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, two for a term of three years, and two for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(2) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

(3) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the business it has conducted over the preceding year, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

(4) Each member of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such other employees as it may from time to time find necessary for the proper performance of its duties.

(5) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

(6) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by sections 551 through 559 of title 5, United States Code, and subject to the provisions of sections 701 through 706 of such Code, such rules and regulations as may be necessary to carry out the provisions of this Act.

(7) The Board is authorized to use the services of the employees of the Department of Agriculture and of the committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, in the performance of all of its duties and responsibilities provided for herein.

MARKETING COMMITTEES

SEC. 4. (a) In order to effectuate the policy of this Act, whenever a representative group of producers of any agricultural commodity or relative group of commodities or any market classification or product thereof the initial sale of which is customarily made by the producer or his cooperative or other marketing representative, shall file with the the Board a written petition stating that the average market price received by the producers of said agricultural commodity or commodities is below a fair and reasonable price to the producers thereof or that the price to the producer of said agricultural commodity or commodities may reasonably be expected to be below a fair and reasonable price to the producer thereof during the next marketing season or seasons and shall define the area within which said agricultural commodity or commodities is commercially produced or, if said agricultural commodity is produced in a lesser area than the entire United States, shall define the boundaries of the lesser area by States or political subdivision of States; or, if the Board finds and determines that the average market price received by the producers of any agricultural commodity is below a fair and reasonable price to the producers thereof or that the price to the producers of such agricultural commodity or commodities during a future marketing season may reasonably be expected to be below a fair and reasonable price to the producers thereof, taking into account: (1) the direct cost of production, including hired labor; (2) the reasonable value of the time, skill, and experience of the individual producing such commodity or commodities; (3) a fair return upon essential invested capital; (4) continuation of the American family farm pattern of agricultural production; and (5) other appropriate factors, including compensation comparable with that of other persons engaged in other means of earning a livelihod for themselves and their families, the Board shall announce the receipt of said petition or its findings and

determination and promptly thereafter shall initiate and conduct a referendum among producers of such agricultural commodity to determine whether or not said producers favor the establishment of a representative marketing committee of the producers of said commodity to be chosen by such producers of the commodity to determine a fair minimum price or nonprice terms for the sale and purchase of said commodity. If the Board determines that such agricultural commodity is commercially produced in a lesser area than the entire United States it shall so state in its announcement and define the boundaries of the lesser area by States or political subdivisions of States. Commodities of the same general class or which are used wholly or in part for the same purpose may be treated as a separate commodity for the purposes of this Act.

(b) All phases of said referendum, including preparation and distribution of ballots, establishment of voting places and procedures defining the further qualification of producers eligible to vote, the tallying of the vote upon the issue of whether or not a marketing committee shall be created and authorized and the number of the initial members of the marketing committee for said commodity as hereinafter provided shall be prepared and conducted by the Board.

(c) Said referendum ballot shall contain the names of at least twice as many persons as the membership of the proposed initial marketing committee, to be selected by the Board from recommendations submitted to it by the Agricultural Stabilization and Conservation County Committees established by section 8(b) of the Soil Conservation and Domestic Allotments Act, as amended, in which capacity such committees shall merely act as conduits, transmitting to the Board the names of all eligible candidates. The membership of the marketing committee shall be elected at large or the whole area may be divided into divisions from subareas and the number of members to be selected from each division or subarea to be elected by the eligible producers resident in such division or subarea shall be fixed by the Board. No person shall be eligible to vote for or serve on any marketing committee unless more than 60 per centum of his annual gross income received from production during each of the preceding three calendar years has been derived from farming or ranching as owner-operator or lessee-operator and the commodity named in the Board's announcement constitutes a significant portion of the total farming or ranching operations of said proposed marketing committee member.

(d) If a majority of producers eligible to vote and voting in said referendum shall approve the establishment of such a marketing committee, the Board shall so publicly announce and shall promptly notify the person elected as the initial members of said marketing committee that a meeting of said committee will be convened at a time and place, either in Washington, District of Columbia, or elsewhere, for the purpose of organizing and planning the work of the committee.

(e) Concurrently with its announcement of the creation of a marketing committee as provided for in this Act, the Board shall give notice to prospective purchasers of such commodity and request such prospective purchasers to select a purchasers committee for the purpose of participating in negotiating a minimum price at which said commodity shall be offered for sale and sold by the producers thereof and negotiating nonprice terms of such sales.

(f) If prospective purchasers do not select a committee which is fairly representative of all prospective purchasers of the commodity within thirty days after date said invitation was issued by the Board, or within such additional period as the Board may fix, the Board is authorized to select a committee which it determines is fairly representative of all commercial purchasers of said commodity. The Board is authorized to fix the time and place of a meeting or meetings of the marketing committee and the purchasers committee for the purpose of negotiating a minimum price at which such commodity is to be offered for sale and sold by producers and on nonprice terms of such sales. The marketing committee and the purchasers committee shall bargain in good faith during such meeting or meetings. The marketing committee shall also invite the Chairman of the Consumer Advisory Council to designate one or more persons to represent the interest of consumers in said meeting and to present such data and information, recommendations and suggestions on behalf of consumers as said consumer representatives deem desirable.

(g) The Board and the Secretary of Agriculture are authorized and directed to make available to the marketing and purchaser committees such information, statistics, and assistance as are reasonably available to them and will assist in determining the facts relating to the production and marketing of said agricultural commodity and a fair and reasonable minimum price. But no employee of the Board or of the Department of Agriculture shall participate in any meetings of such committees except that the Board or its delegate may act as an arbitrator in any bargaining negotiations between the marketing and purchaser committees if invited by a majority vote of the membership of both committees and both committees accept the terms and conditions prescribed by the Board concerning the scope and nature of its participation in such negotiations.

(h) If less than a majority of the producers eligible to vote and voting in the referendum favor the establishment of a marketing committee, the Board shall make public announcement of that fact and shall not take any further action to establish a marketing committee for that commodity during the current marketing year or season. The Board shall, however, be authorized to submit a referendum to the producers within the same area applicable to a subsequent marketing year or season, except that if a majority of said producers voting fail to vote in favor of a marketing committee in three successive referendums, the Board shall take no further action to establish a marketing committee for said commodity produced within said area unless at least 20 per centum of the producers of said agricultural commodity in such area shall sign and submit to the Board a petition requesting another referendum.

(i) Each marketing committee constituted pursuant to this Act shall be authorized and empowered—

(1) to establish the minimum price by size, grade, quality or other type of condition, and other nonprice terms of sale, and the date upon which said price and terms shall become effective, for the agricultural commodity described in and produced within the area defined in the Board's announcement, in accord with agreements reached after negotiations with representatives of prospective purchasers of such commodity as provided in this Act; or, if said representatives of the prospective purchasers of the product fail or refuse to negotiate, or, if after a reasonable period of negotiations in good faith as determined by the Board, the parties fail to agree upon a minimum price, then the Board shall promptly offer and provide such conciliation and mediation services to the marketing committee and purchasers committee as may be useful and helpful in bringing them to agreement. If such agreement is not thereupon reached within thirty days, the issues under dispute shall be submitted to a joint settlement committee, to be selected as follows: One member to be chosen by the marketing committee, and one member by the purchasers committee, and the third member to be chosen within five days by the first two. If the first two members cannot agree upon such third member within such period, the latter shall be a neutral appointed by the Board. The Board may apply to the appropriate Federal district court to compel action unlawfully withheld or unreasonably delayed under this section. The joint settlement committee shall proceed to resolve such issues, allowing the marketing committee and purchasers committee reasonable opportunity to present pertinent information and argument, through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner. The decision of the joint settlement committee on the issues in dispute shall be judicially reviewable in the appropriate Federal district court to the extent provided hereafter. The reviewing court shall hold unlawful and set aside decisions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with this Act; (2) affected with bias or prejudice on the part of the neutral member of the joint settlement committee; (3) in excess of jurisdiction or authority granted under this Act; or (4) without observance of procedures required herein;

(2) to announce said minimum price and the effective date thereof of the commodity by any one or more of the usual and available media of publication and communication;

(3) to establish reasonable rules for the operation of the committee, including the rules and procedures for the election of their successors and to fill vacancies on the committee;

(4) to establish terms of service on the committee;

(5) to request the Board to submit referendums to producers from time to time for the committee's guidance;

(6) after the second year or season of its operations, to recommend to the Board a reasonable assessment on the producers of the commodity, by unit or by value, for the cost of carrying on the activities of the committee, to be assessed and collected by the Board through the committees established by section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended;

(7) to recommend to the Board that injunctive or related actions be instituted to prevent any buyers from purchasing or any producers from selling the commodity at less than the minimum price established under this section or in violation of other, nonprice terms of sale so established; and

(8) to establish additional penalties for violation of subsection 103(k) of this section by producers after approval in a referendum by a majority of producers eligible to vote and voting.

(j) All marketing committees created pursuant to this Act shall cease to have any authority and shall be dissolved by the Board after three years from the date of its first meeting if, during the third year of said three-year period, at least a majority of the producers then eligible to vote and voting fail to vote in favor of the continuation of the marketing committee in a referendum conducted by the Board.

(k) In order to effectuate the purposes of this Act, no producer shall offer to sell or sell and no buyer shall offer to purchase or purchase from a producer said commodity at a price lower than the minimum price agreed upon and fixed by the marketing and purchasers committees or, in the absence of an agreement by said committees, at the price established by the joint settlement committee under this section. Compliance by a producer with the minimum prices established by a marketing committee under this Act for a commodity shall be estab-

lished by the Secretary as a condition of eligibility for price support, loans, purchases, and other similar payments authorized under any other Act.

RECORDS AND REPORTS

SEC. 5. All producers of a commodity covered by the provisions of this Act for which a marketing committee has been elected shall keep such records and furnish such reports with respect to production, storage, marketing, and other relevant matters as the marketing committee may require; and all persons purchasing or acquiring possession of any such commodity shall supply such information concerning such commodity as the marketing committee finds to be necessary to enable it to carry out the provisions of this Act. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

PRODUCTION CONTROLS

SEC. 6. Notwithstanding the foregoing provisions of this Act the Board may, with the approval of the marketing committee, if it deems such action will not substantially interfere with the achievement of the purposes of this Act or the effective operation of the marketing committee, determine for any agricultural commodity a uniform amount of production (in terms of acreage, production units, or commodity units) per farm which may be marketed in specified markets free of restriction for all uses or limited uses.

REMEDIES

SEC. 7. Injunctive proceedings or other penalties provided for by this Act shall be brought by the Board in the name of the United States. The several district courts of the United States are vested with jurisdiction of such suits, and it shall be the duty of the United States attorneys in their respective districts, at the request of the Board and under the direction of the Attorney General, to prosecute such proceedings. The remedies and penalties provided for herein shall be in addition to and not exclusive of any of the remedies or penalties under existing law.

PAYMENT OF EXPENSES

SEC. 8. To effectuate the purposes of this Act, the Board is directed and authorized to pay the costs of conducting any referendum required to be submitted to producers, including the cost of publishing notice in newspapers, radio, and television announcements, posting notices throughout the area, giving notices to prospective purchasers of the commodity, pay the costs of operation of the marketing and purchasers committees including a meeting room, temporary clerical and stenographic assistance, necessary transportation, meals and housing costs of members while traveling to and attending such meeting or any adjournment or continuation thereof.

FINALTY OF BOARD DECISIONS

SEC. 9. The decision of the Board with respect to the boundaries of the area and the commodity to be affected by his announcement and the results of the referendum conducted pursuant thereto shall be final.

AUTHORIZATION FOR APPROPRIATIONS; USE OF COMMODITY CREDIT CORPORATION FUNDS

SEC. 10. There is authorized to be appropriated to the Board such sums as Congress may from time to time determine to be necessary to enable it to carry out the purposes of this Act including the reasonable and necessary expenses and per diem of any marketing committee elected by the producers of a commodity. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital fund such sums as may be necessary to implement this Act during any current fiscal year.

EXEMPTION FROM ANTITRUST LAWS

SEC. 11. No bargaining or negotiating activities by a marketing committee pursuant to this Act and no price agreement reached as a result of such negotiations and bargaining shall be deemed to be in violation of any of the antitrust laws of the United States.

MARKETING ALLOTMENTS

SEC. 12. Whenever a marketing committee shall have established a minimum price for any commodity and thereafter shall also determine that the total supply of said commodity produced within the defined area will so substantially exceed the effective demand for said commodity during the market year as to nullify or defeat the purposes of this Act, said marketing committee, in consultation with the Board and the Secretary of Agriculture, shall develop a plan or program of marketing allotments, with or without acreage or production limitations, and shall request the Board to submit said plan or program by referendum to the producers of said commodity within said defined area for the approval or rejection of said producers. If a majority of producers eligible to vote and voting in said referendum approve said plan or program, the Board shall instruct the Secretary of Agriculture to proceed immediately to put said plan or program into effect.

RULES AND REGULATIONS

SEC. 13. The Secretary of Agriculture is hereby authorized to establish all reasonable rules and regulations necessary to effectuate such plan and program, including the fixing of reasonable penalties for the violation of said rules and regulations. The Secretary is further authorized to use any existing authorities available to him for the purpose of putting said plan or program into effect and, in the event he determines that he is without sufficient authority to effectuate any part of said plan or program, the Secretary is directed to suggest enabling legislation before the Congress of the United States.

DEFINITIONS

SEC. 14. For the purposes of this title, the following definitions shall apply:

(1) "Secretary" shall mean the Secretary of Agriculture.

(2) "Commodity" shall mean any agricultural commodity or any regional or market classification, or product thereof, the initial sale of which is customarily made by the producer, or his cooperative, or other marketing representative, and shall further include a combination of agricultural commodities of the same general class which are used wholly or in part for the same purpose. The plural shall be included whenever the context so requires.

(3) "Total supply" of any agricultural commodity for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

(4) "Marketing year" for an agricultural commodity shall be any period determined by the Board during which substantially all of a crop or production of such commodity is normally marketed by the producers.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this title, or any section thereof, is declared unconstitutional or the applicability thereof to any person, circumstance, commodity, or product is held invalid, the validity of the remainder of this Act and the applicability thereof to other persons, circumstances, commodities, or products, shall not be affected thereby.

S. 727

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, to assist producers in the marketing of their commodities at a fair price

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Agricultural Marketing Act".

SEC. 2. The Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area." the following: "Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Section 2(3) is amended by inserting "such minimum prices and other terms and conditions for the acquisition of commodities by handlers as are provided for in section 8c(6)(J)," immediately after "establish and maintain".

(3) Section 8c(5)(A) is amended by inserting "by collective bargaining in good faith (including provisions for the designation, by election of committees of producer representatives to bargain with handlers, or groups of handlers), or otherwise," after the phrase "method for fixing."

(4) Sections 8(c)(6)(A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(5) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) Providing a method for establishing by collective bargaining in good faith between producers and handlers (including provision for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), the minimum price or prices and other minimum terms and conditions under which any such commodity or product, or any grade, size, quality, variety, species, container, pack, use, disposition, or volume thereof may be acquired by handlers from producers or associations of producers: *Provided,* That no such minimum price or prices or other terms and conditions shall become effective unless agreed to by handlers who during the preceding marketing year acquired from producers at least 50 per centum of the commodity sold by producers which was produced in the production area subject to the order and unless thereafter approved by the Secretary of Agricultue: *Provided further,* That if the Secretary of Agriculture finds that the parity price of any such commodity, other than milk or its products, for which such minimum prices or other terms or conditions are to be established is not adequate in

view of production costs, prices to consumers, and other economic conditions which affect market supply and demand for such commodity subject to such order (including any marketing limitation of the commodity otherwise provided by such order), the Secretary of Agriculture shall determine a price or prices for such commodity at such levels as he finds will insure a sufficient market supply of the commodity, reflect such factors, and be in the public interest, and such price or prices shall be used in lieu of the parity price for the purpose of section 2 of this Act: *Provided further,* That the agency designated to administer provisions authorized under this subsection shall be a committee primarily composed of producers of the commodity: *And provided further,* That an order containing provisions authorized under this subsection shall also contain provisions authorized under section 8c(6)(K) or section 8c(7)(E), or both, if the Secretary of Agriculture finds that such combination of provisions is necessary to provide an equitable distribution of market opportunity and returns among producers.

"(K) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(6) Section 8c(7), as amended, is further amended by adding the following at the end thereof:

"(E) Notwithstanding any other provisions of this Act—

"(i) allotting, or providing methods for allotting, the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (a) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b), to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(ii) any producer for whom an allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitute the exclusive procedure for review thereof and section 8c(15)(A) of this Act shall not apply thereto. Under such order, rules, or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7)(C) and section 10 of this Act. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c(15)(B) of this Act;

"(iii) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this Act."

(7) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"PRODUCER ADVISORY COMMITTEES

"(20) The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or commodities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(8) Amend section 10(b)(2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6)(J) or section 8c(7)(E) it shall provide that the assessments payable by handlers under subsection (i) or (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

SEC. 3. Nothing in this Act shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

The material presented by Mr. MONDALE is as follows:

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL AGRICULTURAL BARGAINING ACT

SECTION 2. POLICY AND FINDINGS

Farmers do not have the opportunity to bargain effectively for a fair and reasonable return for their production, because of an inherently weak economic position.

SECTION 3. NATIONAL AGRICULTURE RELATIONS BOARD

This independent five-member Board, appointed by the President with Senate confirmation, is established to provide administrative, technical, and supporting assistance to farmer Marketing Committees and Purchasers Committees. It does not represent either farmers or buyers. It would administer farmer referendums and assist the Committees in holding meetings.

SECTION 4. MARKETING COMMITTEES

4(a) *Petition and Referendum.* When the Board receives a petition from the producers of a particular agricultural commodity, stating that the average market price is below a fair and reasonable level, it shall proceed to conduct a referendum among producers to determine whether a Marketing Committee should be established and who should be elected to that Committee. The Board may also initiate a referendum upon its independent determination that the market price is below a fair and reasonable price. This procedure may be used for any commodity or commodity group.

4(b) *Referendum.* The Board supervises and administers all phases of the balloting, including voting qualifications in addition to 103(c).

4(c) *Voting and Candidates.* ASC County Committees will furnish names of candidates to the Board, which shall include on the ballot at least twice as many as will be elected. Candidates may be elected at large or from lesser subdivisions. Basic eligibility for voting and membership requires that at least 60% of income must be from farming or ranching, and the particular commodity must be a "significant portion" of the farming operation.

4(d). *First Meeting.* Upon a majority referendum vote, the Board will convene the first meeting of the Marketing Committee.

4(e). *Notification to Prospective Buyers.* The Board must notify prospective purchasers of the existence of the farmer Marketing Committee, requesting them to select a Purchasers Committee to meet and negotiate price and nonprice terms of sale of the particular commodity involved.

4(f). Board is authorized to fix the time and place of a meeting between the Purchasers Committee and the Marketing Committee. The Marketing Committee must invite consumer representatives to present the viewpoint and information on behalf of consumers at such meetings.

4(g). Statistical and factual data are to be supplied to the respective Committees by the Board and USDA. Provides that the Board may act as an arbitrator if both Committees invite its participation and if both Committees accept the Board's conditions.

4(h). *Failure of Referendum.* Provides procedures for resubmission through referendum on the questions of establishing the Marketing Committee and the membership in following years.

4(i). *Powers of the Marketing Committee.*

Establish minimum price and nonprice terms of sale pursuant to agreements in negotiations.

Where negotiations for whatever reason do not result in a minimum price, the Board is required to mediate the dispute. If this does not lead to agreement within 30 days, the disputed issues are referred to a Joint Settlement Committee composed of a Purchasers representative, a farmers representative, and a neutral selected by each. The Joint Settlement Committee, after reasonable opportunity for the parties to be heard, must decide the questions at issue, and its decision is judicially reviewable.

Other powers dealing with operation of the Marketing Committee, and enforcement of their responsibilities. See also Section 111.

4(j). *Dissolution of Marketing Committees.* Provides for termination of a Marketing Committee unless approved by referendum every three years.

4(k). *Prohibition.* Prohibits the sale or purchase of the commodity below the established price.

SECTION 5. RECORDKEEPING

Farmers are required to keep certain records to aid in carrying out the Marketing Committee's functions.

SECTION 6. EXEMPTION

The Board may, with the approval of the Marketing Committee, where it will not interfere with the purposes of this Act, allow some farm production in the commodity to be marketed for specific markets outside the limitations of this Act.

SECTION 7. REMEDIES

Injunctive procedings provided, through U.S. Attorneys in U.S. District Courts.

SECTION 8. PAYMENT OF EXPENSES

The Board is required to pay for and conduct all referenda, and cost of operation of the Marketing Committee.

SECTION 9. FINALITY OF BOARD DECISIONS

The Board's decisions on the boundaries of marketing areas, the scope of the commodity, and the results of the referenda are final.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS AND USE OF COMMODITY CREDIT CORPORATION FUNDS

SECTION 11. ANTITRUST EXEMPTION

SECTION 12. MARKETING ALLOTMENTS

Provides that the Marketing Committeee, when necessary to achieve the purposes of the Act, may prepare in consultation with the Board and the Secretary of Agriculture a plan of marketing allotments, with or without acreage or production limitations, for submission to farmers for approval in a referendum. If approved, the Secretary of Agriculture will administer the program.

SECTION 13. RULES AND REGULATIONS

Authorization for the Secretary to implement the plan approved under Section 111.

SECTION 14. DEFINITIONS

SECTION 15. SEPARABILITY CLAUSE

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL AGRICULTURAL MARKETING ACT

Section 2. Amends the Agricultural Marketing Agreement Act of 1937, as amended, in eight respects, as follows:

2(1). Amends Section 8c(2) to make any additional agricultural commodity or product (except canned or frozen products) eligible for a marketing order if the Secretary, after a special preliminary referendum of affected producers, finds that a majority of those voting favor making that commodity or product eligible for such an order.

2(2) and 2(5). Provide authority to include in marketing orders provisions establishing a method of establishing, by collective bargaining (including provisions for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), minimum prices and terms and conditions under which handlers may acquire a regulated commodity or product thereof (other than milk and its products) from producers or associations of producers. The minimum prices and other terms prior to becoming effective would have to be agreed to by the handlers of 50 per cent of the commodity and would be subject to approval by the Secretary.

These provisions also specify special pricing standards to be the statutory objective for such price determining purposes if the Secretary finds that parity for a regulated commodity is not adequate. The alternative pricing standard would take into account factors such as production costs, prices to consumers, and other factors affecting supply and demand for the commodity, including any limitations on marketings that may otherwise be included in the marketing order.

In addition, Section 201(5) would authorize the pooling of proceeds of sale of a commodity other than milk when minimum prices are established on a use-classification basis. If the Secretary found that pooling and producer marketing quotas were necessary in conjunction with pricing provisions to provide equitable distribution of returns and market opportunity among producers, he could require the use of such combined authority.

2(3). Authorizes the establishment of minimum pricing for milk through a collective bargaining process.

2(4). Amends Section 8c(6) (A) through (E) by adding "species or other classification" after "grade, size, or quality" to make this regulation available by such categories with respect to livestock and other commodities.

2(6). Adds a section 8c(7)(E) to:

(i) authorize the Secretary to issue producer allotment bases for any commodity including milk on the basis of (a) the amount produced or marketed by such producer or from the farm on which he is a producer in a representative prior period, subject to adjustment for abnormal conditions and other factors the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b) that will result in the total allotment being apportioned equitably among producers. A minimum allotment could be fixed for producers whose production does not exceed that amount.

(ii) establish an administrative procedure, with subsequent court review, for reviewing the lawfulness of a producer's allotment. This would be similar to the section 8c(15)(A) and (B) review procedure for handlers.

(iii) specify that a handler may not handle more of a producer's allotment base than is authorized to be marketed.

2 (7). Adds a Section 8c(2) to authorize the Secretary to establish a producer advisory committee for any commodity to provide advice on starting proceedings to promulgate a new order and formulate specific hearing proposals.

2 (8). Provides that orders containing price bargaining or producer allotment provisions under proposed Section 8c(6)(J) or Section 8c(7)(E) (see items 5, 6) would impose administrative assessments pro rata on producers, payable through handlers to the agency administering the order. Handlers would have the responsibility of collection from producers.

Section 3. Would make it clear that the new authorities provided by Title II shall not supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support and that no action taken or any provision of an order issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation shall be inconsistent with such other statutes or actions taken by the Secretary thereunder.

S. 728—INTRODUCTION OF A BILL TO MODIFY THE NATIONAL POLICY WITH RESPECT TO THE PROTECTION OF LANDS TRAVERSED IN DEVELOPING TRANSPORTATION PLANS

Mr. HARTKE. Mr. President, on behalf of the distinguished senior Senator from Michigan (Mr. HART) and myself, I introduce for appropriate reference a bill to strengthen the environmental provisions found in section 4(f) of the Transportation Act.

On December 3, 1970, I submitted similar legislation which was not acted upon before the conclusion of the 91st Congress. My new bill contains several changes in wording from that legislation but its purpose remains the same: To better insure that Federal supported transportation plans do not cause unnecessary damage to our environment.

This proposal would broaden the application of section 4(f) in three ways: First, by withholding approval from federally financed transportation plans which have an "adverse effect on the environment" rather than just those projects which would directly "use" public parklands, as is now provided; second, by deleting altogether language which limits the protection of section 4(f) only to "publicly" owned lands and waters; and third, by extending the protection of the section to include all "water resource areas."

The first modification of section 4(f) is meant to strengthen its declaration of policy "that special effort should be made to preserve the natural beauty of our countryside." Clearly, transportation projects may destroy natural beauty and impair recreational activities even if they do not "use" the land or water areas so affected. An interstate highway, for example, which is built immediately adjacent a wildlife refuge may have the effect of frightening wildlife from their sanctuary without actual "use" being made of the land. Accordingly it would appear that the present language of the section is inadequate to achieve its stated goal and should be written to include those projects which have "an adverse effect on the environment."

Second, the deletion of the requirement that parkland, recreation areas, wildlife and waterfowl refuges and historic sites be "publicly owned" in order to qualify for the protection of section 4(f), would recognize that private groups over the years have purchased large amounts of land in order to protect them from commercial exploitation. The Izaak Walton League, the Audubon Society, and the Nature Conservancy have frequently purchased large quantities of land in order to preserve these tracts as wildlife or waterfowl refuges. There is no reason why these privately controlled refuges should not be given the same protection afforded publicly owned lands.

The third suggested alteration would broaden the protection of section 4(f) to include all "water resource areas." Clearly, it lacks logic to safeguard our countryside from environmental misuse but not our waterways. Yet, this is the effect of section 4(f) as it is presently written. The term "water resource areas" is intended to include waterways, navigable waters, estuarine areas, planned and authorized reservoir projects, and public water supply reservoirs, and thereby broaden the extent of protection provided under the section. The Federal Government already has far-reaching programs to control water pollution under the Water Quality Act and the Water Resources Planning Act. It makes little sense to undertake such costly efforts to insure clean, pure rivers and not to un-

dertake the corollary task of protecting the ecology and natural beauty of these waters. Extending the protection of section 4(f) to include water resource areas would be an essential first step toward achieving this goal.

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

The bill (S. 728) to amend the Department of Transportation Act in order to modify the national policy with respect to the protection of lands traversed in developing transportation plans, introduced by Mr. HARTKE (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on Commerce.

S. 730—INTRODUCTION OF A BILL TO FACILITATE THE ORDERLY TRANSITION AND DEVELOPMENT OF LAND IN THE EL PASO, TEX., AREA

Mr. TOWER. Mr. President, I introduce today for myself and the distinguished junior Senator from Texas (Mr. BENTSEN) a measure which is designed to facilitate the orderly transition and development of land in the El Paso, Tex., area. The land in question was received by the United States from Mexico under the Chamizal Treaty of 1963. The Congress's approval of this legislation is necessary so that there is no doubt that the civil and criminal laws of the State of Texas apply to this area. At the present time there is no clearly established legal regime for the area; as can be imagined, this makes planning and developing of the area extremely difficult. No one can be certain of their title until we approve this measure.

Mr. President, there is ample precedent for this measure. In 1940 a similar measure was enacted to transfer to Texas the lands received from Mexico under the convention of February 1, 1933; this bill is patterned after the 1940 act. Currently, both State and Federal officials feel that this measure is necessary to assure the orderly development of the border area. Delay in our consideration of this bill can result in delay for many important projects in the border area of El Paso.

During the last session of Congress, this measure passed the House of Representatives and died in the Senate because it reached us after the Judiciary Committee had held its last meeting. The measure has been reintroduced into the House this year by Congressman WHITE of El Paso as H.R. 1729. I certainly hope that we will be able to proceed to expeditious consideration of the bill in order that we may clarify the questionable status of the land involved.

I thank the Senators for their attention.

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

The bill (S. 730) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States, introduced by Mr. TOWER (for himself and Mr. BENTSEN), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 731—INTRODUCTION OF A BILL TO REGULATE UNDECLARED WAR

Mr. JAVITS. Mr. President, the most compelling lesson of the 1960's for the United States is our need to devise procedures to prevent future undeclared wars as in Vietnam. I believe that an effective statutory remedy is both possible and essential. The guidelines for such legislation can be derived from within the Constitution.

Today, on behalf of myself and Senators MATHIAS, PELL, and SPONG, I am introducing a bill "to make rules respecting military hostilities in the absence of a declaration of war." This bill is a serious effort to meet an important legislative need. After much thought and research, I am convinced that this approach grows directly out of the Constitution itself.

The bill deals with the initiation of hostilities in the absence of a congressional declaration of war. It makes full provision for the need for "emergency" action by specifying four categories, based on historical precedents, in which the President as Commander in Chief can initiate combat hostilities in the absence of a declaration of war.

History has demonstrated that there are situations in which military hostilities must be initiated by the Armed Forces in the absence of a declaration of war. Such cases arise in circumstances which require combat actions but which are not sufficiently serious—or in which contemporary conditions make it undesirable—to enact a declaration of war. Moreover, it has long been recognized that there are circumstances in which there is not sufficient time—or room for movement—for a congressional declaration of war before military hostilities must be undertaken.

In the earliest days of the Republic, the United States became involved in military hostilities short of declared war—that is, the naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. In *The Eliza Case*, 4 Dall. 37 (1800), a case arising out of the undeclared naval war with France, the Supreme Court noted:

> Hostilities may subsist between two nations more confined in its nature and extent; being limited as to places, persons and things.

Throughout the 19th and early 20th centuries, a body of precedents developed concerning limited hostilities in the absence of a congressional declaration of war. These were developed on an ad hoc basis, evolving essentially out of the case-by-case exercise of the discretionary executive authority of the President as Commander in Chief.

I regard my bill as giving ample play to the need of the Commander in Chief to have discretionary as well as emergency authority. At the same time, the bill immediately establishes a role for Congress right from the beginning: First, by requiring the President to report fully and promptly to the Congress as to the circumstances of and the authority for the action he has initiated; second, by requiring the President to terminate in 30 days whatever actions he has initiated under one of the four specified categories, in the absence of a declaration of war, "except as provided in legislation enacted by the Congress to sustain such hostilities beyond 30 days."

The bill further provides that hostilities initiated by the President can be terminated by joint resolution of the Congress in less than the 30 days otherwise allowed. In addition, there is a detailed section which would prevent a filibuster from blocking congressional action.

The period of 30 days is, of course, essentially an arbitrary one. But I think it is just about the right period of time—and it can be shortened or lengthened in particular instances as the Congress might decide. On balance, I feel that a period of 30 days strikes a fair balance between the desirability of full deliberative action by Congress—without impairing the capacity for sudden, or emergency, action by the Commander in Chief, and the requirement of brevity to prevent the Nation from being involved beyond the point of recall before the Congress might otherwise act.

I also wish to make it clear that my bill anticipates full prior consultations between the President and the Congress with respect to developing or deepening crises which might be leading toward the outbreak of armed hostilities. There are many drawbacks in the contemporary world to a declaration of war—because of the far-reaching domestic and international implications of a declaration of war, whether enacted before or after the initiation of combat hostilities.

In developing situations which are not of a sudden nature, I believe that it would be good practice for the administration to consult with the Congress and seek a joint resolution outlining the policy which the United States intends to pursue. I would like to see this become normal practice. I am referring here to serious situations which might involve the use or threat of the use of armed force. I am not suggesting that the President should be obliged to seek a resolution from Congress to endorse all of the policies or actions he initiates—only those which move toward the exercise of the war powers.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point in my remarks.

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

The bill (S. 731) to make rules respecting military hostilities in the absence of a declaration of war, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the

Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander-in-Chief:

A. The Armed Forces of the United States, under the President as Commander-in-Chief, may act

1. to repel a sudden attack against the United States, its territories, and possessions;

2. to repel an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

3. to protect the lives and property, as may be required, of United States nationals abroad; and

4. to comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

B. The initiation of military hostilities under circumstances described in paragraph A, in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

C. Such military hostilities, in the absence of a declaration of war, shall not be sustained beyond thirty days from the date of their initiation except as provided in legislation enacted by the Congress to sustain such hostilities beyond thirty days.

D. Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (A) of this section may be terminated prior to the thirty-day period specified in paragraph (C) of this section by joint resolution of Congress.

SEC. 2. (A) Any bill or resolution, authorizing continuance of military hostilities under paragraph C (section 1) of this Act, or of termination under paragraph D (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(B) Any bill or resolution reported pursuant to subsection (A) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

Mr. JAVITS. Mr. President, exercise of the warpowers under the new Constitution was a subject very much in the minds of the men who gathered in Philadelphia to draft the Constitution in 1787, just 4 years after the Treaty of Paris formally ending the Revolutionary War. Moreover, the "legislative history" contained in records of the proceedings of the Constitutional Convention and the Continental Congress clarify the intent of the Founding Fathers in those clauses in the Constitution dealing with the war powers which are less detailed and explicit than we might wish today.

The contention over the assignment of the war powers in 1787 was between the Federal Congress and the State legislatures—and not between the Congress and the President/Commander in Chief, as is now the case. At the Constitutional Convention the debate between State versus Federal control of the war powers was resolved decisively by the assignment of the war powers to the Federal Congress which are detailed in article I, section 8 of the Constitution. Those powers are:

To declare war;

To raise and support Armies;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and Naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for oganizing, arming, and disciplining, the militia, and for governing such Part of them as may be employed in the Service of the United States.

The war powers of the President specified in the Constitution are limited to half a sentence in article II, section 2, which reads as follows:

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual Service of the United States.

Historical necessity, combined with the vigor and ingenuity of many of our Presidents and their supporters, has caused the development of a doctrine which assigns vast—and continuously expanding—"inherent" powers to the Commander in Chief. For all its boldness and ingenuity, this doctrine lacks Constitution foundations.

There was no doubt in the minds of the drafters of the Constitution about who would be the first President of the United States. George Washington was elected unanimously to the office less than 2 years after completion of the Constitutional Convention. Twelve years earlier, in June 1775, the Constitutional Congress had appointed George Washington to be "Commander in Chief" of the colonial forces. Washington held this post as Commander in Chief until his formal resignation and return of his commission in December 1783. He was the only Commander in Chief the United States had ever had when in 1787 the Constitution was drafted and the phrase "Commander in Chief" written into it.

Clearly, the drafters of the Constitution had the experience of Continental Congress with George Washington in mind when they designated the President as "Commander in Chief" in Article II, section 2. Thus, the "legislative history" of the constitutional concept of a Commander in Chief was the relationship of George Washington as colonial Commander in Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander in Chief which was given to Washington on June 19, 1775, and which was formally returned by him to the Continental Congress on December 23, 1783.

I would like to quote the final clause of this Commander in Chief's Commission, because it establishes the relationship of the Congress to the Commander in Chief in unmistakable terms:

And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed.

I ask unanimous consent that the full text of the Commission, together with the rules specified by Congress, be printed at the conclusion of my remarks:

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, this historical background clarifies, and gives added meaning to, those phrases in the Constitution concerning the war powers which are the subject of some contemporary controversy.

Today's proponents of the Commander in Chief "doctrine" make much of the fact that, during the final revision of the Constitution, the power of Congress, "to make war" was changed to the power "to declare war." The issue arose in debate on Friday, August 17, 1787. A question was raised whether the Congress would be properly constituted and positioned to "make war." I would like to quote the relevant portions of the debate as recorded in Madison's authoritative report of "Debates in the Constitutional Convention of 1787":

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. Sharman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare" the latter narrowing the power too much.

Mr. Gerry never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. Elisworth. There is a material difference between the power of making war and making peace. It should be more easy to get out of war, than into it. War is a simple and overt declaration. Peace attended with intricate and secret negotiations.

Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert *declare*—in place of make, it was agreed to."

It is clear that what the Constitutional Convention had in mind in changing the description of Congress power to "make" war, to the power to "declare" war was to make provision for emergency measures of a defensive nature—in the words of Madison, who proposed the change, "leaving to the Executive the power to repel sudden attacks."

Given the extreme suspicion of the executive warmaking power of European kings manifested throughout the constitutional debates, it is probable that the

members of the Constitutional Convention also had in mind Washington's continuing difficulties in getting congressional action on his requests, as well as some difficulties over congressional interference in his tactical conduct of the war.

Washington's original commission granted him a broad measure of executive discretion in carrying out the policy decisions of the Congress. Washington's great prudence in exercising that executive discretion no doubt encouraged members of the Constitutional Convention to grant the extra executive discretionary authority, within congressional policy control, which is inherent in the change of Congress power to "make" to "declare" war. However, there is nothing to support the contention that the power of Congress to authorize war was in any way diminished or meant to be diminished by this drafting change.

The Commander in Chief was envisaged by the Founding Fathers as having broad executive discretion in the implementation of the policy decisions of the Congress respecting war. He was further envisaged as having emergency powers of a limited and defensive nature, that is "to repel sudden attacks."

With increasing frequency we hear the contention that the full nature and scope of the Commander in Chief's power is something beyond the authority of the Congress to regulate and define. Some go so far as to assert that the President has the exclusive, unilateral authority to define his own powers as Commander in Chief. Nothing could be further from the text, the spirit or the legislative history of the Constitution.

Washington's Commission as Commander in Chief explicitly established that the Commander in Chief is "punctually to observe and follow such orders and directions from time to time as he shall receive from this or a future Congress." Together with his commission, Washington was given a fairly extensive list of rules and instructions he was to observe in commanding the Armed Forces.

These facts are closely mirrored in the text of the Constitution itself, which enjoins Congress "to make rules for the Government and regulation of the land and naval forces"—and which instructs the President that "he shall take care that the laws be faithfully executed."

Lest there be any doubt about the authority of the Congress to define the function of the Commander in Chief, the concluding paragraph of section 8 of article I gives Congress the power "to make all Laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

It is my intention, at an early date, to place in the RECORD a full legal brief on the Constitutional and legal aspects of the bill I have introduced today.

EXHIBIT 1

COMMISSION AS COMMANDER IN CHIEF

In Congress, the delegate of the United Colonies of New Hampshire, Massachusett bay, Rhode Island, Connecticut, New-York, New Jersey, Pennsylvania, New Castle, Kent & Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina.

To George Washington Esquire, we reposing especial trust and confidence in your patriotism, conduct and fidelity Do by these present constitute and appoint you to be General and Commander in Chief of the Army of the United Colonies and of all the forces raised or to be raised by them and of all others who shall voluntary offer their service and join the said army for the defense of American Liberty and for repelling every hostile invasion thereof. AND you are hereby vested with full power and authority to act as you shall think for the good and welfare of the service.

And we do hereby strictly charge and require all officers and soldiers under your command to be obedient to your orders & diligent in the exercise of their several duties.

And we do also enjoin and require you to be careful in executing the great trust reposed in you, by causing strict discipline and order to be observed in the army and that the soldiers are duly exercised and provided with all convenient necessaries.

And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed.

This Commission to continue in force until revoked by this or a future Congress.

By order of the Congress.

Dated, Philadelphia June 19th, 1775.

Attest:

JOHN HANCOCK,
President.

CHARLES THOMPSON,
Secretary.

NOTE.—The Commission and instructions were drawn up by the same committee of Congress, consisting of Richard Henry Lee, Edward Rutledge and John Adams, and appointed 16 June, 1775. The instructions are as follows:—

"This Congress having appointed you to be General and Commander-in-chief of the army of the United Colonies, of all the forces raised or to be raised by them, and of all others who shall voluntarily offer their service, and join the said army for the defence of American liberty, and for repelling every hostile invasion thereof, you are to repair with all expedition to the colony of Massachusetts Bay, and take charge of the army of the United Colonies. For your better direction;—

"1. You are to make a return to us as soon as possible of all forces, which you shall have under your command, together with their military stores and provisions; and also as exact an account as you can obtain of the forces which compose the British army in America.

"2. You are not to disband any of the men you find raised until further direction from this Congress; and if you shall think their numbers not adequate to the purpose of security, you may recruit them to a number you shall think sufficient, not exceeding double that of the enemy.

"3. In all cases of vacancy occasioned by the death or removal of a colonel, or other inferior officer, you are by brevet, or warrant under your seal, to appoint another person to fill up such vacancy, until it shall otherwise be ordered by the Provincial Convention, or the Assembly of the colony, from whence are the troops in which such vacancy happens, shall direct otherwise.

"4. You are to victual, at the Continental expense, all such volunteers as have joined or shall join the united army.

"5. You shall take every method in your power, consistent with prudence, to destroy or make prisoners of all persons who now are, or who hereafter shall appear in arms against the good people of the United Colonies.

"6. And whereas all particulars cannot be foreseen, nor positive instructions for such emergencies so beforehand given, but that many things must be left to your prudent and discreet management, as occurrences may arise upon the place, or from time to time fall out, you are, therefore, upon all such accidents, or any occasions that may happen, to use your best circumspection; and, advising with your council of war, to order and dispose of the said army under your command as may be most advantageous for the obtaining of the end for which these forces have been raised, making it your especial care, in discharge of the great trust committed unto you, that the liberties of America receive no detriment."

Mr. COOPER. Mr. President, I have had an opportunity to read the bill which has been introduced by the distinguished Senator from New York, and the scholarly argument he makes in its support.

As we know, for years we have been engaged in a debate on Vietnam and Southeast Asia and the constitutional powers of the President and Congress. Although I have not had an opportunity to study the bill carefully, I know the Senator from New York has raised the essential points around which the debate centers.

If his bill can be considered carefully and acted upon it will do a great deal to achieve longer agreement on the war making power and chart a course for the future.

I would like to say again that I am glad the Senator has introduced this legislation in his usual thoughtful, serious, and scholarly way, and I look forward to participating in the debate.

Mr. JAVITS. Mr. President, I know I reflect the feeling of every Member of Congress when I say that to enlist the interest of the distinguished Senator from Kentucky (Mr. COOPER) is very important. I am glad he is interested in this measure. I know he can help in a constructive fashion this potentially historic piece of legislation. I shall look to him very strongly in that regard. I thank him very much for this very gracious intercession.

S. 732—INTRODUCTION OF A BILL TO AMEND THE PUBLIC WORKS ACCELERATION ACT

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment.

This proposal is similar to legislation I introduced in the Senate last year and to that which has been introduced in the House of Representatives by Representative JOHN MCFALL with 130 cosponsors.

It was my privilege to sponsor the original Public Works Acceleration Act in 1962. This public works program was of great assistance to communities suffering from high rates of unemployment in easing the financial burdens of providing needed public facilities. The many public works acceleration projects aided in making areas and communities all across our Nation better places in which to live and work.

The measure I propose today would

continue this assistance by authorizing the Federal Government to pay up to 80 percent of the cost of needed public works in areas where the average unemployment rate is 150 percent of the national average.

I do not consider the Public Works Acceleration Act to be the definitive and complete answer to our needs in this critical area. Instead, I am introducing this bill to place this important issue before the Senate. The problems of economic development are too complex to be resolved through the construction of public facilities. However, I do feel that in view of the increasing and immediate problems of unemployment and the urgent need for community development—particularly sewage and water systems—the concept of accelerated public works should be embodied in any overall economic development program.

We must recognize also that substantial numbers of areas and communities with high unemployment are not able to demonstrate sustained economic development—the creation of new industry and business and long-term jobs—through the construction and improvement of public facilities. Yet, these established areas and communities do have pressing requirements for new public facilities. Their problems in financing these projects are nearly insurmountable.

Under the general 50 percent Federal grant formula, the burden of securing the remainder of the funds for a viable project through local resources, commercial financing, or even Government loans, is impossible for many areas and communities.

While, over the long pull, comprehensive economic development programs will hold great promise, I believe that there is still the necessity of quick, short-term relief in the creation of jobs. This can be provided only by a substantial program of federally financed public works.

The Committee on Public Works intends to explore in depth the role of such provisions as are contained in this bill during the extensive evaluation of the total economic development effort of the Federal Government. The measure I introduce today will be the vehicle for this study.

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

The bill (S. 732) to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such Act, and for other purposes, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title and referred to the Committee on Public Works.

Mr. HOLLINGS. Mr. President, I am today joining in cosponsorship of the Randolph accelerated public works bill. This is a measure designed to increase employment in areas where unemployment runs inordinately high. It would provide urgently needed Federal assistance to communities where the jobless rate has risen to 150 percent of the national average. Such areas are in need of immediate aid. Surely they cannot be expected to wait still longer while we wait for the economy to reinvigorate itself. The sad fact is that unemployment is endemic in some localities, and even the return of general prosperity will not lift them out of the doldrums.

The implementation of the bill would have two vital effects. First and most important, it would put people to work and thereby remove from them the degradation issuing from unemployment which in the vast majority of cases is not their own fault. Second, the measure will have an expansionary effect on the national economy. The unwillingness to pursue programs such as this during the present recession has made a bad situation much worse. Accelerated public works will provide a needed shot in the arm to America's slumbering economy.

The Randolph bill would provide Federal assistance to communities which have demonstrated the will and ability to plan for the future and which are able to bear a share of the costs involved in the envisioned construction projects. In turn, the building of municipal facilities, sewer projects, and so on, will attract industry to heretofore underdeveloped communities.

I believe the proposed legislation is both important and urgent, and I hope that the Senate will act upon it with the utmost dispatch.

S. 734—INTRODUCTION OF THE PANAMA CANAL MODERNIZATION ACT

Mr. THURMOND. Mr. President, on December 1, 1970, the Atlantic-Pacific Interoceanic Canal Study Commission, an Executive appointed body under the authority of Public Law 88–609, approved September 22, 1964, to determine the feasibility of constructing a canal of so-called sea level design across the American Isthmus, filed its final report with the President of the United States. The members of this study panel were: Robert B. Anderson, Chairman; Robert G. Storey; Milton S. Eisenhower; Kenneth E. Fields; and Raymond A. Hill.

The principal points presented in the letter of transmittal are:

First. That neither the technical feasibility nor the international acceptability of canal excavation by nuclear means has yet been established.

Second. That construction of a canal of sea level design by conventional methods is feasible in a site about 10 miles west of the existing canal at an initially estimated cost, exclusive of any indemnity to Panama, of $2.88 billion at 1970 price levels but that amortization of such cost from toll revenues "may or may not be possible."

Third. That the "potential national defense and foreign policy benefits to the United States justify acceptance of a substantial financial risk."

Fourth. That the United States should "negotiate with Panama a treaty that provides for a unified canal system, comprising both the existing canal and a sea-level canal on route 10—10 miles west of the existing canal—to be operated and defended under the effective control of the United States with participation by Panama."

Fifth. That, if "suitable" treaty arrangements are reached and funds are available, construction be started not later than 15 years in advance of when traffic in the existing canal reaches its capacity.

The preparation of this voluminous report of more than 1,000 pages required about 5 years and cost the taxpayers of the United States over $21 million. It is more impressive for its size than for the quality of its content, conclusions and recommendations. Moreover, it is premised on the unwarranted assumption that the United States will surrender its sovereignty over the U.S.-owned Canal Zone to Panama and make that weak and unstable country a partner in the management and defense of the Panama Canal. Such surrender would be in accord with the 1967 proposed canal treaties that I quoted in statements to the Senate in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967.

Though not mentioned in the forwarding letter, the panel's report does recommend as one alternative the "modernization" of the existing canal to provide for its maximum potential capacity; but in the same recommendation it opposes the construction of additional locks as part of that recommendation. This self-contradictory recommendation means that, with a few operational improvements beguilingly described as "modernization," the canal would still remain what it was in 1914. The construction of additional locks is the "relatively simple and inexpensive expedient" for increasing capacity and improving operations long recommended by experienced engineers, including former Governors of the Panama Canal, as may be seen in House Document No. 137, 72d Congress, page 44. The opposition by the Anderson panel to such construction was foreseen in the warning of Gov. Glen E. Edgerton as long ago as 1944 in a report to the Secretary of War on the elimination of the Pedro Miguel Locks. Governor Edgerton warned that advocates of a sea level canal "would oppose unjustifiably" any major change in the existing canal on the ground that it would obstruct their objective for a sea level project. The Governor's warning was quoted by Senator Thomas E. Martin in the CONGRESSIONAL RECORD, on June 21, 1956, page 10756.

Mr. President, it is, I believe, most significant that Chairman Anderson of sea level panel was also the chief negotiator for the discredited 1967 proposed treaties, which the 1970 sea level report, in effect, supports. These agreements, which would cede the Canal Zone territory and other property of the United States, including any new canal constructed by our country to Panama, are in palpable violation of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of such property in the Congress, thus requiring consent of both House and Senate. This fact is altogether ignored in the Anderson report.

Instead of solving pressing problems of ship transit that require solution, the Anderson report merely adds to the fog

of confusion that has long surrounded the canal subject. Because of this, knowledge of canal history is imperatively necessary if the course of our Government is to be wise and grave error avoided.

The subject of additional transit facilities across the American isthmus has been under periodic congressional consideration for many years. The first definite step in this direction was the authorization in 1939 for the construction entirely in the Canal Zone near the existing canal of a third set of larger locks known as the third locks project. Started in 1940 on a rush basis, it was suspended in May 1942, because of more urgent war needs. More than $76 million was expended on it, mostly on excavating huge sites for the new locks at Gatun and Miraflores, which are usable. No excavation was started at Pedro Miguel, which is fortunate in view of subsequent experience.

This experience in World War II focused the attention of responsible canal officials on the problems of increased capacity and operational improvements of our long neglected tropical waterway. Out of these studies was developed the Terminal Lake-Third Locks plan for the major modernization of the Panama Canal then estimated to cost about $285,000,000, and which can be accomplished at far less cost than any sea-level project under existing treaty provisions. Moreover, the Terminal Lake solution does not require the negotiation of a new treaty. These features, Mr. President, are paramount considerations that cannot be ignored but should be understood by every Member of the Congress and all others concerned with isthmian canal policy matters.

Another important step toward the major modernization of the existing Panama Canal was the completion on August 15, 1970, at a cost of $95,000,000, of the enlargement of Gaillard Cut and other channel improvements, making a total of $171,000,000 already expended toward such modernization. The total net investment of the United States in the canal enterprise, including defense, as of June 30, 1968, was over $5,000,000,000, all paid by the taxpayers of our Nation.

Mr. President, today I reintroduced legislation for the major modernization of the Panama Canal, and I ask unanimous consent that it be referred to the Armed Services Committee. This is the same bill which I introduced as S. 2228 in the last Congress. Mr. FLOOD is the chief sponsor of similar legislation in the House.

The terminal lake solution provided for in these measures has won strong support among independent engineers, geologists, navigators, defense experts, marine biologists, economists and others as supplying the most logical solution of canal problem. Furthermore, any plan that fails to eliminate the bottleneck locks at Pedro Miguel should be summarily dismissed as not having sufficient merit to justify any consideration whatever except to refute it.

As all students of the interoceanic question know, the Panama Canal problem is highly complicated. Its handling involves questions of economics, engineering, operations, defense juridical structure, marine ecology and many other considerations. Yet, when reduced to essentials, the story is relatively short and elementary.

This story, bringing the principal elements into historical focus, is supplied in the 1970 edition of the Encyclopaedia Britannica in an updated article on the Panama Canal by Capt. Miles P. Du Val, Jr., U.S. Navy, retired, the well known historian of the Panama Canal and authority on interoceanic canal problems. This article is probably the most comprehensive and incisive ever published in a major encyclopedia. As such, it should be in invaluable source of objective and authoritative information thus enabling a realistic perspective of the vital canal subject. Published shortly before the filing of the final Anderson report, it deals with basic questions and should be read with the report.

It will be noted that the coauthor of section 9 of the article, which deals with Panama-United States diplomatic relations, is Almon R. Wright, former senior historian of the Department of State.

Mr. President, as the indicated Encyclopaedia Britannica article on the Panama Canal should be of special interest to all Members of the Congress who will soon be faced with the responsibility of decision, I ask unanimous consent for the article and the text of the legislation which I have introduced today to be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 734) to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes, introduced by Mr. THURMOND, 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. 734

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 "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel locks and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the provisions of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer in the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Gov-

ernor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its aproval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks projects and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. Any provision of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any sum appropriated to carry out the provisions of section 2(a) shall remain available until expended.

The article, presented by Mr. THURMOND, is as follows:

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PANAMA CANAL

(By Capt. Miles P. Du Val, Jr., U.S. Navy, retired)

Panama Canal, a high-level artificial interoceanic waterway of the lake and lock type at the Isthmus of Panama connecting the Atlantic and Pacific oceans, owned, operated and controlled by the United States under treaty, for the transit of vessels of commerce and of war of all nations on terms of equality, with tolls that are just and equitable. The Canal Zone, through which it was built, is the constitutionally acquired territorial possession of the United States granted in perpetuity by the Republic of Panama for the construction of the canal and for its perpetual maintenance, operation, sanitation and protection. The gross total investment of the United States in the canal enterprise, including defense expenditures, from 1904 to June 30, 1968, amounted to $6,368,009,000; and net to over $5,000,000,000.

By using the canal, vessels plying between the Atlantic and Pacific coasts of the United States can eliminate the Cape Horn route and save a distance of about 8,000 nautical mi., while journeys between the Atlantic and Pacific coasts of the North and South American continents can be reduced by 3,000–4,000 mi.; vessels from Europe to eastern Asia and Australia can effect a saving of 1,000–2,000 mi. Hence the canal is of the greatest international importance, strategically and economically.

This article is divided into the following sections:

I. The Waterway: 1. Description; and 2. Navigation.
II. The Canal Zone:
1. Area and Tidewaters;
2. Sovereignty;
3. Administration;
4. Tolls;
5. Canal Traffic;
6. Defense.
III. History:
1. Panama Railroad, 1849–55;
2. French Project, 1879–1904;
3. United States Policy, 1850–81;
4. Isthmian Canal Commission, 1899–1901;
5. U.S. Diplomacy, 1901–03;
6. Building the Canal, 1904–14;
7. Principal Engineering and Construction Projects After 1914;
8. Reorganization and Policy Determination; and
9. Panama-U.S. Relations.

I. THE WATERWAY

1. Description.—The Panama canal does not cross the isthmus from east to west as generally supposed, but from northwest to southeast, with the Atlantic entrance 33½ mi. N. and 27 mi. W. of the Pacific entrance. Located in one of the heavier rainfall areas of the world with its longest section formed by impounding the waters of the Chagres river valley by a dam at Gatun, the canal's principal features include: twin-flight locks, dams and spillways at both ends of the canal; the summit-level Gatun lake; an excavated gorge across the continental divide, renamed as Gaillard cut, connecting Gatun lake with the Pacific locks; a small Miraflores lake between two sets of Pacific locks; and two terminals.

The Atlantic terminus is at Cristóbal on Limón bay, a natural harbour protected against storms from the north by east and west breakwaters. The Pacific terminus is at Balboa, a sheltered artificial harbour with its Pacific entrance channel safeguarded from silt-bearing currents by a causeway from the mainland to the fortified islands in the Bay of Panama.

The canal length from shore line to shore line is 40.27 statute miles; and from deep water to deep water, 50.72 miles. From north to south, its main parts are:

1. Atlantic sea level dredged channel of 500 ft. bottom width from deep water to Gatun locks, about 7.4 mi.

2. Gatun locks in three steps from sea level to Gatun lake, 85 ft. above sea level.

3. Gatun lake section with channels varying in width from 1,000 ft. at Gatun to 500 ft. at Gamboa where Gaillard cut begins, distance about 24 mi.

4. Gaillard cut of 500 ft. minimum bottom width to Pedro Miguel locks at the south end of the cut, distance about 8 mi.

5. Pedro Miguel locks in one step (31 ft.) to the intermediate Miraflores lake, 54 ft. above sea level.

6. Miraflores lake with channel 750 ft. wide to Miraflores locks, distance about 1 mi.

7. Miraflores locks in two steps to Pacific sea level.

8. Pacific sea level dredged section to the Bay of Panama, distance about 8.5 mi.

The controlling depth for the Atlantic dredged section from deep water to Gatun locks is 42 ft. below mean low water; from Gatun locks to Pedro Miguel, 42 ft. below the minimum Gatun lake level of 82 ft.; from Pedro Miguel locks to Miraflores, 41 ft. below the mean Miraflores lake level of 54 ft.; and from Miraflores locks to deep water in the Pacific, 42.4 ft. below mean low water spring (maximum) tides.

The canal is equipped with modern aids to navigation. The Panama canal has had several major operational improvements since opening to traffic in 1914 including the Madden Dam and Power project, with its upstream lake to conserve water for lockages and maintenance of channel depths in Gatun lake during dry seasons and to reduce the danger of floods from the upper Chagres in wet seasons; replacement of lock towing locomotives; and illumination of Gaillard cut, its widening from 300 ft. to 500 ft. and deepening from 42 ft. to 47 ft., started in 1959.

On April 30, 1968, large surface ground cracks of depth were discovered on Hodges hill on the west bank of Culebra reach of Gaillard cut, and studies were begun to determine what should be done to prevent slides.

Locks.—No part of the canal attracts more attention than its massive locks. Constructed in duplicate to enable simultaneous lockages of vessels in the same or opposite direction, all locks have usable dimensions of 1,000 ft. length, 110 ft. width, and a depth to accommodate vessels drawing 40 ft. in salt water. Each lock gate has two leaves, the leaves being floatable structures 65 ft. wide by 7 ft. thick, varying in height from 47 to 82 ft., weighing from 390 to 730 tons, and operated by 40 h.p. motors through gear arrangements.

Locks are equipped with unique safety devices, notably hydraulically operated fender chains and electric towing locomotives. The fender chains protect lock gates against vessels that may get out of control when approaching locks, and are dropped into grooves to permit passage. With the exception of small craft, vessels are not allowed to pass through locks under their own power, but are required to be drawn ,by towing locomotives,

varying in number from four to eight, depending on ship characteristics.

The time required for passage through the locks depends upon many factors, including size of vessel and its handling features. Generally, lockage intervals are 80 min. at Gatun, 40 min. at Pedro Miguel, and 60 min. at Miraflores.

Gatun Dam and Spillway.—The key structure of the Panama canal is Gatun dam, near the end of the Chagres river valley. It is about 1½ mi. long on its crest, ½ mi. wide at the base, 400 ft. wide at the water surface, 100 ft. wide at the top, and its crest is 105 ft. above sea level. It contains 22,958,068 cu. yd. of material.

Located on a natural hill of rock near the centre of the dam, Gatun spillway was designed to provide adequate control of Gatun lake levels during the maximum known discharge of the Chagres river. The dam and spillway together with Gatun locks form the northern barrier that creates Gatun lake.

Gatun Lake and Gaillard Cut.—Gatun lake, at its normal height of 85 ft., has an area of 166 sq.mi. and a shore line of 1,100 mi.; with a watershed of 1,285 sq.mi., which includes territory of the Republic of Panama. Its designed operating range is 5 ft., between water levels of 87 and 82 ft. above sea level.

Gaillard cut, formerly called Culebra cut, is an artificial extension of Gatun lake across the continental divide to Pedro Miguel locks, with its original bottom at a maximum of 40 ft. above sea level, on an alignment that passes between Gold hill and Contractors hill. Its restricted channel and rocky banks make this cut the most hazardous part of the canal. A steady growth in vessel sizes and number carrying hazardous cargo has increased the frequency of transits requiring one-way navigation in Gaillard cut.

Pacific Dams, Miraflores Lake and Spillway.—Across the south end of Gaillard cut, a pair of one-lift (31 ft.) Pedro Miguel locks and two flanking dams to nearby hills form the southern barrier closing the upper valley of the Rio Grande and holding the Gatun lake water level. With crests 105 ft. above sea level, the east dam extends about 300 ft. to Cerro Luisa and the west extends about 1,400 feet to Cerro Paraiso. The east dam is a concrete wall, 260 ft. long, covered with earth; the west is earth and rock, containing 699,518 cu.yd. of material.

At Miraflores, a set of two-lift locks and two dams form a second barrier closing the lower valley of the Rio Grande and creating the intermediate Miraflores lake. This lake, at 54 ft. above sea level, has an area of 1.5 sq.mi. Its watershed is 38 sq.mi.

The major part of the east dam at Miraflores is the spillway, designed to handle free flow of water from Gatun lake through one chamber at Pedro Miguel in event of accident. The west dam, with crest 40 ft. wide and 70 ft. above sea level extending 2,700 ft. to Cerro Cocoli, is the second largest dam of the canal, containing about 2,388,423 cu.yd. of material.

Terminal Facilities.—The Atlantic terminus affords safe anchorages in Limón bay and convenient pier berths at Cristóbal. The Pacific terminus has mooring buoy, dock and pier berths at Balboa; also an unprotected outer anchorage in the Bay of Panama. All piers are modern, 1,000 ft. long by 200 ft. wide, with enclosed sheds and railroad service, ample for storage of consignments and transhipment of cargo.

Both terminals are equipped for servicing of vessels, provisioning and repairs. The principal repair installations are on the Atlantic side near Mount Hope, with a 386-ft. dry dock. Larger marine and railway repair shops on the Pacific side are closed, with a 1,044 ft. dry dock in a stand-by status. Salvage tugs and other wrecking equipment are available.

2. Navigation.—All vessels entering or leaving a terminal port, maneuvering in Canal Zone waters, or in transit, in general, are required to take pilots, who have charge of navigation and movement. Transits are made under rigid traffic controls. The average time required to transit is from seven to eight hours.

II. THE CANAL ZONE

1. Area and Tidewaters.—The Canal Zone is a strip of land and land under water 10 mi. wide with boundaries generally 5 mi. from the centre of the canal except for the western salient covering the mouth of the Chagres river, the arms of Gatum lake extending into the Republic of Panama, and Madden lake. Beginning in the Caribbean, "three marine miles" from mean low water as provided by treaty, the zone extends across the isthmus to a distance of "three marine miles" from mean low water in the Pacific, but excludes the Panamanian cities of Colón and Panama.

The Canal Zone includes all of Gatum lake and surrounding shores up to the 100 ft. contour and all of Madden lake and its shores up to the 260 ft. contour. The total area of the Canal Zone is 647.29 sq.mi.—372.32 sq.mi. land, 185.52 sq.mi. fresh water, and 89.45 sq.mi. salt water, including the Atlantic and Pacific coastal waters within the three-mile limit.

The tides at the Atlantic and Pacific terminals differ in both magnitude and character. At Cristóbal on the Atlantic side they are irregular and small, with an extreme range of 3.05 ft. At Balboa on the Pacific side, they are remarkably regular with two highs and two lows every lunar day of 24 hr. and 50. min., with an extreme range of 22.7 ft.

2. Sovereignty.—Under the authority of the Panama Canal act of 1912 and in conformity with treaty, Pres. William H. Taft, by executive order of Dec. 5, 1912, declared that "all land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection, and sanitation of the Panama Canal." Since title to all such land was acquired by the United States, the Canal Zone, in its entirety, is United States government reservation.

The only private enterprise activities permitted within the zone are on lands rented under revocable licenses, normally to shipping interests, communications companies, banks, agriculturists and others directly connected with the canal or its operation. Areas assigned for other government purposes, in the mid-1960s, included 253 sq. mi. for the armed forces, with 176 to the army, 22 to the navy and 55 to the air force; 6 to the Smithsonian institution as a wildlife preserve on Barro Colorado; 5 as the Madden Forest preserve; 0.96 to the Federal Aviation agency; 1 to commercial licenses and 13 to Canal Zone town sites. Remaining land, largely mountain or jungle, totals over 193 sq. mi. All areas continue subject to the civil jurisdiction of the Canal Zone government is conformity with the Canal Zone code.

3. Administration.—The Panama canal enterprise, as reorganized July 1, 1951, under public law 841, 81st congress, approved Sept. 29, 1950 (Thompson act), consists of two main units, the Panama Canal company and the Canal Zone government, with the dominant mission of the safe, convenient and economic transit of vessels. The Canal Zone is divided into two districts, the Balboa (or Pacific) subdivision and the Cristóbal (or Atlantic) subdivision.

Balboa and Cristóbal.—These subdivisions are coterminous with the Balboa and Cristóbal divisions of the U.S. district court. Their common boundary crosses the Canal Zone at right angles just northwest of Barbacoas Island. The Balboa subdivision includes all Canal Zone area lying southeasterly of this boundary, and the Cristóbal subdivision, all lying northwesterly of it.

Towns, except Gamboa, are clustered near the terminals convenient to canal and shipping activities, in which, directly or indirectly, most of the civilian population in the zone is employed. Gamboa, because it is the headquarters of dredging operations, is located north of Gaillard cut to prevent isolation of equipment from lake dumps in event of slides. All towns have the facilities of well-managed communities in the United States, with high standards of health, sanitation and education. The canal administrative centre is at Balboa Heights.

A long-felt defect in the 1903 treaty was failure to provide for adequate public crossings of the canal for the Canal Zone and Panama, both divided by the waterway. This condition was initially corrected by the United States by a toll-free ferry at Balboa in 1932 under legislation sponsored by Rep. Maurice H. Thatcher, former member of the Isthmian Canal commission for whom it was named; and finally, in 1962, pursuant to treaty, by the toll-free Thatcher Ferry bridge to replace the ferries.

The population of the Canal Zone in 1968, including dependents of the U.S. armed forces, was 50,405, with 14,477 in the Cristóbal district and 35,928 in the Balboa district. The population of the principal communities was 3,489 for Gamboa and 3,139 for Balboa.

The Panama Canal Company.—This is a corporate instrumentality of the United States, operated under the management of its board of directors and charged with the maintenance and operation of the Panama canal and the conduct of business-type operations incident thereto and to the civil government of the Canal Zone.

The basic law requires that the company be self-sustaining. Its obligations include its own operating expenses, the net cost of civil government, interest and depreciation on United States investment in the enterprise, and $430,000 of the $1,930,000 annuity paid to the Republic of Panama, the remainder being provided by the department of state, and thereby excluded in fixing tolls.

The Canal Zone Government.—This is an independent agency of the United States, administered by a governor of the Canal Zone, under the supervision of the president, or such officer of the United States as may be designated by him (secretary of the army). It performs the functions of city, county and state governments, with certain attributes of diplomatic character in connection with the Republic of Panama. The governor, who is appointed by the president and confirmed by the senate, is ex-officio a director and president of the Panama Canal company.

The judicial functions of the Canal Zone government are performed by two magistrate's courts, Balboa and Cristóbal, each presided over by a magistrate appointed by the governor; and by a United States district court of the fifth judicial circuit, consisting of two divisions, Balboa and Cristóbal, presided over by one judge appointed by the president.

4. Tolls.—The levy of tolls is subject to provisions of the Hay-Pauncefote treaty (1901). the Hay-Bunau-Varilla treaty (1903) and the Thomson-Urrutia treaty proclaimed in 1922. Exempted from transit tolls in accordance with treaty are vessels owned, operated or chartered by the government of the Republic of Panama and war vessels of the Republic of Colombia; also vessels in transit solely for repairs at Panama canal shops.

Tolls are assessed on the basis of Panama canal net tonnage of actual earning capacity, a net vessel ton being 100 cu. ft. of space. Tolls cover all normal transit charges, including pilot service. Vessels operated by the United States, including warships and auxiliaries, are assessed tolls.

Tolls in 1968 were 90 cents per net ton for merchant vessels, army and navy transports, tankers, hospital and supply ships, and yachts, when carrying passengers or cargo; 72 cents per net ton on such vessels in ballast without passengers or cargo; and

50 cents per ton of displacement for other types. The average measurement per ocean-going commercial vessel in fiscal year 1968 was 7,320 net tons and average tolls per vessel $6,357.

The Panama Canal company is authorized to prescribe and, from time to time, change rules for the measurement of vessels and tolls, subject to requirements for six months notice, public hearings and approval by the president of the United States, whose action shall be final and conclusive.

5. Canal Traffic.—Although the Panama canal was conceived and built primarily as an artery of world trade, its traffic, except during World War II. has had an irregular but sustained growth since 1916 in the number of commercial transits and cargo tonnage.

Fiscal year	Total transits [1]	Total long tons of cargo [1]	Total tolls and toll credits
1929	7,197	30,781,755	$27,128,893
1933	5,040	18,269,917	19,621,181
1939	7,449	27,993,144	23,699,430
1943	4,372	11,030,105	7,368,739
1950	7,694	30,364,982	24,511,713
1955	9,811	41,523,432	35,136,529
1960	12,147	60,401,733	51,803,032
1965	12,918	78,922,931	67,148,451
1967	14,070	92,997,958	82,296,638
1968	15,511	105,538,318	93,153,649

[1] Executive of transits for repairs.

Source: Annual Reports of Board of Directors and President, Panama Canal Company.

Its traffic volume is extremely sensitive to wars and depressions, and to appreciable political, economic or other upheavals in any part of the world, such as crop failures, strikes destruction by tropical storms, development of foreign industries and closure of the Suez canal.

A significant feature of Panama canal traffic is the pattern of its trade routes, of which eight are well defined.

The lowest traffic volume after 1933 occurred in 1943, when there were 4,373 transits by ocean-going commercial vessels with 11,030,105 tons of cargo. A high point in traffic history occurred in fiscal year 1968 when, because of the Vietnam war and the closing of the Suez canal, new records in the number of transits, toll revenue, and tons of cargo were made. Growing numbers of commercial vessels with beams over 80 ft. were using the canal, thus emphasizing the need for increased capacity.

6. Defense.—The Panama Canal act of 1912 vests responsibility for protection of the Panama canal and Canal Zone in the governor, this protection being the normal exercise of police authority within the Canal Zone. Defense against external aggression is a function of the armed forces, for which the commander in chief, Southern Command, is responsible. These include army, navy and air force units, located in the Canal Zone and elsewhere.

The act further provides that "in time of war in which the United States shall be engaged, or when, in the opinion of the president, war is imminent," the president is authorized to vest exclusive authority and jurisdiction over the Panama canal and Canal Zone government in such officer of the army as the president may designate, with the governor subject in all respects to the orders and directions of the designated officer of the army.

During war or emergency, elaborate security precautions are taken by both civil and military authorities, including careful examination of arriving vessels and use of specially trained security guards during transits.

III. HISTORY

The advantageous geographical location of the Central American isthmus was recognized by the early Spanish who, within a few years after the visit there by Columbus in 1502, followed with extended exploration focused on four main route areas: Tehuantepec, Nicaragua, Panama and the Darién-Atrato. Not finding a strait, they promptly conceived the idea of constructing one.

Because of lower continental divides at Panama and Nicaragua, with penetration by large valleys, these two avenues became rivals for isthmian transit. At Panama, mountainous terrain and torrential rivers, notably the Chagres, at the time presented insuperable barriers to a canal. Lake Nicaragua, 3,089 sq. mi. in area, with its then navigable San Juan river flowing into the Atlantic, reduced the magnitude of the task to cutting across the narrow strip which separated the lake from the Pacific. Eventually, control of the Nicaragua route became a focal point of international conflict, with Great Britain and the United States in a diplomatic deadlock. This situation was prolonged by the Clayton-Bulwer treaty (1850) which deprived the United States of exclusive control over any isthmian canal that it might construct.

1. Panama Railroad, 1949–55.—When United States westward expansion in the late 1840s required better means for transit, three North Americans of vision, John Lloyd Stephens, William Henry Aspinwall, and Henry Chauncey, organized the Panama Railroad company. Chartered in 1849 by the state of New York, this company, under enormous difficulties, completed building the Panama railroad in 1855—the first transcontinental railroad of the Americas. Running from Aspinwall (Colón) close to the line of the future canal, this 47.5-mi. strategic rail link was the first concrete step toward construction of the Panama canal, giving it a tremendous advantage over Nicaragua in the choice of route.

In view of the key functions that this celebrated railroad was later to fill in Panama canal history, it is important to note a treaty of 1846 between the United States and New Granda (Columbia). This treaty was an offensive and defensive alliance aimed primarily toward securing a canal at Panama, even then recognized by Pres. James K. Polk as the most practicable route. It provided that the United States should guarantee the "perfect neutrality" of the isthmus and its free and uninterrupted transit.

2. French Project, 1879–1904.—Meanwhile, French interests under the dynamic leadership of Ferdinand de Lesseps (*q.v.*), hero of the Suez canal, decided to construct a canal across the American isthmus. An International Congress for Consideration of an Interoceanic Canal, consisting of 135 delegates, convened at Paris on May 15, 1879, to decide upon site and type. As president of the congress, De Lesseps applied his prestige and genius toward securing approval for a sea-level type of canal at Panama.

Adolphe Godin De Lépinay de Brusly, an engineer who had studied the American isthmus, protested strongly at this trend. He understood the topography at Nicaragua and how its large natural lake, 105.5 feet high, would contribute toward construction of a canal at that location. He knew the surface features at Panama—the continental divide about 10 mi. from the Pacific, the torrential Chagres river flowing into the Atlantic, and the smaller Río Grande into the Pacific, both through valleys suitable for the formation of lakes. He emphasized the key problems at Panama as the control of the Chagres river and excavation of Culebra cut, recognized the lake idea as offering the best solution, and proposed a "practical" plan for building the Panama canal. It called for a dam at Gatun and another at Miraflores, or as close to the seas as the configuration of the land permitted, letting the waters rise to form two lakes about 80 ft. high, joining the lakes by cutting across the continental divide, and connecting them with the oceans by locks. This design, he explained, was not only best for engineering but also most advantageous for navigation.

Unfortunately for the French, De Lépinay's idea was ignored. His conception, however, and its dramatic presentation before the Paris congress of 1879, established him as an architectural and engineering genius and the originator of the plan from which the Panama canal was eventually built. The French Panama Canal company, despite De Lépinay's timely warning, launched upon its ill-fated undertaking. Ten years later, in 1889, its effort collapsed due to a combination of bankruptcy, lack of planning and disease. In France, it resulted in a sensational financial scandal. Yet, before failing, the company, to save money and time, was forced to change its plans from sea-level to a high-level lock type.

Reorganized in 1894 as the New Panama Canal company, its officers realized that their only chance of assuring any return on the investment was to hold on until the United States could be induced to take control. Thus until 1904 they limited their activities to technical studies and such excavation as were required to protect the concession from Colombia. The total French excavation was 78,146,960 cu. yd. of material, of which 29,908,000 were later useful to the United States.

3. United States Policy, 1850–81.—With active canal endeavours temporarily checked by the Clayton-Bulwer treaty and transit facilities met by the Panama railroad, United States efforts were generally restricted to explorations. It was not until Gen. Ulysses S. Grant became president in 1869 that major interest revived, with extensive naval exploring expeditions starting in 1870 and covering the more important canal sites.

With the objective of securing the best type of canal at the best site, and at least expense, the reports of these expeditions were reviewed by the first United States Interoceanic Canal commission, 1872–76, consisting of Brig. Gen. Andrew A. Humphries, chief of U.S. army engineers; C. P. Patterson, U.S. Coast survey; and Commodore Daniel Ammen, chief of the bureau of navigation of the navy. Reporting to President Grant on Feb. 7, 1876, the commission was unanimous in recommending a Nicaragua canal starting on the Atlantic side near Greytown, following the San Juan river to Lake Nicaragua, through the lake, and thence across the land to Brito. Thus, the United States became definitely committed to the Nicaragua route, then complicated by British control of its eastern terminus through their protectorate over the Mosquito kingdom.

Viewing an isthmian canal as "virtually a part of the coastline of the United States" and alarmed by the energetic measures taken by French interests at Panama, United States leaders determined to change American policy. This attitude found expression on March 8, 1880, when the Select Committee on Interoceanic Canals of the house of representatives recommended a resolution by the congress declaring that any form of protectorate on this continent was contrary to the Monroe Doctrine (*q.v.*), that the United States asserts and maintains its right to possess and control any artificial means of isthmian transit, and that the president be requested to take steps to abrogate the Clayton-Bulwer treaty. This objective was supported by former President Grant, who, in Feb. 1881, publicly commended "an American canal, on American soil, to the American people."

4. Isthmian Canal Commission, 1899–1901.—The French failure in 1889 rendered the canal situation less acute, requiring a new crisis to dramatize the issue. This was supplied by the historic voyage of the U.S.S. "Oregon" during the Spanish-American War in 1898, which emphasized the need for an isthmus canal. The result was that Pres. William McKinley, in 1899, appointed an

Isthmian Canal commission, with Rear Admiral John G. Walker, U.S.N. (ret.), as president, to investigate all canal routes, particularly Nicaragua and Panama, and to recommend the most practicable. In its first report on Nov. 16, 1901, the commission estimated the cost of a Nicaragua canal at $189,846,062, and Panama at $144,233,358; and the value of the French holdings at $40,000,000. But as the French company was demanding $109,141,500 for its property, the total estimate for Panama was $253,374,858. Because of the excess cost for a canal at Panama, it recommended Nicaragua as the only practicable route.

5. U.S. Diplomacy, 1901–03.—Meanwhile, the United States government, under the leadership of Secretary of State John Hay, negotiated with Great Britain the Hay-Pauncefote treaty of Nov. 18, 1901, which superseded the Clayton-Bulwer treaty and recognized the exclusive right of the United States to construct, regulate and manage any Isthmian canal. It further adopted the principal points in the Convention of Constantinople (1888) for the Suez canal as rules for the operation and neutralization of the American canal. These rules provided that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality, with tolls that were just and equitable. The United States was also authorized to protect the canal against lawlessness and disorder.

The New Panama Canal company in Paris, reacting to the commission's recommendation for Nicaragua, on Jan. 9, 1902, cabled Admiral Walker its readiness to accept the United States offer of $40,000,000 for its holdings. Thereupon the commission, in a supplementary report on Jan. 18, 1902, canceled its first recommendation and recommended Panama as the most practicable and feasible route for an Isthmian canal. Describing the previous concessions from Colombia as unsatisfactory and insufficient, the commission emphasized the necessity for obtaining in perpetuity the grant of a sufficient strip of territory across the isthmus for canal purposes. Promptly transmitted to the congress by Pres. Theodore Roosevelt, the new recommendation started a memorable debate in the congress known as the "battle of the routes." Out of it came the basic law for construction of the Panama canal approved June 28, 1902, known as the Spooner act.

This law authorized the president to acquire all French holdings including its Panama railroad stock at a cost not exceeding $40,000,000, to obtain from Colombia perpetual control of a strip of land for the maintenance, operation and protection of the Panama canal and railroad, and then, through the Isthmian canal commission, to construct the Panama canal. The type contemplated by the act was high-level, with Atlantic locks and dams at Bohio to form a Lake Bohio. Provision was also made that in event of failure to obtain an adequate treaty within a reasonable time, the president should proceed with construction of a Nicaragua canal.

In harmony with the act, Tomás Herrán, Colombian chargé d'affaires in Washington, after many months of arduous labour, succeeded in negotiating a most favourable treaty for his country—the Hay-Herrán treaty of Jan. 22, 1903, which was ratified by the United States senate on March 17, 1903.

Unfortunately, this treaty became involved politically in Bogotá. The Colombian senate, called into special session on June 20, 1903, for its ratification, rejected the treaty against urgent pleadings by Herrán in Washington and U.S. Minister Arthur M. Beaupré in Bogotá.

The Panama Revolution, 1903.—Panamanian leaders, fearing that after all Panama might still lose the canal to Nicaragua, determined to avert that possibility. A Panamanian agent was then dispatched to Washington to obtain promise of help for a plan of revolt. While no promise was given, the warship U.S.S. "Nashville" appeared at Colón on Nov. 2, 1903. On the following day an uprising occurred, Colombian troops were prevented from crossing the isthmus to put down the rebellion and independence was proclaimed under the leadership of Manuel Amador. It was recognized, first by the United States, second by France, and soon afterward by the other countries.

Then followed negotiation of the second basic canal convention, the Hay-Bunau-Varilla treaty of Nov. 18, 1903, with Panama instead of Colombia. By this treaty, in harmony with the Spooner act, United States was granted in perpetuity exclusive use, occupation and control of the Canal Zone. Significantly the United States could exercise all sovereign powers to the entire exclusion of the exercise of such powers by Panama. That country was to receive $10,000,000 in cash and a $250,000 annuity to begin nine years after ratification of the agreement. The proclamation of this treaty on Feb. 26, 1904, sealed the choice of the Panama route.

A few days later, on March 8, 1904, President Roosevelt recognized the contributions of Admiral Walker by appointing him as the first chairman of the first Isthmian Canal commission for the construction of the Panama Canal. One member, Maj. Gen. George W. Davis, U.S. army (ret.), was the first governor of the Canal Zone. John F. Wallace, a leading railroad engineer, not experienced in "frontier" work, was chosen as the first chief engineer.

The Canal Zone was formally acquired on May 4, 1904—a day subsequently celebrated annually in the zone as Acquisition day.

6. Building the Canal, 1904–14.—Work under the United States started haltingly. Because of public clamour to "make the dirt fly, the commission weakened in its stand for thorough and comprehensive preparation and started work without proper equipment or plans. Though valuable time was thus lost, the commission made important contributions. It organized the Canal Zone government, started sanitation under the supervision of William Crawford Gorgas (*q.v.*), and recruited the nucleus of an engineering and construction force.

Resigning on March 30, 1905, the Walker commission was succeeded by a new one headed by Theodore P. Shonts, a prominent railroad executive, with Wallace continuing as chief engineer. Though for a time conditions improved, Wallace, on June 26, 1905, suddenly resigned, throwing the working forces into confusion.

Battle of the Levels, 1904–06.—Of the difficulties of this period the gravest was increasing uncertainty as to the type of canal that should be built—the high-level lock type contemplated by the Spooner act or a canal at sea level as had been suggested by Wallace in 1904.

Fortunately, President Roosevelt selected a great railroad builder, executive and explorer, John F. Stevens, as the new chief engineer. Stevens qualifications were unique. He had read everything available on the Panama canal since the time of Philip II, discovered Marias pass in Montana, built railroads in the Rocky mountains and supervised open mining operations in Minnesota. Thus, he had observed what occurs when the delicate balances of nature are upset, understood the hazards of cutting a ship channel through mountains, and was experienced in personnel and construction problems in undeveloped terrain.

Arriving on the isthmus on July 25, 1905, at a time of chaos, he rescued the project from possible disaster. He promptly provided housing for employees, established commissaries, adopted sanitation measures, ordered equipment and double-tracked the Panama railroad. After planning the transportation system for Culebra cut excavation and for relocation of the railroad to higher ground on the east side of the canal, moving the Atlantic locks site from Bohio to Gatun to form Gatun lake, recruiting competent leaders and forming the organization for building the Panama canal, he found progress hampered because of delay on the decision as to type of canal, then being considered by an International Board of Consulting Engineers, of which General Davis was chairman.

In its report of Jan. 10, 1906, this board split—the majority of eight members headed by General Davis and including five Europeans, voting for sea level; and the minority, five Americans (Alfred Noble, Henry L. Abbot, Frederic P. Stearns, Joseph Ripley and Isham Randolph), voting for the lock type.

The controlling features of the lock plan recommended by the minority were a dam at Gatun creating Gatun lake 85 ft. high as the summit level and Culebra cut. Parallel flight locks were to be provided: three-lifts at Gatun, one-lift at Pedro Miguel, and two-lifts at Sosa hill, the last two sets being separated by an intermediate Sosa lake. Though of different lock arrangement, this plan was the same type as recommended in 1901 by the Walker commission.

Testifying before congressional committees in Washington in January and June 1906, and using the De Lépinay arguments of 1879, Stevens supported the high-level plan with a conviction that no one could shake, and strongly opposed the sea-level plan recommended by the majority of the International Board of Consulting Engineers. In the end, with the support of President Roosevelt, Secretary of War Taft, and the Isthmian Canal commission, the views of Stevens prevailed against strenuous opposition concerned primarily with questions of "vulnerability." Congress, by act approved June 29, 1906, adopted the high-level lake and lock plan as proposed by the minority. This was the great decision in building the Panama canal.

The transit since 1914, in both peace and war, of thousands of vessels of various types, completely establishes the wisdom of that decision. It secured for Stevens, who was mainly responsible for bringing it about, great fame as the basic architect of the Panama canal. This fact was recognized in Oct. 1962 at the time of the opening of the Thatcher Ferry bridge by the dedication of a handsome memorial honoring the great engineer.

Pacific Lock Location Question, 1906–08.—Though the high-level plan, as approved by the minority of the International Board of Consulting Engineers, placed all Atlantic locks at Gatun it divided the Pacific locks into two sets. Stevens, early in 1906 before adoption by congress of the minority report, recognized the Pacific lock arrangement as faulty and recommended consolidation as a needed change. Eventually, on Aug. 3, 1906, Stevens approved a plan placing all Pacific locks in three-lifts south of Miraflores with the terminal dam and locks between two hills, Cerro Agudaulce on the west side of the sea level section of the canal and Cerro de Puente on the east side, a location later recognized by Lieut. Col. George W. Goethals as offering the best site. This arrangement would have enabled lake-level navigation from the Atlantic locks to the Pacific, with a summit level anchorage at the Pacific end of the canal.

Regrettably, Stevens was under great pressure to start active construction. Advocates of the sea-level proposal, stung by their defeat in congress, and also opponents of any canal at all, were ready to take advantage of any change in the approved program as evidence of weakness in the high-level plan. Together, these two forces represented a political and economic power that could not be ignored.

Stevens' foundation investigations, neces-

sarily made in haste proved unsatisfactory, and he did not dare to jeopardize the project by further delay. On Aug. 23, 1906, apparently confident that this important question would rise again, he voided his plan but retained it on file, and proceeded with the approved plan for separating the Pacific locks, which he did not personally favour.

Later, after Stevens left canal service, Maj. William L. Sibert, a member of the commission with a keen appreciation of marine needs in the design of navigational works, made more extensive explorations. Finding adequate foundations, he likewise, on Jan. 31, 1908, recommended the consolidation of all Pacific locks in three-lifts at Miraflores to provide a Pacific terminal lake, but his well-reasoned proposal was not approved, and the canal was completed with two sets of Pacific locks, separated by Miraflores lake.

Construction and Completion, 1907–14.—With canal type decided, construction organization effected, and a greater part of the plant installed by July, 1906, real progress started. Thus, Stevens was able to assure the press in 1906 that the canal would be completed in 1914 and formally opened by Jan. 1, 1915.

On Jan. 30, 1907, after having brought design and construction to a point where work was in "full swing" and success a certainty, Stevens submitted his resignation to the president. Despite that action, however, Roosevelt, on Mar. 4, 1907, in recognition of his tremendous contributions, appointed him as chairman of the Isthmian Canal commission, making Stevens the first to hold the combined positions of chairman and chief engineer.

Stevens was succeeded by Lieutenant Colonel Goethals, an outstanding army engineer, who, with his associates, civilian as well as military, ably brought the project to completion substantially in accord with the Stevens plan. Such changes as were made, though important, were nonbasic. These included widening the bottom of Culebra cut from 200 ft. to 300 ft. increasing usable lock dimensions to a width of 110 ft. and length of 1,000 ft., with a depth to permit passage of ships drawing 40 ft. in salt water, rerouting the Panama railroad around Gold hill, relocation of locks from Sosa hill to Miraflores, and redesign of Gatun dam.

Other members of the Isthmian Canal commission on April 1, 1970, were Maj. David D. Gaillard, Major Sibert, naval civil engineer Harry H. Rousseau, Lieut. Col. William C. Gorgas, Jackson Smith and J. C. S. Blackburn. Later changes included Lieut. Col. H. F. Hodges (1908–14) to succeed Smith, Maurice H. Thatcher (1910–13) to succeed Blackburn and Richard L. Metcalfe (1913–14) to succeed Thatcher. Gaillard died on Dec. 5, 1913, without a successor.

The building of the Panama canal, one of the greatest engineering feats in the world, was indeed a monumental and unprecedented achievement. Its subsequent success, in both peacetime and during war, entitle all who, in significant manner, participated in its planning, construction, sanitation and civil administration, to the highest honours. The canal was first opened to traffic on Aug. 15, 1914.

7. Principal Engineering and Construction Projects After 1914.—The Isthmian Canal commission, abolished on April 1, 1914, was succeeded by a highly centralized permanent operating organization authorized by the Panama Canal act of 1912, known simply as The Panama Canal. Though free, under the law, to choose the governor from any source, Pres. Woodrow Wilson, in recognition of the services of Colonel Goethals, appointed him as the first governor of The Panama Canal.

The canal was launched into its era of operations under Governor Goethals, who served until late 1916 after the early slide crises. Goethals, chose his principal engineer assistant as his successor and established a tradition of succession, by advancement, that lasted until 1952.

Madden Dam and Power Project, 1919–35.—Faced with the problems of an unusually dry season, 1919–20, requiring conservation of water for lockages and maintenance of channel depths, and later by a great flood in 1923, endangering the waterway, together with growing traffic, congress authorized the first important step toward increasing canal capacity, the Madden Dam and Power project. Completed in 1935, it provided more water for lockages, controlled floods, improved navigation and supplied additional power.

Third Locks Project, 1939–42.—The second step toward greater capacity was for a third set of locks. Because of naval needs, in the critical period preceding World War II, congress, on administrative recommendation, authorized the Third Locks project, at a cost not to exceed $277,000,000. The proposed layout contemplated a new set of larger locks, 1,200 ft. long and 140 ft. wide, with 45 ft. navigable depth, near each of the existing locks but at some distance away with the new locks joined with existing channels by means of by-pass channels. At the Atlantic end, the project duplicated existing arrangements. At the Pacific end, however, the proposed channel, in addition to duplicating its faulty layout, contained three sharp bends of 29°, 47° and 37° in succession from north to south. Work started in 1940 and was pushed vigorously until suspended by the secretary of war in May 1942 because of shortage of ships and materials more urgently needed elsewhere for war purposes. No excavation was accomplished at Pedro Miguel; that at Gatun and Miraflores was substantially completed. A total of $76,357,405 was expended.

Terminal Lake—Third Locks Plan, 1942–43.—Fortunately, suspension of work on the Third Locks project occurred while there was still time for canal officials to re-examine it in the light of needs demonstrated by war-operating experience. These studies served to emphasize that the separation of the Pacific locks and failure to provide a summit-level lake at the Pacific terminus were fundamental errors of design, with Pedro Miguel locks as the principal obstruction to optimum canal operating conditions.

Out of the studies including an evaluation of the sea-level idea, grew what proved to be the first comprehensive proposal for the economic increase of capacity and operational improvement of the Panama canal—the Terminal Lake-Third Locks plan. It proposed the physical removal of Pedro Miguel locks, consolidation of all Pacific locks near Aguadulce, elevation of the intermediate Miraflores lake water level from 54 ft. to that of Gatun lake to create a summit-level anchorage at the Pacific end of the canal to match, as far as possible, that in the Atlantic end. It would also include raising the summit level to its highest feasible height of approximately 92 ft., enlarging Gaillard cut and constructing a set of larger locks. Essentially, this was the same plan originated by De Lépinay, and later recommended by Stevens and Sibert.

Officially submitted and publicly presented in the Canal Zone, it aroused wide interest among engineers and maritime agencies, including the secretary of the navy, who, on Sept. 7, 1943, submitted it to the president. Soon after, in 1944, it was approved in principle by the governor of The Panama Canal and recommended to the secretary of war for thorough investigation, and later, in 1945 it was approved in general before the congress by a succeeding governor for the major modification of the existing waterway in preference to completing the original Third Lock project. A 1949 congressional investigation reported that it could be accomplished at comparatively low cost.

The Terminal Lake-Third Locks plan, being an enlargement of the existing facilities that does not call for additional land or waters, is covered by current canal treaties and does not require negotiation of a new one, a paramount diplomatic consideration.

Sea Level Plan, 1945–47.—The spectacular advent of the atomic bomb in 1945 injected new elements into the canal picture. At the request of Canal Zone authorities, congress enacted public law 280, 79th Congress, approved Dec. 28, 1945, authorizing the governor of The Panama Canal to make a comprehensive investigation of the means for increasing its capacity and security to meet future needs for interoceanic commerce and national defense, including consideration of canals at other locations. This was the first time the terms "security" and "national defense" had been embodied in any Panama Canal statute.

The report of the inquiry with security and national defense as paramount considerations, recommended only the sea-level plan for major canal construction, initially estimated in 1947 to cost $2,483,000,000, a figure later substantially increased. Though the report covered the Terminal Lake-Third Locks plan, which it did not recommend, it offered a relatively minor program for improvement of present installations as a preferred alternative to the major operational improvement of the existing waterway as recommended in 1943 by the secretary of the navy.

With the exception of the two canal terminals, the 1947 sea-level plan would provide a virtually new Panama canal of 60 ft. minimum depth in navigation lanes and of 600 ft. width between sloping sides at a depth of 40 ft. on a new alignment somewhat removed from the present channel. The plan also provides a tidal lock (200 ft. by 1,500 ft.) and a navigable pass at the Pacific end, many miles of flood control dams on both sides of the projected canal, diversion channels and spillways. Some of its features are not covered by current international conventions and would require a new treaty with Panama, with further concessions, attendant indemnity and increased annuity charges.

The report of the investigation failed to receive presidential approval. Transmitted to the congress on Dec. 1, 1947, without comment or recommendation, its submission, however, led to a recurrence of the 1902 and 1906 debates over route and type with almost identical arguments, but on the basis of the newer term, "security," rather than the old term, "vulnerability."

In voluminous discussions, many leading engineers, nuclear scientists and other experts challenged the assumptions on which the principal 1947 recommendations and estimates rested. The congress took no action until 1957, when an independent inquiry into the entire subject of increased facilities for interoceanic transit was authorized and a special board of consultants appointed.

Sea Level Plan, 1964–70.—Its final report of June 1960 included estimates for the Terminal Lake-Third Locks plan ($1,020,900,000) and the Sea-Level plan ($2,537,000,000) exclusive of any Panamanian indemnity. The board emphasized that the Sea-Level plan would present many constructional problems including interruption to traffic. A plan for a lake and lock canal at Nicaragua ($4,095,000,000) as an alternate route was submitted without definite recommendation. This report, otherwise inconclusive, recommended the entire canal situation be reviewed in 1970 or earlier if warranted. Congress, on administrative request, by act approved Sept. 22, 1964 (78 Stat. 990), authorized further investigations to determine the feasibility and most suitable site for a canal at sea

level between the Atlantic and Pacific oceans, and subsequently fixed the reporting date as Dec. 1, 1970.

Meanwhile, the 1947 report served to focus governmental attention on administrative problems of the Panama canal.

8. Reorganization and Policy Determination. On June 30, 1948, the Panama Railroad company was reincorporated as a federal corporation and, on Feb. 28, 1949, the house of representatives authorized an investigation into the organizational and financial aspects of the Panama canal enterprise.

All recommendations growing out of this inquiry were implemented except that for transfer of responsibility for canal supervision from the secretary of the army to the secretary of commerce, which the president delayed for further study. The resulting Act of Congress, public law 841, 81st congress, approved Sept. 26, 1950 known as the Thompson act, created the Panama Canal company and the Canal Zone government. Effective July 1, 1951, the act started major administrative changes, including a break in 1952 in the traditional selection for appointment as governor. The law requires that transit tolls be established at rates to operate the canal enterprise on a self-sustaining basis, a fundamental principle in canal policy with far-reaching implications for its future.

9. Panama-U.S. Relations.—Because of the previous history of Panama as a land of endemic revolution, the framers of the 1903 treaty, in order to guarantee political stability essential for future efficient operations of the waterway, insisted on its perpetuity, sovereignty and protective clauses. Subsequent events fully substantiated the wisdom of these 1903 treaty provisions, which remain largely unchanged. The canal was no sooner opened to traffic in Aug. 1914, than the United States applied another provision of this treaty, that of obtaining additional lands. During World War I, in which Panama participated, the United States took possession of several areas of land, and in 1919 acquired a group of islands. Friction over this and other issues led to an attempt in 1926 to revise the convention of 1903, but Panama refused to sign any agreement. The attempt was renewed in Oct. 1933, when Pres. Harmodio Arias conferred in Washington with the U.S. president. Their basic agreement was refined and incorporated in four treaties, signed March 2, 1936. At the insistence of Panama, the United States was relieved of the obligation to guarantee the independence of the republic and renounced the right to acquire any additional lands and waters outside the Canal Zone. By limiting the use of the zone commissaries to persons employed on the canal and the railroad, the negotiators sought to dissipate a long-standing grievance. It was agreed that Panama was to operate port facilities at Colón and Panama City, that equal opportunities between Panamanian and American employees should be observed, and that the United States should increase the annuity from $250,000 to $430,000. Agreement was also reached on constructing a trans-isthmian highway. The weakening of the diplomatic structure was further advanced in the 1955 Eisenhower-Remón treaty, which provided for the annual U.S. payment to Panama to be increased to $1,930,000, for equal pay for equal work to Panamanians and U.S. citizens (effective 1958), for Panamanian concerns to be placed on an equal footing with U.S. companies in contract bidding, for the construction of the Thatcher Ferry bridge across the Pacific end of the canal, and for the transfer of certain real estate properties to Panama; the U.S. obtained a 15-year lease for a military base at Rio Hato. The effect of these treaties has been the withdrawal of canal activities to the limits of the Canal Zone and the curtailment of activities within the zone.

The policy of the Canal Zone authorities in the ensuing years was to improve the living conditions of the Panamanians working in the zone and to make changes in the physical features of the canal that would benefit trade in general and Panama's well-being in particular. But these changes lacked the emotional appeal that was attached to the display of the Panamanian flag.

In 1958 and in 1959 the Canal Zone was invaded by Panamanians intent on raising their flag there, and in the latter year their attempt was turned back with injuries. President Eisenhower reviewed the Panamanian claim with sympathy, and in 1960 agreed to review the raising of the Panamanian emblem at one point in the Canal Zone as evidence of titular sovereignty (never defined). From this beginning the United States made further concessions until the two flags were displayed almost equally.

A dispute over this very concession between Panamanian and U.S. students at the Balboa high school on Jan. 9, 1964, caused considerable deterioration in relations between the two countries. The subsequent mob assaults on the Canal Zone produced a number of deaths, injuries by the score, and great property damage, requiring the use of U.S. army units and a temporary replacement of civilian by military rule in the Zone. The U.S. embassy was evacuated, and many Americans left their homes for the sanctuary of the Canal Zone. Normal diplomatic relations were restored on April 3. In December U.S. Pres. Lyndon B. Johnson proposed the negotiation of three new treaties with Panama concerning the existing canal, a new canal at sea level, and U.S. bases, and both countries appointed negotiators for such purpose. Late in 1965 the presidents of the U.S. and Panama announced that they had agreed to abrogate the 1903 treaty and that the new treaty would recognize Panama's sovereignty over the Canal Zone.

In June 1967 the two presidents announced the completion of the negotiations but the treaties were not signed because of public opposition in Panama and congressional opposition in the United States. This outcome, together with growing traffic, led to strong demands in the Congress for the major operational improvement and increase of capacity of the existing canal according to the Terminal Lake-Third Locks proposal, which does not require a new treaty with Panama.

See PANAMA: *History* for further aspects of Panama-U.S. relations; *see* also references under "Panama Canal" in the Index.

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S. 735—INTRODUCTION OF A BILL TO AMEND THE NATIONAL HOUSING ACT

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area.

Over the last 2 years the state of the economy has continually deteriorated. The cost of living is soaring at an unprecedented rate, and unemployment in December reached a 9-year high.

The administration's anti-inflationary policies have produced the worst of all possible economic worlds—high prices and high unemployment. There is no longer any doubt that we are in the midst of the worst recession since the Eisenhower-Nixon recession of 1958. The national unemployment rate rose from 3.9 percent in January of 1970 to 6.2 percent in December of 1970. This represents an addition of 2.2 million Americans to the ranks of the unemployed in just 1 year.

In my home State of California, the situation is much worse. The current unemployment rate for California is a staggering 7.1 percent and the rate in some California counties is even higher. For instance in San Joaquin the rate is 9.1 percent, in Ventura 7.5 percent, and in Orange 7.7 percent. In December there were 619,000 Californians who were ready and willing to work but could not find jobs. This represents almost 15 percent

of the 4.6 million who were unemployed throughout the country in December.

There currently are 40 major areas of substantial or persistent unemployment in the country. There are at least 10 major areas in California—among them are Orange County, Fresno, Los Angeles, Long Beach, San Bernardino, Riverside, San Diego, and Stockton.

In California, the aerospace industry has been hardest hit by unemployment. From the period of December 1969 to December 1970 there was a drop of 82,000 in employment among aerospace workers in California. Unemployment among white-collar workers equaled unemployment among blue-collar workers in most areas. In the missiles industry unemployment among white-collar employees exceeded unemployment among blue-collar workers.

This pattern of unemployment is not limited to the aerospace industry or California. Throughout the country skilled and highly trained persons are finding themselves in the unemployment lines along with the unskilled and semiskilled. In short, unemployment has reached epidemic levels in many areas of the country. Many of those persons without jobs will be unable to find other gainful employment for sometime.

This is especially true for males over 55. A study conducted by the U.S. Arms Control and Disarmament Agency after the closing of Boeing's Dynasoar project in 1965 found that males over 55 were out of work for an average of 5 months before finding new jobs. The Dynasoar layoffs took place during a period of full employment. In a period of high unemployment such as we have today, the period between jobs would be considerably longer. Long periods of unemployment create hardships of varying degrees for the unemployed person and his or her family. I believe that there should be built-in mechanisms to insure a smooth transition between jobs for those who are displaced because of changes in the Government's monetary or budgetary policies.

One of the major problems facing the average middle income skilled or professional worker who is unemployed, is the inability to meet his mortgage payments. Although the foreclosure rate in California and some other areas of the country has not yet shown signs of drastically increasing; such an increase is inevitable unless some form of relief is provided.

In Seattle where substantial unemployment occurred 1 year earlier than in California and other areas, the foreclosure rates tell the story. In 1969 there were only 189 foreclosures on FHA guaranteed mortgages. However, for the period ending October 1970 there were 1,034 such foreclosures—almost a 10-fold increase.

Today I am introducing legislation which will hopefully prevent this situation from occurring in other areas of the country hit by high unemployment. Under this legislation the Government would insure loans made by financial institutions to homeowners who, because they are unemployed or are reemployed at substantially lower salaries, cannot meet their monthly mortgage payments.

The Government-insured loans shall be referred to as homeownership conservation loans. To be eligible for this loan an individual must show: First, that he is an owner-occupant of a single family dwelling situated in an area of persistent or substantial unemployment as determined by the Secretary of Labor; second, that the mortgage is not in a principal amout exceeding $33,000; third, that he has no other practical means of avoiding defaults in the payment of principal and or interest charges on the mortgage covering his home; fourth, that he is unemployed or has been forced to take temporary employment at a salary which does not exceed 50 percent of his former salary. However, no individual can qualify for the loan made available under this legislation if the salary received from his temporary employment exceeds $10,000 a year.

The loan shall not exceed an amount equal to one year's mortgage payments and shall have a maturity not exceeding 5 years. The money for carrying out this proposal shall be borrowed from the general insurance fund established pursuant to section 519 of the National Housing Act. The Secretary of Housing and Urban Development shall have the authority to administer this act.

I realize that this measure will relieve only some of the hardships faced by unemployed persons in California and throughout the country. However, I believe that it is a good first step toward providing the type of built-in mechanisms which are essential to protect the lives of our fellow Americans in times of economic distress.

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

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

The bill (S. 735) to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area. introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding at the end thereof a new section as follows:

"HOMEOWNERSHIP CONSERVATION LOAN INSURANCE

"SEC. 243. (a) The assistance provided in this section is designed to prevent widespread mortgage defaults and the distress-sale of homes by persons whose employment has been terminated or whose income has been drastically reduced as the result of adverse economic conditions prevailing in an industry or area and who require a reasonable period of time to make the necessary adjustments.

"(b)(1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure and to insure home ownership conservation loans made by financial institutions to distressed homeowners.

"(2) As used in this section—

"(A) The term 'homeownership conservation loan' means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit to a distressed homeowner to enable him to make payments on a mortgage covering a dwelling in which the homeowner resides.

"(B) The term 'distressed homeowner' means an individual—

"(i) who is an owner-occupant of a dwelling situated in an area of substantial unemployment (as determined by the Secretary of Labor) and upon which there is a mortgage in a principal amount not exceeding the maximum amount insurable under this Act for a comparable dwelling similarly situated; and

"(ii) whose employment has been terminated as the result of adverse economic conditions prevailing in an industry or area and who, at the time a homeownership conservation loan is made to him, is unemployed or has been forced to take other employment at a salary which does not exceed 50 per centum of his former salary or $10,000, whichever is the lesser.

"(C) The term 'financial institution' means a lender approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1).

"(c) To be eligible for insurance under this section, a homeownership conservation loan shall—

"(1) not exceed an amount equal to twelve times the amount which the borrower is required to pay monthly on a mortgage covering a dwelling in which he resides;

"(2) bear interest at not to exceed a rate prescribed by the Secretary;

"(3) have a maturity satisfactory to the Secretary, but not to exceed five years from the beginning of the amortization of the loan; and

"(4) comply with such others terms, conditions, and restrictions as the Secretary may prescribe.

In prescribing terms, conditions, and restrictions applicable to loans insured under this section, the Secretary shall limit the benefits of this section to distressed homeowners who, except for the assistance provided by this section, have no other practicable means of avoiding defaults in the payment of interest and/or principal charges on mortgages covering the dwellings of such homeowners.

"(d) The provisions of paragraphs (5), (6), and (7) of section 220(h) shall be applicable to loans insured under this section, except that all references to 'home improvement loans' and to the 'General Insurance Fund' shall be construed to refer to 'homeownership conservation loans' and to the 'Homeownership Conservation Loan Insurance Fund', respectively.

"(e) The provisions of subsections (c), (d), and (h) of section 2 shall apply to homeownership conservation loans insured under this section, and for the purposes of this section references in such subsections to 'this section' or 'this title' shall be construed to refer to this section.

"(f) Notwithstanding any other provision of this Act, the Secretary is authorized (1) to make expenditures to preserve and protect his interest in any security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to, insured by, or acquired by the Secretary or by the United

States under this section; and (2) to bid for and to purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any loan or other indebtedness owing to or acquired by the Secretary or by the United States under this section. The authority conferred by this paragraph may be exercised as provided in the last sentence of section 204 (g).

"(g) There is created a Homeownership Conservation Loan Insurance Fund (hereinafter referred to as the 'fund') which shall be used by the Secretary as a revolving fund for carrying out the loan insurance obligations arising under this section. The Secretary is authorized to advance to the fund, at such times and in such amounts as he determines to be necessary a total sum of $25,000,000 from the General Insurance Fund established pursuant to section 519. Such advance shall be repayable at such times and at such rates of interest as the Secretary deems appropriate. Premium charges, inspection and other fees, service charges, and any other income received by the Secretary under this section, together with all earnings on the assets of the fund, shall be credited to the fund. All payments made pursuant to claims of lenders with respect to loans insured under this section, cash adjustments, the principal of and interest paid on debentures which are the obligation of the fund, expenses incurred in connection with or as a consequence of the acquisition and disposal of property acquired under this section, and all administrative expenses in connection with the loan insurance operations under this section shall be paid out of the fund. There is authorized to be appropriated such sums as may be needed from time to time to cover losses sustained by the fund in carrying out the loan insurance obligations arising under this section. Moneys in the fund not needed for current operations of the fund shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by, the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued."

S. 736—INTRODUCTION OF THE CHANNEL ISLANDS NATIONAL PARK FEASIBILITY STUDY BILL

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to authorize a feasibility study of a Channel Islands National Park off the coast of California. This bill is identical to S. 4183, which I introduced on August 4, 1970, during the 91st Congress.

A companion bill to authorize the establishment of a Channel Islands National Park was introduced yesterday by my distinguished colleague from California, Senator TUNNEY, who is also cosponsoring this measure.

Proposals in Congress to include California's Channel Islands in our national park system go back for at least a decade. Two of the islands, Anacapa and Santa Barbara, are at present administered by the National Park Service as Channel Islands National Monument. A third island, San Miguel, is federally owned and administered by the Navy.

The two largest islands, Santa Cruz and Santa Rosa, are privately owned and consist mainly of large ranches. These two islands are the problem my legislation addresses.

If there were any guarantee that Santa Rosa and Santa Cruz will be maintained in their present state indefinitely, I suspect there would be little impetus for Federal acquisition. But in a State like California, which is in the middle of a veritable revolution in land use patterns, no knowledgeable person can be complacent about the status quo, particularly on the California coastline. The hairbreadth rescue of Point Reyes National Seashore is a clear warning that today's cattle ranch is tomorrow's subdivision.

Therefore, I believe that we must plan now if we are to preserve these islands for their recreational, scenic, and scientific values.

The major proposal to maintain the islands for public use has been the national park legislation.

There have been various criticisms of and objections to the national park idea, including the argument by some conservationists that the islands should be kept as primitive as possible and not developed for public recreation under National Park Service administration. Furthermore, there is no up-to-date appraisal of the two big islands and, hence, no accurate estimate of what would be the cost of the acquisition.

At the time of the Park Service's earlier feasibility study, there was a July 10, 1967, appraisal of the two islands at $27,144,000. However, the appraisal was made without the appraiser's setting foot on the two islands according to the chief appraiser of the National Park Service. While it is possible to make an appraisal without a physical inspection of the subject property, such an inspection adds substantially to the appraiser's insight and understanding and is always desirable.

Congressional authorization of the feasibility study of the park proposal would establish the urgency of making a decision about the Channel Islands—whatever that decision is to be. Without this sense of urgency, I fear that Santa Rosa and Santa Cruz will drift into commercial and residential development which could be even less appropriate according to the criteria used by the critics of the park proposal. If the tricky currents and sudden fogs in the Santa Barbara Channel lead us to discard the Channel Islands National Park proposal as too unsafe because of the risk involved in transporting numbers of people to the islands, imagine the irony of subdivisions thereafter appearing on Santa Cruz and Santa Rosa Islands.

In addition, the feasibility study would require a new appraisal of the islands. Congress clearly needs to know what the two privately owned islands will cost before it can balance the merits of a national park at the Channel Islands against the other priorities for land acquisition. Congressional authorization of the appraisal should expedite the on-site inspection of the two islands.

Until we know whether the Channel Islands National Park proposal is feasible, public planning for the islands' future will continue to languish.

To lose the potential value of the Channel Islands through lassitude and indecision would be a major environmental tragedy. I hope Congress can move quickly on this proposal.

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

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

The bill (S. 736) to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California, introduced by Mr. CRANSTON (for himself and Mr. TUNNEY), 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. 736

To authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed to study, investigate, appraise, and form recommendations on the feasibility and desirability of establishing the Channel Islands in California as a unit of the national park system. The study shall include those lands comprising the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa, and surrounding adjacent water areas. In conducting the study, the Secretary shall consult with other interested Federal agencies, and interested State and local bodies and officials.

SEC. 2. Not later than one year after the effective date of this Act, the Secretary shall submit to the President and to the Congress a report of the results of the study, including any recommendations for legislation. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, and natural values of the lands and waters involved, and the estimated cost of any recommended land acquisition, development, and operation of the Channel Islands as a unit of the national park system.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 737—INTRODUCTION OF A BILL TO ESTABLISH THE EUGENE O'NEILL NATIONAL HISTORIC SITE, FEBRUARY 10, 1971

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to establish the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park. I first introduced this bill as S. 3667 on April 2, 1970.

Tao House in Danville, Calif., was the residence of Eugene O'Neill from 1937 to early 1944. It was at Tao House that O'Neill wrote all of his last and probably best plays including "The Iceman Cometh" 1939, "Long Day's Journey Into Night" 1940, "Hughie" 1941, and his final play, "Moon for the Misbegotten" 1943.

While at Tao House, he also wrote scenarios for a number of plays and revised "A Touch of Poet."

O'Neill lived at Tao House for more than 6 years—longer than he lived anywhere else. He called Tao House his "final home and harbor." With his wife, Charlotte Monterey, O'Neill designed the house. It was built with the cash award of $40,000 which O'Neill received when he won the Nobel Prize for literature in 1936. The house contains 22 rooms and the estate covers 158 acres. The O'Neills called the residence "Tao House" after the Chinese philosophy, Taoism, which stresses the natural life of harmony, simplicity, and peace. Not only in its name does the Tao House invoke a kind of Oriental magic. The architecture also reveals a strong Chinese influence.

In addition, the house emphasized the Taoist sense of inwardness, which O'Neill felt himself. Although the house faced east across the valley toward Mount Diablo, its hall was so designed that the mountain could only be seen reflected in darkened mirrors. In this setting, O'Neill turned inward to interpret the tragedies of his own early life and create his own tragic drama, "Long Day's Journey Into Night."

There is always some danger in proclaiming an artist's greatness too soon after his death. The ages have a way of discovering the genius overlooked by his peers and, conversely, of deflating the overblown excesses of a period's adulation for its passing heroes.

But regardless of where time eventually ranks Eugene O'Neill in the hierarchy of American literary giants, there is no question that he is a solid literary figure of great creativity and that his works will remain an important study in the field of American letters.

Tao House is a significant element in the American literary heritage of the 20th century. I believe we have a responsibility to preserve it for future generations. Therefore, I am proposing that there be established a Eugene O'Neill National Historic Site.

There is another aspect of the O'Neill estate which argues that we should legislate its preservation. The house sits high on the eastern slope of Las Trampas Ridge. Behind the house and over the ridge into the watershed of Bollinger Canyon, there lies a primitive area of several thousand acres which, I believe, should be maintained as open space both for conservation and for recreational purposes. Here within 15 miles of the urban core of Oakland and Alameda can be found open hills of oak and mountain laurel.

Unless this area is set aside for the benefits of the general public, its attractiveness as a site for California's ubiquitous subdivisions will soon lead to its residential development. Therefore I propose that the Secretary of the Interior be instructed to establish a Las Trampas Ridge National Park, which will include the Eugene O'Neill National Historic Site.

Yesterday in his message to Congress on the environment, President Nixon called for the creation of "a new and greatly expanded open space and recreation program, bringing parks to the people in urban areas." Las Trampas' close proximity to the large urban population of the San Francisco Bay area makes it an ideal candidate for this program. I believe there would be no better way to begin the President's "Legacy of Parks" program than to create Las Trampas National Park and provide a new open space, recreational area so close to the East Bay cities.

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

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

The bill (S. 737) to provide for the establishment of the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park, introduced by Mr. CRANSTON (for himself and Mr. TUNNEY), 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. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire on behalf of the United States (by gift, purchase, condemnation, or otherwise) (1) the grounds and buildings at Danville, California, formerly owned by Eugene O'Neill, which, when acquired, shall be designated as the Eugene O'Neill National Historic Site and set aside as a national public memorial in commemoration of the contribution of Eugene O'Neill to American literature; and (2) such acreage on the Las Trampas Ridge (which runs north and south, roughly from Alamo to Danville, California, and is bounded on the west and north by Bollinger Canyon and Rossmoor Valley) as he determines necessary to establish the Las Trampas Ridge National Park, and, when so acquired, such property shall be designated as the Las Trampas Ridge National Park.

SEC. 2. The Secretary of the Interior, acting through the National Park Service, shall administer, protect, develop, and maintain the Eugene O'Neill National Historic Site and the Las Trampas Ridge National Park in accordance with this Act and the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1), and in the case of the Eugene O'Neill National Historic Site, the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467).

S. 738—INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill which would amend the Immigration and Naturalization Act to give to the Attorney General the discretion to determine the admissibility or deportability of aliens who have been convicted for illegally possessing marihuana.

As the law stands today, no such discretion is vested in the Attorney General. Under section 212 (a) (23) of the Immigration and Naturalization Act, he must deny admission to an alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana. Under section 241 (a) (11), he must deport an alient who at any time has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in marihuana.

The present law is cruelly insensitive and inflexible. The failure to give to the Attorney General discretion in determining the admissibility or deportability of aliens convicted for illegal possession of marihuana can at times result in the unjust treatment of certain aliens and can work severe hardships on their families.

Recently, I was contacted by two California residents, one a friend, the other a relative of a 22-year-old Canadian national who was deported from the United States following a conviction for illegally possessing marihuana. At the time of his arrest in Nevada, he was 18 years old. At that time, he had lived in this country with his parents for more than 6 years and was attending a college in California.

After his conviction and sentence, he was deported to Canada where he married an American citizen and took a job.

He sought to return to the United States to continue his education and reunite with his family. However, he was barred by the Immigration and Naturalization Act from returning as an immigrant. He was eventually admitted for the sole purpose of continuing his education, but he must return to Canada upon finishing his studies.

The young man in question had been sentenced to 4 months in jail. It was his first offense and one which he says he deeply regrets. In ordering his deportation, the Attorney General had no choice. He was precluded by law from considering any mitigating factors, such as the young man's prior criminal record—if any—his family connections in the United States, the relative leniency of his sentence, the nature of the offense he committed, or even the changing public attitudes toward the illegal possession of marihuana. And in denying him admission, the Attorney General was likewise precluded by law from taking into consideration the young man's post-conviction record, his reasons for seeking admission, or even the fact that under our Federal laws illegal possession of marihuana has been reduced from a felony to a misdemeanor for first offenders.

Mr. President, I do not know whether or not this young man should be entitled to renew his immigrant status. But I do believe that he and others similarly situated should be entitled to an opportunity to demonstrate their admissibility or nondeportability.

My amendment would cure the insensitivity and inflexibility embodied in the Immigration and Naturalization Act by giving the Attorney General the discretion to determine, after a hearing and under such terms and procedures as he prescribes, whether an alien, otherwise, admissible, should be admitted after conviction for the illegal possession of marihuana. It would also give him the dis-

cretion to determine, after a similar hearing, whether an alien who has been admitted should be deported on account of a conviction for the illegal possession of marihuana.

The amendment would leave untouched those sanctions imposed for trafficking in marihuana or for engaging in activities which violate laws or regulations governing other more dangerous substances, such as opium or heroin. But with respect to an admittedly lesser offense—the illicit possession of marihuana—giving the Attorney General some discretion in the matter would vindicate the cherished principle of affording a penitent offender an opportunity to prove that he should be given another chance.

Our religious and moral beliefs call for tempering punishment with mercy, with a chance for a transgressor to change his ways and to seek forgiveness. Arbitrary laws that provide no leeway for compassion and forgiveness run counter to all our democratic traditions.

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

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

The bill (S. 738) to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation, introduced by Mr. CRANSTON, 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. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended by inserting before the semicolon at the end thereof a comma and the following: "except that in the case of any alien (A) to whom the provisions of this paragraph apply by reason of his conviction for the possession of marihuana, and (B) who is otherwise admissible into the United States, the Attorney General, after a hearing and under such terms, conditions, and procedures as he prescribes, may receive such alien's application for a visa and consent to his admission into the United States".

(b) Section 241(b) of such Act (8 U.S.C. 1251(b)) is amended to read as follows:

"(b)(1) The provisions of subsection (a)(4) of this section, relating to the deportation of an alien convicted of a crime or crimes, shall not apply (A) in the case of any alien who has, subsequent to such conviction, been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, or (B) if the court sentencing such alien for such crimes shall make, at the time of first imposing judgment or passing sentence or within thirty days thereafter, a recommendation to the Attorney General that such alien not be deported, due notice having been given prior to making such recommendation to representatives of the interested State, the Service, and prosecution authorities, who shall be granted an opportunity to make representations in the matter.

"(2) The Attorney General, after a hearing and under such terms, conditions, and procedures as he may prescribe, may waive deportation of any alien under the provisions of subsection (a)(11) of this section in the case of any such alien to whom such provisions apply by reason of his conviction for the possession of marihuana."

S. 739—INTRODUCTION OF THE VETERANS' ADMINISTRATION HOSPITAL EARTHQUAKE RESISTANCE ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today for appropriate reference, the Veterans' Administration Hospital Earthquake Resistance Act of 1971. This action is prompted by the great catastrophe which has struck two VA hospitals in my State—the San Fernando and Sepulveda VA Hospitals. I know that all my colleagues are aware of the collapse yesterday of two buildings at the San Fernando VA Hospital resulting by now in the death or critical injury of more than 50 patients and employees trapped in the collapsed buildings.

My review of the statutory requirements applicable to VA hospitals' structure and safety reveals that although VA hospitals and domiciliaries are required to be of fireproof construction, and buildings purchased are required to be remodeled to be fireproof, there is no statutory requirement with respect to conformity to State and local laws and regulations regarding earthquake resistant construction and remodeling. The bill I am introducing today would establish such an earthquake resistant construction and remodeling requirement for all VA hospitals and domiciliaries and would also require that VA hospital and domiciliary facilities satisfy the applicable State and local laws and regulations pertaining to fireproofing and earthquake resistance. This latter requirement would, of course, not in any way limit the authority of the Administrator of Veterans' Affairs to establish higher safety specifications than those required in particular instances by State and local law and regulation.

The least we can do is learn by such enormous tragedies as the southern California earthquake of February 9. I have no way of knowing whether or not the deaths and mutilations at San Fernando could have been prevented had the San Fernando buildings which collapsed and which were constructed in 1925 been remodeled so as to meet California earthquake resistant building requirements. However, the best information available to me at this time indicates that these facilities had not been remodeled so as to meet earthquake resistance standards established after their construction. And I believe we must take all reasonable measures to prevent a recurrence of yesterday's catastrophe. If San Fernando had indeed been brought into conformity with California State earthquake resistance requirements, we would not have this awful question to ask today—whether it might have made a difference if it had been done.

I plan to visit the San Fernando site and those hospitals to which the victims have been evacuated—Sepulveda and Wadsworth VA hospitals—to observe firsthand the extent of the destruction of lives and property which has occurred. I have also been advised that the last official VA safety and fire inspection at the San Fernando facility was conducted on January 30, 1968, and that the last general purpose engineering inspection was conducted in September 1967. I have requested copies of both of those inspection reports. Along with a review of these reports will begin tomorrow an inquiry into the safety and structure of the VA hospitals affected by the southern California earthquake. I will personally inspect the hospitals affected and talk with persons, patients, and officials involved.

I have been in close contact with Veterans' Administration officials ever since learning of this great tragedy and immediately sent to the scene a member of my Los Angeles field office to observe the search and evacuation procedures. He has reported to me that the Veterans' Administration has reacted magnificently in this great emergency, as has the medical community of the Los Angeles area, and that countless individuals in the VA and the general community have responded in the finest traditions of our country. I hope to work closely with the Veterans' Administration to perfect this legislation, and also hope that the Veterans' Affairs Committee, of which I am a member, will act quickly to approve and send to the Senate this urgently needed amendment to the laws governing VA hospital safety and construction.

In closing, I want to express my great admiration and respect for the enormous dedication, compassion, and effectiveness of the work being carried out to ease the suffering of the earthquake victims and their families by all the Veterans' Administration employees, State, and local officials and many volunteers, under the leadership of the southern California VA medical director, Dr. Roderick St. Pierre; the San Fernando VA Hospital director and chief of staff, Dr. David Salkin; and the Sepulveda VA Hospital director, Dr. Charles Modica.

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

The bill (S. 739) to amend title 38 of the United States Code to require that all Veterans' Administration hospital and domiciliary facilities be of earthquake-resisting construction, introduced by Mr. CRANSTON, was received, read twice by its title, and referred to the Committee on Veterans' Affairs.

S. 742—INTRODUCTION OF THE RURAL COMMUNITY DEVELOPMENT BANK ACT

Mr. PEARSON. Mr. President, I introduce today a bill to create a rural community development bank to assist in rural community development by making financial and technical assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and service.

I am pleased that the following Senators have joined in cosponsoring this legislation. Mr. ALLOTT of Colorado, Mr. BAYH of Indiana, Mr. BENTSEN of Texas, Mr. BURDICK of North Dakota, Mr.

CHURCH of Idaho, Mr. COOPER of Kentucky, Mr. DOLE of Kansas, Mr. HART of Michigan, Mr. HOLLINGS of South Carolina, Mr. HRUSKA of Nebraska, Mr. MCGOVERN of South Dakota, Mr. MCINTYRE of New Hampshire, Mr. MANSFIELD of Montana, Mr. MONTOYA of New Mexico, Mr. NELSON of Wisconsin, Mr. PACKWOOD of Oregon, Mr. PERCY of Illinois, Mr. PROUTY of Vermont, Mr. STEVENS of Alaska, Mr. SYMINGTON of Missouri, Mr. THURMOND of South Carolina, and Mr. YOUNG of South Dakota.

Mr. President, preliminary census reports indicate that one-half of our counties lost population between 1960 and 1970. In Kansas, over 75 percent of our counties registered population losses. The same trend was apparent in other Midwestern and Great Plains States. A majority of rural counties in most other regions also lost population. On the other hand, enormous gains continued to occur in the metropolitan areas. Thus, for example, the 1970 census shows that 36.2 million people, or 18 percent of our entire population, now reside in the 450-mile strip between Boston and Washington, D.C. If present trends continue, about 70 percent of our population will be located in but four such giant megalopolitan strips by the year 2000.

This growing imbalance generates numerous economic inefficiencies at both ends of the population scale. This imbalance also carries with it a number of social liabilities. Thus, it has become increasingly apparent that our national goals would be better served by efforts to alter these trends in order to achieve a more reasonable population balance. Excessive depopulation of certain areas and overcrowding of others reduces the overall quality of American life.

Therefore, efforts to stimulate the economic development of our smaller communities, thus slowing the migration to the overburdened metropolitan areas, is highly desirable.

The desired development of our smaller communities will not be easily or quickly accomplished and the required action programs will be numerous and varied. Congress has already taken some small but positive steps. And several major proposals have been introduced in the current Congress.

Mr. President, the legislation I introduced today deals with one of the basic needs of the rural development effort, namely, credit. The proper economic development of rural communities will require large and reliable sources of capital and this need cannot be met by traditional Government programs or by commercial lending institutions.

The legislation I propose is designed to channel private capital into the rural community development effort through the mechanism of a specially designed Government corporation.

The Rural Community Development Bank would offer credit and also technical assistance to both individuals and public bodies for the development of projects which would serve to strengthen and expand the economic base of rural communities.

Mr. President, the Rural Community Development Bank will be a self-financing corporation. The bill provides for a capital stock subscription of $1 billion to be provided by the Federal Government. The initial Government subscription would be only 20 percent of this amount—or $200,000,000. As the business at the bank developed, it could expand its capital stock by yearly increments of no more than $200,000,000. This seed money, paid in by the Federal Government,would be financed through the sale of U.S. Treasury obligations in the private market. Therefore, this $1 billion capitalization by the Federal Government would not actually result in a direct appropriation of tax revenues from the Treasury.

With this capital stock, the bank could then sell bonds and debentures in the private market to raise the funds which it could use to make loans. It would charge interest rates on its loans sufficient to cover all operating costs. Therefore, the bank would be completely self-financing.

The bank would be governed by a 13-member Board, appointed by the President. Seven members of the Board would be Government officials, including Federal, State, and local government. The remaining six members would be appointed from the private sector, including representatives from finance, industry, labor, and the general public.

The bill would also establish a 20-member Advisory Committee which would be broadly representative of industry, finance, commerce, community development organizations, and appropriate State and local and Federal Government officials.

Mr. President, the Rural Community Development Bank would be authorized to make loans to job-creating enterprises which would serve to expand and improve the community's economic base.

The bank would also be authorized to make loans to public and quasi-public bodies for the development of industrial sites and for the expansion and improvement of industrial sites and for the expansion and improvement of those public facilities and services necessary to support a community's overall development effort.

Under the provisions of this bill, the bank could make housing loans if it were determined that the housing was an integral and essential part of the community's development program.

Loans for recreational and cultural facilities would also be authorized. But, as in all bank-backed activities, it would have to be determined that the project would contribute to the overall improvement of the community.

No project would qualify for assistance from the bank if it were found to be inconsistent with State and local planning objectives or existing Federal community development programs. Also the bank will not finance enterprises relocating from one area to another if this results in an increase in unemployment in the area of original location.

Mr. President, an important feature of the bill is the provision which authorizes the bank to provide technical advisory assistance to both private individuals and public bodies. Indeed, the offering of planning assistance to small communities might eventually become as important as the bank's credit services.

Small communities lack the expertise for conceiving, planning, and carrying out an effective developmental program. An institution such as the Rural Community Development Bank would be able to provide advisory assistance to these small communities and should help fill a great void that now exists. The bank would be authorized to charge appropriate fees for this technical assistance.

Mr. President, the Rural Community Development Bank would be authorized to make loans and offer assistance to communities in counties outside the standard metropolitan statistical areas and where at least 15 percent of the families in that county had poverty level incomes.

The Board would also be authorized to exclude those areas which although not at the moment a part of a standard metropolitan statistical area would likely qualify for such a classification in the foreseeable future. In other words, the Bank would not participate in community development projects which the Board determined would likely lead to further metropolitan sprawl. The general objectives of this legislation would be violated if the activities of the Bank were to contribute to "filling up the space," so to speak, between existing metropolitan complexes.

The bank would be required to maintain effective liaison with other Government agencies to assure that it does not duplicate or compete with other programs.

Mr. President, the creation of the Rural Community Development Bank would open up a major new source of capital to help finance the economic development of our rural communities. The Bank would also become an extremely valuable source of expertise in community development. This would be of particular value to private entrepreneurs and small communities. Moreover, the experience of and knowledge gained from the Bank's activities would eventually make a valuable contribution to national planning efforts for rural development and population growth policies.

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

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

The bill (S. 742) to create a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes, introduced by Mr. PEARSON (for himself and other Senators), was received, read twice by its title and referred to the Committe on Banking, Housing and Urban Affairs.

S. 742

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 Community Development Bank Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is an urgent need for the development and redevelopment of many rural communities of the Nation, that the development of the economy of such communities is essential to maintenance of a stable and consistent economic level of the Nation, that such development would aid in reducing the necessity of migration to metropolitan areas and in achieving a broader geographical distribution of the Nation's growing population, that such development can be aided by the establishment or expansion of commercial or industrial enterprises, and public and related private services and facilities, that the financing a broader geographical distribution of financing presently available, is needed for such community development, and that the capital needs for investment in rural development are too great in total and too large in individual amounts to be met in full by existing institutions.

It is the purpose of this Act to accelerate rural development in the Nation by—

(1) assisting in the economic development of rural communities which can provide additional economic opportunities and aid in the reduction of outmigration, by providing financial assistance for the establishment and improvement of commercial and industrial facilities, supporting public and private development facilities in or accessible to such communities, and housing necessarily related to the undertakings financed under this Act;

(2) stimulating private investment in such facilities;

(3) seeking to bring together investment opportunities, public and private capital, and capable management;

(4) providing technical and other supportive assistance to aid in such economic development; and

(5) seeking to achieve these purposes primarily by the application of the financial, management, and technical assistance resources of the private sector

DEFINITIONS

SEC. 101. As used in this Act—

(1) The term "commercial and industrial facility" means a fixed place of business, in or from which a manufacturing, processing, assembling, sales, distribution, storage, service, or construction business is carried on, including but not limited to—

(A) an office building or place of management,

(B) a factory, plant, laboratory, service center, or other workshop,

(C) a store or sales outlet,

(D) a storage, transportation, or shipping facility, and

(E) any combination thereof.

(2) The term "supporting private and public development facility" means an element of infrastructure, including recreational and cultural facilities, typically developed and owned by a public agency or private utility, or other service or facility made available to the public which is necessary to support economic development activities under this Act.

(3) The term "housing necessarily related" means housing of all types in or near a community which will provide living quarters for the personnel of any new or expanded industry when the governing body of the political subdivision in which development assisted under this Act will be undertaken, certifies that there exists a need for additional housing in or near the development.

(4) The term "rural communities" means any community, whether or not incorporated, in the United States and the Commonwealth of Puerto Rico (including such areas in Indian reservations and native communities as are approved by the bank after consultation with the Secretary of the Interior) which is in a county in which at least 15 per centum of the population had an estimated annual per family income below the poverty level as determined by the bank after consultation with the Director of the Office of Economic Opportunity, but shall not include (i) any area within the boundaries of any standard metropolitan statistical area, as defined from time to time, (ii) any area included in a metropolitan planning district or metropolitan development district, or (iii) any other area including towns and cities in an otherwise rural county which the bank determines, in accordance with criteria developed by the Board, including growth pattern and economic potential, should be developed as a part of a metropolitan complex, or is a city which has available adequate resources and available financial support and other assistance for its development or redevelopment without assistance under this Act.

CREATION OF RURAL COMMUNITY DEVELOPMENT BANK

SEC. 201. There is hereby created a corporation to be known as the "Rural Community Development Bank" (hereinafter referred to as the "bank") which shall be an instrumentality of the United States Government. The bank shall be subject to the provisions of this Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

DIRECTORS AND OFFICERS

SEC. 202. (a) The bank shall have a Board of Directors consisting of thirteen individuals who are citizens of the United States of whom one shall be elected annually by the Board to serve as chairman. Members of the Board shall be selected as follows:

(1) The President of the United States shall appoint seven members of the Board who shall be officials or employees of government, including Federal, State, and local government. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, three at the end of two years, and three at the end of four years after such date; and (B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. At the discretion of the President, any individual who ceases to be an official or employee of government during his term as director may, notwithstanding that fact, complete his term.

(2) The President of the United States shall appoint the remaining six members of the Board from among representatives of the private sector. Of the six persons so appointed, three shall be from among representatives of business and finance, one from among representatives of organized labor, one from among representatives of community development organizations and one from among representatives of the general public. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, one-half of the members at the end of two years, and one-half at the end of four years after such date; and (B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term and shall be chosen from among representativs of the same category as his predecessor.

(b) The President, by and with the advice and consent of the Senate, shall appoint a president of the bank. The president of the bank shall be the chief administrative officer of the bank and shall perform all functions and duties of the bank, in accordance with the general policies established by, and subject to the general supervision of, the Board, and shall engage such other officers and employees as the bank deems necessary to carry out its functions. The appointment of the president and not more than two assistant presidents may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and they may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the bank. No officer or employee of the bank other than members of the Board and Advisory Committee shall receive any salary, other than a pension, from any source other than the bank during the period of his employment by the bank.

(c) Members of the Board and of the Advisory Committee may receive the sum of $100 for each day or part thereof spent in the performance of their official duties, which compensation, however, shall not be paid for more than seventy-five days (or parts of days) in any calendar year and shall not be paid to any Board member if he is a full-time officer or employee of the United States, or such payment is otherwise prohibited by law. In addition, such members shall be reimbursed for necessary travel, subsistence, and other expenses incurred in the discharge of their official duties without regard to the laws with respect to allowances which may be made on account of travel and subsistence expenses of officers and employed personnel of the United States.

ADVISORY COMMITTEE

SEC. 203. (a) There shall be an advisory committee of not more than twenty persons, selected by the Board of Directors on the recommendation of the president of the bank, which shall be broadly representative of industry, commerce, finance, labor, community development and antipoverty organizations, the Congress, and government at all levels. The committee shall meet annually and at such other occasions at the call of the president of the bank, and shall advise the bank or general policy and on such other matters as the bank may direct. Members of the committee shall serve for such terms as the Board of Directors may from time to time determine and they shall be paid their reasonable expenses incurred on behalf of the bank.

(b) Any official or employee of the United States Government may accept appointment and serve on advisory committees established pursuant to this section, any other provision of law notwithstanding.

CAPITALIZATION OF BANK

SEC. 204. (a) Subject to the provisions of this section, the bank is authorized to issue from time to time and to have outstanding class A capital stock of an aggregate purchase price not to exceed $1,000,000,000. Shares of such stock shall be nonvoting and without par value.

(b) The Secretary of the Treasury is authorized to and shall subscribe for and acquire on behalf of the United States, upon request of the Board of Directors, the full amount of the stock of the bank of an aggregate purchase price of $1,000,000,000. The sub-

scription of the United States shall be paid as follows:

(1) Not more than 20 per centum shall be paid at the time the bank is organized, as authorized by appropriation Act, and shall be available as needed by the bank for its operations.

(2) The remaining 80 per centum shall be paid on call by the bank only when required to carry out the provisions of this Act, except that not more than 20 per centum of such amount may be called in fiscal year, as authorized by appropriation Act.

The Secretary of the Treasury is authorized and directed to pay the subscription of the United States to stock of the bank from time to time when payments are required to be made to the bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $1,000,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes of which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the bank and repayments thereof shall be treated as public-debt transactions of the United States.

(b) Stock and other securities issued by the bank pursuant to this section and section 206(b) shall be exempt securities under section 3 of the Securities Act of 1933 (15 U.S.C. 77c).

(c) As an addition to the capital and surplus structure of the bank, there shall be issued to each contributor to the guaranty fund hereinafter provided for, a certificate identifying his or its interest therein, such certificates may as determined by the Board be redeemable in class B stock of the bank when the issuance of such class B stock is authorized by the Congress.

OPERATIONS AND POWERS OF THE BANK

SEC. 205. (a) In order to carry out the purposes of this Act, the bank is authorized to—

(1) make, participate in, or guarantee loans or provide other financing for real or personal property or for working capital to any public agency or private organization or individual for the establishment, expansion, or preservation of any industrial or commercial facility or supporting public or private development facility which is to be established or is located in a rural community, and housing related thereto;

(2) make, participate in, or guarantee loans or provide other interim financing for the construction or improvement of such facilities to building contractors, subcontractors, or other persons engaged in such work;

(3) provide or assist in the provision of insurance to protect any agency, organization, or individual receiving financing for a commercial or industrial facility or a supporting public or private development facility under paragraphs (1) and (2) against damage or casualty loss in connection with such facility;

(4) provide technical assistance to State and local governments in the preparation and implementation of comprehensive rural community development projects and programs, including the evaluation of priorities and the formulation of specific project proposals. The bank may charge appropriate fees for its services under this subsection;

(5) undertake research and information gathering, and to facilitate the exchange of advanced concepts and techniques relating to rural community growth and development among State and local governments;

(6) develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the community in which the projects to be assisted will be located or disruptive of Federal programs which authorize Federal assistance for the development of like or similar categories of projects;

(7) seek to bring together investment opportunities in such facilities, capital, and capable management;

(8) carry on such other activities as would further the purposes of this Act; and

(9) provide for the establishment of a guaranty fund to which the bank may require each borrower to contribute such a percentage of the amount of loan, guarantee, participation, or other financial assistance extended by the bank under this Act as the Board may from time to time determine.

(b) To obtain indirect participation by private and other public financial sources the bank is authorized to—

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine and may issue such securities on a competitive or negotiated basis at the discretion of the Board of Directors;

(2) invest funds not needed in its financing operations in such property and obligations as it may determine;

(3) buy and sell securities it has issued or guaranteed or in which it has invested; and

(4) guarantee securities in which it has invested for the purpose of facilitating their sale.

(c) Whenever necessary to meet contractual payments of interest, amortization of principal, or other charges on the bank's own borrowings, or to meet the bank's liabilities with respect to similar payments on loans guaranteed by it, the bank may call an appropriate amount of the unpaid subscription of the United States in accordance with section 204(b)(2). Moreover, if it believes that a default on financing provided by it may be of long duration, the bank may call an additional amount of such unpaid subscriptions for the following purposes—

(1) to redeem prior to maturity, or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it with respect to which the debtor is in default; and

(2) to repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

(d) The bank is authorized to establish a principal office and branch offices in such locations as it may determine. It may establish regional offices and determine the location of, and the areas to be covered by, each regional office. It may make arrangements with public or private organizations at the regional, State, and local levels, including banking organizations and other financing institutions, to act as agents or otherwise to assist the bank in the conduct of its business.

(e) To carry out the foregoing purposes, the bank shall have such additional powers as are necessary or appropriate in carrying out this Act.

OPERATING PRINCIPLES

SEC. 206. The operations of the bank shall be conducted in accordance with the following principles:

(1) The bank shall undertake its financing, technical assistance, and other operations on such terms and conditions and for such fees as it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the bank, the benefits to the rural community or to the residents of such communities, and the conditions under which similar financing might be available from private investors.

(2) The bank shall maintain such liaison or consultation with other departments, agencies, or instrumentalities of the Government as may be necessary to insure that its operations are carried out in a manner which will supplement and not duplicate the operations and functions of any other department, agency, or instrumentality of the Government.

(3) The bank shall consult with and shall seek to encourage local banking and other financial institutions to participate in its financing and other activities.

(4) The bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to facilities owned in whole or in part by residents of rural communities or to facilities in which such ownership is made available to such persons.

(5) The bank shall seek to revolve its funds by selling its loans, guarantees, and other investments to private investors whenever it can appropriately do so on satisfactory terms.

(6) The bank shall be subject to the Government Corporation Control Act (31 U.S.C. 841 et seq.) in the same manner and to the same extent as if it were included in the definition of "wholly owned Government corporation" as set forth in section 101 of said Act (31 U.S.C. 846).

(7) The bank shall pay a return out of net income, after providing for reserves and operating expenses, at the rate of 2 per centum per annum on the amounts of class A stock subscription actually paid into the bank. Such return shall be cumulative and shall be payable annually into miscellaneous receipts of the Treasury.

(8) The bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties or used or to be used for sectarian instruction or as a place for religious worship, nor shall the directors, officers, or employees of the bank in any way use their connection with the bank for the purpose of influencing the outcome of any election.

(9) The bank shall adopt such bylaws as may be necessary for the conduct of its business and the management of its affairs and may adopt such additional rules and regulations as are necessary and appropriate for carrying out the provisions of this Act.

LIMITATIONS ON FINANCING

SEC. 207. (a) The bank shall not provide financing for any business or commercial facility or public development facility, nor shall it plan, initiate, own, or manage such a facility, unless it determines that—

(1) other public or private financing could not be obtained on reasonable terms and conditions;

(2) adequate arrangements have been made to insure that the proceeds of any loan or other financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy and efficiency;

(3) the borrower or other recipient of financing has an adequate equity or other financial interest in or income from the facility to insure his or its careful and business-like management of the project;

(4) the governing body of the city or, as appropriate, the governing body of the county, parish, or other political subdivision in which the facility is located or is to be established, or an agency or other instrumentality of such political subdivision designated by such body, has certified to the bank its approval of (A) the establishment of the facility at the particular location, (B) the proposed standards of construction and design, and (C) provisions for the relocation of any residents or businesses to be displaced;

(5) the establishment, expansion, or preservation of the facility in the particular location will contribute to the level of eco-

nomic opportunity for residents of the community and contribute to the general development of the community.

(b) The bank shall not provide financing for any business or commercial facility which has been relocated from one area to another; except that this requirement may be waived by the Board of Directors if it determines (1) that the establishment of such facility in the new location will not result in an increase of unemployment in the area of original location or in any other area where the enterprise conducts business operations, or (2) that such facility is not being established in the new location with any intention of closing down the operations of the enterprise in the area of original location or in any other area where the enterprise conducts its operations.

EXEMPTION FROM TAXES

SEC. 208. For the purpose of the Internal Revenue Code of 1954, the bank shall be considered to be an instrumentality of the United States and exempt from Federal income taxes. Except as specifically provided in this Act, the bank, including its capital and reserves or surplus and income derived therefrom, shall be exempt from Federal State, muncipal, and local taxation, except taxes upon real estate held, purchased, or taken by the bank under the provisions of this Act. The security instruments executed to the bank and the bonds, obligations, debentures, issued under the provisions of this Act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation.

ANNUAL REPORT

SEC. 209. Not later than one hundred and twenty days after the close of each fiscal year the bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 301. (a) The sixth sentence of paragraph Seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting before the comma after the words "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association" the following: ", or debentures or other obligations of the Rural Community Development Bank".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following:

"(14) Debentures or other obligations of the Rural Community Development Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (c)), is amended by inserting before the semicolon in the second proviso following "stock of the Federal National Mortgage Association" the following: "; or in debentures or other obligations of the Rural Community Development Bank".

S. 743—INTRODUCTION OF A BILL TO DESIGNATE MARTIN LUTHER KING, JR'S BIRTHDAY A NATIONAL DAY OF DEDICATION

Mr. McGOVERN. Mr. President, today Senator JAVITS and I are introducing legislation to establish January 15, the birthday of the late Dr. Martin Luther King, Jr., as a national public holiday. We have issued the following joint statement:

Dr. Martin Luther King, Jr., was a man of peace. He called all Americans to a higher standard of brotherhood and love.

Martin Luther King dedicated his life to the struggle against racism and hatred and for an America in which all men and women could live in dignity. The assassin's bullet cut short that life, but it need not end that dedication.

We propose that Martin Luther King's birthday be designated as a legal public holiday because of the greatness of the man, because his cause is paramount on the national agenda, and because he pursued his goals by methods of nonviolence.

But it is even more important that we mark his birthday as a reminder that we all share in the responsibility for the fulfillment of his ideals.

We shall overcome the racism, poverty and war against which Martin Luther King struggled. Each of us must dedicate himself to his dream, so simple in its expression yet so powerful in its meaning.

Let us realize that dream of brotherhood and peace. Then, in the words of his favorite hymn, all Americans shall be "free at last, thank God almighty, free at last."

Mr. President, I ask that the bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday be printed in the RECORD at this point.

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

The bill (S. 743) to designate the birthday of Martin Luther King, Jr., as a legal public holiday 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. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below

"January 1, New Year's Day."

the following:

"January 15, the birthday of Martin Luther King, Junior.".

S. 745.—INTRODUCTION OF THE FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1971

Mr. PACKWOOD. Mr. President, I am pleased to introduce for the administration the Federal Environmental Pesticide Control Act of 1971, a bill to protect the public health and welfare and the environment through improved regulation of pesticides and for other purposes.

The President's environmental message of a few days ago, should leave no doubt in the minds of our countrymen that the Nixon administration is deeply concerned about the environment of each and every American, and is committed to restoration, preservation, and enhancement of that environment.

Most of us in the Senate have been deluged with mail on this subject during the past 2 years. One of the chief concerns expressed in this mail was the control and regulation of pesticides. The President has recommended an intelligent and reasonable approach to this, and I urge that quick and earnest attention be given this legislation. It is critical to the happiness of every American.

The State of Oregon recognized the importance of pesticide control early and in 1969 passed a law dealing with the handling, storage, disposal, transportation of pesticides. Oregon, I think, is leading the country in sensible control. The State monitors the environment almost daily, and has a very, very low level of pesticides in the environment, as well as a low level in mercury.

Mr. President, I ask that the entire text of this administration proposal be printed in the RECORD at this point.

I believe implementation of this legislation will significantly improve the environment in which we live and move, and I will be glad to add cosponsors at a later date.

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

The bill (S. 745) to protect the public health and welfare and the environment through improved regulation of pesticides, and for other purposes; introduced by Mr. PACKWOOD, 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. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE AND FINDINGS

SECTION 1. (a) This act may be cited as the Federal Environmental Pesticide Control Act of 1971.

(b) The Congress hereby finds that pesticides are valuable to our Nation's agricultural production and to the protection of man and the environment from insects, rodents, weeds and other forms of life which may be pests; but it is essential to the public health and welfare that they be regulated closely to prevent adverse effects on human life and the environment, including pollution of interstate and navigable waters; that pesticides are used throughout the Nation and the major portion thereof moves in interstate or foreign commerce; that it is essential in the public interest to protect the public health and welfare from adverse effects of pesticide residues on food which is consumed throughout the Nation and which moves in interstate or foreign commerce; and that regulation by the Administrator and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon interstate or foreign commerce, to effectively regulate such commerce and to protect the public health and welfare and the environment.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of terrestrial or aquatic plant or animal life or viruses, bacteria,

or other microorganisms, except viruses, bacteria, or other micro-organisms on or in living man or other animals, which the Administrator shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(b) The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects, birds, predators, or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Administrator, but not including equipment used for the application of pesticides when sold separately therefrom.

(c) The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(d) The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(e) The term 'desiccant' means any substance or mixture of substances intended for artifically accelerating the drying of plant tissue.

(f) The term 'environment' includes water, air, land, all plants and animals living therein, and the interrelationships which exist among these.

(g) The term 'animal' means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

(h) The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(i) The term 'weed' means any plant which grows where not wanted.

(j) The term 'insect' means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(k) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals, and except those in or on processed food, beverages, or pharmaceuticals.

(l) The term "ingredient statement" means either—

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide except paragraph 1 of this subsection shall apply if the preparation is classified as for restricted use or for use by permit only under section 4(d) of this Act; and, in addition to (1) or (2) in case the pesticide contains arsenic in any form, a statement of the precentage of total and water soluble arsenic, each calculated as elemental arsenic.

(m) The term "active ingredient" means—

(1) in the case of a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any insects, nematodes, rodents, fungi, weeds, or other pests;

(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of plants or the product thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(n) The term "inert ingredient" means an ingredient which is not an active ingredient.

(o) The term "antidote" means a practical treatment in case of poisoning and includes first-aid treatment.

(p) The term "State" means a State, the District of Columbia. the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(q) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(r) The term "registrant" means a person who has registered any pesticide pursuant to the provisions of this Act.

(s) The term "label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

(t) The term "labeling" means all labels and other written, printed, or graphic matter—

(1) upon the pesticide or device or any of its containers or wrappers;

(2) accompanying the pesticide or device at any time;

(3) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(u) The term "adulterated" shall apply to any pesticide if its strength or purity falls below the professed standard of quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(v) The term "misbranded" shall apply—

(1) to any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular or if it is contained in a package, other container or wrapping which does not conform to the standards established by the Administrator pursuant to the provisions of section 6 of this Act, or if it was manufactured, prepared, propagated, compounded, or processed in an establishment for which a registration was not effective under subsection 9(b) of this Act; and to any device if it does not comply with the provisions of subparagraph 2(z)(2)(C), (D), or (G) when such compliance is required under section 5;

(2) to any pesticide—

(A) if it is an imitation of or is offered for sale under the name of another pesticide;

(B) if its labeling bears any reference to registration under this Act other than the pesticide registration number, the number assigned to the manufacturing establishment, and the use classification of the pesticide;

(C) if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with adequate for the protection of health and the environment;

(D) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to protect health and the environment, including living man and other vertebrate animals, vegetation, and invertebrate animals other than those against which the pesticide is intended to be used;

(E) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Administrator may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(F) if any word, statement, or other information required by or under authority of this Act to appear on the labal or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(G) if when used as directed or in accordance with common practice it shall be injurious to living man, including the person applying such pesticide, or to the environment, except pests as designated by the Administrator. In determining whether a pesticide is injurious the Administrator shall consider both the short-term and long-term effects on man, and the environment, including its persistence, degradation, and potential for movement and accumulation in the environment. In the case of a plant regulator, defoliant, or desiccant, used in accordance with the label claims and recommendations, physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when such effects are the purpose for which the plant regulator, defoliant, or desiccant was applied.

(w) The terms "proper court" and "district court" mean a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.

(x) The term "imminent hazard" means a situation which exists when the evidence is sufficient to show that a pesticide creates a hazard to man or the environment (1) that should be corrected immediately to prevent injury, and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held.

(y) The phrase "protect health and the environment" means protection against any injury to man and protection against any substantial adverse effects to environmental values, taking into account the public interest.

PROHIBITED ACTS

SEC. 3. (a) It shall be unlawful for any person to distribute, sell, or offer for sale or hold for sale in any State or to ship or deliver for shipment from any State to any other State, or to any foreign country, or to receive in any State, from any other State or foreign country, and having so received, deliver or offer to deliver to any person, any of the following:

(1) Any pesticide which is not registered pursuant to the provisions of section 4 of this Act, or any pesticide if any of the representations made for it or any of the directions

for its use differ in substance from the representations approved in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: *Provided*, That in the discretion of the Administrator, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product, provided that such change will not have an adverse impact on man or the environment.

(2) Any pesticide unless there is affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing—

(a) the name and address of the manufacture, registrant, or person for whom manufactured;

(b) the name, brand, or trade-mark under which said article is sold;

(c) the net weight or measure of the content: *Provided*, That the Administrator may permit reasonable variation; and

(d) when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the article under this Act, the use classification, and the number assigned to each establishment under section 9(b) of this Act, in which the article was manufactured, prepared, propagated, compounded or processed.

(3) Any pesticide which contains any substance or substances in quantities injurious to man or the environment, determined as provided in section 6 of this Act, unless the label shall bear, in addition to any other matter required by this Act—

(a) the skull and crossbones;

(b) The word "poison" prominently in red on a background of distinctly contrasting color; and

(c) a statement of an antidote for the pesticide.

(4) Any pesticide which the Administrator, after investigation of and a public hearing on the necessity for such action for the protection of health and the environment and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored, unless it has been so colored or discolored.

(5) Any pesticide which is adulterated or misbranded or any device which is misbranded.

(b) It shall be unlawful—

(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this Act.

(2) for any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the nature or kind of pesticide or device to which such request relates, to furnish to or permit any person designated by the Administrator to have access to and to copy such records as authorized by section 9 of this Act, or to refuse to permit entry, or inspection, or taking of samples as authorized by section 9 of this Act;

(3) for any person to give a guaranty or undertaking provided for in section 10 which is false in any particular, except that a person who receives and relies upon a guaranty authorized under section 10 may give a guaranty to the same effect, which guaranty shall contain, in addition to his own name and address, the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

(4) for any person to use for his own advantage or to reveal, other than to the Administrator, or officials or employees of the Environmental Protection Agency or other Federal executive agencies, or to the courts, or to physicians, pharmacists and other qualified persons, needing such information for the performance of their duties, in accordance with such directions as the Administrator may prescribe, any information relative to formulas of products acquired by authority of this Act; except that the Administrator may reveal data necessary to comply with provisions of section 4(e) and (f);

(5) for any person to fail to maintain the records prescribed by the Administrator pursuant to section 6 of this Act or for any person to refuse to permit any person designated by the Administrator to have access to and to copy such records;

(6) for any person to advertise a product registered under this Act without giving the classification of the product assigned to it under section 4(d); or to advertise a product without indicating that use of the product is authorized by law only if used in accordance with the label on the product;

(7) for any person to make available for use or to use a pesticide classified under section 4(d) of this Act other than in accordance with such classification or to use a pesticide for experimental use contrary to the provisions of a permit under section 4(c) of this Act;

(8) for any person to fail to obey an order to recall products in accordance with section 5(d) of this Act or to violate an order issued under section 7(a) of this Act; and

(9) for any person to fail to file the report called for in section 5(a) of this Act or any other reports required by this Act or to provide any false or misleading information in such reports.

REGISTRATION

SEC. 4. (a) Every pesticide which is distributed, sold, or offered for sale in any State or which is shipped or delivered for shipment from any State to any other State or which is received from any foreign country shall be registered with the Administrator: *Provided*, That products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide; and additional names and labels shall be added by supplemental statements. The applicant for registration shall file with the Administrator a statement including—

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the pesticide;

(3) a complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use;

(4) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, clearly marking any portions thereof which in the manufacturer's opinion are trade secrets or secret processes and submitting such marked documents separately from other material required to be submitted hereunder; and

(5) the complete formula of the pesticide.

The Administrator shall publish in the Federal Register a notice of each application for registration, which notice shall provide for a period of at least 30 days in which any Government agency or other interested person may comment.

(b) If it appears to the Administrator that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 3 of this Act, he shall register it.

(c) The Administrator, whenever he considers further information necessary before registering a pesticide, may issue a permit for the experimental use of a pesticide for the purpose of collecting such information necessary for registration. Such experimental use shall be under such conditions as the Administrator shall prescribe in the permit and under the strict supervision of the Administrator and shall be for a period of time specified by the Administrator. Before issuing a permit for experimental use, the Administrator is authorized to establish a temporary tolerance level for the residue of the experimental pesticide permissible in food if the pesticide may reasonably be expected to result in residues in or on food. When a permit for experimental use is issued for a pesticide containing chemicals or combinations of chemicals which have not been included in previously registered pesticides, the Administrator may specify that the experimental period must include studies designed to detect possible ill effects in persons, and the environment, exposed either directly or indirectly to the pesticide during the experimental period. All results of such studies must be reported to the Administrator and a pesticide shall not be registered until such results are evaluated. The Administrator may revoke a permit at any time if he finds that the conditions contained in the permit are not being complied with or are inadequate to protect health and the environment or if the data developed under the permit clearly establish that the pesticide does not meet the requirements of this Act.

(d) Upon registering a pesticide, the Administrator shall designate it as being for "general use", for "restricted use", or for "use by permit only". A pesticide may be designated as for restricted use when its use without such restriction can result in injury to the applicator or when care is needed in its application to protect the environment. A pesticide may be designated as for permit use only when the pattern of use of the pesticide without such permit would not protect health and the environment. The Administrator may designate a pesticide as being for one use or combination of uses in a particular region or State and for a different use or combination of uses in another State or region if in his opinion such action is necessary to fulfill the purposes of this Act because of the conditions prevailing in the particular State or region.

(1) Articles designated as being for general use shall be used and made available for use subject only to the other provisions of this Act and to restrictions by State and local governments.

(2) Articles designated as being for restricted use shall be used only by or under the direct supervision of approved pesticide applicators. No approved pesticide applicator shall use any pesticide required to be registered under this Act unless such product is so registered, and no approved pesticide applicator shall use any registered pesticide except in accordance with the labeling accepted in connection with the registration. As used in this subsection, the term 'approved pesticide applicator' means any person who uses any pesticide for any purpose specified in subsection 2(a) of this Act and (a) who has a license issued by the State in which such operations are conducted upon the basis of a demonstration of his competence in the use and other handling and knowledge of the toxicity and antidotes of the pesticide involved, according to standards approved or prescribed by the Administrator as hereinafter provided, or (b) who is employed by a Federal, State, or local governmental agency in pest control programs or is engaged in research concerning the development, evaluation, or use of pesticides; and who meets such standards as the Administrator shall approve or prescribe to

assure that such person has sufficient competence in the handling and knowledge of the toxicity and antidotes of such pesticide to avoid any hazard to the public. The Administrator shall by regulation promulgate such standards prescribed by him and a list identifying any such standards approved by him. The standards prescribed by the Administrator shall include, when appropriate, provision for State surveillance and review of the competence of approved pesticide applicators, and provision for the removal of the license when an approved applicator has been shown to lack the necessary competence.

(3) Articles designated for use by permit only shall be used or made available for use only with the approval, in writing, for the amount and type of article for each particular application, of an approved pest management consultant. As used in this subsection, the term 'approved pest management consultant' means any person who has a license issued by a State or who is a Federal or State employee engaged in the performance of his official duties, and who meets such standards as the Administrator shall approve or prescribe to assure that such person has sufficient knowledge of the uses, necessity for application, methods of application, and environmental and health effects of pesticides to avoid any unnecessary hazard to the public or to other parts of the environment. The Administrator shall by regulation promulgate such standards prescribed by him and a list identifying any such standards approved by him. The standards prescribed by the Administrator shall include, when appropriate, provision for State surveillance and review of the competence of approved pest management consultants, and provisions for the removal of a license or certificate when an approved consultant has been shown to lack the necessary competence.

(4) The Administrator is authorized to cooperate with and assist State agencies in developing and administering State programs for training and approval of pesticide applicators and pest management consultants. He may establish by regulation, and periodically review compliance with such guidelines as are necessary to ensure that State programs are adequate for purposes of this section. Such guidelines shall include, but not be limited to: provisions that applicants receive appropriate technical and other training before approval; that there is a fair and nondiscriminatory system of testing of applicants, with provision for periodic retesting; that fees charged for licenses, permits or other approval of applicants are no greater than those reasonably calculated to cover the cost of the licensing or permit program; and that no arbitrary obstacles exist in the training and approval of such persons.

(5) The Administrator may change the designation of a pesticide under this subsection at any time if he finds that such action is necessary to or will adequately protect health and the environment, but he shall publish such a proposed change in the *Federal Register* 30 days prior to making the change. The decisions of the Administrator with respect to designation or a change in designation shall be subject to the same procedures of appeal contained in subsection (e) of this section. The Administrator may designate a pesticide as being both for restricted use and for use by permit only. If a pesticide is designated for general use for some purposes but for restricted or permit use for other purposes, there must be separate labeling and packaging for those items of the pesticide intended for general use.

(6) No portion of this subsection, except with regard to registration and designation of pesticides by the Administrator, shall become effective in any State until the Administrator publishes in the *Federal Register* a notice declaring the date on which it is to become effective and such notice shall be published at least 30 days before the effective date, *provided* that the effective date for notices covering all portions of this subsection and all States shall be within four years after the effective date of this Act.

(e) If it does not appear to the Administrator that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the applicant for registration of the manner in which the article, labeling or other material required to be submitted fails to comply with the Act so as to afford the applicant for registration an opportunity to make the corrections necessary. If, upon receipt of such notice, the applicant for registration does not make the corrections, the Administrator shall refuse to register the article. Whenever the Administrator refuses registration of a pesticide he shall notify the applicant for registration of his action and the reasons therefor. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of such refusal, may file objections and request a public hearing in accordance with this section. In the event a hearing is requested, the Administrator shall, after due notice, hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. As soon as practicable after completion of the hearing, but not later than ninety days, the Administrator shall evaluate the data before him, act upon such objections and issue an order granting or denying the registration or requiring modification of the claims or the labeling. Such order shall be based only on substantial evidence of record of such hearing, and shall set forth detailed findings of fact upon which the order is based. In connection with consideration of any application for registration under this section, the Administrator may consult with any other Federal agency or with any advisory committee appointed by him for this purpose. Notwithstanding the provisions of section 3(b)(4), information relative to formulas of products acquired by authority of this section may be revealed, when necessary under this section, to any Federal agency consulted, or at a public hearing, or in findings of fact issued by the Administrator. Final orders of the Administrator under this section shall be subject to judicial review in accordance with the provisions of subsection (g). In no event shall registration of an article be construed as a defense for the commission of any offense prohibited under section 3 of this Act. The Administrator shall reach a decision as to whether to register a pesticide as expeditiously as possible.

(f) Within 30 days after the Administrator registers or refuses to register a pesticide under this section he shall make available to the public the data called for in subsections (1)–(5) of subsection (a) of this section together with such other scientific information as he deems relevant to his decision: *Provided,* That the Administrator shall not make public information which contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential.

(g) In a case of actual controversy as to the validity of any order under this section, any person who will be adversely affected by such order may obtain judicial review by filing in the United States court of appeals for the circuit wherein such person resides or has his principal place of business within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by him for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Administrator with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court seem proper if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Administrator may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order. The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not operate as a stay of an order. The court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.

(h) Notwithstanding any other provision of this Act, registration is not required in the case of a pesticide shipped from one establishment to another establishment operated by the same person and used solely at such establishment as a constituent part to make a pesticide which is registered under this Act.

CANCELLATION AND SUSPENSION

SEC. 5. (a) The Administrator shall cancel the registration of any pesticide at the end of a period of five years following the initial registration of such pesticide or at the end of any five-year period thereafter, unless the registrant, prior to the expiration of each such period, requests in accordance with regulations issued by the Administrator that such registration be continued in effect. Three years after the initial registration, the registrant shall submit to the Administrator a report covering any information available to the registrant regarding environmental or health effects of the registered pesticide which were not noted in the material submitted by the registrant at the time of initial registration.

(b) The Administrator may cancel the registration of a pesticide whenever it appears that the article or its labeling does not comply with the provisions of this Act.

(c) Whenever the Administrator determines that registration of a pesticide should be cancelled, he shall notify the registrant of his action and the reasons therefor. A cancellation of registration shall be effective thirty days after service of the foregoing notice unless within such time the registrant (1) makes the necessary corrections; or (2) files objections and requests a public hearing. Requests for a public hearing shall be granted. The procedures for holding a public hearing shall be the same as those outlined in section 4.(e). Final orders of the Administrator under this subsection shall be subject to judicial review in accordance with the provisions of section 4.(g). Concurrently with proceedings taken under this subsection, if the Administrator makes the finding required in subsection (d) of this section, he may also immediately suspend the registration of a pesticide under the provisions of the aforesaid subsection (d).

(d) The Administrator may by order, when he finds that such action is necessary to

prevent an imminent hazard to health or the environment, suspend the registration of a pesticide immediately. In such case, he shall give the registrant prompt notice of such action and any hearing held under the provisions of section 5(c) and (e) to consider suspension and cancellation shall be held with the utmost possible expedition. The Administrator, when he suspends registration of a pesticide under the provisions of this subsection, may also require that stocks of the suspended pesticide be recalled by the manufacturer from wholesalers, retailers, and other distributors.

(e) Whenever the Administrator suspends the registration of a pesticide under the provisions of subsection (d) of this section, he shall at the same time initiate proceedings to cancel the registration of the pesticide. The suspension shall automatically be revoked if the Administrator decides not to cancel the registration of the pesticide. If the Administrator cancels the registration of the pesticide, any suspension of the registration shall remain in effect pending the outcome of any appeal under subsection (c) of this section.

ENFORCEMENT

SEC. 6. (a) The Administrator (except as otherwise provided in this section) is authorized to make rules and regulations for carrying out the provisions of this Act, including the collection and examination of samples of pesticides and devices subject to this Act and the determination and establishment of suitable names to be used in the ingredient statement. The Administrator is, in addition, authorized after opportunity for hearing—

(1) to declare a pest any form of plant or animal life, bacteria, virus, or other micro-organisms (other than micro-organisms on or in living man or other animals) which is injurious to health or the environment;

(2) to determine pesticides, and quantities of substances contained in pesticides, which are injurious to health or the environment;

(3) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of section 3.(a) (4) of this Act; and

(4) to prescribe the records which shall be maintained by all or any class of persons engaged in manufacturing, preparing, compounding, or processing any pesticides subject to this Act, with respect to such operations and the strength, quality, and purity of such pesticides: *Provided, however,* That the Administrator may exempt any pesticide from such record requirements when he determines that such records are not necessary for the effective enforcement of this Act: *Provided further,* That no records required by this subsection shall extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to the qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

(5) to establish standards with respect to the package, other container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of the Act: *Provided,* That such standards are consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91-601); and

(6) to specify those classes of devices which shall be subject to the provisions set forth in subparagraphs 2(v)(2) (C), (D), or (G), of this Act, upon his determination that application of such provisions is necessary to effectuate the purposes of the Act.

(b) The Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of section 14 of this Act.

(c) The examination of pesticides or devices shall be made in the Environmental Protection Agency or elsewhere as the Administrator may designate for the purpose of determining from such examination whether they comply with the requirements of this Act, and if it shall appear from any such examination that they fail to comply with the requirements of this Act, the Administrator shall cause notice to be given to the person against whom criminal or civil proceedings are contemplated. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings, and if in the opinion of the Administrator it appears that the provisions of this Act have been violated by such person, then the Administrator shall certify the facts to the Attorney General, with a copy of the results of the analysis or the examination of such article for the institution of a criminal proceeding pursuant to section 8 of this Act, or for the institution of a civil proceeding under section 8 when the Administrator determines that such action will be sufficient to effectuate the purposes of this Act: *Provided,* That the notice of contemplated proceedings and opportunity to present views set forth in this subsection are not prerequisites to the institution of any proceeding by the Attorney General; *Provided, further,* That nothing in this Act shall be construed as requiring the Administrator to report for prosecution or for the institution of libel proceedings minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

(d) The District courts are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act.

(e) The Administrator shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this Act.

STOP SALE AND SEIZURE

SEC. 7. (a) Whenever any pesticide or device is found by the Administrator upon any premises or in any means of conveyance where it is held for purposes of, or during or after, distribution or sale in any State, or in interstate or foreign commerce, and there is reason to believe on the basis of inspections or tests that such pesticide or device is in violation of any of the provisions of this Act, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide or device has been cancelled, the Administrator may issue a written or printed "stop sale, use, or removal" order to the registrant, owner, and custodian thereof, and after receipt of such order no person shall sell, use, or remove the pesticide or device described in the order except in accordance with the provisions of the order.

(b) Whenever the Administrator, on the basis of inspections or tests not considered in the course of registration proceedings, determines that there is a substantial question as to the existence of an imminent hazard of a product to health or the environment, he is authorized to issue an order to stop the sale, use or removal of such product for a period not to exceed ninety days, in the same manner as set forth in subsection (a) of this section.

(c) Any pesticide or device that is being transported or, having been transported, remain unsold or in original unbroken packages, or that is sold or offered for sale in any State, or that is imported from a foreign country, shall be liable to be proceeded against in any district court in the district where it is found and seized for confiscation by a process in rem for condemnation—

(1) in the case of a pesticide—

(A) if it is adulterated or misbranded;

(B) if it is not registered pursuant to the provisions of section 4 of this Act;

(C) if it fails to bear on its label the information required by this Act;

(D) if it is not colored or discolored and if such coloring or discoloring is required under this Act;

(E) if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration; or

(2) in the case of a device if it is misbranded.

(d) If the pesticide or device is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs, shall be paid into the Treasury of the United States, but the article shall not be sold contrary to the provisions of this Act or of the laws of the jurisdiction in which it is sold; *Provided,* That upon the payments of the costs of the condemnation proceedings and the execution and delivery of a good and sufficient bond conditioned that the article shall not be sold or otherwise disposed of contrary to the provisions of the Act or the laws of any State in which sold, the court may direct that such articles be delivered to the owner thereof. The proceedings of such condemnation cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(e) When a decree of condemnation is entered against the article, court costs and fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

PENALTIES

SEC. 8. (a) Any person who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall on conviction be fined not more than $25,000 or imprisoned for not more than one year, or both.

(b) Any person violating any provision of this Act shall be liable to a civil penalty to the United States of a sum which is not more than $10,000 for each such violation. A request for assesment of such civil penalty shall be referred to the Attorney General for appropriate action if the Administrator believes that action under this subsection in lieu of action under subsection (a) of this section will effectuate the purposes of this Act. Such civil penalty shall be recoverable in a civil suit brought in the name of the United States.

(c) When construing and enforcing the provisions of this Act, the act, omission, or failure, of any officer, agent, or other person acting for or employed by any person shall in every case, be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

BOOKS AND RECORDS AND FACTORY INSPECTION AND REGISTRATION

SEC. 9. (a) For the purposes of enforcing the provisions of this Act, any manufacturer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers, or offers for delivery, or who receives or holds any pesticide or device subject to this Act, shall, upon request of any employee of the Environmental Protection Agency or any employee of any State or political subdivision, duly designated by the Administrator, furnish or permit such per-

son at all reasonable times to have access to, and to copy all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Notwithstanding this provision, however, the specific evidence obtained under this section or any evidence which is directly or indirectly derived from such evidence shall not be used in a criminal prosecution of the person from whom obtained. The records and information referred to in this subsection shall not extend to (A) financial data, (B) sales data other than shipment data, (C) pricing data, (D) personnel data (other than data as to the qualifications of technical and professional personnel performing functions subject to this Act), and (E) research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

(b) Any person who on the date of enactment of this subsection operates any establishment in any State engaged in the manufacture, preparation, compounding, propagating, or processing of any pesticide or device subject to this Act shall, within one-hundred and eighty days after such date, apply to the Administrator for the registration of each such establishment, giving his name and the address of each such establishment operated by him. Any person who proposes to begin operation of any such establishment after such date shall, at least thirty days prior to beginning such operation, similarly apply for registration with the Administrator. Each establishment will be assigned an establishment number by the Administrator at the time of registration.

(c) Any person operating an establishment registered under section 9(b) of this Act shall inform the Administrator within 30 days of his being registered of the types and amounts of such pesticides or devices (1) which he is currently manufacturing, preparing, propagating, or compounding; (2) which he has manufactured during the past year; and (3) which he has sold or distributed during the past year, and, when specifically requested by the Administrator for the purpose of recalling a product, the name of the recipient. The information required in this subsection shall be kept current annually as required under such regulations as the Administrator may prescribe. The data obtained in accordance with the provisions of this subsection shall be considered confidential.

(d) For purposes of enforcement of this Act, officers or employees duly designated by the Administrator, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which pesticides or devices are manufactured, processed, packed, or held; and (2) to inspect, and obtain samples of, any pesticides or devices, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, 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 samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(e) For purposes of enforcing the provisions of this Act and upon a showing to an officer or court of competent jurisdiction that there is reason to believe that the provisions of this Act have been violated, officers or employes duly designated by the Administrator are empowered to obtain and to execute warrants authorizing entry into and inspection of facilities, including, but not limited to, facilities of manufacturers, wholesalers, dealers, and distributors of pesticides, and the seizure of any pesticides or devices, or the components thereof, whether packaged or unpackaged, and samples of any containers or labeling for such pesticides or devices.

EXEMPTIONS

SEC. 10. (a) The penalties provided for a violation of section 3(a) of this Act shall not apply to—

(1) any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provision of this Act;

(2) any carrier while lawfully engaged in transporting a pesticide or device, if such carrier upon request by a person duly designated by the Administrator shall permit such person to copy all records showing the transactions in and movement of the articles;

(3) public officials while engaged in the performance of their official duties;

(4) the manufacture or shipper of a pesticide for experimental use only by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of pesticides; or by others if a permit has been obtained before shipment in accordance with regulations promulgated by the Administrator.

(b) The Administrator may, at his discretion, exempt any Federal agency from any provision of this Act if he determines that such exemption would be consistent with the purposes of this Act and would be in the public interest.

DISPOSAL AND TRANSPORTATION

SEC. 11. (a) The Administrator, after consultation with other interested Federal agencies, shall establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides.

(b) The Administrator shall provide advice and assistance to the Secretary of Transportation with respect to his functions relating to the transportation of hazardous materials under the Department of Transportation Act (49 U.S.C. 1657), the Transportation of Explosives Act (18 U.S.C. 831–835), the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472 H), and the Hazardous Cargo Act (46 U.S.C. 375, 416, 170).

STATE AID AND TRAINING

SEC. 12. The Administrator is authorized to enter into contracts with Federal, State, local or interstate agencies or with non-profit organizations for the purpose of encouraging the training of approved pesticide applicators and approved pest management consultants, as defined in subsection 4. (d). This authority shall expire June 30, 1975.

RESEARCH AND MONITORING

SEC. 13. (a) The Administrator is authorized to undertake such research, including research by grant or contract, as may be necessary for the implementation of this Act. He shall take care to insure that such research does not duplicate research being undertaken by other Federal departments and agencies.

(b) The Administrator shall be responsible for formulating and periodically revising, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides covered by this Act.

(c) The Administrator is authorized to undertake such monitoring or surveillance activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act or of the national pesticide monitoring plan. Such activities should be carried out with the cooperation of other Federal, State, and local agencies.

IMPORTS AND EXPORTS

SEC. 14. (a) Notwithstanding any other provision of this Act, no article shall be deemed in violation of this Act when intended solely for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser and with respect to which a certification is obtained by the exporter from the importer or consignee and filed with the Administrator by the exporter prior to exportation of the article, stating that the article is in compliance wih the laws and regulations of said foreign country.

(b) The Administrator shall transmit through the State Department copies of each notice of suspension or proposed cancellation or other restrictions on pesticides under Federal law, to the Governments of other countries and to appropriate international agencies.

(c) The Secretary of the Treasury shall notify the Administrator of the arrival of pesticides and devices and shall deliver to the Administrator, upon his request, samples of pesticides or devices which are being imported into the United States, giving notice 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 a sample that it is adulterated, or misbranded or otherwise violates the provisions set forth in this Act, or is otherwise injurious to health or to the environment, the said article may be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter or execution of bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond: and *provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(c) The Administrator shall, in cooperation with the Department of State and other appropriate Federal agencies, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

SOLICITATION OF PUBLIC COMMENTS

SEC. 15. (a) In connection with the suspension or cancellation of a pesticide registration or any other actions authorized under this Act, the Administrator may, at his discretion, solicit the views of all interested persons, either orally or in writing, and seek such advice from scientists and other qualified persons as he deems proper.

(b) The authority contained in this section is in addition to the provisions contained

elsewhere in this Act relating to public hearings and solicitation of views, and shall not be interpreted to affect such other provisions.

DELEGATION AND COOPERATION

SEC. 16. (a) All authority vested in the Administrator by virtue of the provisions of this Act may with like force and effect be executed by such employees of the Environmental Protection Agency as the Administrator may designate for the purpose.

(b) The Administrator shall cooperate with the Secretaries of Agriculture, Interior, Commerce, and Health, Education and Welfare, and with any department or agency of the Federal Government and with any official regulatory agency of any State, Territory, District, possession, or any political subdivision thereof, in carrying out the provisions of this Act, and in securing uniformity of regulations.

AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

SEC. 17. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEPARABILITY

SEC. 18. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

OTHER AUTHORITY NOT AFFECTED

SEC. 19. (a) This Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Administrator or any other Federal officer, department, or agency.

(b) Any regulations issued and any actions taken or legal rights of action accrued under the Federal Insecticide, Fungicide, and Rodenticide Act, prior to the effective date of this Act, shall not be abrogated or negated by this Act or by the repeal of the aforesaid Act, but shall remain in effect unless modified or rescinded pursuant to the provisions of this Act.

(c) Nothing in this Act shall be construed as limiting the authority of a state or a political sub-division thereof to regulate the sale or use of a pesticide within its jurisdiction in so far as such regulation does not permit such sale or use as is prohibited under the authority of this Act.

SEC. 20. The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), as amended, is hereby repealed, and all references thereto in other statutes, regulations, and public records of the United States shall refer to the Federal Environmental Pesticide Control Act.

SEC. 21. Section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301–392) is hereby amended by deleting the period after the word "marketing" and adding "and tobacco".

SENATE JOINT RESOLUTION 33—INTRODUCTION OF A JOINT RESOLUTION RELATING TO A STUDY OF THE POTENTIAL METHODS OF RETURNING FEDERAL TAX SOURCES TO THE PREROGATIVES OF STATE AND LOCAL GOVERNMENTS

Mr. TOWER. Mr. President, I am today introducing a joint resolution which is directed to the future of State and local government financing beyond the current movement toward revenue sharing. My resolution provides that there be established a commission to study the "sources of Federal tax revenue with the purpose of determining from which sources and to what extent the Federal Government might best relinquish its taxing authority or reduce its tax rates, in order that the various States and their subordinate governmental units might have better opportunity to utilize and draw upon these various revenue sources."

I feel that revenue sharing is desirable at this time as an immediate step to begin reversing the flow of power from the people to Washington and to give to State and local governments the opportunity to allocate these funds according to their own priorities, rather than according to those imposed upon them by the Federal Government.

However, I consider revenue sharing to be only a temporary stage in the process of the return of State and local government powers to their rightful holders. The taxing power is inherently bound to the structure of governmental power, and simple transfer of the spending power, without the concomitant relinquishment of some of the Federal tax resources supporting those revenues, will not, in the long run, be a satisfactory solution to the need for returning governmental power to the closer control of the people. The Federal Government has grown far too large and far too distant from the individual citizen, and I feel that the approval of my measure will lead to the earlier and more successful transfer of Federal governmental power back to the people.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). 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. 33) to provide for a study of the potential methods of returning Federal tax sources to the prerogatives of State and local governments 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.J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Commission on the Relinquishment of Federal Tax Resources (hereinafter referred to as the "Commission").

SEC. 2. (a) The Commission shall be composed of eleven members, to be selected as indicated:

(1) two persons representing the Department of the Treasury, including the Secretary of the Treasury or his delegate, who shall be Chairman of the Commission; the other representative of the Treasury Department to be selected by the Secretary and to serve as Vice Chairman;

(2) one from among persons who represent state governments, to be chosen by the President;

(3) one from among persons who represent county governments, to be chosen by the President;

(4) one from among persons who represent city governments, to be chosen by the President;

(5) one from among persons who represent special-purpose taxing districts, to be chosen by the President;

(6) one from among persons who represent public school districts, to be chosen by the President;

(7) the Chairman of the Committee on Ways and Means of the House of Representatives, or his delegate;

(8) the Chairman of the Committee on Finance of the Senate, or his delegate;

(9) the Chairman of the Committee on Appropriations of the House of Representatives, or his delegate;

(10) the Chairman of the Committee on Appropriations of the Senate, or his delegate.

(b) Six members of the Commission shall constitute a quorum for the transaction of business. A vacancy in the Commission shall not affect its powers.

(c) Each member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. Each member of the Commission who is not otherwise employed by the United States Government shall receive $150 per day (including travel-time) during such time as he is actually engaged in the performance of his duties as a member of the Commission. Each member of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

SEC. 3. (a) It shall be the duty of the Commission to make a thorough and complete study and investigation of the sources of federal tax revenue with the purpose of determining from which sources and to what extent the federal government might best relinquish its taxing authority or reduce its rates of taxation, in order that the various states and their subordinate governmental units might have better opportunity to utilize and draw upon these various revenue sources. Due regard should be had for the concurrent need to consider the possibilities of reduction of the level of federal expenditure, to reflect the increased ability of the state and local governments to meet their financial needs, in contemplation of the increased ability of these governments to draw upon traditionally federally-dominated revenue sources.

(b) The Commission shall submit its report within two years after the enactment of this joint resolution, and shall cease to exist thirty days after submitting its report.

SEC. 4. (a) In order to carry out the provisions of this joint resolution, the Commission is authorized to—

(1) make expenditures;

(2) hold hearings;

(3) take testimony orally or by deposition;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates; and

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies is authorized and urged to furnish to the Commission, upon the request of the Chairman or Vice Chairman, such information, services, personnel, and facilities as the Commission deems necessary to carry out the provisions of this joint resolution.

SEC. 5. There are hereby authorized to be

appropriated such sums, not to exceed $1,000,000, as may be necessary to carry out the provisions of this joint resolution.

SENATE JOINT RESOLUTION 34—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO PRAYER IN PUBLIC SCHOOLS AND OTHER PUBLIC BUILDINGS

Mr. SCOTT. Mr. President, I introduce today, on behalf of myself and Senators ALLEN, ALLOTT, BEALL, BENNETT, BOGGS, BROCK, BYRD of Virginia, CHILES, COOPER, CURTIS, DOLE, DOMINICK, EASTLAND, FANNIN, GOLDWATER, HANSEN, HOLLINGS, HRUSKA, JORDAN of Idaho, MANSFIELD, MCCLELLAN, MCINTYRE, MILLER, PASTORE, RANDOLPH, SCHWEIKER, SMITH, SPONG, STENNIS, THURMOND, TOWER, YOUNG, and BAKER, a joint resolution proposing a constitutional amendment to permit voluntary prayer in our public buildings, and especially in our public schools. I do so in the belief that the introduction of a resolution at this time will effectively reaffirm congressional interest in this issue which has so long been a matter of great public concern. I am particularly pleased that 30 of my distinguished colleagues in the Senate are joining me as cosponsors in this effort.

Hopes, raised last year when a prayer amendment briefly reached the Senate floor, have again given way to disappointment. My purpose in introducing a resolution at this time is to provide the incentive that will make it possible to at last successfully pursue this matter. My resolution is offered as confirmation of my own personal support in this effort.

My joint resolution is identical to the bill which I proposed in the 91st Congress. I believe it strengthens and improves language which has been offered in similar resolutions on this same subject in two important ways.

First, it mentions specifically "schools" as among those public buildings in which voluntary prayer would be permitted. To mention only public buildings without this additional clarification would, I feel, leave the question of intent open to some doubt.

Second, I recognize that some regard even voluntary prayer as something requiring formal procedure. Therefore, I have drafted my resolution to permit "meditation" as a substitute for voluntary, nondenominational prayer. By so doing, my resolution addresses itself to the basic issue in a manner which still permits the greatest possible flexibility for a divergence of religious belief. Individual or group prayer or meditation on a voluntary basis need not be formalized or institutionalized, but at the same time, such activities should not be penalized. It is with this uppermost in mind that I offer my new resolution.

Mr. President, the people of my Commonwealth of Pennsylvania have been especially outspoken on this issue. They have petitioned the courts for years, and despite setbacks there, have in some communities recently reinstituted voluntary prayer. In at least one school, the exercise centers on the daily prayer from the CONGRESSIONAL RECORD, a reminder of the fact that we, as national leaders in Congress, begin each daily session with the opportunity for prayer. It is this same opportunity for prayer which my resolution would make available to others, and particularly to the Nation's schoolchildren who otherwise are denied a privilege we in Congress take for granted.

Mr. President, I believe in the separation of church and state. I do not believe in the separation of children from the opportunity for prayer or meditation. I believe that full public discussion, including attention to the voluntary nature of this amendment, could do much to finally resolve this question, and I offer my resolution for this purpose.

I urge that this proposed constitutional amendment be given early and favorable consideration, and I ask unanimous consent that the full text be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). 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. 34) proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in nondenominational prayer or meditation.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. TOWER. Mr. President, since the Supreme Court made its momentous decision some years ago, we have had pending in the Senate a constitutional amendment which would, in effect, reverse that decision and allow prayer again in our Nation's schools. The Supreme Court ruling, which was made under the guise of a "freedom of religion" rationale has, on the contrary, had the opposite effect. For these years now, our children in our Nation's public schools have been denied the basic right to say a prayer.

Mr. President, every morning since the founding of this body, the Senate has opened its day with a prayer to Almighty God. On our buildings, on our coins, and on our emblems are inscribed the words "In God We Trust." In short, we are a religious people, we are a prayerful people, but yet, our children are denied the right to say a prayer at school. Such a denial is in reality a perversion of first amendment rights. The amendment reads "freedom of religion," not freedom from religion.

The late Senator Dirksen was the first sponsor of this amendment and believed in it and fought hard for it. Now, his distinguished successor as minority leader, Mr. SCOTT, has taken up this banner and is pursuing this cause; I am pleased to again cosponsor this amendment. I can think of no greater monument to our late and dear friend Everett Dirksen than to pass now this measure. Likewise, in this time of constant turmoil and seemingly shifting values, I can think of nothing that I would prefer to see our children do than give thanks to God. By passing this joint resolution, we shall continue the traditions of our forefathers and preserve in America true freedom of religion.

SENATE JOINT RESOLUTION 35—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE AN EX GRATIA CONTRIBUTION TO CERTAIN INHABITANTS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, for myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), by request, I introduce, for appropriate reference, a Senate joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

I ask unanimous consent that the text of the letter from the Under Secretary of the Interior asking that this proposed legislation be introduced, together with the text of the joint resolution and the agreement between the United States and Japan concerning the Trust Territory of the Pacific Islands, be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution, letter, and agreement will be printed in the RECORD.

The joint resolution (S.J. Res. 35) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, referred to the Committee on Interior and Insu-

lar Affairs, and ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 35

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands, formerly under League of Nations Mandate to Japan, suffered from the hostilities of the Second World War;

Whereas, the United States, while not liable for wartime damages suffered by the Micronesians, has responsibility for the welfare of the Micronesian people as the Administering Authority of the Trust Territory of the Pacific Islands;

Whereas, the Government of Japan and the United States entered into an agreement on April 18, 1969, to contribute ex gratia the equivalent of $10,000,000 to the Micronesian inhabitants of the Trust Territory of the Pacific Islands in view of the suffering caused by the hostilities of the Second World War, each Government contributing the equivalent of $5,000,000, Japan's contribution to take the form of products and services;

Whereas, payment of these ex gratia contributions to certain Micronesian inhabitants of the Trust Territory of the Pacific Islands will meet a long-standing Micronesian grievance and will promote the welfare of the Micronesian people;

Whereas, certain Micronesian inhabitants of the Trust Territory of the Pacific Islands claim to have suffered damage to or loss or destruction of property, personal injury or death caused by military and civilian employees of the United States Government and arising out of accidents or incidents between the dates of the securing of the various islands of Micronesia by the United States Armed Forces and July 1, 1951, and within an area under the control of the United States at the time of the accident or incident;

Whereas, the United States is desirous of making an equitable settlement of these claims by way of a monetary contribution: Therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That this resolution may be cited as the "Micronesian Claims Act of 1971".

TITLE I

SECTION 1. (a) It is the purpose of this title that, with respect to war claims, the United States should make an *ex gratia* contribution of $5,000,000 matching an equivalent contribution of the Government of Japan, to Micronesian inhabitants of the Trust Territory of the Pacific Islands who are determined by the Micronesian Claims Commission to be meritorious claimants, in particular amounts to be awarded by the Micronesian Claims Commission, and that the Secretary of the Interior, hereinafter referred to as the "Secretary", or his designee, shall pay to said Micronesian claimants as soon as possible following his receipt of the final report of the Micronesian Claims Commission on the claims allowed, such amounts as are finally certified pursuant to section 4 hereof;

(b) A "Micronesian inhabitant of the Trust Territory of the Pacific Islands" is defined for the purposes of this joint resolution as a person who:

(1) became a citizen of the Trust Territory of the Pacific Islands on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living, would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir or assign of a person eligible under subsections (1) or (2) and who is a citizen of the Trust Territory of the Pacific Islands as of the date of filing a claim.

SEC. 2. (a) There is hereby authorized to be appropriated to the Trust Territory of the Pacific Islands $5,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, to be paid into a "Micronesian Claims Fund". The Secretary is hereby authorized to create and manage said Micronesian Claims Fund.

(b) Funds approximating $5 million appropriated to the Trust Territory of the Pacific Islands for supplies or capital improvements in accordance with the Act of June 30, 1954, as amended, shall be paid into a Micronesian Claims Fund as the products of Japan and the services of the Japanese people in the amount of one billion eight hundred million yen (currently computed at $5,000,000) are provided by Japan pursuant to Article I of the "Agreement between the United States of America and Japan", signed April 18, 1969. These funds together with the sum authorized to be appropriated by subsection (a) of this section shall constitute the whole of the Micronesian Claims Fund.

SEC. 3. (a) There is hereby established a Micronesian Claims Commission, hereinafter referred to as the Commission, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The Commission shall be composed of five members, who shall be appointed, in consultation with the Secretary, by the Chairman of the Foreign Claims Settlement Commission, one of whom he shall designate as Chairman. Two members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of the original appointment. The members of the Commission shall serve at the pleasure of the Chairman of the Foreign Claims Settlement Commission. No commissioner shall hold other public office or engage in any other employment during the period of his service on the Commission, except as an employee of the Foreign Claims Settlement Commission.

(b) The members of the Commission shall receive compensation and allowances as determined by the Chairman of the Foreign Claims Settlement Commission by application of the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event shall traveling and other expenses incurred in connection with their duties as members, or a per diem allowance in lieu thereof, exceed that prescribed in accordance with the provisions of subchapter 1 of chapter 57 of title 5, United States Code. The term of office of the members of the Commission shall expire at the time fixed in subsection (e) for winding up the affairs of the Commission.

(c) The Commission may, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, appoint and fix the compensation and allowances of such officers, attorneys, and employees of the Commission as may be reasonably necessary for its proper functioning, which employees shall be in addition to those who may be assigned by the Chairman of the Foreign Claims Settlement Commission to assist the Commission in carrying out its functions. The compensation and allowances of employees appointed pursuant to this section shall be within the rules and regulations which apply to officers and employees of the Trust Territory of the Pacific Islands, but in no event to exceed the amount of allowances prescribed in subchapter 1 of chapter 57 of title 5, United States Code. In addition, the Commission, with the approval of the Chairman of the Foreign Claims Settlement Commission, may make such expenditures as may be reasonably necessary to carry out its proper functioning. Officers and employees of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands may, with the consent of the head of such department or agency, with or without reimbursement, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government of the United States or the Government of the Trust Territory of the Pacific Islands, utilize, with or without reimbursement, the facilities and services of such department or agency in carrying out the functions of the Commission.

(d) The Commission shall, subject to the approval of the Chairman of the Foreign Claims Settlement Commission, prescribe such rules and regulations as are necessary for carrying out its functions. As expeditiously as possible and, in any event, within three months of its appointment, the Commission shall give public notice in the Trust Territory of the Pacific Islands of the time when, and the limit of time within which, claims may be filed, which notice shall be given in such manner as the Commission shall prescribe: *Provided,* that the final date for the filing of claims shall not be more than one year after the appointment of the full membership of the Commission. A majority of the membership of the Commission shall be necessary to transact business; *Provided, however,* that an affirmative vote of at least three members shall be required for the promulgation of rules and regulations, and for the final adjudication of any claim.

(e) The Commission shall wind up its affairs as expeditiously as possible and in any event not later than three years after the expiration of the time for filing claims under this act.

SEC. 4. (a) The Commission shall have authority to receive, examine, adjudicate, and render final decisions, in accordance with the laws of the Trust Territory of the Pacific Islands and international law, with respect to (i) claims of the Micronesian inhabitants of the Trust Territory of the Pacific Islands who suffered loss of life, physical injury, and property damage directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by United States Armed Forces and (ii) those claims arising as post-war claims between the dates of the securing of the various islands of Micronesia by United States Armed Forces and July 1, 1951. When all claims have been adjudicated, the Commission shall certify them to the Secretary for payment. The claims covered by title I of this Act shall be paid from the Micronesian Claims Fund, except that as to claims based on death, up to $1,000 shall be paid immediately upon adjudication, and the claims covered by title II of this Act shall be paid by the Secretary from funds appropriated for such purpose.

(b) No later than six months after its organization, and annually thereafter, the Commission shall make a report, through the Chairman of the Foreign Claims Settlement Commission, to the Congress of the United States concerning its operations under this Act. The Commission shall, upon winding up its work, certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary, and to the Congress of the United States the following:

(1) a list of all claims allowed, in whole or in part, together with the amount of each claim and, the amount awarded thereon;

(2) a list of all claims disallowed;

(3) a copy of the decision rendered in each case.

(c) In the event that funds remain in the Micronesian Claims Fund after all allowable and adjudicated claims are paid, such remaining funds shall be transferred from the Micronesian Claims Fund to the Treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Microne-

sia for the welfare of the people of the Trust Territory of the Pacific Islands. In the event that the allowable and adjudicated claims covered by title I of the Act exceed a total of $10 million, the Secretary shall make prorata payments.

(d) No payment shall be made on an award of the Commission unless the claimant shall first execute a full release to the United States and Japan in respect to any alleged liability of the United States or Japan, or both, arising before the dates of the securing of the various islands of Micronesia by the United States Armed Forces.

SEC. 5. There is authorized to be appropriated such sums as may be necessary for the operation and administrative expenses of the Foreign Claims Settlement Commission, to the extent needed to cover activity connected with this Act, and of the Commission in order to carry out the purposes of this Act.

SEC. 6. The Agreement for the payment of the Micronesian claims covered by title I of this Act having been reached by negotiators of the Governments of the United States and Japan, and since personnel to be appointed by the Secretary or the Commission will be available to assist the people of the Trust Territory of the Pacific Islands insofar as may be necessary in filing all claims covered by either title I or title II of this Act, no remuneration on account of services rendered on behalf of any claimant, or any association of claimants, in connection with any claim or claims covered by either title I or title II shall exceed, in total, one percentum of the amount paid on such claim or claims, pursuant to the provisions of this Act. Fees already paid for such services shall be deducted from the amounts authorized by this Act. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5 thousand or imprisoned not more than 12 months, or both.

TITLE II

SECTION 1. For the purpose of promoting and maintaining friendly relations by the final settlement of meritorious post-war claims, the Micronesian Claims Commission is, pursuant to authority granted in section 4(a) of title I, authorized to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of all claims by Micronesian inhabitants against the United States or the Government of the Trust Territory of the Pacific Islands on account of damage to or loss or destruction of private property both real and personal, of Micronesian inhabitants of the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands administered by the United States under a trusteeship agreement with the United Nations, including claims for a taking or for use or retention of such property where no payments or inadequate payments have been made for such taking, use or retention when such damage, loss or destruction was caused by the United States Army, Navy, Marine Corps, or Coast Guard, or individual members thereof, including military personnel and United States Government civilian employees, and including employees of the Trust Territory Government acting within the scope of their employment: *Provided*, That only those claims shall be considered by the Commission which are presented in writing as provided for in section 3(d) of title I of this Act and the accident or incident out of which the claim arose occurred prior to July 1, 1951, within the islands which now comprise the Trust Territory of the Pacific Islands and within an area under the control of the United States at the time of the accident or incident: *Provided further*, That any such settlements made by such Commission and any such payments made by the Secretary under the authority of this title shall be final and conclusive for all purposes notwithstanding any other provision of law to the contrary and not subject to review.

SEC. 2. There is hereby authorized to be appropriated, the amount of $20,000,000, in addition to the normal budgetary expenditures for the Trust Territory of the Pacific Islands and in addition to the appropriation authorized by section 2 of the Act of June 30, 1954, as amended, to be expended by the Secretary for the purposes of making payments to the extent authorized by this title of this Act.

SEC. 3. Any funds appropriated for the purposes of this title which remain after the settlement of claims under the provisions of this title shall be covered into the Treasury of the United States.

The letter and agreement, presented by Mr. JACKSON, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 26, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposed joint resolution "To authorize an *ex gratia* contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission."

We recommend that this joint resolution be referred to the appropriate committee for its consideration and strongly urge its prompt enactment.

The proposed resolution has two titles. The first title contains language necessary to implement an Executive Agreement of April 18, 1969, between the Governments of Japan and the United States entered into pursuant to the Treaty of Peace with Japan, which provides for the compensation of inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War. A copy of the Agreement is enclosed. The Agreement essentially provides that the two Goevrnments will make equal, *ex gratia* contributions for the welfare of the inhabitants of Micronesia, such contributions to have a total value equivalent to $10 million.

The contribution by Japan will take the form of products and services having a value of 1.8 billion yen which, at present conversion rates, is computed at $5 million. The contribution of the United States, subject to the appropriation of funds by the Congress, is to take the form of $5 million in cash.

The Agreement between the Governments of Japan and the United States is responsive to the fact that, after 25 years, an innocent people whose islands were fought over by two Great Powers remain uncompensated for wartime suffering, while they have seen their kin in Guam and their neighbors in Asia benefit from grants of the United States and reparations of Japan. The Treaty of Peace with Japan provides that claims of the inhabitants of Micronesia against Japan, and claims of Japan and its nationals against the Administering Authority of Micronesia, shall be the subject of special arrangements. In negotiating those arrangements, the United States has pressed the claims of the Micronesians, while Japan has pressed the claims of its nationals—some 100,000 Japanese—for property left by them when they were after the War. The Agreement treats all Japanese claims against the Administering Authority as fully and finally settled, and makes no payment on them. It commits both Governments, subject to the appropriation of funds, to a joint, *ex gratia* grant to the Micronesians which, without any suggestion of liability on the part of either Government, should meet a Micronesian grievance which has gone unmet too long. Thus, when implemented, the Agreement will dispose of a long-standing irritant in relations between Japan and the United States, and do justice to the Micronesians.

That Agreement represents the successful conclusion protracted and difficult negotiations pursuant to Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and of its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority of the Trust Territory and the residents thereof, and the disposition in Japan of the property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals.

This joint resolution, if enacted, will establish a five-member Micronesian Claims Commission which shall receive, examine, adjudicate, and render final decisions with respect to claims of Micronesian inhabitants of the Trust Territory resulting from the hostilities of the Governments of the United States and Japan during World War II. The Commission will also be responsible for determining the validity of the claims that have arisen as a result of damages arising since the securing of the Islands of Micronesia but prior to July 1, 1951. The joint resolution will establish also a Micronesian Claims Fund, the whole of which Fund will be $10 million, and authorize the appropriation of $5 million to be paid into this Fund by the United States as its share of the Fund.

More specifically, section 1 of title I of the joint resolution, following the introductory paragraphs summarizing the foregoing, expresses agreement that the United States shall make an *ex gratia* contribution of $5 million, matching the equivalent contribution of Japan, and that the Secretary of the Interior shall pay such meritorious claims as are adjudicated by the Micronesian Claims Commission. Section 1 also defines the term "Micronesian inhabitant of the Trust Territory of the Pacific Islands" as a person who:

(1) became a citizen of the Trust Territory on July 18, 1947, and who remains a citizen as of the date of filing a claim; or

(2) if then living would have been eligible for citizenship on July 18, 1947; or

(3) is the successor, heir, or assign of a person eligible under (1) or (2) above, and who is a citizen of the Trust Territory as of the date of filing a claim.

This definition, while requiring citizenship, does not require residency in the Trust Territory as a prerequisite to filing a claim.

Section 2 of title I authorizes the appropriation to the Trust Territory of $5 million to be paid into a "Micronesian Claims Fund." That sum is to be in addition to the appropriations authorized by section 2 of the Act of June 30, 1954, as amended, for the civil administration of the Trust Territory and, as such, shall not be included in the computation of funds appropriated and subject to the limitation on appropriations contained in section 2 of the Act of June 30, 1954, as amended. The Secretary of the Interior is authorized to create and manage the Micronesian Claims Fund.

Section 2 of title I provides further that as the products of Japan and the services of the Japanese people, having an aggregate value of 1.8 billion yen, are made available to the Government of the Trust Territory, the cash equivalent of such products and services to the extent of approximately $5 million shall be transferred by the Secretary of the Interior from the funds regularly appropriated to the Trust Territory for sup-

plies or capital improvements to the Micronesian Claims Fund. These funds so transferred, together with the funds authorized to be appropriated, shall constitute the whole of the Micronesian Claims Fund.

Section 3 of title I establishes a Micronesian Claims Commission to be composed of five members, such Commission to be under the control and direction of the Chairman of the Foreign Claims Settlement Commission. The five members shall be appointed, in consultation with the Secretary of the Interior, by the Chairman of the Foreign Claims Settlement Commission, who shall designate one member as chairman. Two of the members shall be selected from a list of Micronesian citizens nominated by the Congress of Micronesia. The other three members will be selected from the staff of the Foreign Claims Settlement Commission.

Subsections (b) and (c) of section 3 provide for the fixing of compensation and allowances of the members and for the appointment, compensation, and allowances of such staff personnel as the Commission may reasonably require for its proper functioning. We visualize the pay of the Commissioners as not exceeding the equivalent of a GS–15 in the General Salary Schedule.

Subsection (d) of section 3 authorizes the promulgation by the Commission with the approval of the Chairman of the Foreign Claims Settlement Commission, of necessary rules and regulations and provides that the final date of filing claims shall not be more than one year after the appointment of the Commission.

Subsection (e) requires that the Commission shall proceed as expeditiously as possible and shall wind up its affairs no later than three years after the expiration of the time for filing claims.

Section 4 of title I provides that the Commission shall have authority to receive and adjudicate, in accordance with the laws of the Trust Territory and international law, (1) claims of the Micronesian inhabitants of the Trust Territory who suffered loss of life, physical injury, and loss of or damage to personal property directly resulting from the hostilities between the Governments of Japan and the United States between December 7, 1941, and the dates of the securing of the various islands of Micronesia by the Armed Forces of the United States, and (2) those claims arising as post war claims between the dates of the securing of the islands of Micronesia and July 1, 1951.

Subsection (b) of section 4, title I, requires that six months after its organization, and annually thereafter, the Commission shall report through the Chairman of the Foreign Claims Settlement Commission to the Congress concerning its operations, and that upon completion of its work it shall certify to the Chairman of the Foreign Claims Settlement Commission, the Secretary of the Interior, and the Congress a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; a list of all claims disallowed; and a copy of the decision rendered in each case.

Subsection (c) of section 4, title I, provides that in the event funds remain in the claim fund after all adjudicated claims are paid, such balance shall be paid into the treasury of the Trust Territory of the Pacific Islands for appropriation by the Congress of Micronesia for the welfare of the people of the Trust Territory. In the event that amounts payable on adjudicated claims exceed the total of $10 million, the Secretary of the Interior shall determine the necessary proration and make payments in accordance therewith.

Subsection (d) of section 4, title I, requires that a full release to the United States and Japan in respect to the liability of either or both shall be a prerequisite to the making of a payment to a claimant.

Section 5 of title I authorizes the appropriation of such sums as may be necessary for the operation and administrative expenditures of the Foreign Claims Settlement Commission and the Micronesian Claims Commission.

Section 6 of title I provides free assistance in the filing of claims authorized by this resolution and imposes a limitation upon attorney's fees in connection with payments made under the provisions of title I and title II of the resolution.

Section 1 of title II sets out the purpose of the title as promoting and maintaining friendly relations with the citizens of Micronesia, and authorizes the Micronesian Claims Commission to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction of final settlement of all the claims of Micronesian inhabitants against the United States arising as a result of damage to or loss or destruction of private property, both real and personal, of the inhabitants of the Trust Territory of the Pacific Islands as a result of acts by members of the United States Armed Services, employees of the United States Government including employees of the Trust Territory, who were acting in their official capacities. The claims to be considered by the Micronesian Claims Commission must be presented in writing within one year after the effective date of the Act. Only those claims that arose prior to July 1, 1951, will be considered by the Commission.

Section 1 of title II further provides that any settlements made by the Commission and any payments made by the Secretary of the Interior as a result of those settlements shall be final and conclusive and not subject to review.

Section 2 of title II authorizes the appropriation of $20 million for use by the Secretary of the Interior for the purpose of making payments on claims adjudicated by the Micronesian Claims Commission. This $20 million appropriation will be included in the appropriations made for the Department of the Interior.

Section 3 of title II provides that any funds appropriated for the purposes of title II which remain unexpended after settlement of all claims provided for under title II shall be returned to the Treasury of the United States.

As we have indicated, the enactment of this joint resolution, the subsequent appropriation of the funds authorized thereby, and the performance by the Micronesian Claims Commission of the functions vested in it by this resolution, will result in the final resolution of a difficult matter which has been of substantial concern to the people of Micronesia, the United States, Japan, and the United Nations for almost 25 years. We believe that this joint resolution provides a fair and wholly justified settlement.

In connection with title I claims, the sum of $10 million to be provided as an *ex gratia* contribution in compensation for the losses experienced by the Micronesians as a result of the war is, in our view, sufficient to satisfy the war claims which we anticipate will be considered by the Commission. It is likely that the settlement in connection with the death claims will draw most heavily upon the Fund. Since, even though it represents a most difficult task, the claims will need to be adjudicated in terms of the values of the early 1940's, we have noted the record of claim settlements made in Guam for occurrences paralleling those which give rise to the claims to be adjudicated in the Trust Territory. While such earlier settlements are not seen as binding precedents, the record indicates that the amount typically claimed for a death was $5,000, or less, with the amounts awarded ranging between $1,000 and $4,000, the former being the more frequent award and the latter being untypically high. Based upon our consideration of this matter and having regard to the lapse of time and the effects of inflation, we do not foresee individual death claim settlements in connection with the Trust Territory claims as exceeding $5,000. It is expected that approximately 1,500 claims arising out of the death of individuals as a result of the war will be the subect of claims presented to the Commission.

In connection with title II claims, residents and former residents of the Trust Territory who believed that they had valid claims against the United States Government for use or loss of property after the date of the securing of the various islands of the Trust Territory of the Pacific Islands during World War II were recently asked by the government of the Trust Territory of the Pacific Islands to file their claims with the district administrator of the district of the Trust Territory of the Pacific Islands where they reside or send them to the Attorney General of the Trust Territory. Persons who had previously filed were told not to refile.

This was done in order to provide this Department with information as to the number of claims that might be outstanding as a result of the acts of the United States Government in the Trust Territory of the Pacific Islands between the time of the securing of the islands that make up the Trust Territory of the Pacific Islands at the end of World War II and July 1, 1951, together with the total dollar value of such claims. It was determined from this survey that there were approximately 1,232 claims outstanding with an estimated dollar value of $18,436,902.00. We believe that the amount authorized by the bill will cover the value of the claims we know about, including any increase in value, as well as any claims of which we are not now aware.

The claims arising between the end of the war-time activity in the islands and July 1, 1951, are for damages to property, both personal and real. Most of the property claims are small.

In line with the resolution, in order to promote and maintain friendly relations with the people of the Trust Territory of the Pacific Islands, we are willing to have the Micronesian Claims Commission consider and settle the claims that have merit so that the amount of the claims can be paid to the claimant by the Secretary of the Interior. We firmly believe that the $20 million authorized by the bill is more than adequate to make payments as settlement of these claims even though there is some question as to the United States legal liability.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The United States of America and Japan,

Desirous of expressing their common sympathy for the suffering caused by the hostilities of the Second World War to the inhabitants of the Pacific Islands formerly under League of Nations Mandate to Japan, and now administered by the United States of America under the United Nations Trusteeship System as the Trust Territory of the Pacific Islands,

Desirous of making an ex gratia contribution to the welfare of the inhabitants of the Trust Territory,

Desirous of concluding a special arrangement, as envisaged in Article 4(a) of the Treaty of Peace with Japan, concerning the disposition of property of Japan and of its nationals in the Trust Territory and their claims, including debts, against the Administering Authority of the Trust Territory

and the residents thereof, and the disposition in Japan of property of the Administering Authority and residents of the Trust Territory, and of their claims, including debts, against Japan and its nationals,

Have agreed as follows:

ARTICLE I

1. Japan will make available in grants to the United States of America, in its capacity as Administering Authority of the Trust Territory, one billion and eight hundred million yen (Y 1,800,000,000), currently computed at five million United States dollars ($5,000,000), for the purchase in Japan by the Administering Authority of the products of Japan and the services of the Japanes people, to be used for the welfare of the inhabitants of the Trust Territory.

2. The provision of these products and services shall, unless otherwise agreed upon by the Government of the United States of America and the Government of Japan, be made over a period of three years from the date on which the Japanese budget for the fiscal year 1970 is approved by the Diet, or the date of the appropriation of funds by the Congress of the United States of America under Article II of this Agreement, whichever date is later. The provision of products and services by Japan shall, subject to detailed arrangements to be concluded pursuant to paragraph 3 of this Article, be made in a reasonably even manner during the period.

3. The Government of the United States of America, as Administering Authority, and the Government of Japan shall conclude detailed arrangements for the implementation of this Article.

ARTICLE II

The Government of the United States of America shall, subject to the appropriation of funds by the Congress of the United States, establish a fund in the amount of five million United States dollars ($5,000,000), aside from its normal budgetary expenditures for the Trust Territory, to be used for the welfare of the inhabitants of the Trust Territory.

ARTICLE III

The United States of America, as Administering Authority, and Japan agree that all questions encompassed by Article 4(a) of the Treaty of Peace with Japan concerning the disposition of property of Japan and its nationals in the Trust Territory, and their claims, including debts, against the Administering Authority and the residents of the Trust Territory, and the disposition in Japan of property of the Administering Authority and the residents of the Trust Territory, and their claims, including debts, against Japan and its nationals, are fully and finally settled.

ARTICLE IV

This Agreement shall enter into force on the date of receipt by the Government of the United States of America of a note from the Government of Japan stating that Japan has approved the Agreement in accordance with its legal procedures.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at Tokyo, this eighteenth day of April, 1969, in duplicate in the English and Japanese languages, both being equally authentic.

SENATE JOINT RESOLUTION 36—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM THE OCCASION OF THE CELEBRATION OF THE TERCENTENNIAL OF ST. IGNACE, MICH.

Mr. HART. Mr. President, the history of St. Ignace, Mich., and the story of Father Jacques Marquette, missionary-explorer, are integral parts of the past from which the Nation draws its traditions and ideals.

Father Marquette's exploration of the Great Lakes and the Mississippi River was instrumental in opening that area of the Nation to the pioneers who followed.

Certainly all would agree that Father Marquette deserves an important place in our history books.

Perhaps less well known, but equally deserving of recognition, is the part St. Ignace played in the Father Marquette story.

He founded the town and his home mission there 300 years ago.

It was from St. Ignace that he set out on explorations. It was at his St. Ignace mission that he did much of his religious work.

It was of this town that he spoke of as "his beloved St. Ignace" during his fatal illness and it is there where he is now buried.

Residents of St. Ignace this year celebrate the town's tercentennial.

In light of the town's special relevance to the history of our Nation, I introduce a resolution authorizing the President to proclaim the occasion of the celebration of the tercentennial.

In this small way, the entire Nation can take part in this year-long celebration.

Mr. President, I ask unanimous consent that a brief biography of Father Marquette, by Dr. Lewis Beeson recently retired secretary of the Michigan Historical Commission, and the wording of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. GAMBRELL). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and biography will be printed in the RECORD.

The joint resolution (S.J. Res. 36) authorizing the President to proclaim the occasion of the celebration of the tercentennial of St. Ignace, Mich., introduced by Mr. HART, 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. 36

Whereas St. Ignace, Michigan, was established as a community in 1671, and has continued as such ever since; and

Whereas its founder was the renowned missionary-explorer, Father Jacques Marquette; and

Whereas St. Ignace was his home mission and his remains are buried there, although he was of French birth and in the service of the Jesuit order headquartered at Montreal, Canada; and

Whereas he departed from St. Ignace with Father Jolliet to explore the Great Lakes to the west and the Mississippi River as far south as its confluence with the Arkansas River; and

Whereas Marquette and Jolliet and their party were the first Europeans to penetrate this vast wilderness destined to become the heartland of America; and

Whereas the maps and journals of his explorations have provided information about the Indians who inhabited the area, the geography, the topography, and the climate of the midwest, which in turn was of invaluable assistance to the men who subsequently opened up and developed this Nation; and

Whereas he administered both to the spiritual and physical needs of all the people with whom he came in contact; and

Whereas in his dying days he referred to the community which he founded as "his beloved St. Ignace"; and

Whereas St. Ignace is inextricably woven into the fabric of our Nation—into its dreams and deeds, into its legend and history—and the future of St. Ignace is inseparable from that of the rest of America: Now, therefore, be it

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 a proclamation to announce the celebration of the tercentennial of the founding of St. Ignace, Michigan throughout 1971.

The biography, presented by Mr. HART, is as follows:

SYNOPSIS OF MARQUETTE'S CAREER

Marquette arrived at Quebec from France on September 20, 1666. On October 10, 1666, he was sent to Three Rivers to study the Algonquian language. Sometime after April 21, 1668, he left Montreal for "the Ottawa country," with Father Louis le Boesme, arriving at the Sault de Ste. Marie sometime in the summer. Marquette left the Sault in August, 1669, for the Mission of La Pointe du Saint Esprit at Chequamegon Bay, Wisconsin, arriving there September 13, 1669. He spent eighteen months at La Pointe, traveling around Lake Superior and to Lake Nipigon. In the spring of 1671, he abandoned La Pointe, and with the Huron and Ottawa who lived near the mission, retreated through the Sault to Mackinac Island where the Mission of St. Ignace had been established in the winter of 1669–70. Soon afterward, in the summer or early fall of 1671, Marquette moved the Mission of St. Ignace to the northern mainland of the strait of Michilimackinac.

Marquette remained at the Mission of St. Ignace until May 17, 1673, when he set out under the leadership of Louis Joliet "to visit the lands that dwell along the Mississippi River." They proceeded to Green Bay and up the Fox River to De Pere, where the Mission of St. Francis Xavier had been removed sometime during the winter of 1671–72. Joliet and and Marquette journeyed up the Fox River, portaged to the Wisconsin River and reached the Mississippi River at the mouth of the Wisconsin, June 17, 1673. The two traveled down the Mississippi as far as the mouth of the Arkansas River.

On July 17, 1673, Joliet and Marquette began their return up the Mississippi. On their return journey, Joliet and Marquette took the Illinois River, a shorter route than the Wisconsin-Fox. About seven miles below the present Ottawa-Illinois, they visited for three days the Illinois Indians at their village of Old Kalkaskia. Marquette promised the Indians to return and establish a mission. They reached Lake Michigan via either the Des Plaines-Chicago or Des Plaines-Calumet rivers, returning to the Mission of St. Francis Xavier at De Pere at the end of September, 1673, where they stayed the winter to rest, recuperate, and write their reports of their journey.

In the spring, Joliet left for Quebec. Marquette was detained at St. Francis Xavier because of illness until October 25, 1674, when he set out for the Illinois country. Reaching "the river of the portage" (the Chicago or the Calumet) on December 4, he and his companions were forced by the bad weather and Marquette's illness to winter two leagues up the river. Marquette started for Kalkaskia March 30, 1675, reaching it April 9. But Marquette was too ill to remain. He was forced to leave at Eastertime,

1675. His hope was to reach his Mission of St. Ignace before he died. He died on his way to St. Ignace May 18, 1675, at the mouth of a river on the western shore of Lake Michigan.

On May 18, 1677, Marquette's remains were disinterred by a party of Indians and taken to St. Ignace, where he was buried with full ceremony June 8, 1675.

SENATE JOINT RESOLUTION 37—INTRODUCTION OF A JOINT RESOLUTION RELATING TO "COMMUNITY TOTAL HEALTH WEEK"

Mr. CRANSTON. Mr. President, nothing the 92d Congress will consider is more crucial than legislation relating to America's current health crisis. During the 91st Congress, one bill in 10 was related to the health field.

In an effort to promote cooperation and harmony between the Government and organizations dealing with programs to improve the effectiveness of our current health-care system, I am proud to introduce today, for appropriate reference, a joint resolution to establish a national "Community Total Health Week."

The growing awareness and concern about health matters on the Federal level is a consequence of State and local community involvement in activities to improve community health and services for many years. In the county of Los Angeles and the State of California, Community Health Week has been proclaimed and observed for over a quarter of a century under the leadership of Dr. Ruth Temple, with our Governor serving as honorary chairman. Its major contribution has been to unite both voluntary and official agencies into a single effort focused upon community health.

The Community Health Association, Inc., headquartered in Los Angeles, is prepared to provide all the information about Community Total Health Week it has gathered in its 26 years of experience. Any interested community will be able to conduct a week which will be truly educational and productive. These activities will provide the entire Nation with the opportunity to participate in a unified, voluntary health education effort and training program which joins medical professionals, voluntary health organizations, schools, businesses, and labor and civic groups to eliminate preventable diseases and work together to achieve the highest level of health care and services for every American.

I believe a Community Total Health Week can serve as a constructive encouragement to our communities and local organizations to work together to make America a healthier place for all of us to live in.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GAMBRELL). 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. 37) to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week," introduced by Mr. CRANSTON, 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. 37

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of any nation is the good health of its citizens;

Whereas the implementation of a total health program during a Community Total Health Week brings people of a community together and affords them an opportunity to health educational effort and training program involving the cooperation of physicians, dentists, voluntary health organizations, private homes, churches, public- and religious-sponsored schools, business, labor, youth, parent, senior citizen, and other civic associations and organizations, and all other groups of people wtihin the community as a community total health team for the common causes of (1) eliminating preventable diseases, disorders, and tragedies from the community, and (2) working together to gain the highest attainable mutual rewards in positive health benetfis and human betterment;

Whereas an ever larger number of communities are observing a Community Health Week; and

Whereas the Community Health Association, Incorporated, with headquarters in Los Angeles, California, stands ready to give to any interested community information and the full benefit of its twenty-six years of experience in community organization and Community Health Week-total health program development: Now, therefore, be it

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—

(1) designating the calendar week during which the third Wednesday of March occurs as "Community Total Health Week";

(2) urging Federal, State, and local government agencies, as well as citizens and privvate organizations, to observe such week with educational efforts and other appropriate activities which—

(A) foster personal responsibility, diligent work, self-help, concern for those less advantaged, and the more effective use of all essential health services and the total resources available to the home, the place of business, the school, and the total community for the maximum benefit of all members of the community without regard to race, creed, color, sex, national origin, or financial means,

(B) encourage community unity,

(C) inspire love of country, and one's fellowman,

(D) highlight the extent to which essential health care is unavailable to many and only partially available to many others and the need to extend essential health services to all those in the community not now effectively served; and

(3) calling upon the communities of our Nation to cooperate with the medical and dental societies and other professional societies within their communities—

(A) to form local citizens' community total health teams;

(B) to launch in their respective communities a Community Total Health Week and annual community total health program as a strong continuing campaign for the prevention and reduction of all preventable diseases, disorders, and tragedies for all members of their respective communities; and

(C) to aid all community members in pursuing and obtaining maximum mutual benefits in health, community unity, prosperity, happiness, personal development, and service, and a rich, abundant, and loving life with their fellow men.

ADDITIONAL COSPSONORS OF BILLS

S. 41

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Alabama (Mr. ALLEN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 41, to establish the National Information and Resource Center for the Handicapped.

S. 78

At the request of the Senator from Wisconsin (Mr. NELSON), the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 78 to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

S. 192

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 192, the Marine Pollution Control Act to end ocean dumping.

S. 282

At the request of the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 282, to amend the Solid Waste Disposal Act in order to establish economic incentives for the return, reuse, and recycling of packaging, to reduce the public costs of packaging and other solid waste disposal, to require national standards for controlling the amount and environmental quality of packaging, and for other purposes.

S. 323

At the request of the Senator from Kansas (Mr. DOLE) the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 323 to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-

engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds.

S. 601

Mr. TAFT. Mr. President, I am delighted to join with my colleague, the senior Senator from Ohio, in cosponsoring S. 601 which will amend section 7 of the Federal Water Pollution Control Act. This measure is premised upon the recognition that regional watersheds are rational units for the control of stream and river pollution.

In Ohio, we have had considerable success with the Miami Conservancy District. The catastrophic Miami River flood of 1913 demonstrated the need for its creation as a flood control agency. Its activities were broadened in June of 1968 to include water quality management. The regional programs recommended by its staff include the construction of an area waste-water-treatment facility near Franklin, Ohio, instream aeration, development of a stream appearance program to provide for the elimination of litter, preparation of a detailed analysis for flow augmentation, continuation of the regional water quality management program, and the development of a network for collection of nonaqueous liquid industrial residuals.

Unquestionably, problems of our environment must receive comprehensive treatment. These problems range from the dumping of garbage in the Atlantic Ocean to the disposal of radioactive waste material. I think it is appropriate, however, with respect to pollution of America's streams that we allow regional watershed conservation organizations to apply for Federal funds so that they may attack the important problem of water pollution on a watershed basis. This will not be the extent of our concern and action. But it will be an important step in America's fight to preserve the quality of our environment. I am delighted to join with my distinquished colleague, Senator SAXBE, in cosponsoring this measure and I would hope that it may receive favorable action during this session of the Congress.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 15

Mr. NELSON. Mr. President, last week I invited all Senators to cosponsor Senate Joint Resolution 15 which would designate the third week of April as Earth Week. The strong and bipartisan response to this resolution—28 Senators have already joined as cosponsors—has been most heartening and I am very hopeful that a majority of the Senate will join in cosponsoring the Earth Week proposal.

Support continues to build nationwide as well for an annual Earth Week. The National Governors Conference recently unanimously adopted a resolution recommending that the Governors issue proclamations declaring Earth Week in their respective States.

And Earth Week, which I have proposed as a nationwide State and local effort, has been endorsed by national environmental and conservation organizations including the Citizens Committee on Natural Resources, the Conservation Foundation, Defenders of Wildlife, Environmental Action, Inc., Friends of the Earth, the Izaak Walton League of America, the National Audubon Society, National Parks and Conservation Association, National Recreation and Parks Association, National Wildlife Federation, Sierra Club, and the Wilderness Society.

I ask unanimous consent that at the next printing of Senate Joint Resolution 15, the following 28 Senators be added as cosponsors:

The Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. JAVITS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), the Senator from Texas (Mr. TOWER), and the Senator from New Jersey (Mr. WILLIAMS).

SENATE RESOLUTION 50—SUBMISSION OF A RESOLUTION AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted a resolution (S. Res. 50) amending rule XXII of the Standing Rules of the Senate with respect to the affirmative vote required for the limitation of debate on successive motions, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. DOLE when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. RANDOLPH) the Senator from West Virginia (Mr. BYRD), the Senator from Texas (Mr. TOWER), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Resolution 45, to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

A NEW UNITED STATES-CHINA POLICY—AMENDMENT

AMENDMENT NO. 4

Mr. GRAVEL. Mr. President, several weeks ago, I submitted Senate Resolution 18 which calls for the formulation of a new China policy. That resolution contains three specific proposals upon which the framework of a new policy can and should be based.

Since that time I have been gratified by the favorable response we have had to the resolution—in the media, among my colleagues, from China experts, and even from representatives of a number of Asian nations. The positive reaction has been beyond our most optimistic expectations. We were, if anything, perhaps unduly conservative in our expectations since developments in the last 2 weeks have demonstrated explicity that this is truly an idea whose time has come.

Shortly after I submitted my resolution, the distinguished Senator from New York, Senator JAVITS, submitted his own thoughtful and rather different resolution regarding the China problem. Shortly before this, our able colleague from South Dakota, Senator MCGOVERN, delivered an excellent address on the need for a fresh approach to this problem. Then, last week under the sponsorship of Senator HUGHES, myself and others, a number of leading China experts were brought together here for a 2-day conference under the auspices of the fund for new priorities. It seems clear that a strong body of opinion here shares my view that we can and must lead the way on this vital question.

I would like to say just a few words at this point about last week's conference. The press gave extensive coverage to the heated exchange of views during one of the sessions. It also tended to emphasize differences among the participants and the fact that these led occasionally to intemperate remarks. The sessions were heated and the language was, at times, rough and there was evidence of an ideological and generation gap, if you will. But these, in my opinion, demonstrate the very utility and vitality of the meetings. I applaud those heated exchanges which legitimately represented the airing of learned and strongly held views. Radical or conservative, young or old, these participants represented the very best that this country has as China experts. Some may quarrel with the opinions but I doubt that any will contest the credentials or the sincerity of those expressing them. Fiery personalities can and often do generate light as well as heat. In short, I believe we owe a debt of gratitude to Senator HUGHES and the fund for doing such a splendid job in bringing these views together.

My own resolution received attention from experts present at the conference and my aides at the conference and I learned and profited from this. For example, our proposal that the United States finally remove its thumb from the pie and let the Chinese on the main-

land and Taiwan sit down to try to settle their differences by and between themselves met with wide approval. I have yet to hear anything but strong support for this basic approach.

Reaction was a good deal more reserved, however, on that part of the resolution calling for the creation of an Asian seat in place of the permanent Security Council seat presently occupied by the Republic of China. Advocates of the various philosophies seemed to agree that the time for an approach of this sort to the U.N. membership question has probably passed. Most appeared to feel that both Chinas, in their own ways, would not support or accept the transformation of the Chinese seat, dating from the signing of the U.N. Charter, into a wider Asian seat. Experts at the conference and elsewhere seem collectively to feel that a resolution to admit the People's Republic will probably prevail as early as next fall.

I will admit to having mixed emotions on this question. Since I submitted my resolution, representatives of several leading Asian nations have called my office to express their interest in and support for this proposal. I said in my floor statement at the time I submitted it that—

The proposition has considerable appeal to the other Asian Nations who may share in this seating arrangement.

That statement remains as valid now as it then was. Finally, one cannot predict with absolute assurance the reaction of the People's Republic or the Republic of China because, so far as I know, the proposition has never been directed to either.

I believe, nevertheless, that this body must express its will in terms of present reality. For 20 years, the United States in its policy on this question has refused to face reality and this must change. Whatever resolution may be adopted as reflecting the sense of this body, it must look to the realities of the present and not to the past or to some fanciful desire for the future.

In anticipation, therefore, of the probability not only that both Chinas would oppose creation of a permanent Asian seat out of the Chinese seat but also that the U.N. membership would sustain them in their objections, I am now convinced that, on balance, Resolution No. 18 will be a stronger and more valid statement of present realities through amendment of that part calling for such a seat.

I would like to submit the following amendment:

AMENDMENT NO. 4

Delete the last two paragraphs of the resolution and substitute therefor the following paragraph:

Resolved, That the United States introduce in the twenty-sixth United Nations General Assembly a draft resolution proposing that the People's Republic of China be admitted to membership in the United Nations and all organizations related to it and that the United States should not seek to oppose, as a permanent member of the Security Council, a determination by the U.N. membership and the U.N. secretariat with respect to the occupancy of the permanent Chinese seat in the Security Council.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 4) was referred to the Committee on Foreign Relations.

Mr. GRAVEL. Mr. President, now, there has been some disagreement in legal circles as to whether or not the United States has any right as a Security Council member to oppose certain seating arrangements in the United Nations. I am saying here that the United States, whatever the arguments about its right, should as a policy not seek to block the clear will of the U.N. membership on this issue. How can we castigate the People's Republic for having in the past supposedly ignored the opinions of the world community of nations and then make it a policy of doing it ourselves on this issue?

NOTICE OF HEARING ON S. 19 AND S. 581 TO AMEND THE EXPORT-IMPORT BANK ACT OF 1945

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will hold hearings on Monday and Tuesday, March 22 and 23, 1971, on the following bills:

S. 19, to amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, and for other purposes.

S. 581, to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The hearings will begin at 10 a.m. on Monday, March 22, 1971, in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Dudley L. O'Neal, Jr., Senate Committee on Banking, Housing and Urban Affairs, room 5300, New Senate Office Building, Washington, D.C., 20510, telephone 225–7391.

NOTICE OF HEARING ON FARM HOUSING PROGRAM

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, will hold a 1-day hearing on March 2, 1971, on the farm housing program which is administered by the Farmers Home Administration of the Department of Agriculture.

The main purpose of the hearing is to receive testimony on the proposed cutback by the administration in the funding of the farm housing program for the last half of fiscal year 1971.

The hearing will be held in room 5302, New Senate Office Building, on Tuesday, March 2, 1971, commencing at 10 a.m.

APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES—NOTICE OF HEARINGS

Mr. BIBLE. Mr. President, I want to announce that hearings on the budget estimates included in the Department of the Interior and related agencies appropriation bill will be held by the Subcommittee of the Committee on Appropriations charged with the responsibility for that bill beginning Friday, February 19. Secretary Morton will be the first witness.

The hearings will begin at 10 in the morning and at 2 in the afternoon, and will be held in room 1114, New Senate Office Building. They are scheduled at least through March 19 for departmental witnesses.

I have set aside Monday, March 22 to hear Members of Congress, and I will appreciate it if they will advise me or the clerk of the subcommittee as soon as possible if they desire to appear.

The subcommittee will hear from outside witnesses at a later date which will be coordinated with their appearances before the House Committee on Appropriations so as to save them the necessity for a second trip to Washington.

CONVENTION WITH NICARAGUA AND EXTRADITION TREATY WITH SPAIN—A UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, the Senate will recall that earlier today the joint leadership obtained permission to vote on Executive L and Executive N, 91st Congress, second session, this afternoon. Because of developments which have occurred since that time, I ask unanimous consent that the agreement be vitiated and that after an explanation of these noncontroversial matters, one being a treaty and the other a convention, the vote occur on both of them at not later than 1 o'clock on Wednesday next.

The PRESIDING OFFICER (Mr. GAMBRELL). Is there objection? Without objection, it is so ordered.

The unanimous consent agreement, subsequently reduced to writing, is as follows:

Ordered, That at 1 p.m. on Wednesday, February 17, 1971, the Senate proceed to vote on the resolution of ratification to the Convention with Nicaragua terminating the Bryan-Chamorro Treaty of 1914 (Ex. L, 91st Cong., 2d sess.); to be immediately followed by a vote on the resolution of ratification to the Extradition Treaty with Spain (Ex. N. 91st Cong., 2d sess.).

THE PLIGHT OF SOVIET JEWS

Mr. PELL. Mr. President, because we have recently had dramatic proof that the worldwide voice of protest can make a difference to the Kremlin, it is time

that all men of good will join together in condemning the continuing anti-semitism that today is so rampant in the Soviet Union. Our common conscience still bears the scars of our silence in the 1930's. History must not record that in the 1970's we again closed our eyes and our hearts to the persecution of the Jewish people.

When the Soviet leaders commuted the death sentences and lightened the other severe penalties that had been imposed against the alleged hijackers of a Russian aircraft, they demonstrated that they will not remain insensitive to an enraged world. But rather than allow this one victory to blind us to the continuing state of affairs behind the Iron Curtain, we should use it as an occasion to redouble our efforts in order that the Russian Government put to a stop, once and for all, its longstanding policy of anti-Semitism.

While some may say that the Russian brand of cultural and religious discrimination is not the equivalent of the German slaughter of the 1930's and 1940's, to my mind they do have a common goal—the annihilation of a race and religion. One was physical extermination, the other is spiritual and cultural death. But both represent a similar kind of genocide. For this reason, freedom-loving people everywhere must vocalize their abhorrence of the way in which the Soviet Union is denying certain rights to three million of its citizens. We must do so for two reasons: first, because it is right; and second, because it has been shown that the protests of enraged men and women can affect Soviet policy.

Two factors in my own background have led me to take the floor on this subject. First, my father was the U.S. representative on the United Nations War Crimes Commission. His was the voice and force in our Government that caused genocide to be considered as a war crime and handled as such at the Nuremberg trials. Originally, pussyfooting legalists in the State Department had opposed this concept and, because of my father's strong views, worked out his ouster from the War Crimes Commission. But he went to the bar of public opinion and won a reversal of policy to the effect that genocide would be considered a war crime by the U.S. Government. Earlier, his cousin, Robert T. Pell, had been in charge of the activities of the Intergovernmental Committee on Refugees in attempting to resettle the German Jews in Western Hemisphere countries. Arthur D. Morse has poignantly described these activities in his book, "While Six Million Died, A Chronicle of American Apathy."

Second, my own experience has made me conscious of the problem, too. I remember when, in 1948, shortly after I opened the American Consulate General in Bratislava, an anti-Jewish pogrom-like riot took place there, and I gave sanctuary to intended victims of it in our Consulate General. Then, for several years, I was vice president of the International Rescue Committee and in charge of their program of looking after Hungarian refugees from the 1956 revolution. The International Rescue Committee has always been particularly concerned with intellectuals and professional people who are political refugees.

For these reasons, I am particularly conscious of the oppression suffered by Jews and sympathetic to their plight.

Before we can decry the conditions that presently exist in the U.S.S.R., we must understand them. The Jews in Russia are recognized as a nationality and are permitted the same rights supposedly granted every nationality by the State. During the first 30 years after the Russian revolution, the Government supported a wide network of cultural and educational institutions for the Jews. Yiddish was recognized as an official national language; hundreds of thousands of books were published; there were 110 permanent Yiddish theaters; and as late as 1940 there were 100,000 youngsters in Yiddish schools. Although the regime was ideologically committed to atheism, in practice it permitted freedom of worship to all groups and asserted the principles of equality of religion. The ritual necessities of the Jewish faith—the prayer books, the devotional articles, religious calendars and the like were produced as needed. Jews were essentially the coequals of other religious groups and nationalities.

As a matter of fact, in the 1920's the new Russian leaders established the Jewish Autonomous Province of Biro-Bidjan as a center of Jewish settlement, culture and self-government within the Soviet Union. The idea of providing a separate area for Jewish colonization was first conceived in 1928. Its raison d'être was the necessity to find employment for the millions of small Jewish businessmen who had been forced from their previous occupations by the revolution. Because the new system abolished private enterprise, it required a complete change in the Jewish way of life in Russia. One way to solve this problem of what we today would call rehabilitation was to settle large numbers of Jews on the land. The Communists saw agriculture as a constructive occupation which would turn the former Jewish bourgeoisie into a "productive" element of their new society. The site decided upon was Biro-Bidjan, taking its name from its two rivers which form the boundary of Manchuria. The area, over 22,000 square miles, is 5,000 miles from Moscow. It is land that is rich in resources, but poor in climate. Because the Government was interested in attracting Jewish settlers in the area—which became an autonomous state in 1934—every encouragement was given to the Jews to migrate there. By the end of World War II, Jewish population in the region had reached 30,000.

By 1948, however, things had changed. Stalin had by then destroyed all Jewish communal and cultural institutions, including publishing houses and printing presses. The famed Jewish theaters were closed and the Yiddish actors, writers, and leaders were liquidated. There is today not a single Yiddish school or class in the Soviet Union. With the closing of synagogues, Jews have been deprived of a place in which to worship God in their own way, with the termination of seminaries, Jews cannot become educated to become rabbis.

Moscow, with half a million Jews, has one rabbi. With the closing of cemeteries, Jews cannot bury their dead according to their religious rights; with the elimination of the production of supplies, rituals cannot be observed. Hebrew prayer books, bibles and calendars can no longer be printed. Yiddish language literature in books, theaters, periodicals and newspapers have been virtually wiped out. No central organization to serve as a cohesive force is permitted. And the results of these prohibitions is a slow, certain strangulation of Jewish religion and culture. These anti-Jewish measures begun by Stalin also affected the Jewish autonomous region. Without Jewish schools or other cultural institutions, Biro-Bidjan is now Jewish in name only. Today fewer than 15,000 of the region's 163,000 inhabitants are Jewish. While the region still houses the Soviet Union's only surviving Yiddish language newspaper, the language is not taught in the schools, and there is virtually no living culture of a Jewish content.

But cultural repression is not the only evidence of anti-Semitism in the U.S.S.R. The official Soviet press deliberately holds Jews up to ridicule and scorn, picturing them as black-marketeers and economic scavengers. Despite the public statements of leaders from Lenin to Kosygin assailing anti-Semitism, there have been frightening manifestations in practice. From 1962 to 1964 a campaign to stabilize the economy included efforts to blame the Jews for all of the failures of the production system. The so-called economic trials and the simultaneous mass media offensive were deliberately anti-Jewish, and a high proportion of those purged, tried, and sentenced to prison or death were Jews. It was the first time in the history of the Soviet Government that capital punishment was invoked for economic crimes.

Many of the later attacks on Judaism have been equally virulent and racist. While there was official criticism of the notorious "Judaism Without Embellishment"—Trofim Kitchko's vitriolic tome published by the Ukranian Academy of Sciences—and worldwide protest finally resulted in a partial retraction, other equally vicious material has continued to be distributed by Government and party publishing houses, newspapers, and on broadcasts by state radio.

One of the most poisonous of these was an article issued in 1965 by the state publishing house and entitled "Contemporary Judaism and Zionism." In this work, Jews were depicted as being anti-social, antigovernment, anti-Russian, agents of the CIA, and tools of imperialism. Although this kind of propaganda is contrary to the Russian Constitution, there is little attempt to enforce the prohibition, or to bring to justice those guilty of writing and publishing such material. Such propaganda, of course, continues to incite hatred and discrimination against Jews and further separates the Jew from his fellow Russian.

Most distressing to many, perhaps, is the fact that the Soviet Government has not lived up to the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by the Supreme Soviet in 1969, and which says that any citizen has the right to leave any country, including his own. It is this refusal to allow Jews to emigrate to Israel which has aroused tremendous indignation on the part of Russian Jews and their coreligionists throughout the world.

It is interesting to note that 5 years ago the Jews in Russia were silent despite the severe conditions under which they lived. But two things happened: the intensification of Soviet anti-Semitic practices and the 5-day war in the Middle East combined to bring a revival of Jewish consciousness. Denied the rights extended to other ethnic groups, and suffering intense feelings of humiliation engendered by the vicious anti-Jewish propaganda, Jews in Russia reacted to the Israeli success in the 5-day war with both pride and a new sense of defiance. The efforts of the Russians to weaken the Jews as a nationality succeeded only in strengthening them in their self-awareness. While this new reawakening must be viewed as part of the overall growth of the struggle over human rights within the entire Soviet Union, it has one feature which differentiates it from the reactions of other ethnic minorities: it has focused in a growing desire for emigration to the national homeland, in this case Israel.

For whatever the reason—and probably it has a lot to do with the Russian leaders' unwillingness to have it be known that there is dissatisfaction within the nation, that people would actually prefer living elsewhere, the Government has refused to allow migration to take place. Perhaps a substantial portion of the 3 million Jews in Russia would want to go to Israel, but the exodus has been kept to a trickle. It is an indication of the depth of feeling that 80,000 have announced their desire to move to Israel, despite the very real consequences of merely requesting an exit visa. Because of their requests, thousands have suffered economic consequences, demotion in their jobs, and the loss of higher educational opportunities for their children. But still the demands pour in.

Mr. President, the world community has repeatedly and emphatically asserted its dedication to the principle that there are basic human rights that should be observed by all nations and all peoples. Most notably the principles were enunciated in the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948.

Article 13 of the declaration states that:

Everyone has the right to leave any country, including his own, and to return to his country.

Article 18 states that:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

It is clear that the policies and actions of the Soviet Government in regard to its Jewish citizens are not in accordance with the International Bill of Human Rights. While the Soviet Union abstained from the vote on the declaration, the overwhelming majority of the United Nations members voted for and adhere to it.

Mr. President, the United Nations Human Rights Commission will be meeting later this month in New York. I believe the U.S. Government as a matter of conscience and concern should bring before the Commission the question of persecution and discrimination against Jewish citizens of the Soviet Union. I am of the strong belief that President Nixon should instruct the N.S. representative at the Human Rights Commission to do so.

We have seen that the Soviets will respond to pressures of this kind. We would be remiss if we did not exert the strongest moral persuasion to convince them that crimes against one religious group are crimes against all religion; that the Jews in their nation should be allowed the rights guaranteed by their own constitution; that Jewish education should be allowed to exist, Jewish culture allowed to flourish, and the Jewish people permitted to live in dignity.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

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

CONVENTION WITH NICARAGUA TERMINATING THE BRYAN-CHAMORRO TREATY OF 1914

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive L on the Executive Calendar, and that all the various parliamentary stages of the treaty up to and including the presentation of the resolution of ratification be considered as having occurred, and that the vote on Executive L occur beginning not later than 1 p.m. Wednesday, February 17.

The PRESIDING OFFICER. Without objection it is so ordered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive L, 91st Congress, second session, a convention with Nicaragua terminating the Bryan-Chamorro Treaty of 1914, which was read the second time, as follows:

CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA

The Government of the United States of America and the Government of Nicaragua, desirous of further strengthening the traditional bonds of friendship and cooperation long existing between their two countries, have reexamined the Convention respecting a Nicaragua canal route, signed at Washington on August 5, 1914, in the light of present circumstances and needs and have concluded that the interests of both nations will best be served by terminating the Convention in all its provisions. To this end, the two Governments have agreed to the following articles:

ARTICLE I

Upon the entry into force of the present Convention, the Convention between the United States of America and the Republic of Nicaragua respecting a Nicaraguan canal route, which was signed at Washington on August 5, 1914, shall terminate.

ARTICLE II

As a consequence of the termination of the Washington Convention of August 5, 1914, all the rights and options that the 1914 Convention accorded to the Government of the United States of America shall cease to have effect as of the date this Convention enters into force.

ARTICLE III

The present Convention shall be ratified in accordance with the constitutional requirements of the contracting parties, and instruments of ratificatoin shall be exchanged at the city of Managua as soon as possible. The present Convention shall enter into force on the day on which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present convention.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at the city of Managua this fourteenth day of July, one thousand nine hundred and seventy.

For the Government of the United States of America:

MALCOLM R. BARNEBEY,
Charge d'Affaires a.i. of the United States of America.

For the Government of the Republica of Nicaragua:

LORENZO GUERRERO,
Minister of Foreign Affairs of Nicaragua.

The PRESIDING OFFICER. If there be no objection, Executive L will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive L will now be read.

The assistant legislative clerk read the resolutions of ratification of Executive L as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention signed at Managua on July 14, 1970, between the United States of America and the Republic of Nicaragua for the Termination of the Convention Respecting a Nicaraguan Canal Route Signed at Washington on August 5, 1914 (Ex. L, 91–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report, Executive Report No. 92–2, explaining the purposes of the convention.

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

PURPOSE

The sole purpose of this very short, simple convention is to terminate the Bryan-Chamorro Treaty of 1914 with Nicaragua and all of the rights and options accorded thereunder to the United States.

BACKGROUND

The Bryan-Chamorro Treaty was signed in 1914 and became effective in 1916. In

return for a payment of $3 million (the expenditure of which had to be approved by the American Secretary of State), Nicaragua gave the United States the exclusive rights in perpetuity for construction of an interoceanic canal through Nicaragua. The United States also got a 99-year lease on the Corn Islands off the Caribbean coast of Nicaragua and the right, also for 99 years, to establish a naval base on the Gulf of Fonseca on Nicaragua's Pacific coast. In each case, the lease and the base rights were subject to renewal, at the option of the United States, for an additional 99 years. In each case, also it was expressly provided that the Corn Islands and the naval base would be "subject exclusively to the laws and soveign authority of the United States."

The United States has never exercised any of the rights it acquired under the treaty and has no intention of doing so.

Particularly in recent years, the existence of the treaty has become increasingly unpopular in Nicaragua and an unnecessary irritant in U.S.-Nicaraguan relations. As a consequence, in March, 1970, the two Governments exchanged diplomatic notes agreeing to enter into negotiations on the future of the treaty, and in July of that year the pending convention was signed terminating the treaty.

COMMITTEE ACTION AND RECOMMENDATION

President Nixon transmitted the convention to the Senate with a request for advice and consent to ratification on September 23, 1970. The Foreign Relations Committee held a hearing on the convention February 8, 1971, at which time a statement was received from Mr. Robert A. Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs. A copy of this statement is included as an appendix to this report.

The committee considered the matter further in executive session February 9 and without objection ordered the convention favorably reported to the Senate.

The convention will not result in any costs to the United States.

The 1914 treaty has long since outlived its usefulness, if it ever had any. The 1970 report of the Atlantic-Pacific Inter-Oceanic Canal Study Commission emphatically rejected a possible canal route through Nicaragua. There is nothing to be gained by continuing the old treaty in force and a good deal to be lost in terms of our political relations with Nicaragua. The committee therefore recommends that the Senate advise and consent to ratification of the convention terminating the 1914 treaty.

APPENDIX

Statement by Mr. Robert A. Hurwitch, Deputy Assistant Secretary for Inter-American Affairs, before the Senate Foreign Relations Committee, February 8, 1971

Mr. Chairman, members of the committee: I am pleased to have this opportunity to appear before you today to discuss the convention which the United States and Nicaragua have signed which would abrogate the 1914 convention respecting a Nicaraguan Canal Route; popularly known as the Bryan-Chamorro Treaty of 1914. With your permission, Mr. Chairman, I would like to explain briefly some aspects of background to the original Bryan-Chamorro Treaty, and then discuss why the administration concluded that it was in the United States national interest at this time to terminate it.

The original treaty was signed in Washington, D.C. in 1914 by U.S. Secretary of State William Jennings Bryan and Nicaraguan President General Emiliano Chamorro. As the members of the committee are aware, the treaty granted to the United States, in perpetuity, the exclusive right to construct, operate, and maintain an interoceanic canal across Nicaragua; a 99-year lease to the Corn Islands off Nicaragua's Caribbean coast; and the option for a similar period to establish a naval base on the Pacific coast of Nicaragua at the Gulf of Fonesca. In consideration for these rights, the United States paid the Government of Nicaragua three million dollars. During the intervening 56 years, the U.S. Government has never exercised any of the rights and options granted by the Bryan-Chamorro Treaty.

Over the years the provisions of the Bryan-Chamorro Treaty have become a source of friction in our relations with Nicaragua. Our exclusive and perpetual right to build an interoceanic canal anywhere in Nicaragua came to be considered, with mounting resentment among the Nicaraguan people, as an infringement upon their sovereignty. Successive governments of Nicaragua came to believe that plans for developing their country, particularly the San Juan River basin which was the most feasible site for a canal, were thwarted by the uncertainty as to whether the United States would ever exercise its rights to construct a canal. Nicaraguan frustration was clearly manifested when, upon the appointment in 1965 of the Atlantic-Pacific Interoceanic Canal Study Commission, President Schick of Nicaragua declared publicly that his Government would seek the termination of the treaty in the event that the U.S. Government were to select a country other than Nicaragua as the site of the new canal

In August 1969, the annual report of the Atlantic-Pacific Interoceanic Canal Study Commission made clear that the Nicaraguan route would be ruled out as a site for any new sea-level canal. This conclusion is expressed in the following words which I quote from the Commission's final report of December 1, 1970:

"The Nicaragua-Costa Rica Route was discarded from further consideration by the Atlantic-Pacific Interoceanic Canal Study Commission because of its expense in comparison with other canal routes. Both nuclear and conventional construction techniques were examined on a route lying just south of Lake Nicaragua. It was estimated that a conventionally constructed sea-level canal would require a prohibitively high cost ($11 billion). On the other hand, while actual construction cost of a nuclear canal would be much lower ($5 billion), the necessary relocation of 675,000 inhabitants would involve unacceptable social and economic costs.

"The Study Group did not find any significant foreign policy advantages that would counterbalance these technical disadvantages."

The publication of the 1969 interim report once again aroused Nicaraguan public opinion over the position in which the Byran-Chamorro Treaty placed their country. Responsive to his people's dissatisfaction, the President of Nicaragua announced that his government would begin to study infrastructure projects on the San Juan River, "with or without a canal treaty." The possibility of a thoroughly unnecessary dispute between our two countries was rising.

As the committee will recall, it was at about this time—October 1969—that President Nixon made a major statement on U.S. policy toward Latin America, calling for the establishment of a "more mature partnership" and a more "balanced relationship" based on respect for national identity and national dignity. As a result we reviewed our relations with other nations of the hemisphere to identify anachronistic arrangements and procedures which, like barnacles, impeded progress toward such a partnership. Consultation with the appropriate agencies within the Executive Branch and with the Chairman of the Atlantic and Pacific Interoceanic Canal Study Commission led the administration to conclude that no essential interests of the United States were served by the continuance in force of the Bryan-Chamorro Treaty.

Subsequently, the U.S. Government and the Government of Nicaragua entered discussions which resulted in the conclusion that the national interests of both countries would best be served by a complete, simple termination of all the continuing provisions of the original treaty. A new convention to that effect was signed in Managua on July 14 last year.

The convention which is before you contains a preamble and three articles. The preamble points out that the two Governments, desirous of further strengthening the traditional bonds of friendship and cooperation between the two countries, have reexamined the 1914 convention "in the light of present circumstances and needs and have concluded that the interests of both nations will best be served by terminating the convention in all its provisions."

Article I provides that, upon entry into force of the convention, the 1914 convention shall terminate.

Article II provides that, as a consequence of such termination, all the rights and options accorded by the 1914 convention to the United States Government "shall cease to have effect as of the date this convention enters into force."

Article III provides for ratification and for entry into force of the convention on the date of the exchange of instruments of ratification.

Upon entry into force of the convention, the rights of the U.S. Government under the Bryan-Chamorro Treaty in regard to the construction, operation and maintenance of a canal across Nicaraguan territory would cease, the leases to Great Corn Island and Little Corn Island would be cancelled, and the U.S. option to establish and maintain a naval base on Nicaraguan territory on the shores of the Gulf of Fonseca would likewise be cancelled.

The signing of this new convention last July was met with overwhelming approval in Nicaragua. The abrogation of the Bryan-Chamorro Treaty was hailed as a new step in the history of the country, a victory for the whole Nicaraguan people without regard to political affiliation. The goodwill of the United States in abrogating the Treaty was publicly acclaimed by all sectors of Nicaraguan public opinion, and the Congress of Nicaragua moved promptly to ratify the new convention on July 29, 1970—15 days after it was signed by the executive branches of both Governments.

Mr. Chairman; In signing this convention President Nixon and this administration seeks to sweep away an obsolete arrangement which gave the United States rights and options in the territory of a foreign country which the United States can no longer foreseeably wish to exercise.

I would urge that this committee recommend to the Senate that it give its prompt advice and consent to the ratification of this convention, as a positive, effective, and essential step in continuing the excellent relations that have existed between the United States and the Republic of Nicaragua.

EXTRADITION TREATY WITH SPAIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive N and that all the various parliamentary stages up to and including the presentation of resolution of ratification be considered as having occurred and that the vote on Executive N immediately follow the vote on Executive L which is to begin not later than 1 p.m. on Wednesday, February 17.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate,

as in Committee of the Whole, proceeded to consider Executive N, 91st Congress, second session, the extradition treaty with Spain, which was read the second time, as follows:

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND SPAIN

The President of the United States of America and

The Chief of State of Spain, desiring to make more effective the cooperation of the two countries in the repression of crime through the rendering of maximum assistance in matters of extradition,

Have decided to conclude a Treaty and to this end have named as their representatives:

The President of the United States of America, The Honorable William P. Rogers, Secretary of State,

The Chief of State of Spain, His Excellency Señor Gregorio Lopez Bravo de Castro, Minister of Foreign Affairs, who have agreed as follows:

ARTICLE I

In accordance with the conditions established in this Treaty, each Contracting Party agrees to extradite to the other, for prosecution or to undergo sentence, persons found in its territory who have been charged with or convicted of any of the offenses mentioned in Article II of this Treaty committed within the territory of the other, or outside thereof under the conditions specified in Article III.

ARTICLE II

A. Persons shall be delivered up according to the provisions of this Treaty for any of the following offenses provided that these offenses are punishable by the laws of both Contracting Parties by a term of imprisonment exceeding one year:

1. Murder; infanticide; parricide; manslaughter.
2. Abortion.
3. Rape; statutory rape; indecent assault, including sodomy and unlawful sexual acts with or upon minors under the age specified by the penal laws of both Contracting Parties.
4. Aggravated injury mutilation.
5. Procuration.
6. Willful nonsupport or willful abandonment of a child or spouse when for that reason the life of that child or spouse is or is likely to be endangered.
7. Bigamy.
8. Kidnapping or abduction; child stealing; false imprisonment.
9. Robbery or larceny or burglary; housebreaking.
10. Embezzlement; malversation; breach of fiduciary relationship.
11. Obtaining money, valuable securities or property, by false pretenses, by threat of force or by other fraudulent means including the use of the mails or other means of communication.
12. Any offense relating to extortion or threats.
13. Bribery, including soliciting, offering and accepting.
14. Receiving or transporting any money, valuable securities or other property knowing the same to have been obtained pursuant to a criminal act.
15. Any offense relating to counterfeiting or forgery; making a false statement to a government agency or official.
16. Any offense relating to perjury or false accusation.
17. Arson; malicious injury to property.
18. Any malicious act that endangers the safety of any person in a railroad train, or aircraft or vessel or bus or other means of transportation.
19. Piracy, defined as mutiny or revolt on board an aircraft or vessel against the authority of the captain or commander of such aircraft or vessel, any seizure or exercise of control, by force or violence or threat of force or violence, of an aircraft or vessel.
20. Any offense against the bankruptcy laws.
21. Any offense against the laws relating to narcotic drugs, psychotropic drugs, cocaine and its derivatives, and other dangerous drugs, including cannabis, and chemicals or substances injurious to health.
22. Any offense relating to firearms, explosives, or incendiary devices.
23. Unlawful interference in any administrative or juridical proceedings by bribing, threatening, or injuring by any means, any officer, juror, witness, or duly authorized person.

B. Extradition shall also be granted for participation in any of the offenses mentioned in this article, not only as principal or accomplices, but as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned offenses, when such participation, attempt or conspiracy is subject, under the laws of both Parties, to a term of imprisonment exceeding one year.

C. If extradition is requested for any offense listed in paragraphs A or B of this article and that offense is punishable under the laws of both Contracting Parties by a term of imprisonment exceeding one year, such offense shall be extraditable under the provisions of this Treaty whether or not the laws of both Contracting Parties would place that offense within the same category of offenses made extraditable by paragraphs A and B of this article and whether or not the laws of the requested Party denominate the offense by the same terminology.

D. Extradition shall also be granted for the above mentioned offenses, even when, in order to recognize the competent federal jurisdiction, circumstances such as the transportation from one State to another, have been taken into account and may be elements of the offense.

ARTICLE III

A. For the purposes of this Treaty the territory of a Contracting Party shall include all territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in that Contracting Party if any such aircraft is in flight or if any such vessel is on the high seas when the offense is committed. For purposes of this Treaty an aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

B. Without prejudice to paragraph A, 1 of Article V, when the offense for which extradition has been requested has been committed outside the territory of the requesting Party, extradition may be granted if the laws of the requested Party provide for the punishment of such an offense committed in similar circumstances, and if the person whose surrender is sought is not also the subject of a request from another State whose jurisdiction over the person may take preference for territorial reasons and in respect of which there exists an equal possibility of acceding to a request for extradition.

ARTICLE IV

Neither of the Contracting Parties shall be bound to deliver up its own nationals, but the executive authority of the United States and the competent authority of Spain shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE V

A. Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the offense for which his extradition is requested.
2. When the person whose surrender is sought has been tried and acquitted or has undergone his punishment in a third State for the offense for which his extradition is requested.
3. When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of either of the Contracting Parties.
4. When the offense in request of which the extradition is requested is regarded by the requested Party as an offense of a political character, or that Party has substantial grounds for believeing that the request for extradition has been made for the purpose of trying or punishing a person for an offense of the above mentioned character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.
5. When the offense is purely military.

B. For the purposes of the application of subparagraph A, 4 of this article, the attempt, whether consummated or not, against the life of the Head of State or of a member of his family shall not be considered a political offense or an act connected with such an offense.

C. For the same purposes of application of subparagraph A, 4 of this article an offense committed by force or intimidation on board a commercial aircraft carrying passengers in scheduled air services or on a charter basis, with the purpose of seizing or exercising control of such aircraft, will be presumed to have a predominant character of a common crime when the consequences of the offense were or could have been grave. The fact that the offense has endangered the life or jeopardized the safety of the passengers or crew will be given special consideration in the determination of the gravity of such consequences.

ARTICLE VI

If a request for extradition is made under this Treaty for a person who at the time of such request is under the age of eighteen years and is considered by the requested Party to be one of its residents, the requested Party, upon a determination that extradition would disrupt the social readjustment and rehabilitation of that person, may recommend to the requesting Party that the request for extradition be withdrawn, specifying the reasons therefor.

ARTICLE VII

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party, extradition shall be denied unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE VIII

The requested Party may, after a decision on the request has been rendered by a court of competent jurisdiction, defer the surrender of the person whose extradition is requested when that person is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

ARTICLE IX

The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with this Treaty and with the law of the requested Party. The person whose extradition is sought shall have the right to use

such remedies and recourses as are provided by such law.

ARTICLE X

A. The request for extradition shall be made through the diplomatic channel.

B. The request shall be accompanied by:

1. A description of the person sought;

2. A statement of the facts of the case;

3. The text of the applicable laws of the requesting Party including the law defining the offense, the law prescribing the punishment for the offense, and the law relating to the limitations of the legal proceedings or the enforcement of the penalty for the offense.

C. 1. When the request relates to a person already convicted, it must be accompanied by:

When emanating from the United States, a copy of the judgment of conviction and of the sentence, if it has been passed; or

When emanating from Spain, a copy of the sentence.

2. In any case, a statement showing that the sentence has not been served or how much of the sentence has not been served shall accompany the request.

D. When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party.

The requested Party may require the requesting Party to produce prima facie evidence to the effect that the person claimed has committed the offense for which extradition is requested. The requested Party may refuse the extradition request if any examination of the case in question shows that the warrant is manifestly ill-founded.

E. If a question arises regarding the identity of the person whose extradition is sought, evidence proving the person requested is the person to whom the warrant of arrest or sentence refers shall be submitted.

F. The documents which, according to this article, shall accompany the extradition request, shall be admitted in evidence when:

In the case of a request emanating from Spain they bear the signature of a judge or other juridical or public official and are certified by the principal diplomatic or consular officer of the United States in Spain; or

In the case of a request emanating from the United States they are signed by a judge, magistrate or officer of the United States and they are sealed by the official seal of the Department of State and are certified by the Embassy of Spain in the United States.

G. The documents mentioned in this article shall be accompanied by an official translation into the language of the requested Party which will at the expense of the requesting Party.

ARTICLE XI

A. In case of urgency a Contracting Party may apply to the other Contracting Party for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. This application may be made either through the diplomatic channel or directly between the respective Ministries of Justice.

B. The application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction or sentence against that person, and such further information, if any, as may be required by the requested Party.

C. On receipt of such an application the requested Party shall take the necessary steps to secure the arrest of the person claimed.

D. A person arrested upon such an application shall be set at liberty upon the expiration of 30 days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

ARTICLE XII

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. However, such discharge shall not bar the requesting Party from submitting another request in respect of the same or any other offense.

ARTICLE XIII

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. He has left the territory of the requesting Party after his extradition and has voluntarily returned to it;

2. He has not left the territory of the requesting Party within 45 days after being free to do so; or

3. The requested Party has consented to his detention, trial, punishment or to his extradition to a third State for an offense other than that for which extradition was granted.

These stipulations shall not apply to offenses committed after the extradition.

ARTICLE XIV

A Party which receives two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought, taking into consideration the existing circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting State or States.

ARTICLE XV

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

In the case of a complete or partial rejection of the extradition request, the requested Party shall indicate the reasons for the rejection.

If the extradition has been granted, the authorities of the requesting and requested Parties shall agree on the time and place of the surrender of the person sought. Surrender shall take place within such time as may be prescribed by the laws of the requested Party.

If the person sought is not removed from the territory of the requested Party within the time prescribed, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE XVI

To the extent permitted under the law of the requested Party and subject to the rights of third Parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered upon the granting of the extradition request.

Subject to the qualifications of the first paragraph, the above mentioned articles shall be returned to the requesting Party even if the extradition, having been agreed to, cannot be carried out owing to the death or escape of the person sought.

ARTICLE XVII

Expenses related to the transportation of the person sought shall be paid by requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.

No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested Party against the requesting Party.

ARTICLE XVIII

The ratifications of this Treaty shall be exchanged in Washington as soon as possible.

This Treaty shall enter into force upon the exchange of ratifications and will continue in force until either Contracting Party shall give notice of termination to the other, which termination shall be effective six months after the date of receipt of such notice.

This Treaty shall terminate and replace the Extradition Treaty between the United States and Spain signed at Madrid June 15, 1904 and the Protocol thereto signed at San Sebastian August 13, 1907; however, the crimes listed in that Treaty and Protocol and committed prior to the entry into force of this Treaty shall nevertheless be subject to extradition pursuant to the provisions of that Treaty and Protocol.

In witness whereof the Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, both equally authentic, at Madrid this twenty-ninth day of May, one thousand nine hundred seventy.

For the United States of America:
WILLIAM P. ROGERS
For Spain:
GREGORIO LOPEZ BRAVO

The PRESIDING OFFICER. If there be no objection, the Executive N will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification. The resolution of ratification of Executive N will now be read.

The assistant legislative clerk read the resolution of ratification of Executive N as follows:

Resolved (*Two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a Treaty on Extradition Between the United States and Spain, Signed at Madrid on May 29, 1970 (Ex. N, 91–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from the report (Ex. Rep. No. 92–3) explaining the purpose of the treaty.

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

MAJOR PROVISIONS OF TREATY

Article II of the treaty lists 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. With regard to aircraft hijacking, pursuant to the provisions of article V, paragraph C, it is presumed that such an offense is a common crime and not a political offense referred to in the political exclusion provisions of the

treaty (art. V, par. A, 4). This presumption does not extend to the hijacking of military aircraft not carrying passengers.

Pursuant to the provisions of article III, the territory of each country includes its airspace and territorial waters, as well as aircraft registered in that country if such aircraft is "in flight" or if such vessel is on the high seas when the offense is committed. In the event the offense in question was committed outside the territory of the requesting country, extradition may be granted if the laws of the requested party provide for the punishment of such offense committed in similar circumstances. It should be noted that article IV provides that neither country "shall be bound to deliver up its own nationals." This is left to the discretion of the executive authority of the United States and the competent authority of Spain.

Article V states that extradition will not be granted in those cases where an individual has been tried and acquitted or punished, when prosecution for the offense is barred by the lapse of time, or when the offense is purely military. It also prohibits extradition when the requested country regards the offense as being one "of a political character." In this connection, however, paragraph B of article V provides that "the attempt, whether consummated or not, against the life of the Head of State or of a member of his family shall not be considered a political offense or an act connected with such an offense."

In effect, article VII states that extradition may be refused unless assurances are received that the death penalty will not be imposed (or if imposed, will not be executed) for an offense not punishable by death in the country from which extradition is requested.

Requests for extradition are to be made "through the diplomatic channel" in accordance with the provisions set forth in article X. The expenses related to the transportation of the person sought must be paid by the party asking for extradition, but the costs of arrest, detention, examination and surrender will be absorbed by the requested party.

DATE OF ENTRY INTO FORCE

The treaty will enter into force upon the exchange of instruments of ratification and will continue in force until 6 months after one of the parties gives notice of termination. Upon entry into force, the treaty will replace the extradition treaty between the United States and Spain signed at Madrid on June 15, 1904, and the protocol signed on August 13, 1907.

COMMITTEE ACTION

The committee held a public hearing on the extradition treaty with Spain on February 8, 1971. At that time, Mr. Knute E. Malborg, Assistant Legal Adviser, Department of State, testified in favor of the treaty. His prepared statement is reprinted below. The following day, on February 9, the committee met in executive session and ordered the treaty reported with the recommendation that the Senate advise and consent to its ratification.

APPENDIX

Statement of Knute E. Malmborg, Assistant Legal Adviser, Department of State

My name is Knute E. Malmborg. I am assistant legal Adviser for Administration and Consular Affairs, and my responsibilities include international extradition.

The treaty with Spain which is before this committee was signed at Madrid on May 29, 1970, and submitted to the Senate on November 25, 1970. Executive N contains the text of the treaty.

The treaty now before the committee replaces the basic extradition treaty between the United States and Spain signed at Madrid on June 15, 1904 and the Protocol thereto signed at San Sebastian on August 13, 1907.

Article II, which contains the list of offenses, now consists of some twenty-three items covering the offenses of greatest concern to the United States which are also crimes in Spain.

As in the case of all bilateral extradition treaties now under negotiation by the United States, this treaty includes the offense of aircraft hijacking. It also includes narcotics offenses, which are not covered by the treaty and protocol now in force. Article II also includes two special provisions to provide more flexibility in defining extraditable offenses than has been the case in our past treaties. While we continue to believe that a list of extraditable offenses is necessary, there are many practical problems arising out of differences of terminology and legal concepts between two different types of legal systems. We believe this difficulty will be largely resolved by paragraph C in article II of the new treaty, which provides for extradition in the case of an offense which is on the list anywhere and which is punishable in both countries by a term of imprisonment exceeding 1 year, even if the two countries do not place the offense in the same legal category or describe it in the same terminology. Paragraph D of article II of this treaty deals with the problem of those U.S. Federal crimes that differ from other crimes in requiring elements such as interstate transportation for jurisdictional purposes.

If I may, I will briefly describe some provisions of this treaty which are significant and which differ somewhat from those found in existing extradition treaties.

The most important of these provisions is paragraph C of article V. As part of the U.S. Government's efforts to deter aircraft hijacking, we have been attempting to obtain international agreement that hijacking is not a political offense for purposes of extradition. The Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on December 16, 1970, does not go that far, but in this bilateral treaty with Spain we have at least established a presumption that hijacking of passenger-carrying aircraft is a common crime.

Article VI is a novel provision. Its purpose is to permit a country receiving a request for extradition of a minor resident in its territory to recommend withdrawal of the request if extradition would disrupt the social readjustment and rehabilitation of the minor.

Article X, which relates to the evidence required to support an extradition request, is in somewhat different form than our traditional extradition conventions. Under European practice, the warrant of arrest issued by a judge follows investigation by the judge and has a much greater evidentiary value than a U.S. arrest warrant; nevertheless, our courts, which require proof of probable cause that the accused person committed the offense, may require additional evidence. This is the reason for the wording of paragraph D of article X.

Article XVII of this treaty states that no pecuniary claim arising out of the arrest, detention, examination and surrender of persons sought under the treaty shall be made by the requested party. Title 18 of the United States Code, section 3195, requires that the requesting authority pay "all costs or expenses incurred in any extradition proceeding in apprehending, securing, and transmitting a fugitive." Article XVII is not consistent with that requirement and is later in time. It is our intention that the costs of lodging, maintenance, and board and of court reporters' services, which are relatively small in comparison with the costs of billing the foreign government through both the Department of State and the Department of Justice, should be borne by the U.S. Government. The inevitable delays in processing payment under 18 U.S.C. 3195 have created great exasperation on the part of the persons furnishing these services and the whole process is an irritant in our extradition relations with a number of countries. Since these reasons are generally applicable, we plan to recommend legislation that will delete the requirement for the requesting party to pay those costs. If that provision is enacted, payment of those costs would be shifted to the United States in all cases where the treaty permits or requires. We would benefit from Spain bearing such costs on our requests under the present treaty in any event.

Article XVIII does not provide for extradition under this treaty for offenses committed prior to its entry into force but does permit extradition for such offenses pursuant to the treaty and protocol replaced by the present treaty, provided that they are listed in the replaced instruments.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, further consideration of the convention and treaty will be postponed until next Wednesday.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

SENATE JOINT RESOLUTION 32—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION WITH RESPECT TO THE OFFERING OF PRAYER IN PUBLIC BUILDINGS

Mr. BAKER. Mr. President, for many years the late Senator Dirksen earnestly sought to restore the right of school children to pray in the public schools. I know of no issue in which he believed so deeply and so firmly.

On October 13 of last year the Senate voted 50 to 20 to add the Dirksen prayer amendment to the equal rights amendment. I had the privilege of offering his amendment at that time.

It is my privilege to offer it again today and to express my hope that other Senators will join with me as sponsors. I send to the desk for appropriate referral a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

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

The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings introduced by Mr. BAKER (for himself, Mr. COOPER, and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

THE GRAVE SITUATION OF THE NATION'S RAILROADS

Mr. BAKER. Mr. President, I would like to call the attention of my colleagues in the Senate to a very grave situation which exists with regard to our Nation's railroads. As a member of the Senate Commerce Committee, I have had the

privilege of participating in consideration of the Federal Railroad Safety Act, the Rail Passenger Service Act, and the Emergency Rail Services Act, all of which were approved within the last 4 months, and all of which were designed to achieve the same goal: to assist the railroads of this country to continue to provide service by rail which is generally considered to be essential to the national welfare and defense.

I do not think that any of us would argue that the railroad industry is not essential to our country today. Although, since World War II, the share of freight traffic carried by the railroads has declined from 60 percent, they still carry more than 41 percent of all intercity freight traffic and 40 percent of Defense Department freight. It has been estimated that most of the goods-producing industries in the United States are dependent on rail for delivery of from 50 to 80 percent of their raw materials, and the railroads handle over 60 percent of the shipments by manufacturers, exclusive of petroleum and coal products.

As the demand for increased transportation capacity increases during the next decade and beyond, it is obvious that we are going to have to have a railroad system that is equipped, both physically and financially, to meet that demand and to carry its share of the increased traffic. There are certain heavy-loading commodities, for example, which can only be economically transported by rail or by water. Many industries are almost totally dependent upon the ability to obtain these commodities by rail. A prime example of one such industry which is vital to our national well-being is the electrical generating industry. Another example is the steel industry.

The fact is, however, that the railroad industry as a whole is suffering from a financial situation so severe as to raise serious doubts about its ability to continue to provide service without substantial assistance from the Federal Government. A number of figures are available which express very concisely the financial position of the railroads. I will only cite a few of them here. While railroad sales and traffic have steadily increased in the last 15 years, earnings have dropped more than 50 percent. Of 69 class I railroads, 24 had a deficit in ordinary net income (total income of the railroad and its subsidiaries after taxes, operating expenses, and fixed charges) as of September 1970, and 39 had suffered a decrease in ordinary net income since September 1969.

As earnings decrease steadily, it has become more and more difficult for railroads to keep up with capital improvement programs—and an inability to upgrade and maintain roadway, and acquire and maintain equipment acts, in turn, to reduce earnings still further. While, in 1955, working capital for the industry was $933.8 million, by September 30, 1970, the industry had a deficit in working capital of $315.6 million, and 43 of the 69 class I railroads had individual deficits in working capital. During this same period, maturing debt due within 1 year has increased from $400 million in 1955 to $647 million in September of 1970.

In order to make the capital improvements necessary to provide efficient rail service through the coming decade, the industry has estimated that it will need to spend approximately $3.2 billion per year, as opposed to an average capital investment expenditure of $1.7 billion annually between 1966 and 1968. Wage increases legislated by Congress last year will add approximately $617 million annually to the railroads' costs and, if further wage increases which have been recommended by an emergency board are made effective, an additional expense of $561 million will be incurred just through the end of 1971.

In sum, the rail industry at the present time is not earning the money it needs to finance its operations. With the dismal earnings record which I have referred to above, it is not surprising that the industry is finding itself unable to borrow enough money from private sources to adequately provide for the capital improvements it must make. All indications are that this situation will get worse, not better, in the future.

In light of the situation, it seems to me that the Congress has three alternatives. The first is nationalization of the railroads, which I abhor. The second is pouring many more millions of dollars into stopgap measures like the Emergency Rail Services Act. The third is to begin now to develop a long-range plan for preserving rail transportation in this country which will take into account the needs of a balanced national transportation system as well as the needs of individual railroads.

The third is, in my opinion, the only acceptable alternative open to us, although candor requires me to acknowledge that I do not have clear-cut and well-formed ideas on how that objective should be implemented.

It has been estimated that the costs of nationalizing the railroads would begin at $60 billion for acquisition of privately owned railroad facilities. Added to this incredible figure would be the cost of improvements, maintenance, and operation of the system. Leaving aside the fact that nationalization would represent a profoundly significant departure from our traditional private enterprise system, it would require an outlay of public funds that would be difficult or impossible to justify with no guarantee that a nationalized rail system would be more efficient. In fact, whatever the ultimate merits of nationalization, it is my feeling that attempting to nationalize our railroad system before rationalizing the plant and operations of the railroads by the elimination of wasteful, duplicative and inefficient facilities and the modernization of certain operating procedures would be a great disservice to the country.

The inherent disadvantage of the second alternative is its temporary nature. Legislating millions and millions of dollars away to tide a particular railroad or railroads over for a period of months is merely a method of avoiding consideration of the long-range problem and its causes. Regardless of the safeguards provided in legislation authorizing loan guarantees or direct loans to individual railroads, I consider this approach to be a questionable use of the taxpayers' money.

Within the next few months, Congress will again be faced with the task of deciding what to do next about the Penn Central. It seems to me that the Penn Central's situation is only symptomatic of what we can expect from a number of other railroads in this country in the very near future if we do not take effective action, and that we ought to tackle the overall problem once and for all rather than enacting temporary stopgap solutions which only postpone the decision that we will have to make. It also seems to me that the time to attack the problem is now, and I strongly urge my colleagues on the Commerce Committee and in the Senate to carefully consider what course of action should be taken.

I am in the process of attempting to draft a proposal which accords with the third alternative; that is, an alternative to nationalization or continuing and expensive temporary assistance. My staff and I are examining a number of ideas, including Federal acquisition of railroad roadbed while permitting certificated common carriers to continue operating as private carriers on these federally owned facilities on a user-free basis; the acquisition of only certain portions of the national rail system for these purposes; a public-private corporation for such facilities; and the like.

It may be an undue imposition on my colleagues of the Senate and others who may read these remarks to ask them to join me in the elaboration of my personal dilemma, but that is precisely what I want to do. I solicit the comments and suggestions of my colleagues and others on the problems we must face together in finding a permanent solution to the railroad problem and a coherent policy for national transportation.

TVA SHOWS WAY ON DECENTRALIZING

Mr. BAKER. Mr. President, the distinguished syndicated columnist Marquis Childs has written an interesting column pointing out the relevance of the Tennessee Valley Authority experience to the proposals of President Nixon for reform of the Federal structure. As one who has seen first hand the extraordinary accomplishments of the TVA, and as one who strongly supports the President's proposals, I found Mr. Childs' column particularly intriguing. I know that my colleagues will be interested in it as well, and I ask unanimous consent that the column entitled "TVA Shows Way on Decentralizing" be printed in the RECORD.

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

TVA SHOWS WAY ON DECENTRALIZING

(By Marquis Childs)

Whatever the final score in the showdown with Congress, President Nixon deserves a vote of thanks for his proposed reorganization of that over-grown giant suffering from elephantiasis—the federal government. Hopefully the President's proposal still to take

shape in all its complexity should stimulate debate about what is wrong—and what is right—about the structure of government in these United States.

Experiments in decentralization in the past should have careful consideration. One of those experiments that stirred fierce controversy in its day has proved to be a conspicuous success.

The Tennessee Valley Authority was decentralization applied to the development of a whole region that had slumped steadily downhill as human and natural resources were drained away. Seven million acres in the seven states, portions of which comprised the region, were eroded. Forests, a principal asset, were being cut down with little regard for the future. The seven states had fewer than 10 professional foresters. The ablest and brainiest of the young were leaving for lack of opportunity.

TVA was designed to take authority out of Washington and put it in the region where the decisions would be made in reshaping a river basin wracked by floods and poverty. A liaison office in Washington has never had more than three or four employes. TVA headquarters in Knoxville is the decision-making center.

When TVA moved to buy out the electric systems of the region and operate them, angry cries of socialism were raised against what seemed a radical move. Sen. George Norris of Nebraska, the father of TVA, believed that only through government operation would it be possible to bring low-cost power to the farmers of the Tennessee Valley. Power on the farms, Norris said, will mean a hired hand for the farmer and a hired girl for his wife.

After a long donnybrook that became part of a presidential campaign TVA won out and proceeded to own and operate the power network. The power was sold at wholesale at the lowest possible cost to municipalities and co-ops, which had responsibility for distribution to the consumer. With the expansion of the power system TVA is turning back to the federal treasury an increasing share of the total investment in the region.

One of President Nixon's announced goals is to turn over land to states and municipalities for parks. In the 37 years since its beginning TVA has given hundreds of thousands of acres to localities for parks and recreation areas.

This is in accord with the broad principle that, whenever possible, authority is delegated to the people who will have to exercise it. Power to the people? Something like that slogan, shorn of its emotional overtones, is the motivation behind much of what TVA does.

From the beginning, however, it has been recognized that there are functions which only the federal government can perform. The harnessing of a great river system is one of those functions. The Tennessee Valley has had no disastrous floods since the work was completed, controlling a river and its tributaries that once created havoc almost every spring along its banks.

Not even the most ardent proponents of TVA claim that it is a prescription which can be applied indiscriminately to other regions. A determined drive in Congress to create a Missouri Valley Authority failed.

Worthy of study in the great debate that will supposedly follow the President's blueprint for reshaping the government are the successful steps TVA has taken toward decentralization. Here are practical lessons in what works.

Only in recent years has the conservative opposition to TVA more or less subsided. The accomplishments are so conspicuous—millions of acres of eroded land reclaimed, dairying and small industry built on low-cost power, forestry a flourishing source of income and pride in those accomplishments so great that political opposition no longer pays off.

TAX BURDEN IS UNIFORM

Mr. BAKER. Mr. President, yesterday I had the privilege of introducing on behalf of myself and 37 other Senators of both parties the Administration's general-purpose revenue sharing proposal (S. 680).

One of the most persuasive arguments in favor of this proposal is, in my judgment, the regressive nature of State and local tax structures, structures on which these hard-pressed units of government will have to depend even more heavily unless their burdens can be eased through the sharing of some federally raised revenues. It is universally agreed that the federal tax structure is far more progressive than its State and local counterparts, in that those who are able to pay more do pay more.

There appeared in this morning's Washington Post as interesting article by William Chapman, entitled "Tax Burden Is Uniform." The article describes the findings of a study conducted by Herman P. Miller, chief of the population division of the Bureau of the Census. The findings of the study quite clearly support the concept of federal revenue sharing, and 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:

TAX BURDEN IS UNIFORM—POOR AND AFFLUENT PAY ABOUT SAME RATE—33 PERCENT

(By William Chapman)

The total burden of federal, state, and local taxes falls as heavily on the poor as on the affluent, there being virtually no difference in the rates at which they pay.

The person who earns between $2,000 and $4,000 a year pays about 33 per cent of it in taxes to federal, state and local governments.

So does the man whose annual income ranges between $25,000, and 50,000.

Thus, the progressive character of the federal income tax is for most income classes wiped out by state and local taxes, many of which are levied at flat, ungraduated rates—sales, gasoline, property, and a variety of user taxes.

NEW STUDY MADE

Those conclusions arise from a new study of taxes by Herman P. Miller, chief of the population division of the Bureau of the Census and author of a new book on income distribution, "Rich Man, Poor Man."

The statistical evidence is from a paper he presented recently at a symposium held at George Washington University and represents the latest attempt to gauge the impact of fast-rising state and local taxes.

His analysis also shows that those in the very lowest income groups get back more in cash government benefits than they pay in taxes, through such payments as Social Security, unemployment compensation and veterans benefits.

But people in income groups at the $4,000 level and above pay more in combined taxes than they receive back in direct cash payments.

Miller's study emerges at a time when the overall regressiveness of taxation seems destined to increase as state and local governments add new taxes. In addition, since 1968, the year on which Miller's figures are based, the ungraduated federal Social Security tax on employees and employers has been raised.

REVENUE-SHARING PLAN

The findings also tend to support one of the Nixon administration's principal arguments for a revenue-sharing plan. In asking Congress to back the plan to share federal revenues with state and local governments, Mr. Nixon said the latter's tax loads fall "hardest on those least able to pay."

Administration supporters argue that it would be more equitable to use the graduated federal income tax structure to help the states than to leave them to their own taxes, many of which are already exhausted anyway.

Pennsylvania, for example, has a 6 per cent sales tax, one of the nation's highest, and Gov. Milton J. Shapp just proposed to the legislature a 5 per cent ungraduated state income tax. New York is faced with the possibility of increases in sales, income, business, cigarette, liquor and motor vehicle taxes totaling $1.1 billion.

A study similar to Miller's was published two years ago by the President's Council of Economic Advisers, based on 1965 taxation and incomes. The results are roughly the same, although Miller's shows total taxes as a per cent of income have risen 1 per cent and that except for those in the lowest income bracket the taxes are a slightly higher percentage of total income.

Miller's statistics show that for the group making less than $2,000 taxes take a huge 40 per cent bite. For all groups ranging from $2,000 to $50,000 the tax rate for all three levels of government hovers around 30 per cent. For those making $50,000 or more the rate jumps to 45 per cent.

BENEFITS TO TAXPAYERS

The picture changes when cash benefits to taxpayers are considered. The poor get more money back than they pay to governments. For example, the $2,000-to-$4,000 group receives $1.4 billion more in cash payments from the government than it pays in taxes.

That progressive feature has its limits, it seems. The man in the middle, making between $8,000 and $10,000, pays 29.8 per cent of his income for taxes. After considering how much he gets back from the government in cash payments, his payments to all levels of government are still more than 25 per cent of his income.

For all the income groups between $6,000 and $25,000, there is a relatively minor difference between the percentage of income paid in taxes, even when the governments' cash benefits are considered.

THE TENANT MOVEMENT IN NEW JERSEY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) and a series of articles in connection therewith.

There being no objection, the statement and insertion by Senator WILLIAMS of New Jersey were ordered to be printed in the RECORD, as follows:

Mr. WILLIAMS. Mr. President, one of the phenomenons of our society today is that an increasingly large number of Americans are living in rented apartments, houses or mobile homes, rather than in ones which they own.

Because of the increasingly mobile nature of our population, because of recent economic policies which created a scarcity of mortgage money, and because of spiraling costs of home ownership, more and more Americans spend all or large parts of their lives living in rented quarters. These people are "tenants," and as a group they have certain problems and concerns which differ

from the problems and concerns of homeowners.

Because of these factors a new economic and political force has grown up in many sections of the country, known as "the tenant movement." In New Jersey, where close to half of our people live in rental units, the tenant movement has grown rapidly and has come to be an important socio-economic factor.

The New Jersey tenant movement, together with its ramifications for both tenants and landlords, was thoroughly examined and explained in a series of three articles by reporter Gordon Bishop which appeared recently in the Newark Star-Ledger. This series is very readable and highly informative, and I ask that it be printed in its entirety at this point in the RECORD.

A NEW SOCIAL-ECONOMIC FORCE RAPIDLY EMERGING IN JERSEY

(By Gordon Bishop)

They're coming together from Parsippany and Plainfield, Caldwell and Camden, Trenton and Teaneck. They're stock brokers and school teachers, senior citizens and college students, professionals and welfare recipients.

They're a swiftly emerging social-economic movement known as Tenant Power—and they transcend political, religious, racial, social and economic lines for a common identity: Tenant.

In New Jersey, where there are 7¼ million people, they represent nearly half the population—3.2 million residents.

In sheer numbers, they are a growing social-political force more powerful even than labor.

They first became aware of their latent strength in February 1969: About 35 tenants in a garden apartment in Middlesex County got together after their landlord refused to renew their leases because they attempted to organize their neighbors to seek better living conditions.

This potent nucleus exploded into the New Jersey Tenants Organization, which today is a 21-county network of militant tenant groups whose total membership exceeds 400,000.

Their goal: To become the strongest political force in the state. Why? They want laws to protect tenants from "intolerable conditions" over which, traditionally, they have had no control.

Already, the NJTO has been successful in saving tenants nearly $2 million by holding back "exhorbitant" rent increases, and more than $1 million in "wrongfully held" security deposits.

In their first year of existence, they marshalled their "meager and amateur" resources and produced the first law in the nation's history designed to protect tenants from unreasonable landlords.

They did it by dogging every legislator in the State Senate and Assembly with letters and phone calls, and then, finally, by zeroing in on the governor until their bill was signed into law.

Called the Tenants Reprisal Bill, it prevents landlords from taking any reprisal action against tenants who organize to protest.

Now the NJTO's sights are set on this November's legislative election, in which every seat in the Senate and Assembly will be available to the highest vote-grabbing candidates. There are 40 seats in the Senate and 80 in the Assembly.

"We plan to vote only for those candidates committed to tenant-landlord and housing reform," warns Martin Aranow, the 34-year-old founder and president of the NJTO, which is based in Fort Lee.

"Because our movement transcends party lines, we're interested only in candidates who can straighten out New Jersey's housing and rental mess once and for all," Aranow stated.

While still in its infancy, the NJTO endorsed a political unknown, Joel Shaine, a 29-year-old Orange attorney. Shaine was elected mayor of Orange last May. He attributes his victory to the NJTO's strong support. Shaine was the first candidate the organization had actively campaigned for.

Encouraged by this local triumph, the NJTO is now conducting a state-wide voter registration campaign, concentrating on the tens of thousands of unregistered tenants.

By September, the NJTO wants 250,000 new tenants on the voter rolls. They expect to double their efforts when warmer weather comes and they can put up outdoor booths which attract more attention.

"If each member can bring in only one new voter, we'd have more than 400,000 right there," Aranow noted.

The NJTO is a movement whose time had come. It began to incubate more than two years ago when the vacancy rate for apartments in New Jersey plummeted to 1 percent. The federal government considers a "crisis" exists when the rate drops below 4 percent. The state's vacancy rate today is nearly 0.

As fewer apartments became available, the age-old law of supply and demand took over, pushing rentals for one- and two-bedroom apartments higher and ever higher.

At the same time, apartment construction came to a virtual halt as municipalities started to zone out multifamily dwellings. In fact, some communities banned apartments all together, while others placed moratoriums on any new construction pending completion of their new Master Plans.

"Tenants had nowhere to turn for help but themselves," Aranow said. "There are no laws to prevent landlords from rent-gouging and the only hope we had was to stick together and fight for our rights."

But as soon as tenants threatened to organize, Aranow said, their rents, in many instances, were doubled by landlords. They either paid—or faced eviction, he added.

"This caused consternation with many middle-class families, who would rather move than buck their landlords through litigation," Aranow recalled. "Almost all tenants live in fear of their landlords. The landlord has all the laws on his side—the tenant, then, has nothing. Besides it's too costly for a family trying to make ends meet to battle their case in the courts. The landlord usually always has the final word because he owns the building."

Before they could effectively deal with landlords, the tenants first needed some form of protection. They won it with the reprisal law, allowing them time to negotiate with landlords under a "more equitable and democratic arrangement."

The number of rent strikes then multiplied throughout the state. Some landlords refused to recognize the NJTO as the official bargaining agent of the tenants. Problems mounted. Eviction notices descended on tenants in record numbers. The NJTO was put to its ultimate test: Could it survive the landlords' challenge?

Every night, Aranow and his battery of volunteer legal aides (tenants who are also lawyers) traveled from one striking apartment complex to another, urging the freshly organized tenants not to give in to their landlords' demands until they had their day in court.

"Perhaps the greatest job we had to do was to convince these law-abiding, middle-class families who always paid their bills and monthly rents on time that they had a right to a fair settlement, that rent-gouging, if could be proven, was not a practice condoned by the courts," Aranow said.

"Their first impulse was to pay the rent, no matter how much it was—and that would have been their first mistake."

In a rent strike, the leader of a particular apartment group collects the monthly rents and places it in an escrow account at a local bank. In the event negotiations with a landlord collapse and the case goes to court, the money is always ready to be paid on the order of the judge.

"Everything we do is legal," Aranow said. "We're working within the system and although that often entails a lot of agonizing red tape it's still the best way to handle disputes."

Normally, landlords try to reach an agreement with tenants quickly. The reason: It also costs them a great deal of money, and time, to win a case in court. In the meantime, their monthly rent receipts are being held up, and with or without that revenue they must continue to pay their monthly mortgages and operating expenses. The pressure on both sides is often great.

One case in point:

For nearly eight years, tenants at the Surry Manor Apartments in East Paterson complained about deteriorating living conditions.

Last summer, they formed the Surry Manor Tenants Association, under the guidance of the NJTO, to combat an August rent increase, absence of leases and deplorable living conditions.

The absentee landlord from New York refused to meet with the tenants because they wanted NJTO president Martin Aranow in attendance, a condition of negotiation set by the tenants.

In September, the Surry Manor tenants voted to withhold rents to bring the landlord to the bargaining table. They were successful.

The rent strike was temporarily halted.

At their first meeting, a settlement involving a 27-month lease and gradualized rent increases of up to 15 per cent was proposed by the tenants. The landlord countered with a 17-month lease and an immediate 15 per cent rent hike.

Further negotiations were planned and held. On Oct. 14, the landlord announced he would give tenants a two-year lease but no graduated rent increases.

The tenants continued to stand firm on their proposal for an increase of 10 per cent the first year and 5 per cent the second.

In the meantime, the borough of East Paterson became involved in a court fight to force the landlord to improve the 296-unit complex.

In November, tenants resumed their rent strike after the landlord ignored their proposal.

The NJTO then advised the tenants to subpena the local Board of Health, building and fire inspectors and to take the landlord to court to settle the matter either way.

In early January, the local judge, after hearing the inspectors' testimony, decided that the court should withhold half the rents for repairs of the buildings, advising the landlord to return to court Jan. 18 for a final disposition of the case.

On that Monday, the court learned no repairs had yet been made by the landlord. The judge then decided that the court would become the collector of the rents, the money to be used to fix up the building.

The NJTO had won a major legal battle—and the tenants had successfully represented themselves in court, saving the association a sizeable legal fee.

As the NJTO's reputation spread, demands for its services doubled every week. To be a member, a tenant pays a nominal $1 "contribution" a year, or as long as they wish to be affiliated. If a tenant can't afford the $1, the NJTO doesn't turn him down. The fees are used for the NJTO's operating expenses: Telephone calls, postage, a periodic newsletter to all members.

The key to the organization's success so far has been the ample number of tenants

who donate their services to the movement. Many are lawyers, advertising executives, printers, social workers, secretaries, etc.

Because of the impact the NJTO has made on the state rental market, it was singled out at the First National Tenant Movement Conference in Chicago last fall as the most "dynamic and pervasive statewide tenant movement in the nation." The three-day seminar was conducted at the University of Chicago.

One example of the NJTO's influence in New Jersey was the historic action taken by mobile home owners in rural Bridgeton, Camden County. Faced with skyrocketing trailer park fees, about 50 mobile home owners decided to call a rent strike.

At first, they didn't know whether the newly adopted tenant reprisal law could be applied to a person who owned a mobile home and rented space in a trailer camp to park it.

The NJTO advised them as long as they paid a rent the law applied. They struck the trailer park and the landlord retaliated by ordering their homes be towed away. For a trailer, that's tantamount to eviction.

Mobile owners went to court and sought an injunction to prevent the trailer park operator from towing away their homes. They won. A settlement was reached in which rental charges were lowered considerably from the original amount asked.

In most rent strikes, tenants manage to win critical concessions, covering either rent increases or general services.

In rural Woodbury, Gloucester County, 35 low-income black tenants complained about excessive rent hikes, raw sewage on the ground and no heat. They joined forces with middle-income whites in the neighborhood and went to Town Hall, demanding officials take action to prevent a serious health hazard.

Woodbury officials became tenant-oriented and the local building inspector started enforcing the laws.

A new apartment building in Old Bridge, Middlesex County, was the scene of a tenant-landlord showdown last April. Tenants complained the lawns were unsodded, buildings incompleted and that the newly constructed apartments had been built in a swamp, which aggravated the problems.

The Towne Oaks Tenants Association voted to strike May 1. On the first round of eviction notices that followed, the landlord tried to evict the tenant leader and one other tenant. The landlord demanded, in addition to the May and June rents, $100 for his attorney's fees and $49 in late charges.

The local judge threw out the additional charges, the tenants paid their rent and the landlord became cooperative: The swamps were filled, the lawns sodded, garbage facilities improved, and a full-time superintendent was employed to tend to the maintenance.

In Elizabeth, about 20 families living in rows of three- and four-family dwellings struck December 1 when their rents went up 15 percent and no leases were being renewed, while the buildings had several serious housing violations against them.

The strike ended in January. The landlord rolled back rent increases from 15 to 8 percent and gave tenants a 1-year lease. And the building inspector directed the landlord to correct the violations immediately.

GOAL: RENT LEVELING—THE FIGHT TO TIE RISES TO COST OF LIVING

(By Gordon Bishop)

Rent-leveling.

That is what the New Jersey tenant movement is all about. A concept originally developed by the New Jersey Tenants Organization nearly two years ago, rent-leveling can be the immediate solution to the recent rash of tenant rent strikes throughout the state, according to Martin Aranow, president of the more than 400,000-member NJTO.

Rent-leveling simply ties rental increases to the cost-of-living index, providing the landlord with the ability to obtain increases in rental for proven increases in taxes and capital improvements.

"It effectively eliminates rent gouging and allows a landlord a fair return on his investment," Aranow, author of the proposal, explained. He considers a fair return of around 12 per cent.

During the past three years, the cost of living has risen about 15 per cent. During this time a landlord would be permitted under rent-leveling to increase rents on an apartment 15 per cent. On a $200 per month apartment, that would come to $230 over the three-year period.

The bill has been introduced by Assemblyman Martin Kraverick (R-Middlesex) and is currently being amended by the NJTO to plug up any loopholes to make it an iron-clad law.

Aranow and Kraverick are optimistic over the outcome. The NJTO already has been successful with the legislature, having zipped the Tenants Reprisal Bill through the Senate last September by a 30-0 vote, and through the Assembly by a 64-0 count. The governor then immediately signed it into law. It prevents landlords from taking reprisal action against tenants joining the militant NJTO or any other tenant group.

Many critics of rent-leveling compare it with "rent control." There is little similarity between the two upon close examination.

Rent control as popularized by New York State in the '50s and '60s, establishes ceilings on apartment rentals. It came into being in 1950 when New York enacted the Emergency Rent Control Law, which set up a temporary State Housing Rent Control Agency.

The agency determined that a housing "state of emergency" exists when the availability rate dips below 5 per cent. The federal government declares a housing crisis when the rate slides below 4 per cent. New Jersey's rate is nearly zero.

Rent control provides a landlord with increased rentals through capital improvement and an apartment turnover. When a tenant vacates an apartment, the landlord can rent it for 15 per cent more.

Rent control also contains an emergency appeal procedure for the landlord in the event his profit margin slips below 8 per cent, it can be boosted back to that level through additional increases.

Critics of rent control claim that housing starts nosedived dramatically under the New York system. The facts, however, are contrary.

What did happen was that New York City asked the state to pass enabling legislation so it could establish its own rent control agency. In 1962, the state transferred to New York City control of 1,760,930 apartments. New York City then proceeded to create a "bureaucratic institution" that cost the city taxpayer $12 million a year to administer rent control, a service they had been getting for nothing when done by the state.

Consequently, critics point to New York City as the classic example of rent control's devastating effects.

Complementing the rent-level proposals are seven other bills the NJTO is seeking to have adopted at the same time. They are:

Senior Citizen Tenant's Tax Credit—Introduced by Sen. Fairleigh Dickinson (R-Bergen), it would extend to tenants over 65 the same tax credit of $160 granted by the state to the senior citizen property owner. The tenant cannot have an income over $5,000 a year.

Rent Receivership—would allow an individual apartment complex that has serious health or safety violations to request the courts to appoint a receiver (often a tenant). The rent would be paid to the receiver who uses rent money to correct the violations. It would, in effect, preserve the existing housing supply and prevent slumlords from just collecting rental money without rehabilitating the building. It would also allow people "suffering under intolerable conditions" to take action themselves through the courts.

Ban on Lockouts—would prohibit landlords from locking out a tenant from an apartment without first going through the courts. It would abolish "self-help," when a landlord helps himself, a method of eviction landlords use rather than hiring an attorney or taking a tenant to court. Lockouts have been declared illegal by the courts and they were the direct cause of the Passaic riots in 1969 and the Peoria, Ill., riots last year.

Ban of Lead-based Paints—This bill would ban the use of lead-based paints (the cause of many children's deaths, children who eat chipped, pealing paint on apartment walls); would also require that older apartments have their walls scraped to remove old lead-based paint.

Subletting—Introduced by Sen. Matthew Rinaldo (R-Union), this provision would prohibit landlords from refusing to grant a sublease. Rinaldo calls it a "fair" bill that merely would give the tenant the right to sublease with the landlord's consent. Under this bill, the landlord could not unreasonably withhold his consent.

State Housing Code—Introduced by Sen. Alfred D. Schiaffo (R-Bergen), the bill would direct the Bureau of Housing Inspection to promulgate a State Housing Code to be effective in every municipality and to provide a procedure by a public officer or the tenants of a multiple-dwelling building to obtain a judgment directing deposit of rents into court and their use for remedying conditions dangerous to life, health or safety.

Sen. Frank McDermott (R-Union) suggests that rents be regulated by the Public Utility Commission in the same way that gas, electric, telephone and transportation are regulated.

Assemblyman Kay has offered a bill which is similar to the state Supreme Court decision handed down May 18, 1970 which sanctioned action taken by a Cape County tenant tho fixed his toilet and deducted the cost of repairs from his monthly rent.

Kay's bill would allow tenants to make repairs of "vital facilities" and deduct them from the rent.

In the New Jersey Supreme Court case, the tenant procedure to follow in correcting an intolerable condition was spelled out:

Notify the landlord—in writing—about the condition and tell him to make the necessary repairs within a reasonable time. Keep a copy of the letter. Tell the landlord if he does not fix it, the repairs will be made and the fee deducted from the rent "as per the recent Supreme Court case of Marini V. Ireland."

After a reasonable period of time has passed (depending on the type of emergency), and the landlord has not yet made the repair, either fix the problem or hire someone to fix it. Pay for the repair, ask for a receipt, plus an itemized statement of the work performed.

When the rent becomes due, send a copy of the receipt to the landlord, together with the balance of the rent due, after deductions for the repairs.

If a tenant is uncertain as to the critical nature of the facility in question—for example, a falling ceiling—the New Jersey Tenants Organization in Fort Lee will provide free legal advice on any repair matter.

The NJTO's legislative package is presently before state officials. Rent-leveling and the seven other bills wed to it will bring about desperately needed reforms in the rental housing industry, the NJTO contends.

"They are reasonable pieces of legislation that would not adversely affect decent landlords, but merely put slumlords and rent-gougers out of business," Aranow predicts.

His case now rests with the legislature.

Ban on Distraint—where a landlord places a lien on a tenant's possessions and wants to sell them for either non-payment of rent or what he may believe is non-payment (rent strikes). Landlord obtains a local constable who then serves the papers and "frightens" the tenant. This is done without going to court. This type of "self-help" remedy has been found unconstitutional by the courts whenever a tenant hires an attorney to fight it.

Eviction for a Just Cause—would clearly define the grounds for an eviction of a tenant. The bill implies that housing of people is not just a business, but a social obligation.

Security Deposits—This bill, introduced by State Senators Raymond Bateman (R-Somerset) and Robert Kay (R-Cape May) states that tenants can receive all interest on their security deposits with the exception of one per cent which is to be used by the landlord for administration of the security deposit fund.

Prohibiting the Refusal to Rent to Welfare Recipients—Introduced by Assemblyman John Brown (R-Ocean), this bill would make it a criminal offense to refuse to rent to welfare recipients.

This past week, Gov. William T. Cahill endorsed three of the tenant measures: rent administrator (receivership), interest on security deposits and an end to discrimination against welfare clients.

In addition to the NJTO proposals there are still other tenant bills:

Elimination of Escalator Clauses in Leases—Introduced by Bergen County Republican Assemblyman William Crane and Herbert Hollenbeck, this bill would eliminate clauses in leases that allow landlords to raise a tenant's rent in the course of the lease.

RENT STRIKES: LANDLORDS COMPLAIN ABOUT HIGH-COST SQUEEZE

(By Gordon Bishop)

With the advent of the tenant movement in New Jersey, landlords are coming out from behind their cloak of anonymity, asserting that, they, too, have their rights as property owners and legitimate entrepreneurs.

For years, most landlords left the job of managing their apartments and collecting rents to the middle-man—a professional agent or superintendent. But since tenants have grown more militant over the last two years, they are demanding to meet eye to eye with their landlords to negotiate rent increases or present their grievances to the owner himself.

How landlords are dealing with this new phenomenon—spearheaded by the New Jersey Tenants Organization—is of grave concern to the New Jersey Builders, Owners and Managers Association. Many landlords, faced with rent-striking tenants, say they really don't know where to turn to bail themselves out financially during the current housing apartment crisis.

Sanford Feld, 42, of West Orange, is a landlord who also manages apartments for other landlords in Essex, Union and Middlesex Counties.

Feld claims he is one landlord "not running scared" in front of the 400,000 members of the New Jersey Tenants Organization. There are an estimated 3.2 million tenants in the state.

One of Feld's buildings (he runs approximately 1,000 units) was struck by tenants last year. He handled the confrontation himself.

"A rent strike can break a landlord if he can't find other money to pay the month-to-month bills," Feld disclosed "Tenants also must understand the plight of the landlord. Rent strikes are not the answer and, if they stage one, the rent money should be held in an escrow account. Once you lose two or three months rent in a strike, it's gone for good. Either some tenants take off or the court dispossesses them after a strike is over. The landlord is out thousands of dollars."

Feld said he prefers negotiating with a three-member tenant committee, or a spokesman, but not a congregation of "angry" tenant members. He believes in tenant associations if they are run by reasonable people.

Hit by "unbelievable" increase in fuel, water, taxes, garbage, insurance and maintenance in the last three years, landlords, Feld argues, have only one course of action open to them: more revenue via higher rents.

He says water is up 10–20 per cent, fuel, 100 per cent; taxes 20–40 per cent; garbage, 150 per cent; insurance, 25 per cent; gas-electric, 25–30 per cent, and maintenance, 30 per cent.

As the vicious economic cycle continues ad infinitum, landlords claim they are running out of time. Soon their 10 and 20-year mortgages will become due and they will have to refinance them not at 4 or 5 per cent, which they originally had, but at 9., 10, or 11 per cent . . . if they can find a bank to accept them.

Feld noted that tenants do not understand what it means when a mortgage becomes due in 10 or 20 years. He explained: Mortgages on apartments usually are granted for 10 years with the monthly payments spread out over a 20 year period, but the balance of the mortgage becomes due after 10 years. A bank normally refinances the balance at prevailing interest rates.

Unless the balance is refinanced or the balance is paid in full, the bank takes the building.

As conditions worsened, Feld offered tenants the opportunity of buying the building directly from him, or co-oping—each tenant buying his own apartment, with the monthly overhead then prorated over all the new owners. So far, the tenants have declined his offers Feld said.

Too often, Feld continued, tenants form an association with the idea of increasing services in their building. "That was never intended. A building wasn't set up on that basis, or rented with that in mind," Feld said.

Standard services are garbage, parking and well-maintained premises. Beyond that in most apartment houses, extra services cost more, such as a doorman, swimming pool, recreational activities, air conditioning, etc.

Feld charged the courts today with playing "tenant favoritism." Whenever a tenant winds up in court, the judge often strikes a sympathetic tenant position, giving a tenant months or more than a reasonable amount of time to find another place to live, Feld complained.

"In the meantime, the landlord is stuck with late payments, bad checks, no rent and heavy attorneys' fees for processing delinquent accounts," Feld said.

To eliminate as many nuisances as possible in his dwellings, Feld has a general policy for all tenants: no pets. That's the only sensitive rule that applies to everyone, he said.

On rent-leveling, the NJTO's proposal for rent increases tied to the cost of living, Feld remarked:

"The only problem with that bill is it doesn't stipulate what a fair return on a landlord's investment should be."

The NJTO considers 12 percent a "fair" return. Feld disclosed that some of his properties yield only a 5–6 percent return.

In an effort to keep rents down, Feld is now looking for plumbers and electricians who'll make repairs on his utilities for a "fair day's pay." He thinks the trades have priced themselves out of the market with $15 hourly rates, with boiler people getting $18 an hour, excluding travel time.

Another landlord-developer fighting for his fiscal life is Arthur Padula, one of the state's biggest; he is also chairman of the board of the New Jersey Builders' Owners and Managers Association, Newark.

An ex-Navy admiral, Padula cuts through all the bureaucratic double-talk and zeroes in on the problem:

"The people can solve their own housing problem tomorrow if they want to. But they—and the state and federal governments—only offer lip service, no positive action.

"Labor's pension funds are invested in stocks and bonds instead of the housing industry. The state legislature can guarantee New Jersey labor's $6 billion pension fund if invested in housing, the same way Uncle Sam guarantees FHA funds. Everybody complains, but everybody's at fault.

"As a necessity of life second only to food, housing must be considered the No. 1 priority in the nation."

President Nixon, he noted, released $1.8 billion this month to fund all the FHA programs in the country. It will take at least $25 billion to do the job, Padula added.

The state, he went on, announced that 50,000 dwelling units must be built every year to break even with the annual population growth. The state's housing division last year financed 500 units, he said.

"With that kind of record, the state might as well do nothing," Padula opined.

In addition to the working man's investment in housing, Padula projected other imminent changes in the '70s before the problem can be solved:

Wage and price control to keep construction salaries from soaring beyond their current hourly rates of $20 (operating engineers).

Uniformed building code, replacing the 567 codes now in effect throughout the state.

New zoning laws that cater to people rather than industrial plants and office buildings.

Radical tax reform to return the property to the people (when taxes become confiscatory and property is worthless and government, in effect, owns it because the moment the person can't pay the taxes on it, the government takes it).

Any one of these reforms can't do the job alone, Padula feels. For the crisis to end, they must be enacted jointly—and immediately.

TENANTS ASK UNITED STATES TO PROBE NEWARK HOUSING

The 12 tenant associations in the Newark Housing Authority, consisting of several thousand members, have urged interim U.S. Attorney Herbert J. Stern to launch a federal probe into "alleged corruption" in the city's housing authority.

The 12,271 dwelling units represent about 42,000 residents, a great number of them belonging to the tenant associations established in the 12 public apartment complexes.

Since April 1970, they have withheld $750,000 in tenant rent strikes protesting general living conditions. The authority has warned that unless it has $750,000 to balance its budget by March 1, it will be forced to either raise rents for the first time in a decade, or to curtail services.

The tenants' demand for an investigation

by the U.S. Department of Justice follows a detailed study by the U.S. Department of Housing and Urban Development (HUD), which last week demanded sweeping reforms in the authority's operations, including the replacement of Joseph D. Sivolella as executive director.

In a telegram to Stern, the tenants stated: ". . . We believe that in light of HUD's recent review the U.S. Attorney's Office must begin proceedings at once in order to ascertain the extent of corruption within the Housing Authority."

The telegram was signed by the presidents of the 12 tenant associations.

Telegrams also were sent to the five members of the authority's board of commissioners, demanding their immediate resignation. The telegrams read:

"Your official sanction of the negligence and mismanagement of the NHA warrants your resignation. We have requested Mayor Kenneth A. Gibson and Gov. William T. Cahill to expedite your resignation through every means at their disposal."

Tenant leaders said they welcomed the recommendations of the HUD team concerning the fiscal and managerial policies of the authority.

"The review has re-inforced our conviction that the unsanitary, unsafe, indecent and inhuman conditions of the housing projects are attributable to the mismanagement of housing officials."

"As leaders of the various tenant associations, we have officially stopped negotiating with the authority," they said. "There is nothing to negotiate about. In the course of nine months of negotiation, the NHA has acted in bad faith."

The leaders urged all tenants to continue to withhold their rents until the NHA implements the recommendations of the HUD review team and meets the demands of the tenants.

"We consider the review by HUD as a new beginning for the tenant movement," they declared.

A tenant spokesman lauded the efforts of the New Jersey Tenants Organization, which produced the first law in the state's history designed to protect tenants from landlord reprisals.

The Tenant Reprisal Bill, drafted by Martin Aranow, president of the 400,000-member NJTO, became law last September.

"Without that law to protect us, we'd be out on the streets with no place to live because of our rent strike action," the spokesman noted.

NOTICE OF HEARING ON SENATE RESOLUTION TO AMEND RULE XXIV OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I call attention to Senate Resolution 17 which was submitted by the Senator from Oklahoma (Mr. HARRIS) for himself and the Senator from Maryland (Mr. MATHIAS) on calendar day January 28, 1971, or legislative day January 26, 1971.

The Senate resolution would amend rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members.

By unanimous consent the resolution was referred on January 28, 1971, to the Committee on Rules and Administration, with instructions that the Committee on Rules and Administration report the resolution back to the Senate not later than March 1, 1971.

As chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I announce that the subcommittee will conduct a hearing on Senate Resolution 17 beginning at 10 a.m. on Friday next in room 301 of the Old Senate Office Building.

As chairman of the subcommittee, I welcome the comments, advice, suggestions, statements—written or oral—and the appearance of any Senator who may be interested in making a presentation to the subcommittee in connection with Senate Resolution 17.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TEMPORARY CLOSING OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed temporarily; that the pending business be laid before the Senate for a period not to exceed 8 minutes; and that the able Senator from Hawaii (Mr. INOUYE) be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and morning business is closed temporarily.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER. The Senate will proceed to the consideration of the pending business the motion to proceed to the consideration of Senate Resolution 9, to amend rule XXII.

The pending question is on agreeing to the motion of the Senator from Alabama to postpone until the next legislative day the consideration of the motion of the Senator from Kansas.

Mr. INOUYE. Mr. President, I rise today in support of change—in support of change in Senate rule XXII. I believe the time has come to modify cloture and to permit an early end to debate upon the support and vote of three-fifths of those Senators present and voting.

That I support this change is, in and of itself, a major change. In the past, I have supported a continuation of the two-thirds rule adopted in 1917.

My past support for the two-thirds requirement has demonstrated my commitment to upholding the traditions of this body and my deep concern that the rights of minorities be fully protected. I continue that commitment today.

Minorities do have rights no majority should transgress. There is nothing in the performance of this body, nor in my own personal experience, which leads me to believe in an infallible majority. We are each subject to the emotions of the moment and the temper of the hour. We can and do join in tyrannical majority. We are not impervious to these impulses. Therefore, in designing the rules which govern our debate we must protect this institution, and the body of law we create, from our own weaknesses.

Our Founding Fathers constructed a number of safeguards from tyrannical majorities. These include the structure of this body—two Senators from each State regardless of population. We have the cumbersome and time consuming procedure for amending the Constitution—a two-thirds vote in Congress and ratification by three-fourths of the States.

There are others—and they have contributed significantly to safeguarding our liberties.

Over the years there have been frequent and persistent efforts by those who unsuccessfully sought legislative change with strong support to change the rules so that no willful minority could frustrate their efforts. The effort to enact meaningful civil rights legislation—too long delayed—was in large part the reason for this movement gaining such momentum.

Eventually effective civil rights legislation was passed despite the two-thirds rule, and despite the use of the filibuster. Nevertheless, the pressure for change in rule XXII has continued unabated.

Much of the reason for this pressure can be traced to a continuing frustration of the majority will and the belief of many that the prolonged session of the 91st Congress, and the failure of that Congress to act in a number of areas, resulted from the rule permitting unlimited debate and the actual or threatened use of the filibuster.

I would remind my liberal colleagues that the filibuster, and threat of filibuster, are no longer the instruments of a conservative minority intent on maintaining special privilege.

The outstanding filibusters during the 91st Congress as listed in the newly published committee print, Senate cloture rule, prepared by the Committee on Rules and Administration, bear this out.

During that Congress, lengthy debate, although not necessarily labeled a filibuster, was led by opponents to the ABM authorization, the Haynesworth nomination, the Carswell nomination, the Cooper-Church amendment, direct election of the President and Vice President, the family assistance plan, the shoe-textile imports quotas bill, and the appropriations for the SST.

I participated in a number of these filibusters or threats of filibuster. I see nothing inconsistent in the use of unlimited debate as a means of preventing action or convincing the unconvinced. I believe most of the cases of extended debate in the 91st Congress were of benefit to the Nation and a credit to this

body. Most also resulted in victories for the liberals or the so-called liberal position.

I participated in opposing Haynesworth and Carswell, in opposing the ABM, which we lost, and the import quotas bill, which we won.

Opponents of these measures cannot brag of their success in halting the SST, or import quotas, or the nomination of a Carswell, and curse the filibuster as a parliamentary technique.

Cloture has been successfully invoked eight times since the present rule XXII was adopted in 1917. It has been invoked three out of those eight times on civil rights matter. We have demonstrated that we can bring an end to debate under the current rules when public opinion is sufficiently mobilized.

I believe, however, that much as I justify limits on a tyrannical majority recent experiences have demonstrated the need for modification in rule XXII if we are to meet the demands made upon this body.

From 1806 to 1845 we had no device for limiting debate in the U.S. Senate. We could not countenance such a situation today.

I think we have demonstrated that even a two-thirds majority is excessively restrictive to meet today's demands upon this body. I do oppose, however, any move to permit an end to debate in this body upon the vote of a simple majority. I shall continue to oppose such a rule with all the vigor at my command.

I believe that the time has now come for modification. A three-fifths vote to limit debate strikes a reasonable balance between the need for action and provision for restraint.

The question is not shall a majority decide; it is rather one of whether a mere majority shall silence debate.

The Senate provides the only forum where reflection may be demanded—even of the majority. I believe a change to a three-fifths majority requirement will preserve this institution, reasonably meet the needs and demands for action, while preserving the rights of minorities and their spokesmen to be heard and properly considered in the legislative process. There is further reason to believe that such change may soften demands for more radical change which may endanger this body and every man who finds himself in a minority position on an important issue. I therefore urge adoption of a three-fifths rule.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now resume its consideration of routine morning business, with statements therein limited to 3 minutes, and that the period for the transaction of routine morning business extend to the time when the majority leader is recognized prior to the vote on the treaty.

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

SENATE JOINT RESOLUTION 18—DEPLOYMENT OF THE ARMED FORCES AND U.S. FOREIGN POLICY OBJECTIVES—STAR PRINT

Mr. TAFT. Mr. President, I ask unanimous consent that Senate Joint Resolution 18 be titled: "To define the principles which shall govern the deployment of the Armed Forces of the United States by the President, to express United States foreign policy objectives in Southeast Asia." and that this joint resolution be star printed.

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

THE ROLLS ROYCE BANKRUPTCY

Mr. TAFT. Mr. President, I should like to take a few minutes of the Senate's time today to discuss a subject that has received considerable attention in the newspapers in the last few days: the very sad financial condition in which the Rolls Royce Co. in Great Britain has found itself, and its possible effect upon the production of airliners in the United States by Lockheed Corp. A number of the airlines have an interest and have already put out substantial advances against orders that they have taken for such aircraft.

I have long been familiar with this problem. Indeed, from the very outset there was substantial question in my mind as to whether or not the Rolls Royce Co. could actually perform the required job of producing engines of this type for this American airframe.

I raised these questions in the House of Representatives when the matter first came up, and the colloquies which we had there at that time assured that there was in effect competitive bidding, and that U.S. corporations, specifically the General Electric Corp., with its major engines plant in southwestern Ohio, had a shot at and won on a competitive bidding basis the contract for the engines for the competitive DC-10 airplane.

I am not at this time going to take any position with regard to what the United States should or should not do, or with regard to what individual companies in the United States ought to do in this very difficult dilemma. I understand that time is being sought, and perhaps has been agreed to, to try to ascertain whether or not the Rolls Royce Co., backed up by the British Government, might be able to perform under the contract; and I am certainly not trying to close in on that time in any way.

Mr. President, what I do feel and what I want to express to the Senate is a very strong opinion that anything that is done with regard to this matter by the U.S. Government should be disclosed fully and stand in the daylight, on its own feet, for consideration on a policy basis by the Members of Congress on both sides of the Capitol and by the public generally. I do not think that anything should be done behind the scenes in the way of putting the backing of the U.S. Government behind the financing of this matter, without the fullest public disclosure and public discussion of the subject.

The PRESIDING OFFICER. Is there further morning business?

LAOS

Mr. DOLE. Mr. President, on Monday of this week I discussed briefly the South Vietnamese incursion into Laos, and again I would only say briefly that there will be no U.S. combat ground forces introduced into Laos. I would again remind the Senate that President Nixon is winding down the war in Southeast Asia. I said then and say again that perhaps there has been an escalation of the rhetoric, perhaps there has been an escalation of the criticism, but there has been no escalation or widening of the war in Southeast Asia.

The President has as he has announced on several occasions, six different times withdrawn American troops. The total number of Americans withdrawn now exceeds 200,000. By May 1 of this year, the total number will be around 265,000. That will leave in South Vietnam between 40,000 and 50,000 ground combat troops.

I would point out, as I have many times on the Senate floor, that when President Nixon assumed the Presidency on January 20, 1969, the troop level in South Vietnam was more than 540,000. I recognize that we are probably on the threshold of the 1972 presidential campaign. I recognize, therefore, the temptation, as one engaged in politics from time to time, to find fault with any President, his policies at home and his policies abroad.

But, Mr. President, let me emphasize again that President Nixon has kept his word in Southeast Asia, that there will be no American ground troops introduced into Laos, that this is an important military move, and that if successful this move could facilitate further troop withdrawals, could expedite the Vietnamization program, and could therefore result in an earlier return of all American forces from Southeast Asia. The President is committed to that end, and I am assured and believe very deeply that the President will achieve that goal.

I would also suggest that it would be easier for the President to achieve the goal if some of those who have been escalating the rhetoric and escalating the criticism might find it in their hearts to obtain the facts and to support the President at this critical time.

ADDITIONAL STATEMENTS

THE SUGAR BEET INDUSTRY

Mr. MANSFIELD. Mr. President, from time to time I have been very critical of our farm program, but I believe that, consistently, the one piece of agricultural legislation which has done a relatively good job has been the Sugar Act. The suger beet industry is a very important economic factor in the State of Montana. The act will be expiring at the

end of 1971, and I hope that Congress will be able to expedite the extension and improvement of this program.

Experience has shown that, through the administration of the Sugar Act, consumers of this country have had the benefit of adequate supplies at reasonable prices. Farm workers under the sugar program have had and will continue to receive rates in excess of the minimum established by the Congress for agriculture. In general, I think it is correct to say that the farmers, the processors and the refiners of both sugar beets and cane have been able to achieve a satisfactory level of return. Developments in the past several years do give me some cause for concern. Costs are rising at a more rapid rate than the return to the growers and processors. Statistics indicate that the returns to the industrial users of sugar far exceed that available to the growers and processors.

This developing situation was graphically brought home to the people of Montana when the Holly Sugar Corp. announced that it would close the factory at Hardin, Mont. Earlier in the year, a sugar plant was closed in Utah, and the American Crystal Sugar Co. has announced that they will be closing their factory in Chaska, Minn. According to information available, these decisions were based on economic factors. If this is an accurate appraisal, it would seem that there will have to be some adjustment in the Sugar Act to preserve a healthy sugar beet industry in the West. The closing of these factories will have a very detrimental effect on the economy of these rural areas which have become dependent upon this one crop. When Congress schedules the consideration of the renewal of the Sugar Act, it is imperative that we consider what is happening with respect to domestic sugar. We do not want to be faced with another vanishing industry.

I am convinced that we can have a strong sugar beet industry through the combined efforts of an imaginative and aggressive management along with a working Sugar Act administered by a responsible Department of Agriculture. I look forward to receiving specific recommendations from the producers and processors on how the act might be improved.

It is my hope that discussions now underway will bring about a solution to the problem we face at Hardin, Mont., and that the plant will not be closed. The announcement, coming as it did in late January, places the growers of eastern Montana in a very difficult position. My intention in addressing myself to this problem today is to place the Senate on notice that what has been a very fine program may now be in need of some adjustments in order to meet economic situations. Let us not wait until it is too late.

THE WISDOM OF LAOS

Mr. GOLDWATER. Mr. President, today I should like to take a small amount of the Senate's time to express my admiration for the courage and determination of President Nixon in assisting the South Vietnamese invasion of Laos.

If this proves to be a difficult operation from a military standpoint the blame will be easy to place—it will be the undisputed property of civilian leaders such as Presidents Kennedy and Johnson and Defense Secretaries McNamara and Clifford who failed to take this action when it was first indicated.

Mr. President, military men who are closely informed about the war in Indochina know that the invasion of Laos to cut Communist supply lines along the Ho Chi Minh Trail should have been carried out several years ago. The fact that this necessary military operation has been put off for so long is bound to make it more difficult. And the fact that it was delayed so long qualifies the war in Vietnam for the distinction of being labeled one of the stupidest wars ever fought. Again I wish to place the blame for the mess in Vietnam right where it belongs—with the above mentioned civilian leaders who for years thwarted the conduct of an efficient and effective military operation in Southeast Asia.

Mr. President, the Laos operation has become imperative to the success of American plans to withdraw the majority of its combat troops from that area. I for one am becoming very sick and tired of hearing Members of this Senate and other spokesmen of liberal persuasion find fault with every step taken in Indochina to protect American lives.

I am inclined to wonder, along with trained observers such as Washington Star columnist Crosby S. Noyes, just what it is the liberals really want. When I listen to the critics of Mr. Nixon's moves in Cambodia and Laos, and realize that they have a true account of the reasons for these moves, I am persuaded that the last thing some of our prominent "doves" want in Vietnam is an American success. Mr. President, I find myself asking if the partisanship being displayed over events in Vietnam can possibly be so bitter that some parties to it are hopeful that America will be defeated merely to justify their own predictions of disaster.

In this connection, Mr. President, I wish to congratulate Mr. Herbert G. Klein, the Nixon administration Director of Communications, for bringing about a wide distribution of the very expert views on this subject recently outlined by Washington Post Columnist Joseph Alsop. I for one can see nothing wrong with an administration spokesman circulating widely a newspaper column which defends his boss and our President even if it has some disparaging comments to make about some of his critics.

I believe it should be noted here that the outcry over America's air support for the Laos invasion was something less than the protest generated by the doves and peaceniks in the wake of the Cambodia operation last year. It says something for the administration's efforts to recognize that most critics are sensitive to the fact that the operation they complained about last year turned out to be one of the most successful of the entire Vietnam war.

I suspect there is some apprehension in the liberal ranks that Laos might prove to be just as successful. And let me emphasize that this is entirely possible, as the distinguished chairman of the Senate Armed Services Committee, Senator STENNIS, has remarked this operation "could be the one that cuts the jugular vein."

By the same token, the long delay in coming to grips with the situation will make it extremely difficult. This could be one of the roughest operations of the entire Southeast Asia campaign. It is fraught with difficulty and with danger. For this reason I commend the President on his courage and urge every sincere, right-thinking American to support the administration in every way possible. It cannot be done, I might add, by a lot of quibbling and nitpicking over such things as the news blackout which preceded the invasion and the exact number and disposition of Americans who might be engaged in this effort on behalf of freedom in Asia.

MORE COAL RESEARCH NEEDED

Mr. BYRD of West Virginia. Mr. President, power and fuel shortages are being experienced in various parts of the United States. Because of these shortages, a much more vigorous program of coal research is needed.

Such a program should have two major objectives. First, it should seek to solve the problem of air pollution caused by the sulfur oxides which result from the burning of coal; and second, it should be aimed at speeding up the efforts to produce liquid and gaseous fuels from coal.

Our Nation must clean up its atmosphere; but America must also continue to have the abundant fuel supply it needs. Our industrial employment and our prosperity depend upon that.

The key to this situation is a stepped-up program of coal research, which I shall urge the Federal Government to undertake.

RECESSION DEMANDS FEDERAL FINANCING OF UNEMPLOYMENT BENEFITS

Mr. PELL. Mr. President, there has been a great deal of discussion about the new federalism and about the need for returning power to the States. There is one area of responsibility, however, in which there is no disagreement as to what level of the Government should be responsible for the overall guidance of our national economy as a whole—and, that responsibility belongs to the Federal Government.

The failure of the Federal Government to control inflation, accompanied by the seemingly impossible concomitants of rising unemployment and a recession, is causing havoc with State and local revenue. Thus, I believe the Federal Government has a financial responsibility to come to the assistance of those States who have been hurt by the Federal Government's failure to end the recession.

It is for this reason that I support, and I would encourage my colleagues to

support, the proposal of the Governor of Rhode Island, Hon. Frank Licht, that the Federal Government assume the cost for an extension of the unemployment compensation program.

I am fearful that if this step is not taken, many States will find their welfare rolls being increased by those many unemployed persons whose benefits have expended, and these States will thus be put on the verge of bankruptcy.

ROGERS C. B. MORTON

Mr. DOLE. Mr. President, last week the Senate acted wisely in confirming the nomination of Rogers C. B. Morton as Secretary of the Interior.

I have had the privilege of knowing and working with Rog Morton for nearly a decade. We served 6 years together in the House of Representatives, and during this time I have seen him gain the respect and admiration of all who have been in contact with him. He served his Maryland district diligently and energetically, always maintaining active concern for the welfare of the entire Nation. Certainly he will bring this same diligence and energy to the Interior Department. The new responsibilities he is assuming will enable him to give further expression to his understanding of environmental issues and his concern for the well-being and progress of the American Indian.

For three of his terms in the House, Rog was a member of the Interior and Insular Affairs Committee. This experience has given him a solid background in the workings and responsibilities of the Department he now heads, and he is an ideal leader to implement the President's goal, expressed in the state of the Union message, of increasing the Nation's park system and the people's access to it. As a Congressman, Rog was instrumental in the designation of Maryland's Assateague Island as a national seashore, and his experience in promoting outdoor recreation will be invaluable to him.

Another area of special interest and expertise for the new Secretary is land use planning. He served 2 years on the Public Land Law Review Commission and his testimony on both sides of the Hill in favor of nationwide land use planning legislation has earned him a reputation as a solid and knowledgeable advocate in this field.

Rog is no stranger to national issues, having sat on the important Ways and Means Committee and spent the past 2 years as chairman of the Republican National Committee. His service in the House and travel across the country have gained him firsthand insight and understanding of the Nation's needs in many areas, and this broad-based knowledge, as well as his success at dealing with people, will stand him in good stead at the Department of the Interior. The highest levels of government have a pressing need for talented, dedicated, and intelligent leadership. Rog Morton has demonstrated his ability to provide that leadership, and he will be a valuable addition to President Nixon's Cabinet.

INTERNATIONAL LAW AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the last century, there have been numerous efforts to develop international law, usually through the conclusion of international treaties and conventions, to declare illegal various types of conduct considered to violate the code of nations.

In 1945, when the Charter of the United Nations was being drawn up in San Francisco, proposals were made that an international bill of human rights should be adopted. The bill was to consist of three parts: First, a declaration of human rights, second, a convenant on human rights, and, third, measures of implementation. The declaration was to set forth general principles or standards of human rights; the convenant to define specific rights and the limitations in the exercise thereof; the measures of implementation to consist of international machinery to insure the observance of human rights.

The Genocide Convention is one of many international conventions that as a body form the international machinery to insure the observance of human rights.

In the case of genocide, all states members of the United Nations have twice unanimously declared that this practice is a crime under international law and that states should cooperate to prevent and punish the practice. In the judgment of the world community, genocide is a matter of grave international concern. Today, it is a threat to religious and cultural groups around the world. The 75 nations of the world that have ratified the Genocide Convention undoubtedly would welcome the moral reassurance that the United States endorses the principles of the Genocide Convention. President Nixon appealed to the Senate early last year to take favorable action on the Genocide Convention. The U.S. would vote for the United States to join with other nations of the world in accepting convention.

We cannot afford to delay any longer. The United States must accept the opportunity and obligation to lead the great struggle for human rights with the nations of the world. I again urge this body to give its advice and consent to the Convention on the Prevention and Punishment of the Crime of Genocide.

ASSISTANCE TO EXILED CZECHS AND SLOVAKS

Mr. HRUSKA. Mr. President, last week I addressed the Senate concerning a growing number of complaints from Czech and Slovak immigrants to the free world about a despicable blackmail scheme being perpetrated by the puppet Communist government of Czechoslovakia.

The scheme simply is to notify many of the 70,000 emigrees in the free world that criminal proceedings have been initiated against them for leaving the country. They are informed that they are being tried in absentia. Threats are made against their property and their families. Then they are told that to minimize their problems they should send hard cash back to Czechoslovakia to pay for legal fees in their defense.

This callous attempt to take vengeance on those who fled their homeland after the uprising of 1968 has raised a cry of indignation in the United States, Canada, Australia, and other nations in the free world to which the Czechs and Slovaks moved.

Our State Department is looking into the matter and has lodged a complaint with the Czech Embassy.

Now I am pleased to announce that the American Bar Association is also studying the problem and possible ways in which assistance can be given to the exiled Czechs and Slovaks.

The ABA's house of delegates yesterday approved a proposal by its standing committee on education about communism and its contrast with liberty under law. The proposal, in the form of a resolution, authorizes the committee to prepare a comprehensive report concerning the matter.

No expenditure of ABA funds will be involved in the study. It will be financed independently.

It is hoped that it will result in recommendations and measures which will help ease the agony of thousands of immigrants who are receiving these vicious blackmail letters.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the American Bar Association's standing committee on education about communism and its contrast with liberty under law, and also the resolution which was approved yesterday by the ABA's house of delegates.

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

TRIALS IN ABSENTIA OF CZECHOSLOVAK REFUGEES—STATEMENT IN SUPPORT OF THE RESOLUTION

The facts which prompted the Committee to submit a Resolution for the consideration of the House of Delegates are incontrovertible and have been reported in the world press.

There are about 70,000 new Czechoslovak emigres in the free world (about 8,000 are in the United States, 12,000 in Canada, 2,000 in Australia, with the rest in Europe).

They left Czechoslovakia shortly before or after the Warsaw Pact armed intervention in August 1968, an action undertaken to restore the controlling rule of the Czechoslovak Communist Party as enforcement of the so-called Brezhnev Doctrine in that country.

Citizens of Czechoslovakia are denied the basic human right to leave the country or stay abroad without official permission. Such acts have been ruled by the Czechoslovak Socialist Republic as crimes against the security of the state.

Consequently, the Czechoslovak citizens who preferred to leave their country rather than live under rigid Communist control violated paragraph 109, sections 1 and 2, of the Criminal Code 140/1961, and, according to reports in Czechoslovak newspapers, are now on trial by the hundreds in absentia.

All the so-called defendants received registered letters at their residences abroad, advising them of criminal proceedings instituted against them in the CSSR. These letters differ according to the different purposes of this terror campaign.

First, one can discern an overall effort by the Czechoslovak Communist government to instill fear into the emigres for their own

persons and for their relatives left behind. Their personal insecurity comes from lack of citizenship (not yet attained in most cases) and, consequently, from their doubts about protection by the authorities of their new country of residence.

The second discernible purpose behind the mass trials is to extort hard currency by asking the emigres to pay defense fees to government lawyers assigned to each case. Some letters contain a blackmail threat to collect the required sum from relatives, if the refugee refuses to pay. In view of the large number of pending cases the Czechoslovak government could collect millions of dollars worth of hard currency, badly needed in its shaky economy.

Finally, some letters indicate the desire to pressure refugees, the majority of whom come from the intelligentsia, to return home, by promising to drop the charges against them. This would indicate a technological and professional manpower shortage in Czechoslovakia, caused by the emigre brain drain.

These letters caused great alarm among the emigres everywhere, to the extent that they are reluctant even to admit receiving them for fear of reprisals against their relatives in Czechoslovakia. For that reason all names and details which could identify the recipients have been deleted from the enclosed copies. This alarm has been reflected in appeals of many Czechoslovak emigre organizations to their respective adopted governments, asking a stop to this harassment of future citizens.

Under these circumstances, the support of the American Bar Association in reaffirmation of human rights, as expressed in the Resolution, would be of immeasurable value to the refugees, who in their ambiguous legal situation can rely only on the free world's expression of solidarity.

RESOLUTION BY THE AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON EDUCATION ABOUT COMMUNISM AND ITS CONTRAST WITH LIBERTY UNDER LAW

Whereas, The Czechoslovak Government through its Legal Advisory Center (Advokatni Poradna) has advised all Czech and Slovak emigres who left the country as a result of the Warsaw Pact military intervention of 1968 that a criminal proceeding has been initiated in absentia against them for leaving or staying out of the country without permission; and

Whereas, The Czechoslovak Legal Advisory Center has demanded a down payment in hard currency of the country in which the emigres are now domiciled for defense by Czechoslovak lawyers of the alleged crime; and

Whereas, The Czechoslovak Legal Advisory Center has informed all emigres that should they fail to transfer the required down payment within fifteen days the Center would be entitled to and would demand payment from their nearest relatives in Czechoslovakia; and

Whereas, The American Bar Association is dedicated to the principle of justice under the law and believes that the failure of justice anywhere is a threat to its realization everywhere and the action of the Czechoslovak Government through its Legal Advisory Center and court system in the case of these emigres violates principles of human rights;

Now, therefore, be it resolved, That the American Bar Association (1) formally condemn the actions of the Czechoslovak Government and its Legal Advisory Center against the aforementioned emigres; (2) call these injustices to the attention of members of the Bar, the American public and appropriate international bodies and agencies such as the United Nations Commission in Human Rights, the International Commission of Jurists, the International Bar Association, and other groups; and (3) charge its Standing Committee on Education about Communism and Its Contrast With Liberty Under Law to follow the administration of justice in Communist-controlled countries in order to keep the Association and the American public at large informed concerning the nature of legality and justice in those countries and regularly report instances of injustice as they occur; and

Be it further resolved, That the Committee prepare a comprehensive report concerning recent events in Czechoslovakia which prompted this resolution, without expenditure of American Bar Association funds.

DEATH OF ARMAND GROVE ERPF

Mr. PELL. Mr. President, there are few men in the world, much less in our Nation, whom I would characterize as a truly Renaissance man, a homo universale. One of these rare men was Armand Grove Erpf, who was born in New York City on December 8, 1897, and died there this past February 2, 1971. He was a man who made his mark and fortune in the field of industry, but he also was a man who could hold his own in the arts and humanities. In fact, his breadth and depth of knowledge in this area was that of a true connoisseur.

A Columbia University graduate, he first made his mark in the importing fields. He then joined Carl M. Rhoades & Co., 35 years ago, becoming a general partner in that fine firm, a responsibility he fulfilled until his death. In his work with this firm, presently Loeb, Rhoades & Co., he became an admired spokesman for the whole securities industry.

His iconoclasm, his experience, his wit, and his power of articulation all made him a remarkably respected writer on the economic conditions of our Nation.

For relaxation and pleasure he spent much of his time in enjoying the arts. He was chairman of the trustees committee of the American Association of Museums and, himself, had a wonderful collection of objets d'art. When he wanted nature, he would go to his lovely place in the Adirondacks.

Now I share the sorrow of his lovely young wife and their two small children, his partners and friends, and in fact all of those whose lives were touched by the intelligence and generosity of this remarkable man.

THOMAS S. KLEPPE

Mr. DOLE. Mr. President, I wish to express my support of the nomination of Thomas S. Kleppe to head the Small Business Administration.

Tom and I served together in the House of Representatives where we both were members of the Agriculture Committee. During his two terms in the House, Tom built a sound reputation as a conscientious representative of his district and his State, and he devoted a large portion of his energies to exploring new ways to utilize and expand the markets for the agri-business industry in America and for additional means of improving the quality of life in rural America. His efforts often took him beyond the House, and his appearances before numerous Senate committees on behalf of proposals to benefit agriculture and its related enterprises have increased his reputation as a forceful and forward-looking leader.

Tom's experience in local government, business, and finance before coming to Congress attest to his understanding of the conditions in which the small businessman operates. His service in Congress has given him unique insight into the Federal Government's responsibilities to the small business community. His personal integrity, intelligence and grasp of national affairs suit him well to be Director of the Nation's efforts to aid and encourage the cornerstone of our free enterprise economy, the small businessman.

Tom also made a substantial reputation for himself in Congress as an aggressive advocate of economy in Government. He knows what a devastating impact inflation and economic instability can have on business and the individual, and he campaigned tirelessly for reductions in wasteful Federal programs. He will bring this same dedication to governmental economy and efficiency to the SBA and will insure that the agency's policies and programs give American taxpayers the maximum results with the best spent dollar.

My own service on the Senate Select Committee on Small Business has brought an awareness of the need for SBA to have a leader with the talents and background which Tom Kleppe possesses. In our fast paced and highly technical economy, the businessman whose operations and products are wisely and progressively managed will insure himself and his Nation of continuing growth and prosperity. SBA has provided substantial assistance to insure the small business community's growth and prosperity, and Tom Kleppe will give wise and progressive leadership to SBA's contribution to American business.

Mr. President, I urge the Senate to approve the nomination of Tom Kleppe to be Administrator of SBA.

A NATIONAL AGENDA FOR A BETTER AMERICA

Mr. CRANSTON. Mr. President, the distinguished Senator from Indiana (Mr. BAYH) has made an excellent statement on the need to establish and act, at once, upon a national agenda for a better America. The occasion for the Senator's remarks was the California State Democratic Convention in Sacramento on January 24, 1971, and though he addressed his remarks to all of us in the National Democratic Party, he spoke eloquently to party members in my own State, now under new leadership and in a forceful drive to break through barriers of older approaches and on to new priorities. The Senator's fresh perceptions were enthusiastically received in my home State. I commend his speech to the attention of the entire Senate and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR BAYH

I must say that it's great to be back in a state that has room enough for three men who may seek the presidency in 1972 . . . Bob Finch, Ronald Reagan and Richard Nixon. Of course, I've heard some concern expressed about Governor Reagan's political future, particularly in 1974. You know, that's the year when ex-president Nixon will leave his New York law practice to come back and run for the California governorship. I particularly appreciate the opportunity to be with you at this moment as you determine the direction for our party in the leading state of the nation. Because of California's size, of course, and its influence, the decision you make in this convention will also help to shape the future of this nation as well. As President Nixon urged in his State of the Union message, we must find ways to return the government of this country to the people. And we intend to do just that, Mr. President, by providing different leadership in the White House in 1972, and in the statehouse in Sacramento in 1974.

As I sat in that great chamber of the House of Representatives less than 36 hours ago, I must admit to you that I listened to the President intently. I listened with hope . . . hope that changed to amazement, and then to concern because of the all too familiar ring to his words.

This president who spoke of the nightmare of division was the same president who two years earlier had urged us to lower our voices so that we could better hear one another. Yet this was the president, this was the same president, who sent Spiro Agnew across the land to articulate suspicion, create division, magnify distrust . . . a sort of sinister Johnny Appleseed sowing prejudice and fear wherever he passed.

And this was the same president, this is the same president who orchestrated the Southern Strategy, a carefully calculated effort to open old wounds and to actually pit one group of Americans against another. This is the same president who purged a Republican senator and a member of his own cabinet when they dared to express independent thought.

As the president spoke of protecting our environment, I remember that in last year's State of the Union message he expressed similar thoughts and I applauded, but before the last echo of those words of a year ago had died, this same president, who took the nation's environment to his bosom, was actually threatening not to spend one-half of the funds that Congress had already appropriated for municipal sewage disposal plants.

The President pledged $100,000,000 to fight cancer last Friday night and I applauded, and members of both sides of the aisle applauded, but then I remembered this was the same president that last year cut the cancer research budget by 25 percent. And when Congress refused to agree to the cut, he vetoed the entire Health, Education and Welfare bill that contained all of the funds for medical research.

This year the President seeks to make America, in his words, "the healthiest nation in the world." Last year this same president vetoed the Hill-Burton hospital bill and only a few short weeks ago cut the funds the Congress appropriated for medical schools to train more general practitioners.

The President spoke Friday night, as you recall, and I quote, "of setting free the full genius of our people." Yet last year this was the president who vetoed the education bill containing badly needed school funds that would have eased local tax burdens.

The President now speaks, as you recall in this recent message, of a full employment budget, but for the past two years . . . the past two years . . . his planned unemployment, the Nixon economic "game plan," resulted in five million workers being put out of their jobs. As you know only too well here in California, at this particular moment in history there are one million citizens of the Golden State who can't find jobs. The Nixon policy has made the unemployment rate in California 7.2% and there are at this moment 200,000 of your fellow Californians out of work today who were working only a year ago. All victims, let me hasten to add, of the Nixon "game plan." A "game plan" that totally ignores the human tragedy of payless paydays. I think it is fair for us to ask, not as Democrats, but as concerned citizens of this land, just what does the President of the United States really believe? Apparently he has his own personal version of Ecclesiastes. He has a time to rend and a time to sew, a time to love and a time to hate, a time to break down and a time to build up. He is truly a man for all seasons and a man for all reasons.

My Democratic friends of California, today America is actually crying out for a leadership based on conviction; leadership based on one clear, honest, direct and decisive voice. And I say to you that this leadership will not come from those who would be all things to all people. We need to have a man sitting in the White House who will stand tall with one constant trend of thought, thinking about the problems of our people of our nation, of the next generation instead of the next election. Unfortunately we do not have that today. Yes, as I sat there and listened to that State of the Union message, I could not help but agree wholeheartedly with one statement made by the President. Yes, Mr. President, we agree there is indeed a gap between promise and performance in America today, but the largest gap of all exists between the promise and performance of one Richard Milhaus Nixon.

Now let me share a thought with you about the role of the party. For to me the role of the Democratic party is to provide a clear alternative. Criticism alone will not suffice. I think that most of you will agree that history will judge us not by what we oppose, but rather by what we propose. This is not always an easy role: to accentuate the positive. It requires the courage to champion difficult causes. It demands the vision to see and to occupy a new frontier. It asks its leaders to extend themselves, to be willing to take risks. It asks them to be willing to brave the possibility of being wrong in the pursuit of achieving what is right. In short, we have no alternative if we are to be responsible members of our party but to put our agenda, our own personal and party and national agenda, for a better America on the record. It seems to me the time has come for us to translate Congressional and Presidential rhetoric into the law of the land and indeed into opportunity for future generations of Americans yet unborn.

I would suggest to you today that we initiate the new agenda for America in the following manner.

First, let history show that this generation of Americans ended the war in Vietnam once and for all. I have supported and I will continue to support with every ounce of energy at my command the setting of a definite timetable for our withdrawal; the setting of a definite date certain for the withdrawal of all American troops not just from Vietnam, but from all of Southeast Asia as well. The question is what do we in the Congress who are concerned about the course the administration takes in Southeast Asia, do, and I suggest to you as forcefully as I know how, that we in the Congress must be willing to use our Constitutional power to prevent this administration from stumbling into a major conflagration beyond the borders of South Vietnam. Let me say as sincerely as I know how, that we owe a particular debt of gratitude to my colleagues George McGovern and Frank Church and others for the courage and leadership they have provided in the pursuit of this vital goal. But as we withdraw from Vietnam, let the record show that this generation of Americans still believes that America is worth fighting for. But we are determined, that never again, will we be fighting until we know *what* we are fighting for.

The second item on our agenda for a new and better America should be a strong determination to change the direction in which our country is headed, by changing the way we invest our natural resources. Now is the time to dedicate ourselves to the premise that each American child deserves the best possible education necessary for the full development of his talents. And I suggest that education must stretch all the way from preschool child care and development through vocational training to the most advanced degree in our universities. My friends, I'm talking about every boy and girl in this land, for as I see a new America we must say to ourselves that no child in this America of ours should be denied an educational opportunity because of his heritage or his economic status.

We must also put an end to the hunger that still gnaws at the hearts and minds and denies opportunity to tens of thousands of American children today. We must move vigorously to end the deterioration of our standard of health and housing. We cannot sit still when this nation is 13th in child mortality, 29th in male life expectancy, when a private room in the average hospital in your home town and mine costs $100 a day or more. Mr. President, if you are concerned about making America the healthiest nation in the world, there are a lot of places from whence to start. And if we're looking for a new agenda, if we're looking about for a new direction, a new investment potential, how can we ignore the fact that today six million Americans live in sub-standard housing? Some of them live in housing that absolutely defies description. And most of us have no conception of what it feels like to bring home a baby from the hospital and the number one problem is trying to keep the rats from biting that baby at night. And I suggest that this condition has got to come to an end. There's been a great deal of talk about ecology and environment, and I think this is a positive thing, but I want to suggest as we look to the future, the rhetoric of ecology is not enough. The air we breathe, the water we drink, our neighborhoods, our countrysides all must be improved. And all be treated as vital natural resources not to be despoiled by those who thoughtlessly plunder for profit with absolutely no thought about tomorrow.

I recently read of a poll conducted by a member of one of our major television networks that said, of those Americans polled, a substantial majority were willing to sit idly by and watch the repeal of the Bill of Rights. So I suggest to you, my Democratic friends of California, that the third item, the third basic goal on our new agenda for America, must be to rededicate ourselves to those basic and inalienable rights that for so long have made this nation the envy and hope of the world. To be sure, we have problems today that our forefathers could not anticipate but I suggest to you as a member of the Senate Judiciary Committee who has fought the battle of crime and juvenile delinquency, and fought for safe streets and cities, that we can make our streets safe and our homes secure without depriving citizens of a trial by jury and without tapping telephones or photographing peaceful demonstrations or spying on public officials.

I am not an alarmist. At least I don't think I am. But I suggest to you that each of us must remain vigilant against those benevolent souls, those well intentioned people

who would protect our freedom by employing instruments that can destroy it. Police-state tactics of any kind have no place in these United States of America. If we're really concerned about protecting the basic rights that constitute a truly democratic society, I think we're talking about more than the traditional Bill of Rights. But we have to take the necessary steps to reform, to insure that our party and governmental structures are all made more representative. It's to this end that I have been working as a member of the party reform commission. It's to this end that I feel that the people of this country should be given at long last the right to vote directly for their President. It's to this end that I feel that the 700,000 citizens who live in the District of Columbia should have a vote as well as a voice in the Congress of the United States. It's to this end that I supported lowering the voting age so that our young citizens can participate in the process of governing. And I am glad that the Voting Rights Act of 1970 has lowered half of the bars.

But to my friends in the California state legislature and to my colleagues in the Congress, let us persevere until we do something about the inequity that says today a young man or woman of 18 is competent to vote for the President of the United States, but incompetent to vote for school board members.

Lastly, it's in pursuit of this type of reform that I have been glad to add my name and to champion the cause of providing equal oportunity for the women of this country, and I am not surprised to see that the Democratic party of the great state of California leads the way in giving the women of this state the full right to participate in party decisions at the next convention. There are other items, of course, that you could add to our agenda for America's future, but let's not overlook one last, in my judgment the most important item of all. Some of you will recall that the Bible tells us that "where there is no vision the people perish." And so too without vision, the strongest nations perish. Unfortunately there is very little vision in the White House today. And it seems to me we have a sober responsibility to rekindle that vision. For those who stand outside the system, who despair, who have lost faith, we must take the steps necessary to restore the faith. For those who enjoy the benefits within the system but unfortunately have forgotten what this nation really stands for, we must foster better understanding. Our America must be a nation that sees that this age-old battle of discrimination and prejudice is to democracy what vice is to a man . . . it eats from within. It shrivels the spirit and distorts the character, and we must attack these vestiges of second class citizenship wherever they are, whether in East Los Angeles, in Watts, in Indianapolis or in the nation's capital itself. There are those who say there is no place in the Democratic party for those who feel that they are better than their brothers. Unfortunately, there is too much discrimination, there is too much divisiveness, too much pettiness, too much fear in our America today. I am deeply concerned about these attitudes. I am deeply concerned about this feeling because I feel in the depth of my soul that if we are to solve the critical problems, all the traditional problem areas of housing, of education, of ecology, of transportation, of hunger, we must have a policy based on love, not hate; on compassion, not selfishness; on dedication to grand national principles, not the politics of polarization and division that at this moment in history have set white against black, and brown and black against white, and young against old, and rich against poor, and one region of this great nation against another.

My friends, let not some future historian write that this nation failed to achieve true greatness because somewhere along the line we forgot that we are all dependent upon one another. Instead, let the record show that we were determined to share a common vision and a common dream. A dream of spirited minds, of healthy bodies, of clean neighborhoods and streams and fresh air and peace for our world and our nation and our neighborhod. Don't be afraid to dream, to have vision, to have faith. Let us share that vision together, together let us make it real for our children and their children. America is truly at a crossroads and the challenge to take a new direction is ours—yours and mine—ours together. It was this kind of challenge that John Fitzgerald Kennedy saw on that cold January day a decade ago when a new young vital president stood on the front steps of the Capitol and addressed a listening nation and a watching world. It was this type of challenge to which John Fitzgerald Kennedy spoke when he said, "In the long history of the world only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world."

REVENUE-SHARING RESOLUTIONS

Mr. BOGGS. Mr. President, yesterday the distinguished Senator from Tennessee (Mr. BAKER) and other Senators, including myself, introduced the administration's proposal for general revenue sharing.

This is a subject that will be much discussed and debated in these halls in coming months. It also is a subject that is being debated at great length in the councils of State and local governments.

During the last week I have received copies of resolutions passed by the 126th General Assembly of the State of Delaware and by the Sussex County Council in Delaware. Both favor the principle of revenue sharing, but suggest a constitutional convention to propose an appropriate amendment to the Constitution of the United States.

Representative George C. Hering III, of Wilmington, sponsored the resolution in the general assembly. It passed the house of representatives without a dissenting vote and the senate with seven negative votes.

Councilman John L. Briggs proposed the Sussex County resolution which passed unanimously.

Mr. President, I ask unanimous consent that the two resolutions be printed in the RECORD.

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

HOUSE CONCURRENT RESOLUTION NO. 2—MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR A RETURN OF TAX MONIES FROM THE FEDERAL GOVERNMENT TO THE SEVERAL STATES

Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

Whereas, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments, and

Whereas, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

Whereas, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

Whereas, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

Whereas, the evident solution to this problem is a meaningful sharing of federal income tax resources, and

Whereas, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

Whereas, in the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

Whereas, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states,

Now, therefore, be it resolved by the House of Representatives of the 126th General Assembly, the Senate concurring therein, that, pursuant to Article V of the Constitution of the United States, the 126th General Assembly of the State of Delaware does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such monies for any purpose not inconsistent with any other provision of the Constitution of the United States, and

Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by the Delaware General Assembly, and

Be it further resolved that certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States, and to the Legislatures of each of the several states attesting the adoption of this resolution by the 126th General Assembly of the State of Delaware.

SUSSEX COUNTY COUNCIL RESOLUTION

Mr. President, I, John L. Briggs, move you that the County Council of Sussex County adopt the following Resolution, and that the same be spread upon the minutes of this Council:

Be it resolved that the County Council of Sussex County supports the position of our State Legislators and Administration in their

respective efforts to obtain revenue sharing between the Federal Government, the cities, counties and states, as the same might be administered to the sharing plans established by and between the Federal Government and the respective States of the Union.

This motion was seconded by Mr. William B. Chandler, Jr., and unanimously adopted in regular session of the County Council of Sussex County on February 2, 1971.

AFL–CIO AID TO RETURNING VIETNAM VETERANS

Mr. HARTKE. Mr. President, for some time I have been very much concerned about the problem of finding employment for veterans returning from Vietnam. I have urged that the Manpower Administration make this one of their top priorities, and I intend to make it a top priority of our new Veterans' Affairs Committee.

The AFL–CIO Human Resources Development Institute has also demonstrated a deep concern for this problem. They have developed a veteran assistance program in cooperation with the U.S. Departments of Labor and Defense. A recent report in their newsletter, "What's Happening," explains the program. HRDI representatives will contact every returning veteran and help him find a suitable job or job training program. And AFL–CIO President George Meany, chairman of HRDI's board of directors, has issued a statement urging organized labor to support this program.

HRDI was developed to help coordinate union efforts with those of the Manpower Administration to promote the employment of the disadvantaged. Its president, Julius Rothman, and executive director, Robert McGlotten, have made this organization a valuable and effective tool in minority recruitment and other employment programs.

Now HRDI has recognized the seriousness of the veteran's problem in finding employment—a problem compounded by the present high unemployment rate—and is taking steps to alleviate this problem. I commend the AFL–CIO Human Resources Development Institute for its concern and constructive efforts and ask unanimous consent that the report on the veteran assistance program in the January newsletter be printed in the RECORD.

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

AFL–CIO OPENS DRIVE TO HELP VIETNAM VETERANS FIND JOBS

AFL–CIO President George Meany has urged all of organized labor to help find jobs for veterans returning from Vietnam.

In a letter to all AFL–CIO State and City Central Labor Councils, Meany stated the AFL–CIO's "moral commitment" to help find employment for the one million servicemen who will return to civilian life sometime this year.

Specifically, Meany urged support for the new AFL–CIO Veteran Assistance program which the AFL–CIO Human Resources Development Institute is developing in cooperation with the U.S. Departments of Labor and Defense. HRDI's Charles Hollowell is in charge:

"With the full cooperation of your Council in this program," wrote Meany, "organized labor can begin to repay a portion of the debt we all owe the men who defended freedom in Vietnam."

The program will get underway next month at four military separation centers, in the San Francisco Bay area. William H. Burks, former HRDI Area Manpower Representative in Oakland, is in charge there.

Details of the new program were spelled out in a letter to the Councils from HRDI President Julius Rothman and Executive Director Robert McGlotten. Here's how it will work—

HRDI will have a staff person at each separation center. His first job will be twofold—to brief each returning veteran about jobs and job opportunities in his home and to get some idea of the serviceman's skills and job preference.

He will also make sure the veteran has the name and telephone number of the HRDI staff representative in the city closest to where the veteran lives.

Or, if there is no HRDI office in the area, the serviceman will be given the phone number of the closest AFL–CIO Central Labor Council office.

The HRDI man at the base will then forward all the pertinent data about each serviceman to the HRDI (or AFL–CIO Council) office which the veteran will be contacting. The job of the local HRDI (or AFL–CIO Council) staff person is to help the veteran, in every way possible, to find a suitable job—or a meaningful job training program.

HRDI's letter points out the urgency of the problem—

"Many of the returning servicemen will be seeking their first full-time job.

"Most of them are in the 20–24 age group, which is hard hit by rising unemployment.

"Nearly 20% have less than a high school education.

"Approximately 10% are members of minority groups.

"And many will be returning to urban centers where unemployment has been the worst."

UNEMPLOYMENT RATE WORSE THAN EVER—AND STILL RISING

Unemployment continues to rise and is at its highest peak in nine years.

For the first time since 1964, there are more than a million men and women who have been without a paycheck for 15 weeks—or longer.

Overall unemployment is up 3.5% over a year ago with almost every major category of industry affected. In the construction industry, joblessness has hit 11% as compared to 6% a year ago.

In the white collar field—particularly among technical and professional workers—unemployment is at its highest since 1958.

During 1970, unemployment hit hardest in the already-poor neighborhoods of our cities—

7.6% of the residents in these poverty areas were without work—as compared to 5.5% last year.

24% of the teenage residents of these areas were jobless—as compared to 19.9% a year ago.

According to the Bureau of Labor Statistics—

"The general decline in economic activity in 1970 reversed the improvement that has been made by poverty area residents between 1967 and 1969."

THE PRESIDENT'S REVENUE-SHARING PLAN

Mr. DOLE. Mr. President, State, and local governments across America provide almost all the basic services which touch the daily lives of the people of this country. They provide schools, police, and fire protection, streets and highways, hospitals and health services, sanitation services, and welfare, to mention just a few. Cities and States are trying to increase and improve those services, but most of them are finding it more and more difficult even to maintain their services at present levels.

The hard school of experience has proven that the Federal Government cannot effectively provide the basic local services and, furthermore, it should not attempt to do so.

President Nixon has proposed a program to revitalize the American systems of government, the federal system, the State systems, and local systems. One of the keys to achieving that revitalization is general revenue sharing. It is based on the belief, which I wholeheartedly share, that given adequate resources, our State and local governments can be more responsive to the needs of the people and more responsible in the use and exercise of the powers of government than can the Federal Government in Washington.

The American people need not and should not run to Washington for every public service and for solutions to every problem. In most instances, they should not have to look beyond city hall or the State capital. The American people are clearly capable of governing themselves. They can solve many of their problems at State and local levels more effectively and at less cost than can Washington.

STATE AND LOCAL REVENUE CRISIS

But State and local governments must have the money to do the job. Federal revenues increase automatically, due to the progressive nature of the income tax, and economic growth is matched very closely by increased revenues. State and local revenues also increase with the general economy, but they do so to a much lesser extent. Their tax structures are usually not progressive, being based largely on sales and property valuation, so these governments have met their needs by increasing existing taxes and imposing new taxes.

For instance, in 1960, 19 States were imposing both income and sales taxes. By 1970, this number had climbed to 33, and during this same period State and local tax collections outpaced national economic growth. These taxes rose from the equivalent of 7.3 percent of gross national product in 1960 to 8.6 percent of gross national product by 1970. But—and this is the crucial point—between 1950 and 1967, only 47 percent of the increase in major State taxes—income and sales taxes—was the result of economic growth. Fifty-three percent of that growth was the result of legislative enactment. Each year more and more communities must levy heavier taxes on themselves.

Each Member of Congress knows the political reluctance to increase taxes. In the 91st Congress, we actually reduced the tax burden on most individuals in this country. But the legislatures and city councils and counties back home were forced to raise taxes again. We had the much easier job. In many areas of the country, the pressures against local tax increases have reached the point where it has become virtually impossible to raise additional revenues. Many serv-

ices have been curtailed; many programs have been restricted; States, cities, and counties are on the verge of bankruptcy.

REVERSING THE TREND

General revenue sharing is one part of a program to reverse this disastrous trend and to turn power back to the people of this country. Revenue sharing is designed to turn the Federal Government's awesome revenue-raising powers away from promotion of an awesome, centralized Government bureaucracy and toward stimulation of a more efficient, more effective decentralized and locally directed government throughout the country. It recognizes that increased demand for State and local services has far outstripped the financial resources available to them. It recognizes that while the Federal Government has long granted assistance to State and local jurisdictions, the assistance has been on terms which have hamstrung the development of healthy community government. It recognizes new priorities in the disbursement of Federal funds for State and local activities.

The general revenue-sharing proposal is simple and automatic. The total amount tc be shared is a fixed percentage of a growing entity, the Federal individual income tax base. Initially this plan will provide a full-year outlay of $5 billion. The total outlay will grow with the future growth of the economy, just as Federal resources have grown with the income tax. The difference will be that instead of it all going into the Federal pocketbook, States and localities will participate in the utilization of these funds as they see fit and as they direct.

KANSAS TO RECEIVE $54 MILLION

Out of this $5 billion available under general revenue sharing, my own State of Kansas will receive $54 million. This amount will be "new money" and will be added to the revenues already collected or received by the State and local governments from their own sources and from other Federal programs. Approximately $28.5 million will go directly to local and county governments.

THE DISTRIBUTION BASIS

The general revenue-sharing fund will be distributed among the 50 States and the District of Columbia on the basis of population and "revenue effort." A State will receive a share of the total fund, according to its share of the Nation's population, but adjusted for how well it has attempted to meet its people's needs through its own revenue-raising powers. A State that does an above-average job on this score will have its share adjusted upward, and a State that falls below the average for all States will find its share reduced. This feature is designed to provide the incentive for States and localities to maintain and expand efforts to use their own tax resources.

The distribution within a State—among the State, county, municipal, and township governments—is not left to chance. If the governments choose, they can abide by the distribution formula prescribed in the general revenue-sharing bill. This formula divides the fund among jurisdictions according to the portion of general revenues raised by each group. The more revenue an individual State, municipality, or county collects itself, the greater will be its share of the funds allocated. All general-purpose local governments, no matter how small, share in these funds. On the average, this distribution formula results in about one-half of the general revenue-sharing total going directly to local governmental units. This is the formula set out in the President's proposal.

But if State and local governments do not wish to adopt the basic formula, there will be an incentive payment for them to sit down together and work out their own distribution plan. To further stimulate a more responsive system, each State is encouraged to work with its local governments to develop an alternative plan for sharing the funds that will best suit its own particular responsibilities and needs.

MINIMAL REQUIREMENTS

The general revenue-sharing proposal maintains a policy of no program or project "strings" attached to the use of the funds. The minimal requirements are these:

The States must share funds with their local governments over and above current intrastate grants.

The recipients must annually provide the Treasury Department with an informational report on the use of the sharing funds.

Safeguards against discrimination, provided by law for all Federal grants, will also apply to revenue-sharing funds.

PROGRAM FOR A PROGRESSIVE AMERICA

The President's program for revenue-sharing, one of his six great goals, is designed to provide major benefits to the individual citizen, our States, and localities and the entire Nation. With the implementation of this plan to share resources, the individual will find his voice in government strengthened and the upward pressures on his State and local taxes reduced. The State and local governments will find their capacities to respond promptly to the changing needs of their communities enhanced. The many rigidities, requirements, and delays inherent in existing Federal aid will be drastically reduced, and in many cases eliminated. The Nation will be stronger for the increased vitality of its State and local governments.

This is a program for a progressive America. It is timely, urgent, and essential. In the words of President Nixon in his state of the Union message:

> The time has come for a new partnership between the Federal government and the States and localities with a larger share of the nations responsibilities, and in which we share our Federal revenues with them so that they can meet those responsibilities.
>
> So let us put the money where the needs are. And let us put the power to spend it where the people are.
>
> I have faith in people. I trust the judgments of people. Let us give the people of America a chance, a bigger voice in deciding for themselves those questions that so greatly affect their lives.

The people of Kansas—and I believe all Americans—have great faith in the ability and responsiveness of local government and in the desirability and necessity for it to be strengthened. The President has struck a responsive chord in the American people with his bold, imaginative and progressive revenue-sharing plan.

I am pleased to join in sponsoring this measure; and I hope the number of Senators who have participated in the introduction of this bill forecasts its expeditious and favorable consideration by the Senate.

TRIBUTE TO JIM PLUNKETT

Mr. CRANSTON. Mr. President, it is with pleasure that my colleague from California (Mr. TUNNEY) and I join in paying tribute to our fellow Californian and my fellow Stanford alumnus, Jim Plunkett.

Jim is an outstanding example and inspiration to the youth of America. He is a proud product of Stanford University and the James Lick High School in San Jose.

Jim is the recipient of 24 athletic awards. In addition to being awarded the Heisman Trophy, he has been placed on most All-American teams. He holds 18 records, including the NCAA career total offense record of 7,887 yards and the NCAA career passing yards of 7,544.

Special mention must be made of the honor he has brought upon the Mexican American community. His academic success and unyielding concern for Chicanos—especially the youth—has inspired many young Mexican Americans to seek the benefits of higher education and to use these benefits to the advantage of the Mexican American community.

Jim's mother, a magnificent lady who, while handicapped by blindness herself, sacrificed for and inspired in Jim that winning quality that has made us all so proud of him. She also deserves to share in the recognition we accord Jim today.

HEALTH CARE IN THE UNITED STATES

Mr. TAFT. Mr. President, in the United States we have prided ourselves on having the finest health care in the world. It must come as a surprise to many of us to learn that we rank 23d among nations in infant mortality. As recently as 1950 we ranked fifth.

Infant mortality, moreover, varies from State to State and by race. In 1965, the death rate for nonwhite infants in the United States was 187 percent of the white rate. In the same year, the Negro maternal death rate was about four times as great as the white rate.

In some of our States, life expectancy at birth is about 5 years greater than in other States.

From 1900 to 1966, life expectancy at birth increased by 20.9 years. However, life expectancy at age 65 increased only 2.7 years during that time.

Yet we spend more on health care in the United States as percentage of our gross national product than any other country in the world.

It will be incumbent upon us to up-

grade health care for Americans. I question, however, whether a rush toward national health insurance, without dealing with the antecedent problem of a shortage of trained people and of health facilities, would make a significant improvement in the Nation's health-care system.

First, we should provide more cost control incentives for hospitals. Today in many parts of the country, including most of Ohio, Blue Cross pays hospitals under a cost-reimbursement formula. This formula has certain ceilings, computed on the basis of average area hospital costs. But any reimbursement on the basis of costs provides no reward for efficient operation. On the contrary, there may be an incentive to keep costs as close to the ceilings as possible so that percentage cost increases in future years do not exceed prescribed limits.

A second problem involves the expansion and utilization of hospital facilities. In several Ohio communities, the decision was made to expand hospital facilities. These expansion plans have been blocked by regional review organizations who attempt to control expenditures for unneeded facilities. These regional organizations have focused on bed utilization and the question of whether patients are being unnecessarily maintained in hospitals. Utilization of existing facilities and the construction of new facilities are matters for study as we attempt to review the question of health care.

Third, we must also recognize that medicare does not provide operating capital. This has imposed a severe cash flow burden on hospitals serving medicare patients.

Fourth, medicare should be broadened to include custodial care. Presently, medicare patients must receive inhospital treatment. Many of these patients require only custodial care, and hospitalization simply increases hospital utilization and medicare costs.

Fifth, our health insurance provides no incentive for preventative care. The doctors and patients have an incentive to use the hospital, which is the highest cost component of our health-care system.

Finally, there is a shortage of general practitioners in our inner cities and many rural areas. This shortage has become critical in remote regions where the old family doctor has died or retired and no young physician is willing to take his place. This shortage has increased utilization of emergency room facilities in nonemergency situations simply because no doctor is presently available. Many physician services could be performed by nurses or doctors' assistants under more liberal State licensing laws. Health clinics could permit such personnel to give vaccinations and elemental health checks, relieving doctors for more serious matters. Returning Army medics could be certified to work in inner-city and rural areas to relieve the critical shortage of general practitioners.

Until we begin to deal with the above problems on an interrelated basis, we may conclude that national health insurance might be a crisis in medicine rather than a cure.

RULES OF THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. ANDERSON. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee on Aeronautical and Space Sciences, in its organizational meeting held Tuesday, February 9, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

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

RULES OF THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Rules Governing the Procedure of the Senate Committee on Aeronautical and Space Sciences, Adopted Pursuant to Section 133 (b) of the Legislative Reorganization Act of 1946, as Amended:

1. MEETINGS

The meetings of the committee shall be on Tuesday of each week at 10:30 a.m. or upon call of the chairman.

2. NOMINATIONS

Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before presentation in a meeting for action. Upon reference of nominations to the committee, copies of the nomination references shall be furnished each member of the committee.

3. HEARINGS

(a) No hearing on an investigation shall be initiated unless the committee or subcommittee has specifically authorized such hearings.

(b) No hearing of the committee or any subcommittee thereof shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee.

(c) No confidential testimony taken or confidential material presented in an executive hearing of the committee or subcommittee thereof or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted while the witness is testifying to advise him of his legal rights.

4. QUORUM

Three Senators, one of whom shall be a member of the minority party, shall constitute a quorum of the Senate Committee on Aeronautical and Space Sciences for the purpose of taking sworn testimony, unless otherwise ordered by the full committee. Each duly appointed subcommittee of the Committee on Aeronautical and Space Sciences is instructed (1) to fix, in appropriate cases, the number of its entire membership who shall constitute a quorum of such subcommittee for the purpose of taking sworn testimony, and (2) to determine the circumstances under which subpenas may be issued and the member or members over whose signatures subpenas shall be issued.

NOMINATION OF GEORGE BUSH TO BE U.S. REPRESENTATIVE TO UNITED NATIONS

Mr. TOWER. Mr. President, I am immensely pleased by the favorable action of the Committee on Foreign Relations and the prompt and favorable action of the Senate on the nomination of my good friend George Bush to be the U.S. Representative to the United Nations. The present state of international affairs makes this post increasingly important and demanding. The United Nations has not lived up to the highest hopes of the war-weary world in which it was established 25 years ago, but it has been, nevertheless, an important forum for the exchange of opinion and the discussion of major international issues. Moreover, I believe it can be made a more effective medium for the resolution of international differences. George Bush is a man of great energy and proven capability who can carry on effectively the efforts of the United States in this regard.

His broad background in business and government eminently suits George Bush for the post of Ambassador to the United Nations. I am certain that he will pursue his duties there with the diligence and distinction that have characterized his previous endeavors.

In George Bush the President has made a wise selection. I am confident that we will have reason to be well pleased with Mr. Bush's distinguished representation of our country in the United Nations.

CENTENNIAL OF MONTEVIDEO, MINN.

Mr. MONDALE. Mr. President, I invite the attention of the Senate to the centennial celebration which will be held June 13–20, 1971, in Montevideo, Minn.

The many activities, which will include old-fashioned dress and historical programs, reflect both Montevideo's deep roots in Minnesota's past and its promise of a prominent and progressive role in the State's future.

Montevideo is known internationally for its annual Fiesta Days Celebration in cooperation with its namesake city, Montevideo, Uruguay, South America. Such activities contribute immeasurably, as you know, to the improvement of international cooperation, friendship, and understanding.

So during this centennial celebration, as Montevideo looks back upon its first 100 years, I look forward as well. I take great pride in viewing its community growth, recreational developments, educational facilities, and the contributions of its civic-minded citizens.

U.S. REPRESENTATIVE JAMES ABOUREZK, OF SOUTH DAKOTA

Mr. McGOVERN. Mr. President, the Aberdeen, S. Dak., American News, one of the outstanding newspapers in my State, recently published an excellent column written by one of the two outstanding, newly elected young Democratic Representatives from my State, my good friend, JAMES ABOUREZK.

JIM ABOUREZK is the first Democratic Representative elected from the Second District of South Dakota in 36 years. His success can be attributed in large measure to his pledge to remain involved and concerned with the day-to-day human problems of his constituents.

In his column, Representative ABOUREZK outlines his plans and programs for the people of his district. I am convinced that his performance will match his promises. I ask unanimous consent that his article be printed in the RECORD.

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

[From Aberdeen (S.D.) American-News, Jan. 31, 1971]

CONGRESSMAN'S CONCERN IS WITH SOUTH DAKOTA'S PROBLEMS

(By Rep. JAMES ABOUREZK)

Over and over during my campaign for Congress I promised the people of South Dakota two things: I said that I thought my first responsibility if I were elected would be to the people who elected me, and I promised that I would do my utmost to be certain that I stayed in close touch with the people of South Dakota.

During a hard fought election campaign there were bound to be people who said that these promises were nothing more than the same old campaign talk. I could understand that. I know that politicians have been promising, then failing to deliver, for years. Now that I have been given the privilege of serving in Congress, I see my number one job as proving that my promises of last fall were more than just campaign rhetoric.

The people who elected me to Congress were not the tax dodge producers who write off their operations at the expense of the South Dakota farmer. They were not the banking, mining, or utility interests whose concerns are with greater and greater profits instead of with the people they are supposed to serve. They were not the impersonal Washington bureaucrats who are often so mired in red tape that they forget who pays their salaries and who their programs are designed to help.

The people who gave me my job were the average citizens of South Dakota. These people are concerned about things like the rapidly increasing cost of living, the cruel squeeze that forces farmers off the land while middlemen get rich, the slow despoilation of our beautiful South Dakota land, water and air, and the failure of our state to win such vitally needed projects as the Oahe and other irrigation systems. And it is these people and these concerns which will have my attention so long as I am in Congress.

In order to do the job that I have pledged to do, I think it is vitally important that I stay in the closest possible touch with the people of South Dakota. Too often Congressmen are so overawed by their new surroundings in the nation's capital that they forget about the people back home. In their attempts to become instant statesmen, they spend all their time on earthshaking national affairs and no time on the seemingly less important needs of their individual constituents.

I believe that this is wrong. Our government in Washington is a huge, impersonal giant. It can help the individual South Dakota family in a hundred different ways. But it will not help at all unless it is asked. Anybody who has tried to ask Washington for something he deserves knows that it is nearly impossible to wade through the endless forms or find the bureaucrat who should receive those forms.

Over and over Social Security payments, Veterans pensions, farm loans, improved postal service, low cost housing or tax refunds are denied families who need and deserve them simply because they didn't know how to go about asking for them.

As a Congressman, I intend to actively look for the problems my constituents may be having and personally make sure that these problems are dealt with fairly by the federal government.

Naturally, I also will be vitally concerned with the great national issues that come before Congress. I will vote against jetset toys such as the SST airplane and wasteful and unnecessary military hardware. I will vote for both farm and urban programs that spend the government's money helping the average man who gives the government its money in the first place. As a former businessman, I consider these programs to be a wise investment in the future of our state and nation.

But my major concern, as I pledged throughout my campaign for Congress, will remain where it has always been, with the day to day problems of the individual South Dakotans who gave me my job.

TAX LOOPHOLES

Mr. METCALF. Mr. President, now that the new taxes under the Tax Reform Act of 1969 are in effect and forms and checks are being made out in accordance with that act, it is interesting to note what a nationally renowned tax service has to say about one of the so-called "reforms."

I offered an amendment to the tax bill when it was being debated on the Senate floor that would have made a realistic attempt to close the tax loophole granted "gentlemen" or "hobby" farmers as a result of abuse of the reporting system allowed genuine farmers. Members of the committee opposing my amendment suggested that the committee bill had closed the loophole. How effective that closure actually was is reflected in the following excerpt from a Prentice-Hall report entitled "Tax Saving Ideas Under the New Tax Reform Act."

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report is ordered to be printed in the RECORD, as follows:

TOUGH NEW LAW "GOES EASY" ON "GENTLEMEN FARMERS"

For years, one of the best ways you could invest your money and save taxes was to become a "gentleman farmer." Thanks to the way the tax law was set up, much, maybe most, of what you laid out to put your farm on a profitable basis was deductible from your highly taxed current income. And, by the time the farm started to really pay off, you were ready to retire and slip into a much lower tax bracket. As long as you could show that you intended to operate the farm at a profit, you were home free!

The good news: The Tax Reform Law "goes easy" on all gentlemen farmers, particularly when you look at what it does to some other well-known tax shelters. Just about the only damage is the possible use of excess farm losses to convert some future capital gains into ordinary income.

There's more good news! Mild as the crackdown is, there are even further exceptions to it:

(1) If you are an individual taxpayer and your non-farm adjusted gross income doesn't exceed $50,000 you're in the clear;

(2) If you switch from cash to accrual reporting for farm income and elect to capitalize such things as land clearing and soil and water conservation expenses, you are also off the hook; and

(3) Even if the first two ways out won't help, the Tax Reform Law restricts the tax breaks, it doesn't eliminate them. If you are careful and watch your step, you can live with the new restrictions and salvage many of the tax breaks.

Some crackdowns: The capital gain holding period for cattle and horses acquired after 1969 has been hiked to 2 years from 1 year and recapture now applies to post-'69 depreciation on all livestock. In addition there is a mild form of recapture for land clearing and soil and water conservation expenses.

THE NEW SETUP AND HOW TO MAKE THE MOST OF IT

First of all, you still must have the profit motive—if your gentleman farming is strictly a hobby, your deductions can't exceed the income earned on the farm. Assuming you have the necessary profit-making purpose, the new rules, in effect, limit the full benefit for farm losses of individuals to $25,000 per year (all corporate farm losses are affected). You don't lose any deductions—you can still deduct farm losses as fast as you incur them. In effect, what happens is that some future capital gain *may* be converted into ordinary income through a form of recapture.

Here's how it works: Each year's farm loss in excess of $25,000 is set up in an "excess deductions account." Farm income in any later year reduces the amount in the account. In addition, certain gains—otherwise entitled to capital gain treatment—are taxed as ordinary income and are also offset against any balance in the account on a dollar-for-dollar basis. In effect, such gains are treated as ordinary income to the extent of the offset.

Example: In 1970, you have non-farm income of $100,000 and incur a net farm loss of $45,000. Your farm loss deduction for 1970 is still $45,000. However, $20,000 of it is added to your excess deductions account. In 1971, your farm operations show a $5,000 profit, and, in addition, you realize $10,000 capital gain on the sale of livestock held for dairy purposes.

Result: The $5,000 operating income in 1971 reduces your excess deductions account to $15,000. Your $10,000 capital gain on the sale of livestock, only $5,000 of which would normally be taxed, is treated as ordinary income and further reduces the account to $5,000—it's a dollar-for-dollar offset to the extent of the entire $10,000.

The gains treated as ordinary income include those from the sale or other disposition of farm property (but not buildings) used in the business of farming, including livestock and unharvested crops. Gains on land sales are included only to the extent of deductions for soil and water conservation and land clearing during the current and preceding 4 years.

Important: Some otherwise non-taxable gains are also hit, such as a distribution of "recapture" property by a corporation to its shoreholders. On the other hand, transfers at death are exempt. And so are gifts—however the donee carries over and assumes the recapture potential.

What to do: In borderline situations the timing and scheduling of an individual's farm income and expenses may serve to keep farm losses within the $25,000 limit. Also it may be possible to channel major farm expenses into years where you can time non-farm income and business expenses to drop non-farm adjusted gross income below the $50,000 level.

REVENUE SHARING

Mr. TAFT. Mr. President, the concept of revenue sharing is older than our Constitution. The Basic Land Ordinance of 1785 provided that one 640-acre plot in each township was to be set aside for the maintenance of public schools.

In 1836, the Surplus Distribution Act made provision for the distribution of a $37 million Federal surplus to the States, in four installments. The State of Maine, with typical Yankee frugality, made a per capita distribution to its citizens of the Federal funds. The fourth installment, however, was canceled because of a financial crisis.

More recently, we have witnessed the proliferation of categorical grants in aid. Grant in aid programs, with direction and ultimate control remaining with the Federal Government, increased from 18 in 1932 to over 500 in 1970, involving $24 billion. The maze of these programs is so perplexing that the Senator from Delaware (Mr. ROTH) has had a fine bill to create a catalog of Federal assistance programs where they can at least be found in one list.

Fundamental to our governmental structure is the premise that many problems can be most appropriately solved at the State and local level. Housing programs and standards designed for Brooklyn, N.Y., may not be responsive to the housing requirements of a small town in Ohio.

The States and local communities should be responsive and creative laboratories for the solution of their own problems. But they have not had the financial capacity to undertake meaningful solutions.

To make matters worse, the demand for State and local services has shown a disproportionate increase. From 1960 to 1969 civilian employment of the Federal Government increased 22.8 percent. But during that same period, the number of local government employees increased 46.1 percent and the number of State employees increased 73.2 percent. In 1969, we had 2,975,000 Federal employees and 9,716,000 State and local employees, but many of the latter were in federally mandated, directed, and strictured programs.

In his message to Congress on February 4, 1971, President Nixon pointed out that:

> In the last quarter century, State and local expenses have increased twelvefold from a mere $11 billion in 1946 to an estimated $132 billion in 1970. In that same time, our gross national product, our personal spending, and spending by the Federal Government have not climbed even one-third that rate.

In addition to their economic difficulties, localities have a growing sense that they do not have control over their own development. Regional planning organizations curb local autonomy and the grant in aid programs restrict local creativity. There is a sense that all of our communities are being stamped out by a giant Federal cookie cutter.

We cannot expect creative leadership if State and local governments do not have both responsibility and financial capability.

As a former member of the Ohio House of Representatives and the Republican floor leader for 2 years, I became directly involved with the problems of State finance. For that reason I was happy, in 1965, to accept the invitation of the Republican National Chairman, Ray Bliss, to head a Republican task force on the functions of Federal, State, and local governments. We conducted studies of State and local government finance for over 3 years and made a comprehensive recommendation for Federal revenue sharing.

During the last Congress, I sponsored H.R. 9973 and cosponsored H.R. 13982, which were revenue-sharing proposals. Unfortunately neither measure was acted upon by Congress.

I am gratified that President Nixon has made revenue sharing one of his top priority items for the 92d Congress. I have joined as a cosponsor of this measure. In doing so, I am not unmindful of various alternative proposals which are worthy of full consideration. These include a proposal for Federal tax credits for State income taxes paid, and proposals to federalize all welfare programs, thereby relieving States of their share of this massive financial burden.

The resident's revenue sharing proposal is in two parts. The first part, which I have cosponsored, will provide $5 billion of new money for State and local governments. This will be unrestricted money, to be used as State and local governments may deem most appropriate for their particular needs. It will be their choice of priorities, not ours in Washington. Under the proposed formula, approximately 48 percent will be distributed to local governments. However, the bill contains an incentive provision whereby any State may adopt an alternative formula for intrastate distribution. A State adopting such an alternative plan will receive an incentive increment from the Federal Government. I believe that as we consider this measure, we should provide a minimum total pass through formula, whereby local government is assured of its share under any alternate intrastate allocation plan adopted by the State government.

The second part of the revenue-sharing proposal will convert one-third of the existing narrow-purpose aid programs into grants for six broad purposes: urban development, rural development, education, transportation, job training, and law enforcement. This program will involve $11 billion, including $1 billion of new money. By broadening the areas of categorical grants, States and local governments will for the first time have the flexibility to tailor their programs to their problems, instead of fitting programs around specific Federal grants limitations and earmarking. In far too many instances, communities have not been able to avail themselves of Federal dollars for the reason that the available grants are not appropriate to their specific problems. By broadening the grant areas, we invite local governments and States to be more creative in designing programs that will solve problems. No longer will there be pressure to accept an unsuitable program for fear that the Federal dollars will not otherwise come into the community.

While I cosponsor this measure, I will keep an open mind with respect to improvements which we may care to make in the formula for allocation of dollars among States and the formula for direct distribution to local governments. In addition, I shall consider appropriate changes to include autonomous local governmental units, such as school districts in Ohio.

But while we may wish to reflect longer upon the specific formulae in this bill, its basic philosophy is sound. A recent Gallup poll indicates that 77 percent of the American people support the concept of revenue sharing. They know that if we call upon our States and local governments to assume an increasing role in solving the problems of America, it is time that we gave these governments the resources to do the job.

A NEW INVASION OF LAOS

Mr. MONDALE. Mr. President, we have mounted a new invasion of Laos.

The American people were the last to know. But we have come to expect that.

Again the war is wider. In the name of getting out, we are going back in as deep as ever.

It is typical of our plight that what seemed ridiculous a year ago is now the deadly serious policy of our Government.

On January 19, I warned that we had begun a new involvement in southern Laos. I asked the President about reports that we were secretly supporting several Thai battalions in attacks which were part of a steadily increasing escalation in the area since August.

I was concerned that this could lead to growing American embroilment, and would be another blow to the negotiations, not to mention the chances for a return of our prisoners.

Where does it stop?

The limited assistance to South Vietnam led to American advisers and the bombing of the North.

We know where those so-called limited commitments took us.

A "limited" invasion of Cambodia has led to Laos. If the South Vietnamese sit astride the Ho Chi Minh Trail—in treacherous terrain, perhaps encountering a major enemy force for the first time—they risk disaster. That risk is already drawing our planes into heavy new bombing.

Where will that bombing draw us—to Hanoi, to Haiphong, to the Chinese border?

Behind it all is our refusal to face the truth in South Vietnam. The million-man South Vietnamese Army is the basis of our policy—to withdraw and yet to preserve the Saigon regime at the same time.

In the end, this policy is built on sand. That is why we bomb and invade.

We have seen this logic before. If only we "hurt" the other side, if only we show ourselves manly, or ferocious, or unpredictable, the truth will somehow be postponed or go away.

Congress and the American people have to recognize what this could mean

for the future. The administration is so committed to the Thieu-Ky regime, and so doubtful of its strength, that they refuse a compromise settlement and launch a wider war.

How then can they really continue on withdraw our forces when the Saigon regime could collapse after we are gone? This policy does not "protect" our withdrawal. It will prevent it.

And if we go on and on with the slaughter, when will our prisoners of war see their families again?

The administration has taken us this far down the road because we have let them. But a senseless war tolerated in frustration or misunderstanding is no less senseless.

The Congress must vote immediately on the Vietnam Disengagement Act, to bring our men home by the end of this year. We must extend that legislation to cover all Indochina, to end the bombing, and to bring about an immediate return of our prisoners in exchange for withdrawal.

History has given us words for what we are doing in Indochina. We are making a wilderness of devastation in three countries, a wilderness of our own schools and cities and farms starved by war spending.

We are making a wilderness, and call it peace.

PRIDE IN NEW HAMPSHIRE'S NATIVE SON—ALAN SHEPARD

Mr. McINTYRE. Mr. President, I have sent the following wire to Capt. Alan B. Shepard, Jr., at the Space Center in Houston, Tex.:

Heartiest congratulations on a magnificent job well done. I know all Granite Staters join together at this time in their pride in New Hampshire's native son. We are all standing a little taller today.

It is a long way from Derry, N.H., to the Fra Maurs highlands of the moon, but Alan Shepard has made this trip with enormous skill and great dedication.

It has been a hard road beset by many many obstacles. I well remember the time only a few years ago when physical problems seemed to have ended his chance to reach the moon. In the popular parlance: "His chances hardly seemed worth a nickel." But Alan Shepard was never one to let a tough road hold him back. With great perseverance he stands today as the successful leader of our most productive trip to the moon.

I guess none of us can truly comprehend what personal dedication and ability one must have to play the leading role in a moon flight. Years of the most rigorous physical and mental training must go into every flight. A whole new complex of the most involved science must be learned to be called upon when needed to achieve the greatest possible results from such an undertaking.

In reading the millions of words written on the Apollo 14 flight, I have been struck with the many times the reporters have used "flawless," "magnificent," "precise," "looking good," and many other glowing descriptions of the flight. I do not for one moment detract from the great contributions by Alan Shepard's crew, Comdr. Edgar D. Mitchell and Maj. Stuart A. Roosa. Nor do I fail, in any way, to realize that without the thousands of dedicated and tireless effort of the ground crews this flight would not have been possible in the first place or achieved its successful conclusion.

But I will have to be pardoned if I give my major praise to Alan Shepard. He captained the flight that brought back the largest and most significant collection of lunar samples. These are going to add immeasurably to our knowledge of our universe. Apollo 14 set up on the moon much more elaborate experiments than any of us believed possible.

And as one who enjoys the chance for an occasional round of golf, I was most pleased by his moment of relaxation when he used the six iron for some shots into the lunar darkness. There was a real twinge of envy when he recorded his one shot as going "miles and miles and miles." If we could just do the same here on earth.

The New York Times, in reporting the "on-the-nose" splashdown this morning, quotes George M. Low, NASA Administrator. as saying:

On that first Mercury flight in 1961, Alan Shepard tested man's reaction to the space environment. On Apollo 14, just 10 years later, Alan Shepard and his crew demonstrated that man belongs in space—that man can achieve objectives well beyond the capabilities of any machine that has yet been devised.

Alan Shepard is no machine. He is a very real person. As a Senator from his native State, I am proud to pay due recognition to what he has done for his Nation. He deserves the pride all New Hampshire has for him.

LITHUANIAN INDEPENDENCE

Mr. TAFT. Mr. President, February 16 marks the 53d anniversary of Lithuanian independence. On that day we will pay tribute to a people whose fight for freedom and liberty has often been difficult, but never has faltered. I welcome this opportunity to join with Senators in saluting the Lithuanian people in their quest for independence from Soviet rule. There are more than 1 million people of Lithuanian descent in America today.

February 16 is the anniversary of Lithuania's first liberation from Russian oppression, in 1918. It is touched with sadness only because the Baltic States are no longer free. The United States has consistently refused to recognize the illegal incorporation of Lithuania and her sister states into the Soviet Union. Let us hope that the self-determination of these people will soon again be realized. Let us reaffirm our support for their struggle and undying efforts to be free.

CONSUMER'S STAKE IN U.S. AIR TRANSPORT INDUSTRY

Mr. PEARSON. Mr. President, yesterday the Senate Aviation Subcommittee heard important testimony from several witnesses who represented the point of view of the flying public.

One witness, Mr. Shelby Southard of the Cooperative League of the U.S.A., submitted a particularly thoughtful statement, in my judgment, one which I was not able to hear in person but have since considered in some detail. The general thrust of his statement is that the American consumer has an important stake in the U.S. air transport industry, a stake which is sometimes overlooked in the boardrooms of our Nation's airlines.

Accordingly, I ask unanimous consent that Mr. Southard's statment be printed in the RECORD.

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

STATEMENT TO THE SUBCOMMITTEE OF AVIATION OF THE SENATE COMMITTEE ON COMMERCE, SUBMITTED FOR THE COOPERATIVE LEAGUE OF THE U.S.A., FEBRUARY 8, 1971

First of all, Mr. Chairman, may I thank the Subcommittee for giving me the opportunity to testify at these hearings as a representative of the Cooperative League of the U.S.A. and of the consumer movement where our League seeks to play a constructive role. The American consumer has an important stake in the U.S. air transport industry, and it goes beyond the reliability of domestic services.

During the past decade, the introduction of the low-cost charter has brought overseas vacations by air within reach of millions of Americans who had never flown before. Demand for overseas charters, both for educational and recreational purposes has grown rapidly, and chartering is now a major feature of many of our cooperatives as well as other organizations. For example, the Greenbelt Consumer Service, a cooperative here on the East Coast, and the Berkeley Cooperative in California utilize charters to provide low-cost overseas vacations for thousands of their members each year.

The importance of chartering is demonstrated by the fact that cooperatives and trade unions have banded together to form their own organization—the American Travel Association. ATA's purpose is to promote purposeful low-cost international travel for large numbers who would not otherwise be able to enjoy it.

Let me emphasize that I am not an expert on air transportation. My purpose today is to present to your subcommittee a consumer's-eyeview of Senate Bill 289, which would amend the Federal Aviation Act, among other things, to simplify the regulations governing group air transportation, and to strengthen the U.S. Government's ability to protect the rights of American citizens who travel abroad on low-cost charter flights. The Cooperative League of the U.S.A. is happy to support this legislation, not only for its potentially beneficial effects on the air transport industry, but also because we believe it will increase the availability of low-cost air travel to the American consumer.

In recent years we have seen more and more important pieces of consumer legislation pass through both Houses of Congress and across the desk of the President. And we have witnessed in them an ever-widening area of consumer protection provided through Federal law and legislative oversight. Gone is the old view of consumer interest as merely a matter of honest food labeling or accurate weights and measures. It has been replaced by a much broader concern for the individual in a fast-changing environment. This is as it should be.

We are most gratified, therefore, to see that this bill follows that pattern by recognizing the basic right of consumers to band together for the purpose of increasing the purchasing power of their combined resources. This, of course, is the basic premise

on which our member cooperatives were founded.

By removing the present restrictions and making it possible for any group of 40 or more persons to charter all or part of an aircraft, S-289 will enable many hundreds of thousands of Americans—especially those who live on modest, or fixed incomes—to take advantage of modern, low-cost, jet air travel and permit them to visit places they ordinarily could not, because of the cost of standard scheduled fares.

At the present time, the right to travel is somewhat circumscribed by regulations that restrict low-cost charter air travel to certain segments of the population: specifically, those who belong to organizations established for purposes other than obtaining low-cost air transportation. It seems a little unfair that others should be denied the right to enjoy low-cost vacations by air simply because, for one reason or another, they do not happen to be "joiners." Furthermore, the history and growth of low-cost charter air transportation both here and in Europe can leave no doubt as to the public demand that exists for this type of service. And, since the air transportation industry exists to serve the public need (rather than vice versa), one must question the need for regulations that restrict its availability.

We are delighted to note that in its most recent rulemaking proposals, the Civil Aeronautics Board has come around to the same way of thinking. Their proposal differs from the provision in S-289 only in that the group would have to be made up of 50 or more persons.

The other item of major consumer interest in S-289 is, of course, the section dealing with foreign landing and uplift rights. It is disturbing to realize that Americans who choose to take low-cost charter flights for European and other overseas vacations are relegated to the status of second-class citizens because their government has not protected *their* rights in the same way it protects those of persons who fly with the big scheduled airlines.

As we understand it, landing and uplift rights for scheduled services are guaranteed by international agreements, but there seems to be no international law that gives similar guarantees to the consumer who takes a charter flight on either a scheduled or supplemental carrier. The latter must deal individually with each country it wishes to enter—and often for each individual flight it wants to operate. Many countries take advantage of this situation to impose various restrictions—some of them totally unreasonable—both to gain competitive advantages for their own national airlines and to win bargaining points in negotiating for operating authority into the U.S.

And, as so often happens, the American consumer is caught in the squeeze. That long-dreamed-of European vacation for which he has saved so long can go down the drain simply because some foreign government agency decides to crack its bureaucratic whip and show the U.S. who's boss.

Even if only a few countries engaged in this kind of practice it would be intolerable. But virtually every country has some kind of restriction aimed at charter flight operations on which our groups must depend.

This situation cannot be allowed to continue. Action must be taken now to see that the United States Government has the power *and* the resolve to ensure that the rights of *all* American citizens, whether they choose to fly first class on a scheduled airline or with a group of friends on a supplemental carrier, are fully protected when they travel abroad.

In urging passage of S. 289, Mr. Chairman, I would like to provide, for the Subcommittee's information, a brief word or two of background concerning the Cooperative League of the U.S.A.

The League was founded in 1916, since when we have grown in response to a series of challenging assignments in the U.S.A and around the world. We now represent all kinds of cooperatives, both urban and rural, whose combined memberships total more than 20 million families. The key phrase in the Federal Aviation Act is "public convenience and necessity." We like to believe you had these people in mind when you passed it.

We thank you for the opportunity to testify here today and hope that our statement will help you in your deliberations. Should you require any additional information or opinion, the League will be pleased to try to provide it.

MR. HOOVER AND THE SHAW CASE

Mr. McGOVERN. Mr. President, last week I brought to the attention of the Senate the action of J. Edgar Hoover in barring from employment an agent of the FBI, Mr. John F. Shaw, by inducing his resignation through a punitive transfer and then accepting the resignation "with prejudice." The FBI Director took this action because Mr. Shaw had criticized him in a private letter to an instructor at John Jay College of Criminal Justice in New York. I noted that I had written Mr. Hoover, asking for an explanation, and received a reply that contradicted Mr. Hoover's own former statements on the matter. I presented these letters to the Attorney General requesting an investigation and the reversing of Mr. Hoover's prejudicial action with regard to Mr. Shaw. I also requested that the Senate Subcommittee on Administrative Practice and Procedure initiate an investigation. The Senator from Massachusetts (Mr. KENNEDY), chairman of this subcommittee, subsequently wrote Mr. Hoover requesting an explanation.

Mr. Hoover's reply to Senator KENNEDY echoed the reply I have received from the Attorney General. Mr. Hoover wrote:

> The Attorney General has advised that since the courts have assumed jurisdiction of this matter it would not be appropriate for me to use any other forum to contest Mr. Shaw's charges.

Mr. Hoover was referring to the fact that Mr. Shaw, with the assistance of the American Civil Liberties Union, has filed a lawsuit in New York.

In view of the continuing injury to Mr. Shaw, who remains out of work with four children to support and his wife seriously ill, I considered that the Attorney General or Mr. Hoover could deal with the merits of the case by means of a private communication to me or to the Subcommittee on Administrative Practice and Procedure. But I fully recognized the legitimacy of a desire to avoid comment on a pending judicial proceeding.

Today, however, I was shocked to discover that Mr. Hoover has written to the editor of the Atlanta Journal and Constitution, publicly stating his position on the merits of the Shaw case. He did so after refusing the request of a committee of Congress for the very same information.

This is, quite simply, an affront to the Congress of the United States, and an abdication of constitutional responsibility by a high official of our Government. Mr. Hoover's publication of his position has made clear that his reponse to congressional inquiry was an evasion. His public letter has also demonstrated that he is so sure of his power, so sure of the massive public relations effort which he has developed to sustain his power, and so isolated by the self-centered concern for his own reputation which former Attorney General Ramsay Clark identified, that he is willing to show contempt for Congress.

In noting Mr. Hoover's contemptuous action, I do so with a full awareness of his valuable and dedicated service to our country in the early development of the Federal Bureau of Investigation. But it is increasingly apparent that Mr. Hoover has become a liability to law enforcement in America. At a time when respect for law enforcement is at a low ebb, this country cannot afford to retain in office a law enforcement official no longer sensitive to his most basic responsibilities. Power without responsibility is alien to our system of government. Mr. Hoover's action has exceeded the limits of responsible power.

Mr. President, I ask unanimous consent that Mr. Hoover's letter to Senator KENNEDY and the letter which Mr. Hoover sent to a newspaper be printed in the RECORD. The story speaks for itself.

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

FBI CLARIFIES RECORD ON AGENT'S DISMISSAL

The Editors: After having seen the article by Jack Nelson in your paper, I want to set the record straight concerning the circumstances surrounding this matter. I feel you have a responsibility to your readers to inform them of the facts. Prior to the departure of former Special Agent John F. Shaw Sr., from the FBI last September, he was attending John Jay College of Criminal Justice, New York, N.Y., at FBI expense. As Jack Nelson reports, he drafted a letter to a professor under whom he had taken a course at the college during the summer, and this letter contained considerable material critical of the FBI. We learned of the letter only because Mr. Shaw had it typed by an FBI typist on FBI time.

When Mr. Shaw was asked why he wrote it, he said that during the summer course the professor occasionally made derogatory statements about the FBI in class and would not always give him ample opportunity to reply in class. Mr. Shaw said he wrote the letter in this bureau's defense and to resolve certain matters having to do with a thesis the professor had suggested he write concerning the FBI. The president of the college, with whom we lodged a protest, commented that the professor was at fault in not giving Mr. Shaw ample forum and time.

Although we believed we had obtained most of the letter, we did not have it all and Mr. Shaw was instructed to produce it. He refused, stating he had decided not to send it and had destroyed it. . . . Recent articles in the press indicate that in fact he gave a copy of the letter to this professor and also the Los Angeles Times newspaper.

Because of the atrocious judgment evident in Mr. Shaw's conduct throughout this affair, including his insubordination in refusing to produce a copy of the letter, disciplinary action was taken against him and he was transferred to another office. Instead of accepting the transfer, however, he submitted his voluntary resignation and this was accepted with prejudice.

Every organization "worth its salt" should be sensitive to just criticism and immediately take action to correct matters which prompt it. By the same token, it is equally important to set the record straight regarding unjust

criticism and this is exactly why I am furnishing the above information to you. I trust you will bring it to the attention of your readers as it places the situation in its proper perspective.

J. EDGAR HOOVER,
Director, Federal Bureau of Investigation.
WASHINGTON, D.C.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., February 2, 1971.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your letter of January 29, 1971, referring to the John F. Shaw, Sr., matter, please be advised that Mr. Shaw has chosen to challenge the actions of my office through litigation, having filed suit in the U.S. District Court, Southern District of New York. This suit will be defended by the Department of Justice, and the Attorney General has advised that since the courts have assumed jurisdiction of this matter it would not be appropriate for me to use any other forum to contest Mr. Shaw's charges. Nevertheless, I feel compelled to state that in my opinion a full development of the facts will establish that Mr. Shaw's allegations are without foundation.

Very truly yours,
JOHN EDGAR HOOVER,
Director.

NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

Mr. JAVITS. Mr. President, for more than four decades, the National Conference of Christians and Jews has been committed to a nationwide educational program to combat bigotry and hatred. The work of the conference has been directed at building interracial and interreligious understanding within the American community.

Not content with celebrating Brotherhood Week each year, the NCCJ has decided to devote itself entirely during 1971 to achieving this goal. In conjunction with this decision, and in commemoration of Lincoln's Birthday, the conference will announce this Friday the formation of a National Committee for Commitment to Brotherhood. The committee, composed of 58 prominent Americans, is under the chairmanship of Mr. and Mrs. William Gossett, the former president of the American Bar Association and his wife. Its primary purpose will be to encourage Americans to support three predominantly black civil rights groups—the National Association for the Advancement of Colored People, the National Urban League, and the Southern Christian Leadership Conference—in their efforts to eliminate racial tension and polarization. These interracial organizations have long records of positive accomplishment achieved by nonviolent approaches in seeking an end to social injustice.

I commend the National Conference of Christians and Jews for this constructive approach to fostering brotherhood, and will follow the progress of the committee's work with great interest.

PROBLEMS OF OLDER AMERICANS

Mr. HARRIS. Mr. President, over the past year, I have been conducting a series of public hearings in Oklahoma to bring the Federal Government home to the people.

On January 13, 1971, I held a very important public hearing in Ada, Okla., on the problems of older Americans.

The interest shown in the hearing was very enthusiastic, and it was exceptionally well attended. The testimony which was presented was well prepared and most useful to those of us who are in a position to deal with these problems.

Since 1971 is the year for the White House Conference on Aging, increasing attention will be focused on the needs and views of our senior citizens. However, I felt it imperative to consider these needs in more detail prior to the consideration by Congress of the social security and related legislation which has prime importance for this session.

Testimony presented at the hearings showed that two of the most vital concerns of the elderly are maintaining a sufficient level of income in these inflationary times, and being protected against rising medical costs. Other primary concerns pointed out were nutrition, transportation, and the need for creative activity which makes the older person feel a necessary part of our society.

From the testimony presented, I feel that early passage of a 10-percent increase in social security payments is critical. Other programs dealing with older citizens, including additional medical and drug benefits and providing of employment for older Americans deserve priority treatment.

I intend to have the full transcript of this hearing printed in the RECORD and see that it is delivered to the chairmen of the Senate Finance Committee, the Senate Appropriations Committee, the House Ways and Means Committee, and the House Appropriations Committee, and to each member of the Senate Finance Committee, and to bring it, as well, to the attention of others who will be making important decisions on legislation affecting our senior citizens.

Mr. President, I ask unanimous consent that the first portion of the testimony received at the Ada hearing, which has now been transcribed, be printed in the RECORD.

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

HEARINGS ON THE PROBLEMS OF THE ELDERLY, JANUARY 13, 1971, ADA, OKLA.

OPENING STATEMENT OF SENATOR FRED R. HARRIS

I have been having a series of hearings around the state in a continuing effort to bring the federal government home to the people and to give people an opportunity to have their say and be listened to, and then to carry that message back to Washington to those who make decisions on the issues involved. We've had hearings on high interest rates, high medical costs, farm problems, and developing new jobs in small towns, but I don't believe that we've had any hearings in which there's been more enthusiastic interest than this hearing which has to do with the problems of older Americans. I really appreciate the fact that so many of you are here and the interest that so many of you have shown, both those who will be testifying and those who are here as spectators. Everyone is welcome.

I am particularly glad to be in Ada to hold these hearings on the problems confronting our older Americans. When I was planning the hearings, I contacted an Oklahoman who is now in Washington, D.C., with the National Council on Aging. She spoke with approval of the ways in which the community of Ada is meeting the challenges of adequate provision for the needs of its elderly citizens. I welcome this opportunity to learn from your experience, and to explore with you the ways in which the federal government can be more responsive to your needs.

I feel that these hearings touch upon a subject of great interest to all Americans—not only the elderly. The older American is primarily concerned, since he is directly confronted daily with the problems of maintaining an adequate standard of living in today's inflated economy. The children of the elderly are concerned with the varying needs confronting their parents. Persons nearing retirement age must plan for their immediate future, while all of us must be aware of the fact that age and its problems are inevitable.

As I previously stated, I am holding these hearings as a continuation of my efforts to bring the federal government home to the people. I receive many letters from Oklahoma concerned with the needs of older Americans, related to social security, health problems, housing, nutrition, transportation, and all facets of living. As a member of the Senate Finance Committee, which has jurisdiction over social security legislation, medicare and medicaid, and old age assistance, I am deeply concerned with keeping in touch with the persons affected by these programs.

During the last session of the Senate, I made the motion that, instead of the 5 percent increase in social security that President Nixon had recommended, we increase social security benefits by 10 percent; that we raise the minimum social security benefit from $67.50 to $100; and on my motion that we also give a comparable raise in old age assistance. I am among those who are opposed to medicare's insurance premium continuing to go up. That whole bill which had a lot of those things in it unfortunately became bogged down with a lot of other issues in the last days of the session, and so we'll start it up again and it will be the first bill on the agenda for the Congress after we convene on January 21. Because social security legislation will be a top priority, I particularly welcome this chance tc hear from the people of Oklahoma on these very important matters.

I will have the record of these hearings transcribed and distributed personally to the Chairmen of the Ways and Means Committee of the House of Representatives, the House Appropriations Committee, and the Senate Finance and Appropriations Committees. I will also see that each member of the Senate Finance Committee receives a copy, and will also present the transcript on the floor of the Senate. In this way, the things that you say here and the problems that are discussed here will be taken to those who can seek a solution to the issues raised today.

I am deeply concerned that many Americans feel that the federal government is too big and too far away to be responsive to their needs. I am here today because I am interested in what you, as Oklahomans, have to say about the problems facing our older citizens. This will, in turn, be presented to the Congress for action on your suggestions.

I wish to thank those who helped plan for these hearings, especially Mrs. Pansy Price. I would like to ask her to begin our hearings with whatever statement she would like to make.

STATEMENT OF MRS. PANSY PRICE, DIRECTOR OF COMMUNITY ACTIVITIES, ADA, OKLA.

On behalf of the senior community of Ada, I want to personally welcome you and all

your distinguished guests to Ada. We feel honored that you have asked us to set up this meeting for you.

We have been called together to consider the problems of the elderly in a time such as we have not experienced before—at least not in my lifetime. A time when we find ourselves in a depression with inflation at an alltime high.

Many older Americans who retired feeling secure with their Company retirement funds and social security now find themselves in a real financial bind, and many who are about to be retired face almost insurmountable problems.

Throughout the day these problems are to be discussed at length. My friend and coworker, Mr. John Hoppis has computerized statistics which indicate the greatest areas of need as expressed by the older adults of Oklahoma as they met in Forums across the State in September. He will be sharing these with you a bit later along with other speakers of the day.

As we proceed with the day's work I think we should face the fact that our society is one which is addicted to "Stereotyping". I hope that we can beware of this pitfall; so to set this meeting in perspective and to make us somewhat more aware this reality, will you think with me for a few minutes on this question? "Who are the Elderly?"

The answer is as varied as the askers.

To a Social Security Administrator they are all persons over 65.

To a Housing Administrator they are defined in terms of birthdate and economic status, and quite possibly in terms of low income status.

On the other hand . . . to the manager of a plush retirement home community the elderly could be as young as 52, rich enough to make a substantial down payment on their home and with such middle class tastes as golf and cocktails.

To an overworked nurse in an understaffed hospital they are confused, deaf, mumbling, wrinkled, helpless patients.

Who are the elderly? For the senior citizen . . . every one older than they.

They just might be images in a mirror into which many of us refuse to look.

They are a mass of stereotypes: sweet, kind and pampered or stubborn, absent minded, unpleasant to regard and definitely difficult to work with.

But . . . let me remind you; invisible to the public eye because the stereotype blinds us are millions of people in their 60's, 70's and 80's who are doing jobs of physical labor, who run businesses, who are engaged in intellectual and professional pursuits who contribute to society far more than they take from it.

All sorts of statistics have been compiled: numerical, educational, health, and income, etc. These, for brevity's sake I will not discuss, but viewed in terms other than statistics who are the elderly?

Biologically: they are persons who have lost some of their former pysical powers. Persons whose senses of hearing, taste, smell, touch and balance have become less sharp. Their psychometer responses have slowed down.

In Social terms they are persons who have suffered loss of status, change if not loss of role. They were workers in a culture that puts a premium on productivity. Now they do not produce. They were parents with responsibilities, now the children have outgrown their dependency. The so-called Golden Age can be stereotyped as a time of loss. Loss of status, role, income, health, mental capacity, and even the old home place.

But just as we cannot describe the elderly in strictly chronological terms we cannot describe them in terms of loss. For offsetting all their losses is the development of the power to adapt, to cope. If the elderly are less capable than in their younger years they are certainly more copable. If they have lost some of their ability they have acquired more adaptability.

All these things may help us to understand aging and the elderly but they do not describe for us one human being.

Who are the elderly?

They are individuals. First and foremost they are individual human beings as different as their heredity, and national, ethnic, and economic factors have made their histories and backgrounds different. And this is the thing we can so easily forget. Bulked together the problems of the elderly become not a great deal more impressive than those of some small tribe in the wilds of Africa, but looked at and listened to day after day they become very personal and very real.

It is my sincere hope that in today's meeting, in the Congress, in the President's White House Conference on Aging, and wherever the elderly are considered we shall always think of them in very individualistic and personal terms.

Every person here today has his or her own problems yet I doubt that one of them is absolutely peculiar to you. We do have problems and assets in common. The Senator is here to listen to them and I have every confidence that he is ready to lend a sympathetic ear and will act in the Congress according to his very best judgment.

Had we the time, with four years of dealing with the elderly day to day, I could stay here the remainder of the day and talk to you about their problems. I could talk to you about the wonderful things that have happened from the activities program that has been carried out in Ada. But these people can talk about their problems more adequately than I can. I do thank you for this opportunity and I hope that we can keep in perspective that these are individual problems. If we can deal with them on a personal basis I think we can really get down to the grass roots and begin to do something about them.

Senator HARRIS. Mrs. Price, that's an excellent start for our hearings and I really appreciate it.

We will be very pleased now to hear from Mrs. Paralee Hisle who is a public health nurse with the Pontotoc County Health Department.

STATEMENT OF MRS. PARALEE HISLE, R.N., PUBLIC HEALTH NURSE, PONTOTOC COUNTY HEALTH DEPARTMENT, ADA, OKLA.

Senator Harris asked if I would bring a few thoughts concerning medicare, the health nurse's work and the home health program which is financed by medicare. Actually, I'm not too involved in other factors of medicare other than home health care. I've prepared a very short report here which I might just read.

We need to plan health programs with older people instead of planning for them, because attitudes and *definitions of health* vary by social class, finances, culture, age, sex and previous occupations.

Old age and poverty are obstacles to health and many of the aged who are in poor health and chronically ill feel useless, unwanted, friendless and without resources to seek medical attention when their ailments interfere with daily activities.

Medicare is a great step forward in alleviating the financial burden of the aged in time of illness. Some changes which would simplify Medicare are mostly concerned with Home Health Care and Extended Care facilities.

There are a number of persons who would benefit by spending some time in an extended care facility, of which too few are available. It seems that a closer look should be given to the requirements which have to be met by extended care facilities. Personnel to staff these facilities is probably the greatest problem.

Some provisions should be made to assist the aged in providing adequate finances to purchase needed drugs. Many times nutrition suffers in order to meet these needs. The fact that the chronically ill often are unable to continue with proper medication due to lack of money should be recognized.

The Medicare laws should be revised toward a more liberal medical judgment as to the care of custodial patients through home health care. There is a real need for part time assistance in the homes of these people. A specific number of visits on Home Health Care should be designated, whether or not the patient has been hospitalized. There should be some provisions for all communities to have home health care made available to the aged.

I feel very strongly about that because we have communities surrounding Ada, outside of Pontotoc County, which do not have home health care facilities, and once you're acquainted with home health care you will find that it is quite a boost to older people when they are ill.

Senator HARRIS. What do you mean by home health care? What sort of services do you perform?

Mrs. HISLE. Home health care is a portion of medicare. The Oklahoma State Health Department is our mother agency; we are a satellite agency. We do visiting nursing services. There has to be a real nursing need to this patient before we can accept him as a patient. When I said we need a closer look at custodial patients—we are not permitted to care for patients unless there are real nursing needs. We find patients being referred to us that only need a minimum amount of visits, just a little care. The husband and the wife could be kept in the home. But we can't take them because they are classified as custodial care patients. That is why someone needs to take a closer look at what a custodial patient is in terms of medicare. We do all types of nursing in the home in all sorts of situations.

The number of aged and the number of programs and facilities to serve them have grown beyond the availability of personnel, both skilled and unskilled, to meet the needs; the greatest need, perhaps, being physicians and professional nurses. Many potential physicians and nurses turn to other professions because there is not adequate family income to meet the cost of training, and scholarships are too few. I would like to ask that you use any influence that you might have in arranging for agencies to provide scholarships for nurses because I am a nurse and I am concerned more with nursing. We need scholarships to train nurses, and in return they would come back to the agency and work.

Senator HARRIS. Thank you, Mrs. Hisle. I certainly do appreciate your taking the time to prepare your fine statement and to come here to present it.

Reverend Charles R. Hill is the pastor of the Philemon Baptist Church and we will be glad to hear from him this morning.

STATEMENT OF REVEREND CHARLES R. HILL, PHILEMON MISSIONARY BAPTIST CHURCH, ADA, OKLA.

I wish to address myself to what I consider some of the most vital needs of our Senior Citizens.

I wish also to offer certain suggestions which I feel are necessary if the "Quality of Life" for our Senior Citizens is to be improved.

The great army of our Older Citizens are men and women who have contributed to the greatness of this nation. For the first 60 or 65 years of their lives many of these people were denied the comforts and conveniences which are common to our heritage.

The unfortunate plight of many of our Senior Citizens is due to the lack of an awareness of needs on the part of Society in

general and of resources available on the part of the Senior Citizens.

There is therefore a need for awakening of the American public concerning the total welfare of our Senior Citizens to the point of Education, Legislation, and Implementation.

I suggest that such Legislation and Implementation be brought about which would involve improvement for the aged in the areas of:

1. Income: The stipulated Maximum Budget requirement for recipients of Welfare needs raising allowing for those who are able to supplement their budget.

2. Health: Due to the growing cost of medical expenses which accompany old age there is need for an increase in appropriations for Medicare and Home Services for the aged.

3. Housing: There is a need for the continued construction of Public Housing projects designed to meet the specific needs of the aged.

For the benefit of those Senior Citizens who are desirous to maintain residence in homes they have spent a lifetime acquiring, there should be appropriations made in order that these homes could never be relegated to substandard.

4. Recreation: Increase of appropriations for the underwriting of Senior Citizens Centers involving Chaplaincy Service and Legal counselor service.

I do hope these humble suggestions are not considered impracticable.

Senator HARRIS. They're not considered impractical. They are very practical, and I really appreciate your making them.

We'd now like to hear from Mr. Jess Teague who is director of the Community Action Program here in Ada.

STATEMENT OF MR. JESS TEAGUE, DIRECTOR, COMMUNITY ACTION PROGRAM, ADA, OKLA.

Senator Harris and ladies and gentlemen, I feel honored to have a part in this. I'm going to reduce my remarks to facts outside of my opening remarks.

I had my first experience with the senior citizens as a group when we organized the Activities Center here in Ada and employed Mrs. Price to operate that center. Many of you here today took part in that. I found that was one of the greatest things we had done in this county for the elderly people. Some of them are activated to useful and happy lives who had already given up. Some of them, by having a chance to come to the center, could communicate with other people, their friends. Many of these people cannot go out like they used to go and so it provided a place for them to get together. But here is a great weakness in the law that permitted us to do that. We began in the first year with a matching of 80–20. The next year it went to 60–40. The next year to 50–50. The next year it's zero. So we operate three years and if you're not in a town large enough with money to carry the center on it dies because the town just can't finance it. The little towns like Stonewall and Allen and places like that have no earthly way that they can carry the activities center on after the government draws out of it. There should be some way that the funds could be put in if nothing more than paying the rent and the utilities so that those people could go ahead and continue with the center because every one of them enjoys it. I visit these centers all over the ten counties that comprise the Indian Nation. I hope there will be a real look taken at that and I think every community, at least every county, ought to have one or two centers in their towns for the people to meet and to visit with one another and carry on these activities that they like to do.

The rest of my remarks are going to be rather factual and short. In the work that I do the greatest need that I find is people needing money to buy medicine to fill prescriptions that are dispensed by the doctor. The only money that I know anything about that can be used for that is $66,000 that was given to the Indian Nations Community Action Center, that is a ten county group, and was divided up among the ten counties to be used for emergency food and medicine. But when it is divided up it is just a little bit, and in fact you could give it all away right quick. So it looks like there is something wrong somewhere when we provide a person with the services of a doctor but when he can't get the medicine after the doctor prescribes it. I thinks there needs to be a look taken at that.

The second thing I want to mention is that I think there has to be a look taken sometime at the rising prices of medicare and hospitalization. I don't have the answer but it rises much faster and unfortunately every time that legislation comes to give relief in these things, it comes six, seven, eight, nine, ten or twenty-four months after we've already gotten into the worst jam we could get into. I realize the numerous problems that are facing our Congressional group but I do think that we have men there that are capable of solving those problems and I believe that they're trying to solve them, and I think that is why Senator Harris is down here today.

Then there is another need which I see working in the Pontotoc Community Center. There are people here who are eligible for commodities but they don't have any way to go to get the commodities and bring them home. When you pass 65 years old, if you just have one more car accident you are done driving. This country is geared on wheels. There needs to be some program to see that these people do have ways to get into town. I have received most of this information from these home health care aides telling me of the conditions they find. In many instances people are in need for the necessary things and many times they have the money but just can't get out and get them. The day of delivering groceries is over; you must go out after everything now. It looks like it wouldn't cost a lot for one or two people who would work for a low salary. Maybe you say, well the children could do that. Ladies and gentlemen, there are people in this county who don't have any children. Some of these people don't even have telephones. We need to take a look to see if there is some way we can bring these people relief.

Basically a lot of this would be helped by raising the benefits of social security and old age pensions, as the Senator said in his opening remarks. Our economy is running away and it goes faster than you ever get the relief and you just don't get enough money to live. If anything unusual happens everything you have is gone and there is no way you can get relief. People tell me, Jess, I don't sympathize with those people; they should have gotten insurance back when they were young. When I became 65 all that kind of insurance was cancelled on me. I had been a good risk up to then but I'm not a good risk any more. These elderly people don't have these facilities and they can't get them, and they won't have them unless the government or somebody comes to their aid and helps them. I think I have two other things to mention here but they have been brought out by other people and I'm going to bore you by just repeating the same thing.

Senator HARRIS. I wish you would go on. I like what you're saying. Don't quit. I think you have made an excellent statement, particularly on insurance and transportation.

Mr. TEAGUE. I'm hesitant to make this last statement that I'm going to make because I didn't know it existed. I was appointed guardian of a man when he died last year. He had been a citizen of this town a long time. No one knew he died. He had been in a hospital a long time. We had three people attend his funeral. I got two men to go with me. We got the Kiwanis Club to act as pallbearers. That man had been a useful citizen but he had been put away a long time in a home. Do you know that you can't get a doctor for a man like that? They called me one night from the rest home and said he needs a doctor. It's hard to get a doctor for a man like that. He didn't die for lack of a doctor. We got a doctor. But something needs to be done for these facilities to be available to a man. Even I couldn't get this man a doctor for a long time. I think the answer to that is that there just are not enough doctors for our population, and I really hated to see that bill killed, Senator.

Senator HARRIS. So did I.

Mr. TEAGUE. I think that could have done a lot to relieve this particular problem because there just aren't enough doctors. I'm not saying this to be critical of the doctors. I know all of them have more than they can do. I'm waiting here myself until tomorrow to see a doctor and I made my appointment two weeks ago. So you see there is a shortage of nurses and a shortage of doctors. This next thing is radical, but I'm going to bring it in, too. I can't see why something couldn't be worked out through the American Medical Association so that for some of these services we could have doctor's aides and give relief to the doctors. There should be things that a doctor could designate to a person that he had trained to give a little relief until we could get doctors. I'm not saying that he should practice medicine. If we started now to get more doctors, it would be seven years before we'd have any and the need is now. Maybe there could be something done to give us a little more care and have this care under the supervision of the doctor.

I want to thank you for listening and I hope I have said something that is beneficial.

Senator HARRIS. I certainly agree with what you have said, Jess. I might say that the bill he's talking about, which we passed this year, was a bill that would have provided funds for a program to turn out more family doctors, more general practitioners. There are so many people specializing these days. They go to school a lot longer and they're less available to the general public. In a place such as Oklahoma, particularly in smaller towns, what we need more of are family doctors. We passed that bill and the President vetoed it. We're going to try to pass it again this year. I was sorry to see him do that.

He has also vetoed bills that had to do with increased funds for health and he vetoed the bill that had to do with increased funds for hospital construction, but we were able to pass that over his veto. I don't know of anything more important than what Mr. Teague has said about increasing the number of doctors. We have a shortage of 50,000 doctors right now in the country. There is a shortage of nurses and medical facilities generally.

Another thing we are working on is a program for training sub-professionals or paraprofessionals—what Mr. Teague called doctor's aides. I think that is a really important program and I hope that we can get it going much better.

I think that was an excellent statement, as have been the others.

I now want to call on Mr. Neal Clark who is director of the Community Action Program in Holdenville.

STATEMENT OF MR. NEAL CLARK, DIRECTOR, COMMUNITY ACTION PROGRAM, HOLDENVILLE, OKLA.

Senator Harris, Representative Abbott, ladies and gentlemen. We are especially pleased to have been invited to this hearing. We're from Holdenville, Hughes County, the area to the east and north of you. A great

many of our citizens shop in Ada. We feel that we are at home here and we appreciate your invitation for us to participate in this hearing.

For the past five years there are those of us who have given our efforts to improve the way of life for the citizens of our area. I believe that the public is becoming more aware of our efforts. We're called many things—our titles are such as the elderly, old age pensioners, those people who are retired. But the words that I would like for us to pick up and use, and I think this is what we are, we are retired Americans. I think the public ought to know that we built this country. In fact, you all built this country and you have provided the hospitals, the towns, the cities, the transportation, and all the conveniences, and even the great universities. The people here are the people who provided that for those who are using them today. I think they should be made aware of that. Here are the people who have done the work. They are not to be treated or looked upon as somebody outside the mainstream. We are in fact the retired American, and we want to put them on notice that we want to be respected.

So let us see what our primary concern for our retired Americans are. There are those who would say that food, clothing, and shelter are sufficient. I disagree. That is the very least we could think of and you people are entitled to much more. You need to say you're entitled to much more to the leaders of our country and to those people who are concerned, such as Senator Harris. He wants to know that. I will run down a list of a few things that I think we should concentrate on. And then I hope that I can make a few suggestions that might solve some of the problems.

We all recognize all of the agencies that are attempting to help us. For the most part I think they are doing a good job, but they only scratch the surface of the needs of the retired person. Of course the first thing in America that you have to think of, Senator, is income. There are those who would say that if we give them enough money or we send them a little check every month that's fulfilling our duties. I disagree. Every time you get a raise or get some help, the cost of living simply soaks up that little raise and you're in the same old position you were in before. So very little has been accomplished in that area. We need now to do things in this area that would solve that problem.

Number one, we need to tie our income with the cost of living. The labor unions, General Motors, the power blocs, the steel companies have salaries and income tied to the cost of living. We must tie the cost of living someway, Senator, in with our social security benefits. When we solve that problem to where we have perhaps not ample but more or less sufficient amounts of income, there will be those who would say that we're through with the job. Not at all. We must think of the second item, shelter.

I will point out a few instances where the provision of shelter isn't adequate. In Holdenville, Oklahoma, we have recently completed 80 units of the low income housing. We have a housing authority. The people are happy that we have it. So am I. But nowhere in their thinking did they show concern about how the people are going to get from the housing to town to get their groceries. I regret to inform you, Senator Harris, that our housing is only partially filled, approximately one-half filled. The reason being that there is no way of transportation. I propose that the Housing and Urban Development Department be told, and I would want this to be mandatory, that where a project is funded it is mandatory to see that transportation for the retired American is provided. It's an absolute must because the people just cannot pay for taxis.

We have on our drawing boards a novel project. I hope some of you will agree with me. It is not yet funded and perhaps never will be. But we're going to push it. We propose that we establish in the rural areas of America retirement centers. We have recently taken a survey in a small rural town of Atwood. Atwood is a small town where they have recently closed the school. They have beautiful buildings. These buildings have the conveniences of light, gas, water. They are modern, and yet they are decaying. These buildings are setting all over the nation. Thousands of taxpayers' dollars are decaying and windows are being knocked out, the doors are being torn off. It could be a great asset to us. We propose that as a pilot project these schools and the land adjacent to them be made into a retirement village. These people do not want to move to Holdenville some twenty miles away and leave their friends and their church. But they're forced to do it. In many instances retired people all over the nation are being forced into the cities to get shelter and to get health care. In a lot of cases it reminds me of the Trail of Tears. It is a trail of tears when you have lived in a community for years and years and years and then for the necessity of obtaining just the basic items of living you have to give up your friends and move to a city. It doesn't make sense to me. In these retirement villages we can then more easily provide health care. In this center here you provide some of the necessities, but we want to go farther. We hope that these people in rural Oklahoma can establish gardens, really become a self-contained unit, self-sufficient to a great extent where they will have their own milk and their own chicken and eggs and poultry and they will be in the area where they have lived, some of them all of their lives. We can do that. I'm convinced that we can do that. The medical care would be so much less because it would be convenient for the nurses and the doctors to care for the people in these centers.

As for health care, we have several agencies that are making a token effort, not because that's all they want to do but because that is all that they have the staff to do. Senator Harris, I propose a bold effort on behalf of the Congress to look into the cost of drugs. We have in our area people who do without food to buy their drugs and prescriptions. I think the cost of prescriptions is ridiculous. The reason that the drug companies tell us they have to be that high is they have to make this huge profit to go back into research. It would seem much simpler to me for the government to provide the resources for the research, and get the medicine to the people at a reasonable price. I propose we do that.

We have to provide enrichment programs where we will be busy making a contribution to our community, to our churches and to each other. The expansion of our centers would greatly help us in doing this.

In conclusion, may I say that the people of Hughes County are concerned. If we have done nothing more, we have directed the public's attention and concern to you people, the people of the land, the people who built our country, the greatest people on earth, the retired Americans. Thank you very much.

Senator HARRIS. I appreciate that statement. I've been to the center there at Holdenville which Mr. Clark directs, and I am very impressed with the work that is being done there. Also I appreciate what Neal said about the cost of living increases being automatic. I supported that in the Congress during this past session, and I believe that we're going to get something like that adopted during this coming session. It's necessary. Also I wanted to comment on the recommendation you made, Neal, about drugs. Several people have talked about the cost of drugs and the need to take care of that. I think that's a very urgent need, and I appreciate what you have said to emphasize it.

Now, I want to call on Mr. R. B. Knight who is Department Commander of the Oklahoma Veterans of World War I for a statement on other aspects of the problems of the elderly.

STATEMENT OF MR. R. B. KNIGHT, DEPARTMENT COMMANDER OF THE OKLAHOMA VETERANS OF WORLD WAR I, HOLDENVILLE, OKLA.

Fellow Oklahomans in this aging group or who will be pretty soon, it's a pleasure to be here. I'm speaking for our Oklahoma veterans and their families, in World War I, which are the forgotten group in a lot of ways. We fought against the Kaiser back there and licked him in 1918. We finished a war. We appreciate deeply, Senator, the great benefits that you helped the veterans of World War I get. I'm the Department Commander of Oklahoma. We have about 25,000 men in Oklahoma, plus 75,000 of their wives, widows and orphans. We are dying at the rate of about 10–15 percent per year. We're passing off the scene. You don't have to take care of us too long. As a matter of fact, we don't think you're taking care of us. We feel we're contributing to society in which we live as citizens. This country has been good to us, Senator. You provided the hospital care, you provided the outside home care, you provided tax exemptions, you gave us preference in jobs. Twenty-eight million of us have served this country and fought for this flag. We're proud to do it and we'd do it again because it's worth fighting for. We have the best country on earth. We have men representing us in Washington like Senator Harris here who's willing to come down here and talk to us and listen to us, and then try to carry out the ideas that we present here that best serve the country and serve we who are aging.

Number one on my priority list is inflation. I think we need to help the government tackle this problem. We could endanger our society by going too far out on a limb here on inflation and we're doing it rapidly. Every effort that is possible should be put forth by us as individuals. We're still living in this country; we're still occupying space. We need to pay a little rent on the space we occupy by serving the community in which we live and by cooperating with every effort to expedite the stopping and control of inflation. If the prices of our medicines didn't go up so fast we could afford to pay for them and we wouldn't have to do without breakfast once in a while, as we do in our home sometimes. Because of this inflation our prices are out of our reach and we must have a cost of living income geared to that, Senator. I agree with Neal and I've talked to a great many of the barracks commanders of Oklahoma Veterans of World War I and the ladies of the auxiliary. They feel that social security should be based on the cost of living. That will take care of us if we will use our wisdom and mind properly in helping to take care of inflation.

Number two is one of the most important businesses of ours, and that is to help control crime and violence and all of these disruptions of our society that's to my opinion communism trying to transplant our form of republican democracy. We could cooperate with them by getting jobs for these young fellows who are coming home from Vietnam. They are paid $49 a week, I believe, and the longer they are idle the more crime they get into. There was an incident in Holdenville where one of them cut the American flag down and used it for a wrap because of this idleness. It is our obligation as senior citizens to help get jobs for these younger people who are coming home. Six percent of them—

many more than that in our community, fifteen percent of them—need jobs. We must help them have jobs as businessmen. As people we must share the responsibility of building our society by hard work as it was built in the past. It is our obligation in government and as private citizens to provide work for these people. I was in favor of the Senator's bill to provide work through WPA or any other way. They need work; they don't need to be idle. Let's make these jobs for them. It's better for business to employ them, but business is on the block in a lot of ways. It is my job as a counsellor for the Small Business Administration to talk with a lot of small business people and they are having lots of troubles, like we are, meeting their obligations financially.

Number three is social security. I can think back twenty years ago when lots of old people suffered so much. The County Commissioners' hands were tied. They had no way to take care of the older people. Through social security and this increase we have received this past year and through veterans benefits we're living pretty high on the hog in a lot of this country. A lot of us old people are living much better than our grandparents and our parents did. We're having fun, we're enjoying life thanks to social security and other benefits that we helped to build. But this social security must be geared to the cost of living. I told Carl Albert that and I think we should all tell our representatives that we'd be happy to have a social security increase in keeping with the cost of living. I think that's fair.

Number four, and this has been emphasized but we cannot over-emphasize it. The cost of medical care, all forms of it, has run wild. Too many of our doctors and too many others have taken advantage of what they call easy money and the abusing of privilege and the service of us older people. I think this needs to be controlled. Whatever steps that Congress should take, I think they should take it.

Number five. Older people who have retired should not be forgotten. They are a part of this society. They want to be remembered. They want to have a part in the society. They should be given this privilege of working a little bit if they like to work, doing some kind of a job that they're interested in. Some of them are deeply skilled in a lot of things. They need to be involved in society. Keep them involved. They'll be much better and happier and useful citizens, and it will cost the government a lot less if they are involved, as we are involving them in World War I veterans, the church, in the chambers of commerce, community club activities—all types of involvement will keep them healthy, happy and useful citizens you will be proud of.

Senator HARRIS. Thank you. Mr. Knight's statement was to the point and well stated. He brought up one subject, I believe, for the first time this morning and that's allowing older people to earn whatever they can earn outside of what they receive from social security or whatever. In the Senate Finance Committee this past year I voted for an amendment which was offered by Senator Albert Gore of Tennessee which would have taken off the limit altogether on what older people can earn and let them earn anything they can earn. I think we ought to encourage that for people who can and want to work. That amendment didn't pass, but we did raise considerably, in the bill which was voted on, the amount that can be earned outside of social security and old age assistance without having benefits cut down, and I think that is a step we ought to take.

Now, I want to call on Mrs. Raymith Anderson, also of Holdenville. We appreciate your coming over here.

STATEMENT OF MRS. RAYMITH ANDERSON, DIRECTOR, SENIOR CITIZENS CENTER, HOLDENVILLE, OKLA.

Senator Harris and friends. It is a joy to work with the aging. I am rather new in this work. I've been taught since I was small to respect the aging, but I didn't know their needs. I'm beginning to learn that they have quite a few and we're doing something about that. We have a nice center in Holdenville and we're getting a lot of things done. We have a good program there, educational, lots of activities, but we need some other things. We hope to get some more things done for the aging this next year. It will be a benefit to us all. Thank you.

Senator HARRIS. Thank you very much.

THE COST OF CLEAN WATER

Mr. EAGLETON. Mr. President, the cost of cleaning up the Nation's waterways is a matter of concern to us all. With the Clean Water Restoration Act of 1966, the Congress undertook a significantly increased role in paying these costs. Thus responsible needs estimates are of particular interest to those of us who are to develop clean water financing legislation.

Last year, during hearings on waste treatment facility financing before the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. MUSKIE) requested the National League of Cities and the U.S. Conference of Mayors to undertake a nationwide survey of local waste treatment facility needs. On February 8, Mayors Roman S. Gribbs of Detroit and Sam Massell of Atlanta appeared before the subcommittee and presented on behalf of NLC and USCM the final results of this survey. The preliminary results of this survey were included in the record last July. I think the final results will be of interest to all Senators.

The survey covered 1,105 cities, counties, and independent sewage treatment agencies serving a combined population of approximately 95 million persons. These communities identified needs of $21.7 billion. The survey also estimated that based on a 5-percent inflation factor and the fact that 45 to 55 million of those persons served by sewers were not covered by the survey, total needs for public expenditures for clean water facilities during the next few years are in the range of $33 to $37 billion.

Mr. President, I ask unanimous concent that the aforementioned study prepared by the National League of Cities and the U.S. Conference Mayors be printed in the RECORD.

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

A STUDY OF LOCAL NEEDS FOR WATER POLLUTION CONTROL FACILITIES IN FISCAL YEARS 1971–76

(Prepared by the National League of Cities and U.S. Conference of Mayors)

STUDY BACKGROUND

On April 28, 1970, during testimony of Mayor Robert W. Knecht of Boulder, Colorado and Mayor Carl B. Stokes of Cleveland, Ohio before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, Senator Edmund S. Muskie, requested NLC and USCM to provide his Committee with such specific information as they could obtain on the extent of local needs for water pollution control facilities in the next six years. To obtain this data, NLC and USCM undertook an extensive survey, sending questionnaires to all state leagues of municipalities and direct member cities of NLC and USCM. In addition, NLC and USCM staff studied local needs data developed by some states and by the Association of Metropolitan Sewerage Agencies, which also prepared a needs report at Senator Muskies request.

As a result of the returns of questionnaires and other material studied, NLC and USCM have obtained data indicating the specific needs for water pollution control facilities in 1105 local communities covering approximately 95 million persons. The combined needs reported by these communities is $21,698,562,256. The needs were broken into three categories by the NLC questionnaire.

1. Needs for Primary and Secondary treatment facilities.

2. Needs for Tertiary treatment facilities.

3. Needs for Interceptor and Storm Sewers, including projected costs of separating storm and sanitary sewers, and/or storing storm water overflows (interceptor sewers are currently eligible for Federal assistance under the Federal Water Pollution Control Act, storm sewers are not).

Replies to NLC and USCM survey indicated that some communities counted interceptor sewer needs as part of their primary and secondary treatment facility costs. The cost breakdown as reported is:

For primary and secondary treatment	$9,311,987,574
For tertiary treatment	4,100,386,533
For interceptor and storm sewer improvement	8,368,738,149

In reply to the third survey question relating to interceptor and storm sewer needs, many cities broke down their responses into various program categories. Identified needs for interceptors and treatment programs for storm water overflows totalled $1,826,877,000 of which $542,377,000 was for interceptor needs and $1,284,500,000 was for storm overflow treatment programs. For separation and improvement of storm sewer systems, identified needs totalled $1,772,125,000. Thus it is certain that a significant portion of the needs listed in the category of storm and interceptor sewers were for interceptor sewers which are currently eligible for aid. The questionnaire did not request any data on sanitary sewer needs, and such sanitary sewer needs data as was supplied was not used.

In addition to the nearly 95 million people covered by the NLC and USCM survey, there are between 45 and 55 million persons living in the United States who are served by sewage treatment works and related facilities or should be so served by 1976. Based on this projection, and recognizing that needs in reporting jurisdictions averaged approximately $220 per capita, we estimate total national needs for state and local water pollution control facilities to be between $30 and $33 billion today. Adding a five percent inflation factor, the total costs to provide these facilities over the next six year period will range from $33 to $37 billion.

There follows a compilation of local pollution control needs by state. Following this is a listing of the needs in individual jurisdictions. Those needs figures followed by (M) are needs figures where the city reporting indicated that it was reporting needs for an area greater than its city limits, those needs figures followed by (AMSA) are gained from the survey prepared for Senator Muskie by the Association of Metropolitan Sewerage Agencies; those needs figures followed by (S) are from surveys prepared in 1970 by state governments. Wyoming is omitted from the survey as no data was provided from Wyoming.

State	Jurisdictions surveyed	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs	Total
Alabama	4	57,900,000	43,700,000	19,600,000	121,200,000
Alaska	4	168,500,000		40,000,000	208,500,000
Arizona	5	10,070,750	22,300,000	31,264,000	63,634,750
Arkansas	4	7,100,000	7,200,000	10,930,187	25,230,187
California	33	579,362,000	536,054,000	363,195,000	1,478,611,000
Colorado	5	27,000,000	10,865,000	80,500,000	118,365,000
Connecticut	11	133,080,000	14,500,000	318,330,000	465,910,000
Delaware	1	12,000,000	8,000,000	2,000,000	22,000,000
Florida	12	236,973,260	80,000,000	127,354,900	444,328,160
Georgia	6	88,200,000	23,400,000	251,500,000	362,600,000
Hawaii	1	86,000,000	32,000,000	16,000,000	134,000,000
Idaho	2	6,800,000	22,600,000	10,000,000	39,400,000
Illinois	459	879,228,000	322,800,000	1,298,500,000	2,500,528,050
Indiana	12	99,800,000	62,000,000	436,000,000	597,800,000
Iowa	12	35,300,000	6,000,000	46,500,000	87,800,000
Kansas	6	15,850,000	16,750,000	84,300,000	116,900,000
Kentucky	3	88,600,000	15,900,000	110,200,000	214,700,000
Louisiana	4	44,175,000	24,000,000	18,775,000	86,950,000
Maine	5	32,970,000	13,700,000	38,400,000	85,070,000
Maryland	3	106,950,000	1,950,000	6,000,000	114,900,000
Massachusetts	13	295,450,000	29,500,000	314,000,000	638,950,000
Michigan	14	519,500,000	54,500,000	278,179,000	842,179,000
Minnesota	7	116,000,000	106,085,000	213,800,000	435,885,000
Mississippi	2	34,950,000	4,000,000	5,750,000	44,700,000
Missouri	13	366,005,500	9,511,000	60,141,000	435,657,500
Montana	2	12,100,000		34,940,000	47,040,000
Nebraska	4	62,599,400	3,160,000	12,283,000	78,042,400
Nevada	2	17,012,000	19,406,000	13,800,000	50,218,000
New Hampshire	52	168,785,600		45,400,000	214,185,600
New Jersey	9	508,870,000	59,500,000	108,155,000	676,525,000
New Mexico	1	12,415,000	5,000,000	39,000,000	56,415,000
New York	14	1,599,791,200	2,075,700,000	692,385,000	4,367,876,200
North Carolina	8	65,550,000	34,500,000	47,475,000	147,525,000
North Dakota	2		850,000	10,000,000	10,850,000
Ohio	21	538,640,000	59,500,000	678,270,500	1,226,230,500
Oklahoma	6	75,676,750	14,146,553	17,786,467	107,609,770
Oregon	79	108,161,000	40,500,000	111,145,000	259,933,000
Pennsylvania	24	941,740,000	58,560,000	1,370,305,095	2,370,605,095
Rhode Island	2	11,000,000	3,000,000	6,000,000	20,000,000
South Carolina	5	58,250,000	16,050,000	8,300,000	82,600,000
South Dakota	69	12,056,564	4,300,000	5,400,000	21,756,564
Tennessee	3	170,000,000	13,500,000	170,000,000	353,500,000
Texas	19	133,483,000	130,975,000	95,269,000	369,727,000
Utah	2	1,200,000		24,000,000	25,200,000
Vermont	2	3,800,000	3,300,000	13,000,000	20,100,000
Virginia	4	102,400,000	1,000,000	58,000,000	161,400,000
Washington	70	340,074,900	74,840,000	161,216,000	576,130,900
West Virginia	2	8,500,000		38,500,000	47,000,000
Wisconsin	8	130,470,000	15,234,000	344,952,000	490,656,000
District of Columbia	1	181,700,000			181,700,000
Total	1,005	9,311,987,574	4,100,386,533	8,368,738,149	21,698,562,256

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
ALABAMA			
Bessemer	6,200,000 (M)	1,700,000 (M)	4,600,000
Birmingham	40,000,000 (M)	30,000,000 (M)	
Huntsville	7,700,000	12,000,000	
Montgomery	—4,000,000		15,000,000.
Total	57,900,000	43,700,000	19,600,000.
Total needs		121,200,000	
ALASKA			
Great Anchorage Area Borough	154,000,000 (30 years).		40,000,000.
Fairbanks	4,500,000 (S) partial estimate.		
Juneau	6,000,000 (S) partial estimate.		
Ketchikan	4,000,000 (S) partial estimate.		
Total	168,500,000		40,000,000.
Total needs		208,500,000	
ARIZONA			
Mesa	875,000	800,000	3,261,000.
Phoenix	6,732,000 (M)	20,500,000 (M-key-note).	20,000,000.
Tempe	(Phoenix)	(Phoenix)	3,673,000.
Tucson	800,000 (AMSA)		
Yuma	1,663,750	1,000,000	4,330,000.
Total	10,070,750	22,300,000	31,264,000.
Total needs		63,634,750	
ARKANSAS			
Fayetteville	No need	2,000,000	2,800,000.
Little Rock	5,700,000	2,500,000	3,630,187.
North Little Rock	900,000	1,200,000	2,500,000.
Pine Bluff	500,00	1,500,000	2,000,000.
Total	7,100,000	7,200,000	10,930,187.
Total needs		25,230,187	
CALIFORNIA			
Bakersfield	1,500,000	800,000	
Buena Park	Orange County district.		4,000,000.
Burbank	1,000,000	800,000	200,000.
Culver City	City of Los Angeles		900,000.
Central Contra Costa Sanitary District.	28,580,000	20,000,000	
Fremont, Newark and Urion City.	No need	7,500,000	1,233,000.
Fresno	10,800,000 (M)	7,400,000 (M)	20,000,000.
Glendale	6,000,000	1,000,000	2,000,000.
Hayward	4,400,000	4,500,000	8,000,000.
Los Angeles City	102,500,000 (M)	100,000,000 (M)	62,500,000 (M).
Los Angeles County	100,000,000 (M)	130,000,000 (M)	
Modesto	No need	5,000,000	
Norwalk	Los Angeles County.	Los Angeles County.	1,600,000.
East Bay Municipal Utility District.	40,000,000		30,000,000.
Oceanside	5,978,000	2,254,000	
Orange County	57,000,000 (AMSA)		
Oxnard	9,666,000 (M)	10,000,000 (M)	6,000,000 (M).
Palo Alto	Under contract	5,000,000	Under contract.
Redwood City	6,000,000	4,000,000	No need.
Riverside	No need	4,000,000	1,000,000.
Sacramento	4,000,000	6,000,000	No need.
Salinas	2,800,000	2,000,000	750,000.
San Bernadino		7,000,000	
San Diego	55,000,000	120,000,000 (M)	No need.
San Francisco	89,000,000		200,000,000.
San Jose	30,000,000 (M)	70,000,000 (M)	15,232,000.
San Leandro	1,675,000	300,000	1,500,000.
San Mateo	2,000,000	3,500,000	1,000,000.
Santa Ana	Orange County	Orange County	1,000,000.
Santa Barbara	6,000,000	5,000,000	2,000,000.
Santa Clara	4,429,000	20,000,000	No need.
Santa Rosa	6,234,000		780,000.
South San Francisco	4,000,000		3,500,000.
Total	579,362,000	536,054,000	363,195,000.
Total needs		1,478,611,000	
COLORADO			
Aurora	No need	No need	20,000,000.
Boulder	2,100,000	3,000,000	
Colorado Springs	8,500,000	1,500,000	1,500,000.
Denver	16,400,000 (M)	3,865,000 (M)	29,000,000.
Pueblo	No need	2,500,000	30,000,000.
Total	27,000,000	10,865,000	80,500,000.
Total needs		118,365,000	
CONNECTICUT			
Hartford Metropolis	16,480,000 (M)		80,330,000 (M).
Bridgeport	25,000,000		60,000,000.
Bristol	1,500,000	2,000,000	2,000,000.
Greenwich	200,000	5,000,000	
Meriden	2,000,000	1,000,000	4,000,000.
Middletown	3,500,000		30,000,000.
New Haven	60,000,000		100,000,000.
New London	9,000,000		10,000,000.
Norwalk	5,400,000	5,000,000	25,000,000.
Torrington			4,500,000.
Waterbury	10,000,000	1,500,000	2,500,000.
Total	133,080,000	14,500,000	318,330,000.
Total needs		465,910,000	
DELAWARE			
Dover	12,000,000(M)	8,000,000(M)	2,000,000.
Total needs		22,000,000	
District of Columbia	181,700,000		
Total needs		181,700,000	
FLORIDA			
Daytona Beach	900,000		
Fort Lauderdale	10,000,000	7,000,000	
Hollywood	28,173,260 (M)	10,000,000 (M)	61,904,900 (M).
Jacksonville	75,900,000 (ASMA)		1,150,000 (ASMA).
Key West	4,000,000	No need	300,000.
Lakeland	5,000,000 (M)	1,000,000	5,000,000.
Miami	9,000,000	15,000,000	10,000,000.
Miami Beach	16,000,000	8,000,000	
Panama City	7,000,000	25,000,000 (M)	30,000,000.
Pensacola	20,000,000 (M)	5,000,000 (M)	6,000,000.

Footnotes at end of table.

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
Sarasota	52,000,000 (M)		1,000,000.
West Palm Beach	9,000,000	9,000,000	12,000,000.
Total	236,973,260	80,000,000	127,354,900.
Total needs		444,328,160	
GEORGIA			
Albany	17,600,000 (M)		15,000,000.
Athens	3,000,000	2,000,000	3,000,000.
Atlanta	50,000,000 (M)	20,000,000	200,000,000*.
Augusta	3,000,000		15,000,000.
Brunswick	5,000,000 (M)		2,000,000.
Savannah	9,600,000 (M)	1,400,000 (M)	16,000,000.
Total	88,200,000	23,400,000	251,000,000.
Total needs		362,600,000 [2]	
HAWAII			
Honolulu	86,000,000	32,000,000	16,000,000.
Total needs		134,000,000	

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
IDAHO			
Boise	5,000,000	20,000,000	10,000,000.
Pocatello	1,800,000	2,600,000	
Total	6,800,000	22,600,000	10,000,000.
Total needs		39,400,000	
ILLINOIS			
Aurora			15,000,000.
Bloomington-Normal		1,800,000	5,000,000.
Joliet	10,000,000	20,000,000	30,000,000.
Metro. S.D. of Greater Chicago.	588,000,000	300,000,000	1,230,000,000.
North Shore Sewer District	73,000,000 (S)		
Rock Island	2,000,000	1,000,000	12,000,000.
Rockford Sanitary District	5,000,000		6,500,000.
452 localities listed below	201,228,050		
Total	879,228,000	322,800,000	1,298,500,000.
Total needs		2,500,528,050	

[1] The State of Delaware estimat es total needs for the next 6 years at $82,000,000.

[2] This program not now contemplated because of high expense involved.

452 localities and needs figures

Abington	$358,000	Carlyle	$16,000	Farmersville	$12,750
Addison	825,000	Carmi	707,000	Farmington	76,500
Albion	66,000	Carpentersville	470,000	Fayetteville	1,100
Aledo N	40,800	Carrier Mills	11,000	Flat Rock	13,750
Aledo S	35,700	Carrollton	13,750	Flora	495,000
Alexis	22,000	Carthage	700,000	Forreston	28,000
Algonquin	200,000	Cary	1,580,000	Fox Lake	143,000
Alhambra	15,000	Casey No. 1	82,500	Fox River Grove	150,000
Allendale N	5,400	Casey No. 2	482,500	Freeburg Lagoon	35,000
Alpha	15,300	Catlin	244,000	Fulton	240,000
Altamont Lagoon	140,500	Cedar Point	8,250	Galva N	266,500
Altamont SW	33,000	Centralia	2,271,500	Galva SW	51,000
Amboy	11,000	Chadwick	3,300	Geneseo	525,000
Andalusia	4,400	Chester	290,000	Geneva	2,250,000
Anna	863,000	Chrisman	113,000	Geroa East	100,000
Arcola	50,000	Christopher	82,000	Georgetown	350,000
Arenzville	15,500	Cisne	3,300	Germantown	25,000
Arthur	46,000	Clay City	115,500	Gibson City	318,000
Ashland	5,500	Coal City	15,500	Gillespie	19,250
Ashton	25,500	Cobden	25,000	Gilman	171,750
Assumption	7,700	Coffeen	2,750	Girard	147,000
Astoria	109,000	Colchester	58,700	Glasford	25,500
Atlanta	87,500	Collinsville	4,300,000	Glen Carbon	20,000
Atwood	33,000	Columbia	16,500	Glen Ellyn	2,615,000
Auburn	231,000	Coulterville	27,500	Glendale Heights	850,000
Augusta	25,000	Cowden	13,750	Godfrey Twnsp	95,500
Ava	16,500	Creal Springs	19,250	Golconda	4,400
Aviston	17,500	Crossville	69,400	Grafton	150,000
Avon	25,500	Crystal Lake	5,403,000	Grand Tower	5,000
Baldwin	8,250	Cuba	35,700	Greenup	138,500
Bardolph	50,000	Cutler	11,000	Greenville	100,000
Barrington	1,192,500	Danvers	22,000	Hamel	2,200
Barry	7,700	DeSoto	19,250	Hamilton	185,000
Barteiso	12,500	Delevan	33,200	Hampshire	32,000
Batavia	1,344,000	Dix	1,100	Hanna City	96,000
Beckemeyer	27,500	DuPage County	1,705,000	Hanover	37,700
Belleville S.D	950,000	DuQuoin	35,750	Harrisburg	1,250,000
Belleville No. 3	17,500	Dupo	200,000	Hartford	150,000
Bement	44,000	East Dubuque	185,000	Hebron	100,000
Benld	45,000	East Dundee	400,000	Hecker	8,250
Bensenville	220,000	East Moline	1,500,000	Herrin	822,000
Benton	192,500	Earlville	38,500	Highland	125,000
Bethany	30,250	East St. Louis	5,500,000	Hillsboro	105,100
Bloomingdale	41,250	Edinburg	25,500	Homer	187,500
Bluffs	3,850	Edwardsville	310,000	Homewood	415,500
Bradford	25,000	Effingham	2,975,000	Heyworth	50,000
Bradley	1,097,000	Elburn	180,000	Hoopeston	566,500
Breese	105,000	Eldorado	96,200	Hoyleton	11,000
Bridgeport	12,000	Elizabeth	270,000	Hull	3,000
Brighton	80,600	Elizabethtown	35,000	Huntley	63,000
Brookport	6,600	Elkville	20,000	Hurst	22,000
Brownstown	15,000	Ellis Grove	5,500	Hutsonville	35,750
Bunker Hill	37,500	Elmhurst	2,700,000	Olava	52,000
Bushnell	320,000	Energy	13,750	Jerseyville (Swg. Wks.)	55,000
Cairo	1,253,000	Enfield A	22,000	Johnson City	110,000
Cambridge	38,200	Enfield B	24,750	Joy	12,750
Camp Point	6,000	Eureka	500,000	Karnak	65,000
Campbell Hill	5,500	Evansville	57,200	Keithsburg	65,500
Canton	1,156,200	Fairbury	240,000	Kenney	2,200
Carbondale	2,491,500	Fairfield	590,000	Kincaid	38,250
Carlinville	130,000	Farina STW	3,300	Kinmundy	22,000
		Farina West	12,000	Kirchhoefer	4,000
		Farmer City	187,000		

Kirkland	$25,000
Knoxville	233,750
LaSalle	1,000,000
Ladd	30,600
Lake County–Vickry Man	30,000
Lake in the Hills	265,000
Lake Villa	250,000
Lanark	38,250
Lansing	1,260,000
Lawrenceville	356,000
Leaf River	12,750
Lena	38,250
Lewistown	55,000
Lexington	176,000
Leroy	500,000
Lincolnshire	180,000
Litchfield	180,000
Livingston	217,000
Louisville	5,000
Lovington	33,000
Mackinaw	28,000
Mahomet	120,000
Manhattan	33,000
Manteno	70,000
Maquon	2,000
Marine	5,000
Marion	2,000,000
Marissa	50,000
Maroa	102,000
Marseilles	410,000
Marshall	490,000
Martinsville	35,000
Maryville	17,500
Mascoutah	115,000
Mason City	51,500
Mathersville	15,300
Mattoon	1,931,000
McHenry	264,000
McLean	20,000
McLeansboro	270,000
Mendon	18,000
Mendota	25,000
Metropolis	1,250,000
Milford	1,400,000
Milledgeville	30,600
Millstadt	45,000
Minonk	183,000
Mokena	46,000
Moline	3,600,000
Momence	186,000
Monmouth	900,000
Monticello	785,750
Morrison	348,500
Morrisonville	130,000
Morton	560,000
Mound City	110,000
Mounds	49,500
Moweaqua	1,180,000
Mt. Carroll	50,000
Mt. Morris	76,500
Mt. Olive	115,700
Mt. Pulaski	42,000
Mt. Sterling	86,000
Mulberry Grove	3,850
Mundelein	200,000
Murphysboro	655,000
Naperville	2,600,000
Nashville	151,500
Neoga	112,200
New Athens	42,500
New Baden	42,500
Nokomis	60,000
Oak Grove Park	41,000
Naplate	110,000
Oblong	200,000
Odin	86,000
Oglesby	115,500
Okawville	24,750
Olmsted	35,000
Olney	50,000
Oneida	51,000
Oakwood	300,000
Orion	30,000
Oswego	138,000
Ottawa	1,343,000
Palestine	35,000
Pana	400,000
Paris	$900,000
Paxton	150,000
Payson	12,500
Pekin	3,600,000
Percy	22,000
Petersburg	12,650
Pinckneyville	415,000
Pittsfield	100,000
Pocahontas	22,000
Polo	63,750
Pontiac	3,675,000
Pontoon Beach	52,750
Popler Grove	125,000
Princeton	470,000
Princeville	30,600
Quincy	288,400
Ramsey	20,000
Rankin	22,000
Rantoul	1,500,000
Raymond	102,000
Red Bud	324,000
Richmond	71,500
Richton Park	98,250
Ridge Farm	100,000
Ridgeway	25,500
Robinson	247,500
Rochelle	916,000
Rochester	110,000
Romeoville	187,000
Roodhouse	250,000
Roseville	25,500
Rosiclaire	120,000
Rossville	1,500,000
Roxana	132,000
Royalton	6,600
Rushville	418,000
St. Anne	400,000
St. Elmo	42,500
St. Jacob	12,500
St. Peter	7,500
Salem	176,000
Sandoval	120,750
Sauget	5,000,000
Savanna	327,000
Savoy	10,000
Seneca	121,500
Sesser	158,700
Shabbona	36,500
Shannon	18,000
Shawneetown	1,714,000
Shelbyville	448,000
Sherrard	18,000
Sibley	130,000
Silvis	1,750,000
Smithton	16,500
Sparta	293,500
St. Charles	444,000
Staunton	105,000
Steelville	41,200
Sterling	1,000,000
Stillman Valley	3,000
Stockton	51,000
Streator	110,000
Sullivan	39,200
Sumner	139,000
Swansea	25,000
Sycamore SW	200,000
Tamms	2,800
Tampico	18,000
Taylor Springs	2,800
Taylorville	1,200,000
Teutopolis	32,500
Tolono	1,200,000
Tilden	22,500
Tilton	246,500
Toledo	27,500
Toluca	107,150
Toulon	30,000
Tremont	38,250
Trenton	52,500
Troy SW	42,500
Utica	71,500
Valier	97,000
Valmeyer	18,000
Vandalia	27,500
Villa Grove	213,250
Viola	18,000
Virginia STW	110,000
Wamac	7,150
Warren	$40,800
Warsaw	10,450
Washington	507,000
Wataga	13,100
Waterloo (Sunset)	7,700
Waterman	228,000
Watseka	470,600
Wauconda	315,000
Waverly	35,000
Wayne City	35,750
West Dundee	178,000
West Frankfort	847,500
West Salem	29,250
White Hall	75,000
Williamsville	110,000
Willisville	13,750
Wilmington	342,000
Winchester	8,800
Windsor	93,500
Winnebago	152,000
Witt	6,000
Wood River	940,000
Wyanet	25,000
Wyoming	138,000
Yates City	17,900

Additional localities and needs figures

Albany	$4,400
Ashley	15,000
Bethalto N	45,000
Bethalto NW	5,000
Bloom Township	3,300,000
Bonnie Brae	200,000
Brimfield	15,500
Cahokia (ESLSD)	2,500,000
Caseyville Twp. NE	95,000
Caseyville Twp. SW	45,000
Central City	38,500
Clearview	11,000
Clinton	631,000
Creve Coeur	495,000
Danville	4,800,000
DeKalb	300,000
Decatur (Skoville Park)	5,500
Decatur (Main)	4,219,000
Downers Grove #2	300,000
Durand	21,600
Elgin-S	13,800,000
Elgin-N	1,400,000
Franklin Grove	18,000
Galesburg (L. Rice)	500
Good Hope	7,650
Highland Hills	49,850
Hinsdale	150,000
Irvington	2,000
Joppa	40,000
Landsdowne (ESLSD)	2,481,000
Hoffman (Swg. Wks.)	8,000
Lou-Dei	13,750
Newark	15,000
North Elmhurst	171,200
Noble	19,250
Norris City	113,000
Oak Highlands	5,500
Patoka	16,500
Paw Paw	3,850
Port Byron	26,000
Salt Creek	1,800,000
Seward	5,500
Sheridan	30,000
South Roxana	30,000
Springfield-Byp. Lag	220,000
Springfield	8,000,000
Stookey Twp.-Dorchester	2,750
Stookey Twp.-AR No. 1	52,500
Stookey Twp.-AR Nos. 2–3	20,000
Stookey Twp.-AR Nos. 4–5	110,000
Stookey Twp.-AR Nos. 6–7	45,000
Urbana-Champaign (New)	3,200,000
Urbana-Champaign (Lake)	25,500
Urbana-Champaign (Main)	3,712,500
Vienna	93,500
Virden	310,000
Westville-Belgm	467,500
Wheaton	715,000
Woodhull	4,000
Yorkville-Bristol	96,000
Rockton	174,000

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
INDIANA			
Gary	6,000,000	6,000,000	128,000,000.
Elkhart	6,300,000		15,000,000.
Evansville	9,000,000		3,000,000.
Fort Wayne	10,000,000	1,000,000	41,000,000.
Indianapolis	25,000,000 (M)	35,000,000 (M)	100,000,000.
Kokomo	4,500,000	5,000,000 (M)	6,000,000.
Mishawaka	25,000,000	5,000,000	2,000,000.
New Albany	3,000,000	2,000,000	10,000,000.
Richmond	2,500,000		2,000,000.
Terre Haute			2,000,000.
South Bend	3,500,000	2,000,000	55,000,000.
Muncie Sanitation District	5,000,000	6,000,000	72,000,000.
Total	99,800,000	62,000,000	436,000,000.
Total needs		597,800,000	
IOWA			
Bettendorf, Clinton, Davenport, Fort Madison, Keokuk, Muscatine	10,000,000		
Burlington, Council Bluffs, Sioux City	10,000,000		
Cedar Rapids	10,000,000	5,000,000	20,000,000.
Des Moines	5,000,000		25,000,000.
Mason City	300,000	1,000,000	1,500,000.
Total	35,300,000	6,000,000	46,500,000.
Total needs		87,800,000	
KANSAS			
Hutchinson	350,000		2,500,000.
Kansas City	10,000,000		30,000,000.
Lawrence	1,500,000	750,000	800,000.
Leavenworth		3,000,000	15,000,000.
Topeka	4,000,000		6,000,000.
Wichita		13,000,000	30,000,000.
Total	[1] 15,850,000	16,750,000	84,300,000.
Total needs		116,900,000.	
KENTUCKY			
Ashland	10,600,000(M)	12,900,000(M)	6,200,000(M).
Bowling Green	2,000,000	3,000,000	15,000,000.
Louisville	76,000,000(M)		89,000,000.
Total	88,600,000	15,900,000	110,200,000.
Total needs		214,700,000	
LOUISIANA			
Baton Rouge	4,500,000(M)	10,000,000(M)	3,000,000.
Lafayette	3,125,000(M)	2,000,000(M)	6,875,000.
New Orleans	24,550,000	12,000,000	8,900,000.
Shreveport	12,000,000		
Total	44,175,000	24,000,000	18,775,000.
Total needs		36,950,000	
MAINE			
Brunswick	350,000		750,000.
Lewiston	7,500,000	12,000,000	15,100,000.
Portland	7,000,000	200,000	16,000,000.
Presque Isle	1,000,000	500,000	500,000.
Rockland	4,000,000		2,000,000.
Rumford	10,620,000	1,000,000	250,000.
South Portland	2,500,000		4,000,000.
Total	32,970,000	13,700,000	38,400,000.
Total needs		[2] 85,070,000	
MARYLAND			
Baltimore	106,950,000 (AMSA)		
Bowie		450,000	
Salisbury		1,500,000	6,000,000.
Total	106,950,000	1,950,000	6,000,000.
Total needs		114,900,000	
MASSACHUSETTS			
Boston (Metropolitan District Commission)	26,950,000 (AMSA)		287,500,000 (AMSA).
Fitchburg	20,000,000		10,000,000.
Haverhill	20,000,000 (S)		
Lawrence	35,000,000		
Lowell	37,000,000 (S)		
New Bedford	12,000,000	12,000,000	2,000,000.
Newton			500,000.
Pittsfield	No need	4,000,000	No need.
Quincy	1,000,000		3,000,000.
Revere	1,500,000	500,000	1,000,000.
South Essex	58,000,000 (S)		
Springfield	40,000,000 (S)	13,000,000	10,000,000.
Worcester	44,000,000 (S)		
Total	295,450,000	29,500,000	[3] 314,000,000.
Total needs		638,950,000	

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
MICHIGAN			
Bay City		9,000,000	15,000,000.
Detroit	412,400,000 (AMSA)		96,000,000 (AMSA).
East Lansing	200,000	10,000,000	300,000.
Flint	12,000,000	3,000,000	3,700,000.
Grand Rapids	13,500,000 (M)	6,000,000 (M)	24,500,000.
Jackson	2,000,000 (M)	2,000,000 (M)	16,000,000 (M).
Lansing	5,000,000	7,500,000	10,000,000.
Livonia	Detroit	Detroit	13,500,000.
Muskegon	11,000,000	4,000,000	3,000,000.
Pontiac	7,000,000	3,000,000	50,000,000.
Port Huron	9,500,000		19,700,000.
Saginaw	19,400,000		13,500,000.
Southgate	20,000,000		8,000,000.
Warren	Detroit Metro. System.	10,000,000	3,000,000.
Wyoming	7,500,000		1,979,000.
Total	519,500,000	54,500,000	278,179,000.
Total needs		842,179,000	
MINNESOTA			
Albert Lea	1,000,000	285,000	
Austin	3,000,000	1,500,000(M)	500,000.
Duluth	7,000,000	200,000	2,000,000.
Minneapolis/St. Paul Sanitary District	100,000,000	100,000,000	200,000,000.
Richfield			3,100,000.
St. Cloud	5,000,000	1,000,000	10,000,000.
Winona		3,100,000	
Total	116,000,000	106,085,000	213,800,000.
Total needs		435,885,000	
MISSISSIPPI			
Hattiesburg	500,000		
Jackson	34,000,000	4,000,000	2,750,000.
Pascagoula	450,000		3,000,000.
Total	34,950,000	4,000,000	5,750,000.
Total needs		44,700,000	
MISSOURI			
St. Louis M.S.D	86,300,000 (AMSA)		
Columbia	5,000,000 (S)		
Cape Girardeau	1,000,000 (S)		
Hannibal	4,000,000 (S)		
Independence	10,316,750	3,077,000	30,524,000.
Jackson County	100,000,000 (S)		
Jefferson City	1,250,000		250,000.
Joplin	2,513,750	1,234,000	2,585,000.
Kansas City	128,800,000 (AMSA)		
North Kansas City	3,000,000 (S)		
St. Charles	2,200,000		
St. Joseph	18,000,000 (S)		
Springfield	3,625,000	5,200,000	26,782,000.
Total	366,005,500	9,511,000	60,141,000.
Total needs		435,657,500	
MONTANA			
Billings	7,000,000		30,000,000.
Great Falls	5,100,000		4,640,000.
Total	12,100,000		34,940,000.
Total needs		47,040,000	
NEBRASKA			
Hastings	500,000	160,000	410,000.
Lincoln	11,755,000	3,000,000	7,562,000.
Norfolk	Construction underway.		
Omaha	50,344,400 (M)		4,311,000.
Total	62,599,400	3,160,000	12,283,000.
Total needs		78,042,400	
NEVADA			
Las Vegas	12,012,000 (M)	17,406,000 (M)	6,800,000.
Reno	5,000,000 (M)	2,000,000 (M)	7,000,000.
Total	17,012,000	19,406,000	13,800,000.
Total needs		50,218,000	
NEW HAMPSHIRE			
Allenstown-Pembroke	2,100,000 (S)		
Bath	400,000 (S)		
Belmont	575,000 (S)		
Bennington	1,800,000 (S)		
Berlin	35,000,000		
Bethlehem	1,000,000 (S)		
Charlestown	260,000 (S)		
Claremont	7,000,000		
Concord	10,500,000		

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
NEW HAMPSHIRE			
Conway	650,000 (S)		
Dover	3,500,000		
Durham	1,400,000 (S)		
Enfield	1,800,000 (S)		
Epping	1,200,000 (S)		
Farmington	1,110,000 (S)		
Franklin	3,000,000		
Greenville	1,000,000(S)		
Haverhill-Woodsville	1,100,000 (S)		
Henniker	800,000 (S)		
Hillsborough	1,715,000 (S)		
Hinsdale	4,900,000 (S)		
Hopkinton	1,700,000 (S)		
Hudson	3,900,000 (S)		
Jaffrey	200,000 (S)		
Lancaster	4,050,000 (S)		
Lebanon	3,400,000		
Lisbon	875,000 (S)		
Manchester	27,500,000		40,000,000.
Marlborough	1,200,000 (S)		
Milford	2,800,000 (S)		
Milton	700,000 (S)		
Nashua	11,500,000		5,400,000.
New Castle	1,200,000 (S)		
Newfields	600,000 (S)		
Newport	2,000,000 (S)		
Northumberland	700,000 (S)		
Ossipee	100,000 (S)		
Peterborough	2,700,000 (S)		
Pittsfield	1,190,000 (S)		
Portsmouth	1,500,000		
Rye	4,300,000 (S)		
Somersworth	4,500,000		
Stewartstown	350,000 (S)		
Stratford	180,000 (S)		
Sunapee	1,850,000 (S)		
Tilton-Northfield	2,215,000 (S)		
Troy	750,000 (S)		
Warner	550,000 (S)		
Walpole-Number Walpole	1,500,000 (S)		
Whitefield	1,065,600 (S)		
Wilton	700,000 (S)		
Winchester	1,500,000 (S)		
Total	168,785,600	0	45,400,000.
Total needs	214,185,600		
NEW JERSEY			
Bloomfield			1,500,000.
Camden	24,000,000 (M)	40,000,000(M)	60,000,000.
Hoboken	80,000,000 (M)	8,000,000	20,000,000.
Linden Roselle Southern District.	12,370,000	10,000,000	
Middlesex County	90,000,000		
Paterson	Passaic Valley Sewage Commission.	Passaic Valley Sewage Commission.	20,000,000.
Passaic Valley Sewage Commission.	300,000,000		
Perth Amboy	2,500,000	1,500,000	5,000,000.
Plainfield			1,665,000.
Total	508,870,000	59,500,000	108,155,000.
Total needs	676,525,000		
NEW MEXICO			
Alameda	200,000		
Alamogordo	250,000		
Albuquerque	2,500,000	5,000,000 (M)	39,000,000.
Anapra	100,000		
Anton Chico	100,000		
Aztec	50,000		
Bloomfield	100,000		
Carlsbad	20,000		
Chama	100,000		
Clovis	250,000		
Cordova	150,000		
Dexter	40,000		
Dulce (Jicarilla Apache Tribe).	125,000		
Farmington	225,000		
Flora Vista	50,000		
Fort Sumner	100,000		
Gallup	250,000		
Gamerco	25,000		
Grants	250,000		
Hatch	40,000		
Hurley	50,000		
Kirtland	120,000		
Jamez Springs	100,000		
Las Vegas	200,000		
Lemiter	80,000		
Lordsburg	375,000		
Loving	40,000		
Madrid	75,000		
Mora	20,000		
Moriarty	50,000		
Otis	100,000		
Penasco	90,000		
Portales	80,000		
Queste	220,000		
Raton	100,000		
Reserve	50,000		
Rincon	80,000		
Roy	100,000		
Ruidoso Downs	120,000		
Sandoval	70,000		
San Rafael	70,000		
Sante Fe	200,000		
Santa Rita	50,000		
Socorro	80,000		
Tatum	100,000		
Texico	75,000		
Thoreau	25,000		
Tierra Amarilla	70,000		
Truth or Consequences	100,000		
Vaughn	150,000		
Total	12,415,000	5,000,000	39,000,000
Total needs	56,415,000		
NEW YORK			
Albany	36,600,000	10,000,000	22,000,000.
Auburn	4,735,000 (M)		7,500,000.
Buffalo	77,000,000	3,000,000	50,000,000.
Elmira	11,906,200		8,000,000.
New York City	1,300,000,000	1 900,000,000	300,000,000.
Niagara Falls	27,000,000	8,000,000	65,000,000.
North Tonawanda			15,000,000.
Poughkeepsie	9,000,000	2,500,000	4,000,000.
Rochester	50,000,000	150,000,000	175,000,000.
Rome	5,090,000	2,200,000	3,230,000.
Schenectady	21,000,000 (M)		16,000,000.
Utica			9,000,000.
Watertown	2,000,000		2,655 000.
Yonkers	55,500,000		5,000,000.
Total	1,599,791,200	2,075,700,000	692,385,000.
Total needs	4,367,876,200		
NORTH CAROLINA			
Metropolitan Sewer District of Buncombe County.	4,000,000	1,000,000	20,000,000.
Charlotte	7,000,000	7 000,000	20,000,000.
Durham	No need	4,000,000	No Need.
Fayetteville	8 000 000 (M)	2,000,000	5,000,000 (M).
Greensboro	1,000 000	3,000,000	750,000.
Raleigh	38,000,000	15,000,000	
Salisbury	1,200,000	2,000,000	850,000.
Winston-Salem	6,350,000	500,000	875,000.
Total	65,550,000	34,500,000	47,475,000.
Total needs	147,525,000		
NORTH DAKOTA			
Fargo		750,000	10,000,000.
Jamestown		100,000	
Total		850,000	10,000,000.
Total needs	10,850,000		
OHIO			
Akron	20,000,000	10,000,000	80,000,000.
Canton	21,690,600	6,400,000	45,000,000.
Metropolitan Sewer District of Greater Cincinnati	96,600,000 (AMSA)		11,500,000 (AMSA).
Columbus	69,000,000 (AMSA)		
Cleveland Heights	(City of Cleveland)	(City of Cleveland)	6,000,000.
Cleveland (next 4 yrs. only)	217,896,000		266,920,000.
Dayton	5,750,000		
Elyria	800,000	3,000,000	2,000,000.
Euclid	8,000,000		30,000,000.
Garfield Heights	150,000	100,000	8,625,000.
Hamilton	7,000,000 (M)	7,500,000 (M)	1,000,000.
Marion	6,000,000	1,000,000	4,000,000.
Middletown	7,250,000		
Montgomery County	10,000,000	20,000,000	4,582,500.
Newark	Under construction	500,000	6,280,000.
Sandusky	3,400,000	6,000,000	75,000,000.
Steubenville	1,000,000		500,000.
Toledo	21,000,000 (M)	1,500,000 (M)	100,000,000.
Warren	5,000,000	2,000,000	3,000,000.
Youngstown	34,000,000 (M)		20,300,000 (M).
Total	538,640,000	59,500,000	678,270,500.
Total needs	1,226,230,500		
OKLAHOMA			
Lawton	500,000	3,500,000	5,000,000.
Midwest City	5,500,000	500,000	5,000,000.
Norman	1,000,000	650,000	3,000,000.
Oklahoma City	58,700,000 (AMSA)		2,000,000 (AMSA).
Shawnee	576,750	496,553	286,467.
Tulsa	9,400,000	9,000,000	7 000,000.
Total	75,676,750	14,146,553	17,786,467.
Total needs	107,609,770		
OREGON			
Adrian	30,000(S)		
Arch Cape	138,000(S)		
Arlington	200,000(S)		
Astoria	4,908,000(S)		
Aumsville	80,000(S)		
Aurora	50,000(S)		

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
OREGON—Cont.			
Barlow	85,000(S)		
Bay City	262,000(S)		
Bridal Veil	50,000(S)		
Brookings	300,000(S)		
Bunker Hill Sewer District	200,000(S)		
Cannon Beach	337,000(S)		
Canyon City-John Day	250,000(S)		
Clackamas Co. Sewer District No. 1	6,685,000(S)		
Clatskanie	200,000(S)		
Columbia City	100,000(S)		
Coos Bay-Empire	700,000 (S)		
Coquille	250,000 (S)		
Eastside	150,000 (S)		
Echo	150,000 (S)		
Eugene-Springfield, Lane County.	2,100,000	30,000,000 (by 1990)	9,740,000.
Florence	220,000 (S)		
Gardiner	80,000 (S)		
Garibaldi	350,000 (S)		
Gilchrist	150,000 (S)		
Gleneden	230,000 (S)		
Gold Beach	300,000 (S)		
Grande Ronde	60,000 (S)		
Grants Pass	1,850,000 (S)		
Gresham	750,000 (S)		
Hammond	250,000 (S)		
Hood River	1,000,000 (S)		
Island City	40,000(S)		
Josephine County (Redwood)	914,000(S)		
Klamath Falls	915,000	500,000	1,000,000.
Lexington	100,000(S)		
Long Creek	50,000(S)		
Lane County	1,300,000(S)		
Madras	206,000(S)		
Manzanita	90,000(S)		
Mapleton	50,000(S)		
McNary	150,000(S)		
Mosier	47,000(S)		
Mount Vernon	148,000(S)		
Myrtle Point	350,000(S)		
Netarts-Oceanside SD	350,000(S)		
North Bend	750,000(S)		
Nyssa	250,000(S)		
Pacific City	125,000(S)		
Pendleton	75,000(S)		
Philomath	507,000 (S)		
Portland	24,150,000 (AMSA)		98,900,000 (AMSA).
Port of Portland (Airport)	50,000 (S)		
Rainier	300,000 (S)		
Redmond	500,000 (S)		
Richland	50,000 (S)		
Rockaway	125,000 (S)		
Rogue River	120,000 (S)		
St. Helens	2,500,000 (S)		
Salem	6,000,000	10,000,000	600,000.
Sandy	350,000 (S)		
Scappoose	637,000 (S)		
Scotts Mills	52,000 (S)		
Seaside	75,000 (S)		
Seneca	50,000 (S)		
Siletz	90,000(S)		
The Dalles S·T.P.	910,000(S)		
Tri-City S.D.	407,000(S)		
Turner	65,000(S)		
Umatilla	200,000(S)		
Union	110,000(S)		
Unified Sewerage Agency (Portland Metro. Area)	41,315,000(S)		
Waldport	200,000(S)		
Wasco	75,000(S)		
Wheeler	170,000(S)		
Wilsonville	400,000(S)		
Yachats	218,000(S)		
Vernonia	160,000(S)		
Total	108,161,000	40,500,000	111,145,000.
Total needs		259,933,000	
PENNSYLVANIA			
Allegheny County Pittsburgh	56,000,000 (AMSA)		115,000,000 (AMSA).
Allentown	10,000,000	30,000,000	15,000,000.
Altoona	2,000,000	2,000,000	5,000,000.
Arnold			300,000.
Bethlehem	4,000,000	2,500,000	1,500,000.
Bradford Sanitary Authority	1,270,000		
Chester	5,300,000	2,000,000	3,000,000.
Easton	4,200,000	350,000 (M)	1,650,000.
Franklin	2,300,000 (M)	300,000	3,000,000.
Greensburg	1,800,000	200,000	500,000.
Harrisburg	4,000,000	1,000,000	1,300,000.
Lancaster	11,000,000	10,000,000 (M)	60,000,000.
Monessen and Donora	8,020,000	500,000	
Monongahela	1,000,000	500,000	3,000,000.
McKeesport	3,600,000 (M)	250 000	
Oil City	1,200,000	300,000	3,000,000.
Philadelphia and Delaware (River Basin Commission service area).	793,500,000 (AMSA).		1,150,000,000 (AMSA).
Pottsville	6,945,000	750,000	1,680,000.
Reading	1,500,000	1,000,000	1,350,000.
Shamokin	3,205,000		1,075,095.
Sharon	1,000,000		150,000.
Sunbury	1,900,000		800,000.
Wilkes-Barre	10,000,000		
York	8,000,000	4,500,000 (M)	3,000,000.
Total	941,740,000	58,560,000	1,370,305,095.
Total needs		2,370,605,095	
RHODE ISLAND			
East Providence	6,000,000		3,000,000.
Woonsocket	5,000,000	3,000,000	3,000,000.
Total	11,000,000	3,000,000	6,000,000.
Total needs		20,000,000	
SOUTH CAROLINA			
Charleston	35,000,000 (M)	10,000,000 (M)	
Columbia	14,000,000	2,250,000	
Florence	2,250,000	1,800,000	6,300,000.
Rock Hill	6,000,000	2,000,000	2,000,000.
Spartanburg	1,000,000		
Total	58,250,000	16,050,000	8,300,000.
Total needs		82,600,000	
SOUTH DAKOTA			
Arlington	74,000		
Alcester	25,000		
Ashton	20,000		
Astoria	44,119		
Aurora	18,000		
Blunt	34,000		
Bradley	50,000		
Brookings	300,000	700,000 (M)	1,200,000.
Carthage	27,000		
Claire City	18,000		
Chamberlain	100,000		
Castlewood	20,000		
Columbia	10,500		
Corona	28,000		
Corson	7,000		
Custer	232,000		
Crooks Sanitary District	21,750		
Dell Rapids	37,000		
DeSemet	69,000		
Dupree	21,000		
Eden	14,000		
Elkton	51,000		
Ethan	67,300		
Egan	60,000		
Gary	34,000		
Garden City	30,000		
Harrisburg	22,000		
Hill City	100,000		
Herreid	37,000		
Hot Springs	674,000		
Hoven	85,900		
Hudson	61,000		
Iroquois	42,000		
Kenstone-Mount Rushmore Sanitary District.	1,200,000		
Lead-Deadwood Sanitary District	5,000,000		
Lesterville	27,750		
Lewis and Clark Sanitary District.	116,000		
Menno	41,000		
Midland	16,000		
Mitchell	139,000		
Mobridge	120,000		
Nisland	22,000		
North Souix City	124,515		
Oacoma	41,000		
Olivet	15,600		
Pierre	300,000		
Platte	82,600		
Ramona	24,000		
Rapid City	500,000	1,500,000	1,500,000.
Raymond	30,000		
Sioux Falls	600,000	2,100,000	2,700,000.
Spearfish	210,000		
Spearfish Valley, S.D	40,000		
St. Lawrence	31,000		
Timber Lake	31,000		
Trent	25,000		
Vivian	34,200		
Volin	17,500		
Wakonda	26,400		
Waubay	60,000		
Wentworth	30,000		
Wolsey	41,000		
Willow Lake	44,000		
Wessington	58,000		
White	21,000		
Watertown	120,000		

Footnotes at end of table.

State	Primary and secondary needs	Tertiary treatment needs	Interceptor and storm sewer needs
SOUTH DAKOTA—Cont.			
Yankton	400,000		
Custer State Park Stockade Campground.	25,000		
Custer State Park Legion Lake.	10,000		
Total	12,056,564	4,300,000	5,400,000.
Total needs		21,756,564	
TENNESSEE			
Chattanooga	5,000,000	1,500,000	20,000,000.
Nashville	25,000,000	12,000,000	150,000,000.
Memphis	140,000,000		
Total	170,000,000	13,500,000	170,000,000.
Total needs		[6] 353,500,000	
TEXAS			
Abilene	3,000,000	2,000,000	4,000,000.
Amarillo	223,000	3,000,000	
Austin	6,000,000	4,000,000	20,000,000.
Corpus Christi	2,500,000	4,125,000	5,169,000.
Dallas	46,000,000 (M)	13,150,000	10,000,000.
El Paso	2,750,000		10,000,000.
Fort Worth	26,500,000 (M)	39,000,000	7,000,000.
Galveston	6,350,000	2,000,000	
Garland	6,300,000	1,200,000 (M)	
Houston	20,700,000 (AMSA)		1,200,000.
Lubbock		10,000,000	5,000,000.
Midland	2,250,000	2,500,000	250,000.
Pasadena	2,500,000	2,000,000	4,000,000.
San Antonio		30,000,000	15,000,000.
Texarkana	3,800,000 (M)	3,500,000 (M)	2,400,000.
Texas City	3,500,000	3,500,000	2,000,000.
Tyler	2,000,000 (M)	5,000,000	1,750,000.
Waco	1,000,000	2,000,000	5,000,000.
Wichita Falls		4,000,000	2,500,000.
Total	133,483,000	130,975,000	95,269,000.
Total needs		369, 727, 000	
UTAH			
Provo	1,200,000		4,000,000.
Salt Lake City			20,000,000.
Total	1,200,000		24,000,000.
Total needs		25, 200, 000	
VERMONT			
Brattleboro	800,000	300,000	1,000,000.
Burlington	3,000,000	3,000,000	12,000,000.
Total	3,800,000	3,300,000	13,000,000.
Tota' needs		20,100,000	
VIRGINIA			
Fairfax County	71,500,000		
Hampton Roads Sanitation District	20,000,000		40,000,000.
Roanoke	5,000,000	1,000,000	10,000,000.
Richmond	5,900,000		8,000,000.
Total	102,400,000	1,000,000	58,000,000.
Total needs		161,400,000	
WASHINGTON			
Aberdeen	1,230,400 (S)		
Anacortes	267,900 (S)		
Annapolis S.D	60,000 (S)		
Asotin	69,000 (S)		
Auburn	3,250,000 (S)		
Bellingham	11,771,000		
Battleground	5,000 (S)		11,516,000.
Blaine	55,000 (S)		
Bremerton	1,410,800 (S)		
Burlington	150,000 (S)		
Cashmere	5,000 (S)		
Centralia	134,900 (S)		
Chelan	5,000 (S)		
Cle Elum	20,000 (S)		
Concrete	414,000 (S)		
Cosmopolis	43,500 (S)		
Coupeville	29,800 (S)		
Deer Park	5,000 (S)		
Edmonds	944,500 (S)		
Ephrata	10,000 (S)		
Everett	25,000,000 (M)	50,000,000 (M)	15,000,000.
Gig Harbor	1,700,000 (S)		
Goldendale	10,000 (S)		
Grandview	153,000 (S)		
Hoquiam	50,000 (S)		
Lakeland Villa	5,000 (S)		
Langley	18,750 (S)		
Lynden	106,200 (S)		
Kitsap County S.D. No. 6	295,000 (S)		
Kennewick	575,000 (S)		
Marysville	15,000 (S)		
Montesano	974,000 (S)		
Mount Vernon	252,400 (S)		
Morton	92,000 (S)		
Mulkiteo	51,300 (S)		
Naches	23,250 (S)		
Okanogan	5,000 (S)		
Olympia	940,000 (S)		
Oroville	165,000 (S)		
Palouse	5,000 (S)		
Pe Ell	270,000 (S)		
Poulsbo	86,500 (S)		
Prosser	5,000 (S)		
Pullman	10,000 (S)		
Ranier Vista S.D	1,000,000 (S)		
Raymond	69,000 (S)		
Selah	205,000 (S)		
Municipality of Metropolitan Seattle	109,000,000 (S)		76,000,000.
Sedro Wolley	160,000 (S)		
Skagit County S.D. No. 1	80,000 (S)		
South Bend	5,000 (S)		
Snohomish	340,000 (S)		
Spokane	6,000,000	5,000,000	50,000,000.
Stanwood	25,000 (S)		
Sumas	69,000 (S)		
Sumner	117,300 (S)		
Suquamish	340,000 (S)		
Sunnyside	250,000 (S)		
Tacoma	13,000,000	8,000,000	5,000,000.
Terrace Heights S.D	85,000 (S)		
Toledo	5,000 (S)		
Tonasket	30,000 (S)		
Vader	2,000 (S)		
Vancouver	14,900,000 (M) (9,100,000 more needed 1973–80).	7,040,000 (M) (4,800,000 more needed 1973–80).	3,700,000.
Vashon Island, S.D	47,000 (S)		
White Salmon	115,000 (S)		
Wilbur	155,000 (S)		
Winlock	5,000 (S)		
Winslow	112,700 (S)		
Total	340,074,900	74,800,000	161,216,000.
Total needs		576,130,900	
WEST VIRGINIA			
Huntington	7,500,000		30,000,000.
Parkersburg	1,000,000		8,500,000.
Total	8,500,000		38,500,000.
Total needs		47, 000, 000	
WISCONSIN			
Beloit	No need	834,000	1,702,000.
Fond du Lac	1,500,000	800,000	2,000,000.
Green Bay	31,000,000	1,000,000	4,000,000.
Kenosha	No need	600,000	20,000,000.
Madison	4,500,000 (M)	6,000,000	7,000,000.
Milwaukee M.S.D	88,600,000 (AMSA)		300,000,000.
Racine	3,000,000	6,000,000	8,000,000.
Sheboygan	1,870,000		2,250,000.
Total	130,470,000	15,234,000	344,952,000.
Total needs		[7] 490, 656, 000	

[1] Data provided by the League of Kansas Municipalities indicates that secondary treatment required in 32 communities will cost $27,000,000.

[2] Data provided by the State of Maine indicates that costs of approximately $146,000,000 will be required through 1976 to implement a satisfactory treatment programs.

[3] "Available Federal programs must be undertaken with financial support to solve the most demanding, technical, and financial problem of all; the combined sewer problem which plagues almost every old major metropolitan area in the country. The present problem for the city of Boston and surrounding communities is estimated at $500,000,000 to $1,000,000,000 to correct, with no provisions for Federal aid under current policies and regulations." Gov. Francis W. Sargent.

[4] Cleveland needs to 1985 total $1,602,000,000—needs listed are for next 4 years only.

[5] Some of these needs extend beyond 1976.

[6] A study by the Tennessee Municipal League indicated a need of $530,000,000 for adequzte sewage treatment in Tennessee.

[7] League of Wisconsin Municipalities provided information from state indicating 5-year needs of: $196,552,000 for primary and secondary treatment; $20,000,000 for tertiary treatment; $600,000,000 for storm and sanitary sewer separation; Total $816,552,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of 10 U.S.C. 6968(a), the Speaker had appointed Mr. FLOOD, Mr. STRATTON, Mr. MINSHALL, and Mr. BOB WILSON of California as members of the Board of Visitors to the U.S. Naval Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 42 U.S.C. 2251, the Speaker had appointed Mr. HANSEN of Idaho as a member of the Joint Committee on Atomic Energy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of

10 U.S.C. 4355(a), the Speaker had appointed Mr. TEAGUE of Texas, Mr. NATCHER, Mr. DAVIS of Wisconsin, and Mr. PIRNIE as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. MAHON, Mr. WHITTEN, and Mr. BOW as members of the Committee To Investigate Nonessential Federal Expenditures, on the part of the House.

The message further announced that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. WOLFF and Mr. WYDLER as members of the Board of Visitors to the U.S. Merchant Marine Academy, on the part of the House.

The message also announced that, pursuant to the provisions of 10 United States Code 9355(a), the Speaker had appointed Mr. FLYNT, Mr. SIKES, Mr. RHODES, and Mr. BROTZMAN as members of the Board of Visitors to the U.S. Air Force Academy, on the part of the House.

The message further announced that, pursuant to the provisions of 14 United States Code 194(a), the Speaker had appointed Mr. MONAGAN and Mr. STEELE as members as the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

The message announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 135) providing for an adjournment of the House from the close of business on Wednesday, February 10, 1971, until noon on Wednesday, February 17, 1971.

EXECUTIVE SESSION—RECOVERY AND RETURN OF STOLEN ARCHEOLOGICAL HISTORICAL AND CULTURAL PROPERTIES

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations, to which was referred the treaty—Executive K, 91–2—of cooperation between the United States of America and the United Mexican States providing for the recovery and return of stolen archeological, historical, and cultural properties, signed at Mexico City on July 17, 1970, having considered the same, reports favorably thereon without reservations and recommends that the Senate give its advice and consent to ratification.

The purpose of the treaty is to deal with the growing problem of the illicit international traffic between Mexico and the United States in stolen archeological, historical, and cultural properties. To this end, each party agrees, at the request of the other party, "to employ the legal means at its disposal" to recover and return stolen properties of the kind covered by the treaty. If necessary, the Attorney General is authorized to institute a civil action in the appropriate U.S. district court.

In recent years, the Government of Mexico has become increasingly concerned over the despoliation of archeological sites and the illicit export of national art treasures to the art markets and museums of the United States and Europe. The matter was discussed by President Johnson and President Diaz Ordaz in their meeting in October 1967, as a consequence of which the State Department undertook a study to determine how the United States could be most helpful.

In the meantime, the problem has become more acute. In one case, a large section of a Mayan monument was illegally removed from the Mexican jungle, carved into pieces, and shipped to the United States for sale. Fortunately, that piece was returned to Mexico with the assistance of the State Department and a prominent museum. But in other cases, this has not been possible. Some archeological sites have been permanently ruined for further scholarly research, and it is impossible to document the provenance of some of the stolen objects.

In May 1969, the Mexican Government formally proposed a treaty patterned after the United States-Mexico Convention of 1936 for the Recovery and Return of Stolen or Embezzled Motor Vehicles. The mutual experience of the two countries with that convention has been very satisfactory, and after further discussion, the pending treaty on archeological, historical, and cultural properties was signed at Mexico City in July 1970.

The President transmitted the treaty to the Senate with a request for advice and consent to ratification on September 23, 1970. The Foreign Relations Committee held a hearing on the treaty February 8, 1971, at which time a statement was received from Mr. Mark Feldman, Assistant Legal Adviser for Inter-American Affairs of the Department of State.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the President's letter of transmittal, the letter of transmittal to the President from the State Department, and the statement of Mr. Mark B. Feldman before the Foreign Relation Committee.

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

(See exhibit 1.)

Mr. MANSFIELD. The committee does not know of any opposition to the treaty.

The treaty was further considered in executive session February 9 and was ordered reported without objection.

Article I defines the archaeological, historical, and cultural properties to which the treaty applies. They are art objects and artifacts of the pre-Columbian cultures of both countries, art objects and religious artifacts of the colonial periods of both countries, and documents from official archives prior to 1920 that are the property of Federal, State, or municipal governments or their instrumentalities. In each case, the object or document must be of outstanding importance. If the two governments cannot agree on the application of these definitions to a particular item, provision is made for a panel of qualified experts whose decision will be final. The treaty also applies to portions or fragments of objects or documents.

In article II, the parties agree to encourage the discovery, excavation, preservation, and study of archaeological sites and materials by qualified scientists and scholars of both countries; to deter illicit excavations of archaeological sites and the theft of archaeological, historical, or cultural properties; to facilitate the circulation and exhibit in both countries of archaeological, historical, and cultural properties in order to enhance the mutual understanding and appreciation of the artistic and cultural heritage of the two countries; and consistent with the pertinent laws and regulations, to permit legitimate international commerce in art objects. Provision is made for representatives of the two countries, including qualified scientists and scholars, to meet from time to time to consider implementation of these undertakings.

The heart of the treaty is in article III where each party agrees, at the request of the other party, to employ the legal means at its disposal to recover and return stolen properties that are covered by the treaty. In this connection, it should be noted that the treaty is not retroactive. Requests for the recovery and return of the stolen properties are to be made through diplomatic channels, and the requesting party is obligated to furnish documentation and other evidence necessary to establish its claim.

If recovery and return cannot be otherwise effected, the Attorney General of the United States is authorized to institute a civil action in the appropriate Federal district court. Similar authority is given to the attorney general of Mexico. So far as the United States is concerned, this provision is self-executing and no implementing legislation is required—see 28 U.S.C. 1345:

> Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

It is specifically provided that nothing in the treaty shall be deemed to alter the domestic law of the parties otherwise applicable to such proceedings.

Article IV provides that the requesting party shall bear all the expenses incident to the return and delivery of the property in question. The returning party is protected from claims for damage or loss to the property in connection with the returning party's performance of its obligations under the treaty.

Article V exempts the archaeological, historical, and cultural property covered by the treaty from other laws dealing with the disposition of merchandise seized as having been illegally imported.

Article VI provides for the exchange of instruments of ratification. The treaty is to remain in force for 2 years and thereafter until 30 days after written notice from either party of its intention to terminate it.

It is impractical to estimate the cost of the treaty to the United States, but in any event the cost will be minimal. It will be limited to the costs of the Department of Justice of any civil actions which may be instituted under article III and the costs to the Department of State of the periodic meetings contemplated by article II. Without experience, there is no basis on which to estimate the number of actions which may arise under article III. In any event, the costs under both articles II and III will be of a nature which can be absorbed in the normal budgets of the State and Justice Departments.

An article on the illicit traffic in pre-Columbian antiquities in "Art Journal" for fall 1969, remarked that "not since the 16th century has Latin America been so ruthlessly plundered."

Mexico is a particularly rich source of these antiquities. It was the home of several great pre-Columbian civilizations, of which the Mayan and the Aztec are two of the best known. Mexicans are justly proud of this heritage and of the archeological treasures which are a part of it. Many of these treasures are handsomely displayed in the magnificent museum in Chapultepec Park in Mexico City. Others can be seen in their original sites in Yucatan, in Oaxaca, and elsewhere. Mexicans are glad to share their archaeological wealth and have a reciprocal loan agreement with the Metropolitan Museum in New York which assures temporary displays of the highest quality and of documented provenance.

But so great is this Mexican heritage that only a small fraction of Mexico's archaeological sites have been explored. Work is going forward, but unless it is done by qualified, responsible scientists and scholars, many of the sites will be irreparably damaged and what clues they might provide to the past will be forever lost.

This treaty is a step toward protecting this wealth. It represents another measure of mutual cooperation for mutual benefit. I, along with the committee, strongly urge its approval by the Senate.

EXHIBIT 1

LETTER OF TRANSMITTAL

THE WHITE HOUSE,
September 23, 1970.

To the Senate of the United States:

I am pleased to transmit to the Senate, for your advice and consent to ratification, the Treaty of Cooperation between the United States and Mexico providing for the recovery and return of stolen archaeological, historical and cultural properties, signed at Mexico City on July 17, 1970.

In recent years the despoliation of archaeological sites in Mexico and thefts of art objects from churches and collections has reached serious proportions. The illicit export of national art treasures to art markets here and in Europe has become a matter of serious concern to the Government of Mexico. In 1967, when President Diaz Ordaz of Mexico visited the United States, it was agreed to explore possible methods of controlling the unauthorized movement between the United States and Mexico of articles of archaeological significance and historical value.

The Treaty which has now been signed would provide for cooperation in law enforcement measures aimed at halting the depredation of historic sites and facilitating the recovery of stolen cultural properties. It would commit the United States and Mexico to employ the legal means at their disposal to recover and return to the country of ownership historical, cultural and archaeological properties of outstanding importance to their national patrimony which have been stolen and removed from one country to the other. In addition, the two governments would establish a framework to strengthen communication between scientists and scholars in the two countries and to encourage archaeological research by scholars of both countries. The Treaty further contemplates the circulation and exhibit in each country of archaeological and historical properties from the other and a legitimate commerce in art objects.

The Treaty with Mexico should provide a strong deterrent to the illegal export of stolen cultural properties as well as promote mutual understanding and appreciation of the artistic and cultural heritage of our two countries.

I recommend that the Senate give early and favorable consideration to this law enforcement treaty.

RICHARD NIXON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, August 21, 1970.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Treaty of Cooperation between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties, signed at Mexico City on July 17, 1970. I recommend that you transmit the Treaty to the Senate for advice and consent to ratification.

This Treaty is designed to meet a serious threat to the irreplaceable cultural resources of our two countries arising from the despoliation of archaeological sites and the illegal export of national art treasures. The problem is worldwide, but in the last ten years has assumed mounting proportions in Mexico and some other Latin American countries. Ceremonial centers and architectural complexes of ancient civilizations have been mutilated, stone sculptures and reliefs have been removed, and churches have been robbed to feed a flourishing international art market. Some of these countries have sought the assistance of the United States Government in returning stolen or illegally exported art objects which have been brought into the United States. In October 1967 the Presidents of the United States and Mexico, meeting to discuss problems of mutual interest, agreed to study the matter. Since that time the problem has become even more acute. In May 1969 representatives of the Mexican Government formally requested the United States to enter into a treaty for the recovery and return of stolen archaeological, historical and artistic artifacts. The Mexican proposal was modeled on a 1936 United States-Mexican Convention for the Recovery and Return of Stolen or Embezzled Motor Vehicles, which has operated with considerable benefit to the United States.

The United States Government responded promptly, and a treaty was negotiated which commits both parties to employ the legal means at their disposal to recover and return to the country of ownership historical, cultural and archaeological properties of outstanding importance which have been stolen and removed to the other country.

The Treaty is a limited but important measure of mutual cooperation in law enforcement. Under Article I its coverage is confined to pre-Columbian and colonial objects of outstanding importance to the national patrimony, as well as official archives up to 1920. Included are treasures of the important Maya and Aztec civilizations and of the other indigenous cultures of the New World, as well as religious and other art objects of the colonial periods in both countries. The Treaty does not apply to privately owned materials, but only to art objects, artifacts or documents "that are the property of federal, state, or municipal governments or their instrumentalities." Decisions on the application of the Treaty definitions to any particular item are to be made by agreement of the two governments, or failing agreement, by a panel of qualified experts, chosen by the two governments. Their decisions would be final.

Article II establishes a framework for cooperation in archaeological and cultural activities designed to promote in each country mutual understanding and appreciation of the cultural heritage of the other. The Parties undertake individually and, as appropriate, jointly to encourage archaeological discovery, excavation, and study by qualified scientists and scholars of both countries; to deter illicit excavations and thefts; and to facilitate exhibitions of archaeological, historical and cultural properties. Each country would be committed to permit legitimate international commerce in art objects, consistent with its laws and regulations. Qualified scientists and scholars representing the two countries would consult from time to time on the implementation of these undertakings.

The principal law-enforcing provision of the Treaty is found in Article III. Each Party agrees, at the request of the other, "to employ the legal means at its disposal" to recover and return stolen archaeological, historical and cultural properties removed from the territory of the other after entry into force of the Treaty. The provision is not retroactive and thus would not apply to objects presently in museums or art collections. It is understood, of course, that the facts in support of claimed ownership would have to be established to the satisfaction of the requested Party before it would have any obligation to recover and return the property in question.

If necessary, the requested Party would bring a judicial action to achieve the return of stolen objects belonging to the requesting Party. In that event it would be incumbent on the requesting Party to provide sufficient evidence, including affidavits and expert witnesses as necessary, to afford a reasonable prospect of success in court. The Attorney General of the United States is designated by Article III to institute civil actions for this purpose in Federal District Courts on behalf of the Mexican Government. This provision is self-executing, and no implementing legislation is required to establish standing. The jurisdiction of the Federal Courts would be supported by 28 U.S.C. 1345. Similarly, the Attorney General of Mexico is authorized by Article III of the Treaty to institute judicial proceedings in the appropriate district court of Mexico.

The Treaty does not purport to create a new cause of action affecting substantive property rights, and it would not affect the existing property law of any of the states of the United States. Article III provides "Nothing in this Treaty shall be deemed to alter the domestic law of the Parties otherwise applicable to such proceedings."

Article IV provides for prompt return of the stolen property once the necessary legal authorization has been obtained. It is anticipated that, in the case of stolen Mexican properties retrieved in the United States, delivery would be taken in the United States by Mexican officials. Likewise, United States officials would be expected to take delivery in Mexico. Expenses are to be borne by the requesting Party, and there is to be no liability on the part of the returning Party for damage or loss to the property in connection with

performance of its obligations under the Treaty.

Article V provides that the requested Party return to the requesting Party stolen properties subject to the Treaty regardless of any inconsistent statutory requirements regarding disposition of merchandise seized for violation of import laws. No charges or penalties arising from application of import laws may be imposed. This provision is also intended to be self-executing.

The Treaty has a minimum duration of two years and is terminable thereafter by thirty days notice.

International cooperation is clearly required to halt the mounting destruction of archaeological monuments and the illicit movement of national art treasures to the art markets and collections in other countries. The Treaty with Mexico is a limited but significant step in that direction. It would constitute another important element in the close cooperation existing between our two governments over a broad range of law enforcement matters along our common boundary.

Members of the scientific and museum community in the United States are becoming increasingly concerned with the threat to the evidences of ancient civilizations presented by the looting of archaeological sites and the mutilation of monuments for the purpose of illicit export to the United States. Distinguished members of this community have urged the Department of State to take action to meet the problem.

The Department of Justice and the Department of the Treasury concur in my recommendation that the Treaty with Mexico be transmitted to the Senate for advice and consent to ratification.

Respectfully submitted.

U. ALEXIS JOHNSON,
Acting Secretary.

STATEMENT BY MARK B. FELDMAN, ASSISTANT LEGAL ADVISOR FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, members of the committee, I am happy to be here to testify on the proposed treaty of cooperation between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties which was signed at Mexico City on July 17 last year.

This treaty is designed to meet a serious threat to irreplaceable cultural resources arising from the despoliation of archaeological sites and the illegal export of national art treasures. In recent years there has been a serious increase in illegal excavations of archaeological sites, the desecration of national monuments, and even thefts from churches and museums to supply the increasing demands of international art markets. Unfortunately, a number of stolen art objects have found their way to the United States.

The U.S. Government is interested in cooperating to help put an end to these practices not only because of the problems that arise in our international relations when national art treasures illegally removed from other countries appear in the United States, but also because the clandestine removal of objects from archaeological sites destroys the scientific value of the object and sometimes of the site as well. This problem occurs in several areas of the world, but the situation in Mexico is among the most acute and best documented.

The United States and Mexico have maintained substantial programs of cooperation in law enforcement matters along our common boundary. The Mexican Government asked that the cooperation given to the United States for the return from Mexico of stolen motor vehicles be extended to stolen Mexican art treasures brought to the United States. For this reason, the treaty before you is modeled on the 1936 United States-Mexican Convention for the Recovery and Return of Stolen or Embezzled Motor Vehicles.

The treaty before you is a limited but important measure of cooperation. It commits the parties to employ the legal means at their disposal to recover and return to the country of ownership art objects and artifacts of pre-Columbian civilizations, or the colonial periods of each country, that are of outstanding national importance and which have been stolen and removed to the other country after the treaty enters into force. It also applies to official archives of historic importance. The treaty is not retroactive, and it expressly states that it does not alter the domestic law of the parties. The treaty contemplates normal law enforcement cooperation, and if necessary, the institution of judicial proceedings by the Attorney General in the appropriate district court on behalf of the Government of Mexico. That Government would have to supply the necessary proof of title to permit the action to succeed. The treaty provision conferring standing on the Attorney General is self-executing. No implementing legislation is required to establish standing. Jurisdiction of the federal courts would be supported by 28 U.S.C. 1345.

The treaty also provides a framework for cooperation in archeological and cultural activities. The parties undertake to encourage archeological activities by qualified scientists of both countries, to facilitate the circulation of archeological, historical and cultural properties in both countries, and, consistent with national laws, to permit legitimate international commerce in art objects.

It is our hope that the committee will recommend that the Senate give its prompt advice and consent to ratification of this treaty, which we believe will provide an effective deterrent to the removal to the United States of major stolen Mexican art treasures.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous unanimous-consent agreement, the Senate will now proceed to vote on agreeing to the resolution of ratification of Executive K, 91st Congress, second session.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Virginia (Mr. SPONG), the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Wyoming (Mr. MCGEE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), and the Senator from Ohio (Mr. SAXBE) are absent on official business.

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

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The yeas and nays resulted—yeas 72, nays 0, as follows:

[No. 2 Ex.]

YEAS—72

Aiken	Ervin	Miller
Allen	Fannin	Mondale
Anderson	Fulbright	Nelson
Baker	Gambrell	Packwood
Beall	Goldwater	Pastore
Bellmon	Gravel	Pearson
Bennett	Griffin	Pell
Bentsen	Hansen	Percy
Bible	Hart	Prouty
Boggs	Hartke	Proxmire
Brock	Hollings	Randolph
Buckley	Hruska	Roth
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Inouye	Scott
Cannon	Jackson	Smith
Chiles	Javits	Sparkman
Church	Jordan, Idaho	Stennis
Cooper	Long	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Taft
Dole	McClellan	Thurmond
Dominick	McGovern	Tower
Eagleton	McIntyre	Weicker
Ellender	Metcalf	Young

NAYS—0

NOT VOTING—28

Allott	Harris	Muskie
Bayh	Hatfield	Ribicoff
Brooke	Humphrey	Saxbe
Burdick	Jordan, N.C.	Spong
Case	Kennedy	Stevens
Cook	Magnuson	Talmadge
Curtis	McGee	Tunney
Eastland	Montoya	Williams
Fong	Moss	
Gurney	Mundt	

The PRESIDING OFFICER (Mr. STEVENSON). Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR YEAS AND NAYS ON CONVENTION AND TREATY TO BE VOTED UPON WEDNESDAY, FEBRUARY 17, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order for me to request the yeas and nays on the convention and the treaty which will be voted on at 1 o'clock p.m., on Wednesday next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate resumed 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 PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may ask for a quorum call without losing my right to the floor and without my remarks being counted as a second speech when I resume.

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

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, in discussing the wisdom or lack of wisdom in changing the rules of the Senate, I think it important that it be emphasized that most of the books on general parliamentary procedure provide for a two-thirds vote before the previous question may be ordered.

I cite that, Mr. President, because I think that many persons—and I might say many in Congress—are under the belief that the Senate is unique in requiring a two-thirds vote before the previous question may be put.

Mr. President, I have before me Robert's Rules of Order, Revised, for Deliberative Assemblies. This is a rulebook that is generally accepted among legislative bodies. On page 112, after a discussion of the previous question, it contains this sentence.

> The previous question requires a two-thirds vote for its adoption.

Mr. President, that is the rule that the Senate now has. It is the rule which many Members of the Senate seek to change. I think one reason that there is confusion about the requirement of a two-thirds vote on shutting off debate is that the House of Representatives may move the previous question; that is, to shut off debate, by a majority vote. But that is a part of the Rules of the House of Representatives.

There is a great difference in the United States between the House of Representatives and the Senate. Those who framed our Constitution purposely, and with great wisdom, recognized the vast difference between the two legislative bodies. The House of Representatives is closer to the people. It is elected every 2 years. It is a much larger body than the Senate. The Senate, on the other hand, is elected for 6 years. The Senate is a continuing body. The Senate represents States. It is further removed from the general public than is the House of Representatives. So there is every reason why there should be a difference in the Rules of the Senate as compared with those of the House of Representatives.

I happen to think that the House of Representatives is not only a coequal legislative body with the Senate, but is also the branch of Congress which is closest to the people. My regard and respect for the House of Representatives are very great indeed. But the Senate has a different function. Those who wrote the Constitution recognized the need for a legislative body which would not be subject to the day-to-day fluctuations, shall we say, in public opinion. All of us know that from time to time, in a nation as large as the United States, or in a small nation for that matter, an incident or a series of incidents can cause public opinion to become aroused and very strong on a particular issue. Yet, all of us know also that many times, when the public has become aroused about a particular matter, after further deliberation, after time has passed, after, in some cases, the hysteria of the moment has subsided, the majority have reached a conclusion different from the conclusion which had entered the minds of the people.

So I say, Mr. President, that it is vitally important that the rules of the Senate be such that the great issues facing our Nation—and they seem to be getting greater every year—have a forum where they can be fully and completely debated. I believe that we would be rendering this country a great disservice if both Houses of Congress were to have rules under which a majority of the Members could silence the remaining Members.

I realize that the current proposal does not provide for majority cloture. But I know, also, that whenever the process of weakening the rules on free debate is undertaken, it leads to ever increasing weakening. The proposal is to substitute for the present requirement—that two-thirds of the Senators present and voting must vote in the affirmative before debate can be closed—a requirement of three-fifths, or 60 percent. If that is approved by the Senate, I have no doubt that within a matter of another 2 years, the demand will be made not for 60-percent cloture but to provide that cloture shall be voted by a simple majority.

Mr. President, there are three important dates, three significant dates, in the history of the U.S. Senate dealing with the rule we know as rule XXII. Prior to 1917, there was no provision for moving the previous question, which is to say that there was no provision for shutting off debate. But in March of 1917, the Senate changed that rule so as to give the membership a way to bring debate to a close.

It is important to recall the situation facing our Nation and the world in 1917. Most of the world was at war. It was just prior to the date on which the United States, itself, became involved in war. It was on March 7, 1917, at the request of then President Woodrow Wilson, that the senior Senator from Virginia, who was the majority leader in the U.S. Senate, the Honorable Thomas S. Martin, proposed a resolution which the Senate adopted. The Martin resolution was debated and was adopted by a vote of 76 yeas and three nays. It provided for cloture on a pending measure if two-thirds of the Senator present and voting so voted.

Frankly, I feel that that was a desirable change in the rules. I feel that there should be some way to bring debate to a close, if and when a large majority of the Senate feels that a measure should be voted upon without further debate. But it seems to me that the resolution presented by Senator Martin of Virginia and approved by the Senate, was an appropriate change in the Senate rules. The fact that it was a desirable and appropriate change is evidenced, I think, by the fact that it remained in the rules of the Senate from that date in 1917 until a somewhat minor change was made in 1949.

The second significant date in the history of rule XXII is the year 1949. But before commenting on that, I want to point out one other thing in regard to the period of 1917 and 1918. It will be recalled that the United States went to war in April of 1917.

If I might inject a personal note at this point, the resolution declaring war on Germany was presented to the Senate by Senator Martin of Virginia, and the resolution which was presented to the House of Representatives was presented by another Virginia representative, Representative Henry De La Warr Flood, who was my great uncle.

During the period of the First World War, additional efforts were made to further limit debate in the Senate. The proposal which made the greatest headway was offered on May 4, 1918, by Senator Underwood of Alabama, who introduced a resolution further amending rule XXII, reestablishing the use of the previous question and limiting debate during the war period. This matter was debated. The Committee on Rules favorably reported that proposal. Debate began in the Senate on June 3, 1918, and on June

13, 1918, the Senate rejected the resolution by a vote of 41 nays to 34 yeas.

There, Mr. President, you will find that even during the period of the war and even while the United States was actively engaged in fighting World War I, the Senate refused to go beyond the two-thirds requirement if debate were to be shut off.

Now we come to 1949. The Martin rule prevailed until the 81st Congress. During that Congress, eight resolutions were introduced to amend the cloture rule, five in the first session and three in the second session.

Hearings on the subject were held in early 1949 by the Committee on Rules and Administration and under threat to discharge the committee, the committee reported without amendment the Hayden-Wherry resolution, Senate Resolution 15. The purpose of that resolution was to plug a loophole in the existing cloture rule. It sought to apply the cloture rule to motions and other matters pending before the Senate rather than just the pending measure. Debate began on February 28 and continued at intervals until March 17, 1949. On March 10 a resolution to apply cloture to the motion to take up was presented. Because cloture was assumed not to apply to motions to take up, Senator Russell of Georgia made a point of order, that great American and patriot, that great legislator who died just a few days ago, on January 21 of this year. Senator Russell made a point of order against the cloture motion. He was overruled by the Chair but on appeal, the Senate refused to sustain the Chair.

Subsequently a compromise was worked out, and under the compromise the application of cloture to motions or other pending matters was incorporated into rule XXII. But, at the same time, it required that two-thirds of the entire Senate vote for cloture in order to invoke it rather than two-thirds of those present and voting.

Mr. President, you will note that in 1949 the Senate, in one sense, liberalized rule XXII, but in another sense it made cloture a little more difficult to obtain. It was made more difficult by changing the previous requirement of two-thirds of those present and voting to two-thirds of the entire elected membership of the Senate.

So, while 1949 is a very important date in considering the history of rule XXII, it did not make a substantial fundamental change in the rule which had existed beginning with 1917.

So then, we come down through the years when one effort after another was made to change rule XXII. Each effort through 1950, 1951 and 1952, 1953 and 1954, 1955 and 1956, 1957 and 1958—all of those proposals to make a fundamental change in rule XXII were voted down by the Senate.

Then we come to the third significant date in the history of rule XXII and that is the date of 1959 at the opening of the 86th Congress. The then Senate majority leader, Lyndon B. Johnson of Texas, offered a resolution, Senate Resolution 5, to amend Senate rule XXII and this was adopted on January 12 after 4 days of debate on a 72-to-22 rollcall vote. Senate Resolution 5 amended rule XXII so as to enable two-thirds of Senators present and voting to shut off debate on any matter including proposals for rule changes. It also amended Senate rule XXXII by adding this language:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

Now, Mr. President, that was a very important part of the language and I want to read it again:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

In 1959 at the opening of the 86th Congress, when the then majority leader, subsequently President of the United States, Lyndon B. Johnson proposed a change in the rules to enable two-thirds of the Senators present and voting to shut off debate on any matter including proposals for rule changes, the same proposal amended Senate rule XXXII by adding the language that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided by these rules.

Yet, despite the clarity of that language, an effort has been made over the years between 1959 and 1971 to declare that the Senate is not a continuing body and must adopt new rules at each session.

So, Mr. President, in considering rule XXII, we have three significant, historical dates when changes have been made.

We have, first, 1917 when, for the first time, it was made possible to shut off debate by a vote of two-thirds of the Senators present and voting.

Then we have 1949 in which year the change was made to provide that debate could be shut off by two-thirds of the elected Members of the Senate.

Then we have 1959 in which year it was provided that debate may be shut off by a vote of two-thirds of those present and voting. That same rule change provided that that provision should apply to rule changes as well as to the previous question.

Mr. President, we come down now to 1971. During that period between 1959 and 1971, many additional efforts were made to change the rules of the Senate.

An effort was made by the Senator from New York (Mr. JAVITS) in August of 1960.

Then the Senator from Minnesota (Mr. HUMPHREY) and former Senator Kuchel of California made an effort in 1961 and 1962.

Efforts were made in 1963 and 1964; again in 1965 and 1966; again in 1967 and 1968; and again in 1969 and 1970.

Yet all of these proposals for substantive change in rule XXII were voted down by the Senate. I think that was done with very good cause.

I believe that the more one considers the function of the Senate, the more one studies the reason behind rule XXII, the more convinced one becomes that the Senate would be wise to keep rule XXII intact.

Most certainly the senior Senator from Virginia feels very strongly that it would be very unwise to tamper further with this rule. I have an instinctive fear of centralized government. I have an instinctive fear of a tyrannical government. I submit that the tyranny of a majority can be as tyrannical as any other form of tyranny. The whole purpose of rule XXII is to protect the minority against the whims or the will of a simple majority.

No one knows when he or she or a particular group may be in a minority position. I do not think it is a matter of a particular piece of legislation. I think the important concern should be whether those who have deep and strong convictions as to the wrongness of certain legislation should have the opportunity to present their viewpoint to the public.

It is all very well to say:

> Well, after a few days, or even after a few weeks, everyone should know the issues; therefore, a majority should have the right to shut off debate.

Mr. President, I find that in these great issues facing our Nation it takes the public quite a while to fully understand the many ratifications. It is natural that it should take the public a long time.

The individual citizens of our Nation have their livelihood to make. They have their own problems to which to devote their attention. They cannot be expected to go into the details of the many legislative proposals which come before the Congress of the United States.

They must rely on their elected representatives.

I think the elected representatives, those of us in the Senate and those in the House of Representatives, have a great obligation to those whom we have the honor and the responsibility to represent.

I think it is important when issues are drawn in the Senate that full and adequate debate be permitted. It is not likely there is no means by which the Senate could shut off debate. Rule XII, under which we are operating and have operated for many years, provides for cloture, for shutting off debate, whenever two-thirds of those present and voting say that the time has come to move the previous question. I think it important that there be a two-thirds requirement.

I might say I have a feeling that sometimes there is more bad legislation passed than there is good legislation. It is not a very good thing for someone to admit, someone who has spent 23 years in a legislative body, but I think the Virginia Legislature, where I served in the senate, and the American Congress, where I likewise serve in the Senate, passed a lot of bad legislation. I think we pass a lot of unnecessary legislation.

Every piece of legislation has an effect upon the daily lives of one citizen or another, or one group of citizens or another. The demand in recent years for a change in the rules so that debate may be shut off more easily stems from civil rights legislation which has been presented to Congress through the years.

Mr. President, I do not believe that in the future there would be much of a problem in that connection because in

recent years almost every conceivable type of civil rights legislation has been enacted. Most of it has been acted by utilizing rule XXII and invoking cloture. So it occurs to me that in the future the problem is not going to be the question of civil rights legislation.

As I mentioned, I do not know if anyone is imaginative enough to put on paper any additional legislation in this particular field because I think virtually all possibilities have been exhausted. I think there is going to be, as months and years go by, a demand to liberalize the rules by many who would like to see the power of the Senate weakened. I think it would be a great mistake to weaken the power of the Senate.

This is one forum our Nation has where the great issues of the day can receive full and complete debate. Most of the debate in the last several years, the most time-consuming debates in the Senate in recent years, has been not on the question of civil rights, but it has been on the question of whether the Senate specifically, and Congress in general, should exercise to a greater degree its prerogatives in the field of foreign policy and in regard to military expenditures and appropriations to other departments of Government.

I happen to think that the debates which took place on the floor of the Senate last year, and the year before, and I think the year before that, and certainly the year before that, in regard to American involvement in Vietnam were desirable debates.

There is a great difference of opinion as to what course the United States should pursue in the future in regard to foreign policy. There is a great difference of viewpoint as to how strong a national defense this country should have and how much money it should spend on defense measures.

I feel it is very important that those debates continue and this is the one forum where such debates can be held. They cannot be held in the House of Representatives. The House of Representatives was not intended to have detailed and lengthy debates. The only forum where these great matters can be fully debated is in the Senate, and the only reason that can occur is that rule XXII permits debate on the pending question until such time as two-thirds of the Senators present and voting decide to eliminate the debate.

I say, Mr. President, if the Senate changes rule XXII to make it possible to invoke cloture more easily, I think it would downgrade the power of the Senate; I think it would have an adverse effect on the prerogatives of this great body; and I am not concerned about the prerogatives of Senators as individuals. I am concerned about the Senate as the representative of the people of the United States.

As I have said, the great debates in the future on the floor of the Senate will not involve civil rights. I think they are more likely to involve foreign policy.

I think our foreign policy should be fully debated, and I think we need to completely reappraise our worldwide role. I foresee very fierce and lengthy debates on this subject, as well as on the subject of appropriations for the military organizations of our Nation.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. TAFT). The Chair, on behalf of the Vice President, pursuant to 42 U.S.C. 2251, appoints the following Senators to the Joint Committee on Atomic Energy: The Senator from Colorado (Mr. DOMINICK), vice Senator CURTIS, resigned, and the Senator from Tennessee (Mr. BAKER) vice Senator COTTON, resigned.

The Chair, on behalf of the Vice President, pursuant to Public Law 79–304, appoints the Senator from Kansas (Mr. PEARSON) to the Joint Economic Committee, vice Senator LEN B. JORDAN, resigned.

THE DISTRICT OF COLUMBIA'S PROPOSED RECIPROCAL INCOME TAX

Mr. BYRD of Virginia. Mr. President, on the floor yesterday I spoke in opposition to the proposal of Mayor Washington of the District of Columbia, which proposal was to tax the residents of Virginia and Maryland who earn their living in Washington, D.C. It is a form of the old commuter tax, although it is not called a commuter tax.

A commuter tax was proposed to the Senate in 1967 and again in 1969, and was not approved on either of those occasions. Now the District of Columbia comes around and they call it a reciprocal income tax. They want to put a District of Columbia income tax on every resident of Maryland and every resident of Virginia who works in the District of Columbia.

I opposed the commuter taxes when they were proposed in 1967 and again in 1969, and I oppose this new proposal because the people of Virginia and the people of Maryland and the people of the other 50 States are paying now to help operate the government of the District of Columbia. They are doing this through the income taxes which they pay to the Federal Government, and the Federal Government in turn subsidizes to a very substantial degree the expenditures of the District of Columbia. So I say it is not a just tax and it is not a fair tax. Why should the people of Virginia and the people of Maryland be singled out to pay extra toward operating the District of Columbia? I can see operating in a very economical way, I might say, but why should they be singled out?

Under this reciprocal proposal, Washington, D.C., which has an income tax going up to 10 percent, would put that tax on a resident of Virginia and on a resident of Maryland, when the Virginia tax and the Maryland tax is a maximum of 5 percent on incomes. I think it is a very unfair proposal.

It is true that the State of Virginia and the State of Maryland would be permitted to put their income taxes on residents of the District of Columbia who work in those two States. In the first place, from the individual's point of view, many individuals will have their tax doubled, because the top District of Columbia tax is double the top rate of the Virginia tax and double the top rate of the Maryland tax. Besides that, it would take some $17 million away from the State of Virginia and some $34 million away from the State of Maryland, and the District of Columbia would gain $51 million. But the people of the State of Virginia would then have to make up $17 million by increasing their State or local taxes, and the people of Maryland would have to make up that $34 million by an increase in State or local taxes. I think it is a very undesirable and very unfair proposal, and one which I hope the Senate will reject.

I notice that one of the officials of the District of Columbia government gave a statement to the newspapers saying he was not going to accept a compromise at all; he wanted it all. The only proposal he was going to accept for getting revenues for the District of Columbia was the proposal they are throwing out for a reciprocal tax; he was not going to present alternatives; he was just going to demand that tax or nothing. So far as I am concerned, he will take nothing if he takes that attitude.

I want to help the District of Columbia, and the American taxpayers are helping the District of Columbia. The Congress has appropriated tremendous sums of the American taxpayers' dollars to operate the government of the District of Columbia.

Mr. President, at the conclusion of my discussion yesterday on the reciprocal income tax, the distinguished and alert and able Senator from Alabama (Mr. ALLEN) took the floor and addressed a question to the Senator from Virginia, in which he asked the Senator from Virginia whether the Senator from Virginia was aware the Senator from Alabama—who, I am proud to say, resides in the State of Virginia—had been sent a notice by the Virginia State Tax Commissioner that he should pay an income tax to the State of Virginia because he happens to reside in the Commonwealth. He is residing in the Commonwealth because he is a Member of the U.S. Senate, representing the great people of Alabama. He chose to live in Virginia—and I am very pleased that he did—but why should he be assessed with a Virginia income tax? He pays an income tax to the State of Alabama.

I am opposed to the District of Columbia coming into Virginia and saying to the people of Virginia, "You have got to pay a District of Columbia tax if you work in the District of Columbia." I am equally opposed to the State of Virginia saying to a Member of the Congress who is living in Virginia only because he is in this area representing his people in the Nation's Capital, "You have got to pay an income tax to the District of Columbia."

Obviously, the Senator from Alabama is in the same position as are Senators from other States who happen to live in Virginia; they are bona fide residents of whatever State they happen to represent. So I think it very wrong for Virginia to attempt to assess for income tax purposes any Member of Congress.

I would point out that anyone who

owns a home in the State of Virginia pays whatever local property taxes there are, and justifiably so. But I am speaking now of the income tax. In regard to that, first I might say that there has been a change in tax commissioners in the State of Virginia, beginning a year ago. The previous tax commissioner was a man named Carlyle H. Morrissette. He was appointed tax commissioner in 1928, and served as tax commissioner until 1970. During the long period of time in which he served as tax commissioner, every effort was made to see that those Members of Congress who were living in Virginia solely because they were Members of Congress were not required to pay such a tax.

Apparently there is a questionable part of the law in the State of Virginia under which it could be construed that if you are domiciled in the State for more than 6 months, you would be required to pay an income tax to the State.

I wish to report to the Senate, and especially to my very wonderful friend from Alabama, that I have telephoned several times today to the capitol of Virginia. I find that legislation has been introduced—House bill 190—just within the last day or so, by a delegate from the county of Fairfax, the Honorable Stanford Parrish, and a cosponsor of the measure is the Honorable James M. Thomson, who represents the city of Alexandria and is the majority floor leader of the House.

This new legislation would treat as nonresidents under Virginia income tax laws Senators and Representatives from other States who reside in Virginia. That legislation is now before the Finance Committee of the House of Delegates in Virginia, and I hope it will be enacted into law; because, while I am opposed, and strongly opposed, to the District of Columbia coming into Virginia and attempting to levy an income tax against the residents of our State who have to work in Washington, I am equally opposed to the State of Virginia going to the Senator from Alabama, or any other Senator, and saying, "Because you happen to reside in our State in pursuance of your duties as a Member of Congress, we are going to bill you for an income tax."

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

Mr. BYRD of Virginia. I am delighted to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I appreciate the kind remarks of our distinguished colleague, the Senator from Virginia (Mr. BYRD).

Let me say at the outset that I agree with everything that the distinguished Senator has said on the three subjects on which he has spoken since I have been in the Chamber, for the last hour or so.

In the first place, I agree entirely with his remarks with respect to the value of extended debate in the U.S. Senate, and the value of maintaining rule XXII in its present form.

I agree also with his comments with respect to the so-called reciprocal tax on citizens of the State of Virginia and the State of Maryland who work in the District of Columbia. Yesterday, somewhat with tongue in cheek, the junior Senator from Alabama called the attention of the distinguished Senator from Virginia to the somewhat analogous situation in which the junior Senator from Alabama finds himself with respect to the paying of an income tax in the State of Virginia. Certainly I appreciate the remarks and the position of the distinguished Senator from Virginia with respect to the payment by Members of the Congress of an income tax to the State of Virginia, and I have heard with considerable interest the statement by the distinguished Senator from Virginia that legislation is now pending in the legislature of the Commonwealth of Virginia which would treat as nonresidents for the purpose of Virginia income tax those Members of Congress from outside the State of Virginia who do temporarily reside in the State of Virginia while representing their constituencies in the House of Representatives or in the U.S. Senate.

I must say I enjoy the temporary residence which I have in the State of Virginia. I feel a bond of friendship, almost of kinship, to the people of that great State. Certainly the great Virginia statesmen who were leaders in the founding of this Republic and the great Virginia soldiers have been heroes to the junior Senator from Alabama from his boyhood. So I was somewhat surprised when I did receive this tax notice with respect to paying an income tax in the State of Virginia. It is a moot question as far as I am concerned as to the tax year 1970, because I have not lived in the State of Virginia even temporarily for as long as half of a year. But I am glad to say that it is part of the legislative program of the Governor of Virginia to provide this exemption. Much as we like our temporary residence in the State of Virginia, we certainly do not want to lose our residence in the great State of Alabama.

While we enjoy living very close to the Potomac River, we do not want to be accused of having Potomac fever by becoming a resident of Virginia.

So I do appreciate the advisory opinion that the distinguished Senator from Virginia gave yesterday as to the nonliability for income tax of the junior Senator from Alabama to the State of Virginia.

Seriously, though, it is a matter of small consequence to the junior Senator from Alabama; but it is a matter of principle as regards all Members of Congress, whether in the House or in the Senate, who live in the State of Virginia. Being domiciled in their home States, should they be treated as residents under the tax laws of the State of Virginia and be required to pay an income tax after paying an income tax in their own States? The distinguished Senator from Virginia has very wisely put his finger on the answer: They should not be required to pay such a tax.

As he has pointed out, those of us who do maintain modest residences in Virginia pay property taxes. The junior Senator from Alabama might say, parenthetically, that with the tax rate that Virginia has on property, he does not feel that they should be experiencing any great lack of revenue; because, if all residences are taxed as is the modest resident of the junior Senator from Alabama, he feels that Virginia must be taking in quite a bit of revenue from the property tax. Those of us who live in the State of Virginia also pay gasoline tax; sales tax, I assume; tax on utilities, and the like, and we contribute to the prosperity of that great State.

I do appreciate the interest of the distinguished Senator from Virginia in this matter. I appreciate his seeing the analogy with respect to the plight of the Congressmen who reside in the State of Virginia but do not represent the State of Virginia, as such, in being called on to pay an income tax in the State of Virginia in addition to the income tax they pay in their own States.

The junior Senator from Alabama agrees wholeheartedly with the distinguished Senator from Virginia in feeling that the effort by the District of Columbia to levy a reciprocal tax on the residents of the State of Virginia and the residents of the State of Maryland who work in the District is unfair, and it should not be enacted. The junior Senator from Alabama is deeply grateful to the distinguished Senator from Virginia for his attitude and his impressions as to what should be the public policy of the State of Virginia in this matter.

Mr. BYRD of Virginia. I thank the distinguished Senator from Alabama.

I might say that, having read on the front page of the Washington Daily News today what the junior Senator from Alabama said yesterday, that he would accept the ruling of the senior Senator from Virginia that he, Senator ALLEN, owes no income tax to the great State of Virginia, I think I should best do what I have never done since I left the Virginia Senate quite a few years ago. I think I had better go down there and do a little lobbying for this legislation, because I want to be sure it passes. I am a little encouraged by the fact that one of the patrons of the legislation is James M. Thompson, who represents the city of Alexandria. He is the majority floor leader, the Democratic leader of the Virginia House of Delegates, a very able and outstanding man. I cannot say that I have any influence with him, but he is my wife's brother, and I am going to get her to see what she can do. [Laughter.]

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

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana, with the understanding that I will not lose my right to the floor and that it will not be counted as a second speech.

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

THE WELFARE MESS—ANSWER NO. 1

Mr. LONG. Mr. President, for more than a year the President of the United States and his administration have been doggedly fighting for a so-called welfare reform measure. The principal reason that the President's proposal has failed

thus far has been the fact that it contains little, if any, reform; perpetuates all of the basic faults of the existing system, and merely proposes to double the number of people on the rolls and more than double the cost. It would be more appropriately entitled "The Welfare Expansion and Mess Perpetuation Bill" than a reform measure. During the course of this Congress, I shall point some of the obvious failings of the program and some of the answers without which there can be no meaningful welfare reform.

The first item is the fact that people should be encouraged to work to improve their status. They should be permitted to keep some part of the earnings they achieve. It should be a meaningful amount that is retained for the benefit of the worker.

Before I came to the Senate, more than 24 years ago, I journeyed to Washington as a representative of the Governor of Louisiana, seeking to obtain Federal funds and Federal approval of a liberal and generous welfare program for the benefit of the aged citizens of Louisiana. One of the items for which I was contending at that time was that aged citizens should be permitted to earn small amounts of income and have a certain amount of resources without deducting these relatively small amounts of income from their welfare payments. My efforts contributed to a successful effort by the State of Louisiana to permit its welfare recipients to improve their condition in a reasonable fashion before their incomes were deducted from their welfare checks.

Down through the years I have offered amendments and supported amendments by other Senators to encourage persons receiving income from public welfare to go to work and improve their circumstances.

It was, therefore, most distressing to me to learn that the program administered entirely by the Federal Government in the District of Columbia made it possible for people to have more income on welfare than those people would receive if they went to work. Case after case was brought to the attention of the Committee on Finance with regard to which welfare workers were correctly advising the recipients to quit decent jobs and rely entirely upon public welfare or other Federal gratuities because they would receive more overall income on welfare as a 100-percent burden on the taxpayers than they would receive by earning honest wages that were available to them.

I have discussed the problem with small business people, frustrated at their efforts to obtain help, while the welfare rolls skyrocketed and welfare caseworkers advised their clients not to go to work. Now, at long last, we have been successful in prevailing upon the Department of Health, Education, and Welfare to change its shortsighted regulations in the District of Columbia in order that working mothers will be better off as a result of their honest labor than they would have been had they merely stayed home, contributing nothing to society to earn their keep.

If one had any doubt about the talent that conjured up the family assistance plan, he need only note the fact that these are the same people who gave us a program to discourage people from going to work and persisted in it for a long period of time after they had failed to successfully defend it before the Senate Committee on Finance. I am happy to see this hopeful note of progress—meager though it may be—toward true welfare reform. It is my hope that in time other elements of commonsense will become a part of any so-called welfare reform proposal.

Merely to note one or two things that remain very much wrong with the existing program under the family assistance program: It would still remain advantageous from a strictly economic point of view for a man to decline to marry the mother of his children, assuming that the mother is not working, they would be able to achieve a large amount of income by pretending that he was contributing nothing to the support of his children and denying that he was available for that purpose. This ridiculous situation could be corrected, but thus far every effort to do something about it has been met by a failure of support on the part of the administration.

Mr. President, in due course, I will have some suggestions along that line, in the way of welfare reform.

A central issue in our efforts to reform welfare is the need to provide incentives for welfare recipients to become economically independent through employment. It was with this in mind that the Congress in 1967 created a new work incentive program for welfare recipients. Under this legislation, a portion of the earnings of welfare recipients is disregarded for purposes of calculating the amount of the welfare payments.

In April 1970, I expressed my concern to the Senate about a sad situation in the District of Columbia. Until now the District has refused to provide any welfare assistance to a woman working full time even though her earnings might be well below the limitation needed to qualify for welfare. A specific case reported in the newspaper last April involved a mother working full time earning $1.80 an hour. When her husband left her, she asked the welfare agency for a cash grant equal to 2 months' rent—$308—to tide her over until her daughter graduated from high school and began working full time. The welfare agency denied the $308 grant and instead urged the woman to stop working and receive $317 per month in welfare payments. As I pointed out in a speech I made in the Senate last April 23, this situation made no sense from the standpoint of the family, from the standpoint of public policy, or from the standpoint of prudent use of public funds.

When Secretary Richardson testified on the administration's welfare bill in July last year, I personally called his attention to the fact that women in the District of Columbia were being advised by their caseworkers to give up full-time work in order to be eligible for welfare. I noted that Georgia had been hailed into court for doing the same thing and was forced to revise its practice and supplement the wages of the working poor mothers. Then, I asked Secretary Richardson how long the District of Columbia was going to be allowed to maintain this illegal restriction. Secretary Richardson responded:

> We certainly do agree, Mr. Chairman, with the importance of carrying out the work incentive provisions that are already in the law. They should be applied in the case of the women you mentioned.
>
> I am told that investigative activity to assure compliance is underway in the District of Columbia. I will follow it up to make sure that full compliance is made.

I was pleased to find out recently that the District of Columbia plans to abandon this counterproductive restriction beginning April 1 of this year.

During the Finance Committee's consideration of welfare proposals last year, I repeatedly stressed the need to reward persons who showed the initiative and ability to work rather than encouraging persons not to work. This is what the Congress intended in the 1967 welfare legislation. I am pleased that the District is finally following suit.

I ask unanimous consent, Mr. President, that the excerpt from the Committee hearing to which I referred and the editorial that appeared in the February 8 Washington Star entitled "Welfare Repair" be inserted at this point in the RECORD.

The article notes that the District expects the new policy to cost $4.8 million. It would be my hope that by offering an incentive to work, rather than an incentive to quit work, the change will actually save tax dollars. If the District had paid $308 as a one-time expense in April of 1970 rather than $317 a month for goodness knows how many months, they certainly would have saved tax dolars in 1970.

If we are to replace the present welfare system with something better, I feel as does the Washington Star editorial that the new direction in public assistance must be linked more directly to work incentives.

Mr. President, I ask unanimous consent to include in the RECORD an excerpt from the hearings of the Committee on Finance, and an editorial from the Washington Star of February 8, 1971.

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

EXCERPT FROM HEARINGS BEFORE THE COMMITTEE ON FINANCE

> The CHAIRMAN. In one part of your testimony you state that:
>
> "The Federal Government is forced into the position of discriminating sharply in its treatment of equally needy families in different States" and in another you point out the provision of existing law which prohibits initial AFDC eligibility for a working mother whose earnings are more than the need standard of the State.
>
> I might point out, however, that your Department has had an opportunity to treat needy families in a uniform and equitable manner in all States and give real meaning to the work incentive objectives expressed to the Congress, but has failed rather markedly in one case that has been reported in the press.
>
> I have reference to the existence of a pro-

vision in the District of Columbia welfare plan which denies welfare eligibility to a woman working full time, even though her earnings are below the standard of need established in this jurisdiction. A similar Georgia provision was struck down over 2 years ago by a three-judge district court, and no appeal was taken.

I assume the department agrees with the court decision, but your Department has issued no regulations prohibiting such State provisions and the District of Columbia provision still stands.

The result is that women in the District of Columbia are being advised by their caseworkers to give up full-time work and thus be eligible for welfare in order to meet their needs.

Certainly you will agree that it was our intent to encourage full-time work and welfare supplementation if the earnings did not provide for the full need of the recipient.

How long is this District of Columbia provision going to be allowed to stand?

Why is this plan illegal in Georgia but sanctioned in the District of Columbia?

Secretary RICHARDSON. We certainly do agree, Mr. Chairman, with the importance of carrying out the work incentive provisions that are already in the law. They should be applied in the case of the women you mentioned.

I am told that investigative activity to assure compliance is underway in the District of Columbia. I will follow it up to make sure that full compliance is made.

[From the Washington Star, Feb. 8, 1971]

WELFARE REPAIR

In 1967, Congress decided that welfare-eligible mothers who choose to work for low pay should at least have their earnings supplemented at public expense up to the level they would receive if they were fully on welfare. Now, belatedly, the District of Columbia is about to comply with that directive.

The local income supplementation, to begin April 1, was disclosed in Mayor Washington's latest budget proposal, which asks $4.8 million to finance the new expense through fiscal 1971. That may not be enough, for no one knows for sure how many potential applicants there are. Legally, however, the city cannot avoid this commitment any longer. And on moral grounds, it is hard to imagine a more equitable or productive use of public welfare money.

Nearly everything is wrong with the present welfare system, which here as elsewhere is threatening to bankrupt local government. The District, better off than most cities in this respect, suffered a welfare caseload increase of 53 percent during the past year alone. What the income supplementation program is concerned with, however, are mothers of dependent children who have chosen voluntarily to try to make their own way rather than to accept aid for doing nothing. That kind of motivation not only merits an equal financial return, it must be encouraged however possible.

The strongest hope for the future lies, of course, in scrapping the entire system and moving in a new direction of public assistance linked more directly to work incentives. Until Congress musters the gumption to do that, income supplementation for employed welfare eligibles provides at least one limited form of justifiable repair.

Mr. BYRD of Virginia. Mr. President, is it not correct that the Committee on Finance suggested to the Department of Health, Education, and Welfare that it set up a number of pilot projects throughout the Nation and the committee indicated its support for $50 million or $100 million, or whatever sum was necessary, so that the plan could be tested to see what parts would work and what parts would be undesirable, but that the attitude of the Department of Health, Education, and Welfare was that we should set up the projects only if Congress gave the Department of Health, Education, and Welfare in advance the right to put the program into effect, whether it would or would not work.

Mr. LONG. The Senator is correct. Of course, that made many people suspicious. Furthermore, when the administration could not get agreement to put the plan into effect, even if the tests proved to be successful, then the Department of Health, Education, and Welfare said they did not want any tests at all. So that we have not been able to get them to agree to a proposition where we would test the program and, if Congress found the program was working well, then implement it.

The Senator is undoubtedly aware of the fact that the Senator from Louisiana has never fully agreed with the family assistance plan, but had suggested to the administration on more occasions than one that he was willing to have them try their plan, provided that we would also try other proposals which, in the judgment of the Senator from Louisiana, made better sense. But the administration was never willing to follow through on what once appeared to be a meeting of the minds, that we should try these things first, the projects that seem to be most in the public interest.

At a later date, I would expect to discuss one other thing that is obviously wrong with the family assistance plan and with the present welfare program—which is a case of multiplying the mischief—and that is where the man is the father of children and is making enough money to support the family but is to the advantage of both that man and that woman from an economic point of view to pretend that he is not the father. Thus the mother can apply to welfare and receive $200 a month for the support of herself and the children. By doing that, he can keep his earnings and she can obtain the welfare money.

Now that the so-called man-in-the-house rule has been knocked down by the Supreme Court, those people could have the best of both ways, the welfare money and, in addition, the income that the man earned without having to support any of his children.

It would make a lot better sense to pursue the general theory of capitalism, even as the advocate in ancient times, Adam Smith, who said that we should shape our laws so that by serving our own interests we would be serving the interests of society and the interests of our neighbors.

What should be done is that we should take some of these poverty lawyers who have been hired by the Federal Government—with forms already filled out for suing the States to try to force the States to load more people on the welfare rolls who were never intended to be there—and put those lawyers to work suing the fathers who have legally been declared to be the fathers. When we do that, we should follow the same economic incentive all the way through, so that the mother would be permitted to keep half of what is recovered for the benefit of the children and they would be that much better off because the father had been made to do his duty toward his children.

This idea of child support has been a matter about which society felt strongly up until welfare moved in and started relieving parents who were willing to shirk their responsibilities and their duty to support their children. There is no reason why we should not in the future overcome the difficulties that exist in making a man support his children by providing that lawyers employed by the Federal Government will be available to the mother to have that man declared to be the father and to have the father's earnings garnisheed, no matter what State boundaries he may try to cross, so that his income can be made available for the benefit of his children.

There are two simple things that need to be done. One, to make it advantageous for the mother to go to work—let her be better off working than loafing. Two, we must put together a proper procedure whereby the father will be sued and made to support his children if he does not wish to do so.

Some might contend that this latter proposal would not make much money for the Government or save enough money to justify this expense, but I would point out if this Government will go to work diligently suing and suing and suing and garnisheeing checks of fathers who desert their families, men who refuse to admit the paternity of their children, in due course, will do the right thing. Because they will be made to do it if they decline to do so. Eventually, the burden on the Government will be greatly reduced. This reminds me of the situation in World War II, when many men volunteered for service because they knew they would be drafted if they did not, thinking they might as well go ahead and make the best of it and volunteer to defend their country.

Many men find it economically advantageous to have the mothers of their children apply for welfare. They do not marry, so that the mother can more readily get the welfare money, $3,000 or $4,000. The man can work and keep his pay, spend it on what he wants, and not bother to support his true family.

That type of situation should be corrected. The Senator is well aware, as I am, that, so far, we have had absolutely no help, absolutely no cooperation from the Department of Health, Education, and Welfare.

Theoretically, about 17 percent of these AFDC cases are situations where the father has deserted his family and 28 percent involve instances where the father is not married to the mother. Yet we see no interest on the part of the Department of Health, Education, and Welfare to use Federal lawyers, poverty lawyers, or assistant U.S. attorneys to pursue this matter. We see no support coming from the Department of Health, Education, and Welfare toward a Federal law on nonsupport which should be on the statute books. Maybe we can do something about that. About an equal percentage, perhaps even a greater percentage, would be situations where the

child is regarded as illegitimate. In the overwhelming majority of those cases the father could be found, if the mother was given proper incentive and the proper help in pursuing that man to make him help his family. I know that prior to the time the welfare people moved in and took over the burden of the fathers, it was regarded as the easiest kind of lawsuit for an attorney to win by simply filing a suit to have the man declared to be the father of his own children.

The juries were most sympathetic to the mother when the mother brought that child into the courtroom and the jury looked at the child. She explained that the man was the father of the child. The father denied it. All the sympathy of the jury went to the mother if there was any evidence to support the mother's position. It was not like a criminal case where it had to be shown beyond a doubt. If there was any evidence, the jury would reach that conclusion. So the man could be held liable for the support of his children, and that income could then be applied to them.

It is a sad state of affairs when our Government tries to impose on working people and make them help to support someone else's children merely because the Government and the welfare workers do not care to go to the trouble of obtaining the support for that child from the child's father.

I would say that if we want to provide the incentive for people to work and to improve their living conditions, the Federal Government should provide counsel to file a suit and have the father declared to be the father of his own child. Then they should pursue him wherever he may go and garnishee his wages for the support of his children, whether legitimate or illegitimate. We will then have made at least two steps toward welfare reform.

I am dismayed to see that neither of those obviously logical answers have been a part of the welfare reform plan.

Mr. BYRD of Virginia. Mr. President, the Senator from Louisiana mentioned the lack of cooperation that the committee has received from the Department of Health, Education, and Welfare. I would like the record to show that, based on my observation during the 9 months that the committee was considering this matter, the able chairman of the Finance Committee, in my judgment, leaned over backwards to cooperate with the Department of Health, Eduction, and Welfare. Yet, the committee in return got very little cooperation.

The Senator from Louisiana mentioned that the representatives of Health, Education, and Welfare agreed to a test of their family assistance program in various areas providing the committee or Congress would give the department in advance the right to put the program into effect regardless of whether it was successful or unsuccessful. When the committee would not give them that approval, they then said, "We are not going to test it at all. We are against a test."

That created grave suspicion in my mind, and I was somewhat interested in what the distinguished and able Senator from Louisiana said in the beginning of his remarks, which, I think, is quite accurate, that the proposal brought to the Finance Committee by the Department of Health, Education, and Welfare is not a welfare reform proposal but is a welfare expansion program. It takes the number of persons drawing welfare assistance and doubles them from the present 10 to 24 million.

Mr. President, they cannot even administer the program they have now with 10 million persons on welfare.

Let us look at what happened in New York City recently with a mother and her three children. The mother first said that a friend of hers would give her lodging for $100 a week. The welfare department said no, that they would put her in a hotel in Brooklyn. They did this at a cost of $166 a week. After some weeks there, something happened. I do not know what it was. However, they had to vacate that hotel.

What did they do then? They put this family in the Waldorf Astoria for $76 a day. Mayor Lindsay thought that would not set too well with the taxpayers of New York. So he ordered them out. They are now residing in the home of the friend of the mother for $100 a week, or $5,200 a year.

I was most interested when the New York newspapers queried the mother as to how she liked the Waldorf Astoria as compared to the hotel in Brooklyn. She said, "It was very nice, but the maid service was not as good."

I submit that it is utterly fantastic to talk about more than doubling the number of people on welfare when they cannot even administer the program they have now with 10 million persons on welfare. They cannot administer the program with that number of people on welfare, and yet now they want to have 24 million persons on welfare.

Mr. LONG. Mr. President, the Senator is aware of the fact, I am sure, that the only way the States of the Union would go along with this proposal was when it was proposed that they would have to put less money and there would thus be a relief on the State budget, while the Federal Government would take care of the expenditures. This was found to be somewhat elusive. It was not an aid to the State budgets at all.

The Senator, I believe, knows—and I am certainly aware of it—that if we ask the State governments of the 50 States to put up any reasonable percentage of the increased cost of $4.5 billion a year for this program, those Governors would be in here threatened to secede from the Union if any further welfare costs were imposed on their people. They know how their people feel.

That is why they say that we should take it off their hands. The Federal Government, by hiring all these poverty lawyers to bring suit to make the States put on the welfare roll all these people that neither the Congress nor the States thought ought to be on those rolls helped to create such an intolerable situation that the States have every reason and justification for asking to be relieved of that burden.

The truth of the matter is that loading all of that burden on the Federal Government does not solve the problem. It makes it worse. It requires the taxpayers to pay their taxes to support people who never should have been on the welfare roll to begin with. It does not relieve the problem one iota because they pay it out of Federal taxes rather than State taxes, and it will take a whole lot more dollars to support 24 million people than it does to support 10 million.

Mr. BYRD of Virginia. It probably costs the taxpayer more. When the money comes down to Washington, a pretty good slice is cut out of that money before it gets back to the program that it is supposed to be used for.

I wish that one of the 100 Senators could explain how we would reverse the trend of the welfare state by doubling the number of people on welfare.

All sorts of people have come before the Finance Committee to discuss the welfare proposal. Not one single representative of HEW has been willing to answer how we would reverse the trend of the welfare state by doubling the number of people on welfare.

Mr. LONG. Furthermore, we would add literally tens of millions of people to the welfare rolls, people who at this time do not think they have a right to be on welfare. Tremendous political pressure will be brought to bear from all sorts of people who feel that they too should be relieved of having to work for a living and who find it advantageous to loaf rather than work, and to cheat rather than to seek honest employment.

Then one might try to explain how the demand is going to be resisted for larger and larger welfare payments and more liberal eligibility. We have the proposition now of a $5,500 minimum which would cost about $50 billion a year if it were put into effect.

If we are ever able to get out of the war in Vietnam, which some of us hope will occur eventually, this proposition would cost twice as much as the war in Vietnam and it would do very little good for the people of the country because you could not get anyone to work.

So I submit if this type of guaranteed annual wage for not working were to go into effect, in the next Congress they will be back demanding a pay raise because the guaranteed wage is not enough, and then it will not be long before we have not 50 percent of the people of the Nation on welfare but 75 percent of the people of the Nation on welfare, and the question will be who is going to work and earn a living when 75 percent of the people in this country can go on welfare.

The best I can make of it, they would only be permitted to keep 20 cents on each dollar they earn.

The Senator is aware that the proposal we were looking at had all kinds of difficulties. For instance, it provided a better incentive for a woman not to marry because she could get a larger amount of money by pretending the husband was not available to work, even though he might be.

Mr. BYRD of Virginia. The Senator is correct. One of the reasons given for the need to change rule XXII of the Senate rules and shut off debate more easily—debate can be shut off now when two-

thirds of the Senators present and voting want to shut it off—is that the Senate did not act affirmatively on the welfare program last session. I do not have any hesitancy in standing on the floor of the Senate and saying I am glad we did not. I think it would have been completely irresponsible for the Senate to have passed that gigantic welfare program.

I like to use the words of the chief advocate of the program, Mr. Elliot Richardson, Secretary of Health, Education, and Welfare. In his first written statement to the committee, the able chairman will recall, he said this about that program: It is revolutionary and expensive.

We know it is expensive, and I am sure it is revolutionary. I have no objection to revolutionary programs. I think we have to change our welfare program. It is outmoded; it goes back to the 1930's. We must reform it, but before we put into effect a revolutionary and expensive program, to use the words of the chief advocate, it seems to me only logical we should set up some experiments in four or five places, and let HEW decide where they want to do it. I am willing to vote $50 million, $1 million or $150 million, or whatever it takes. But before we put into effect a program that is going to cost the American people untold billions of dollars, we have to be sure what we are doing and give it a test.

Speaking of cost, the Federal cost for welfare, as the able chairman knows so well, was $4.4 billion for the past year. If this new program is enacted the costs for the next year, the up-coming year, will be $11.8 billion or almost three times the cost last year. Where all this money is coming from, I frankly do not know. There is only one place this Government can get money and that is from the pockets of the wage earners. That is the only place the Federal Government can get money, out of the pockets of the wage earners. I think that the wage earner has been pretty hard hit. I do not know whether all of them realize it or not because we have the withholding tax, and I do not know how we could run the Government without the withholding tax, but we have the withholding tax whereby money is taken from the worker. Nevertheless, the only place our Government can obtain funds is from the pockets of wage earners, and the men and women—and so many wage earners today are women, we want to be sure to include them—are paying a very heavy brunt in taxation. Before we go into new gigantic spending programs we have to give some consideration to the wage earners of our Nation.

I want to say again I was so pleased that the distinguished and able chairman of the Committee on Finance made his statement on the floor today and inserted in the RECORD certain information pertaining to the new welfare proposals.

Mr. LONG. I appreciate the Senator yielding to me for that purpose.

Mr. President, just to reiterate, it seems to me the starting point on any program of welfare reform must be that the new system makes it more attractive for people to work for a living and that they have more income because they work than they would if they did not work. If welfare reform does not have that provision it is not welfare reform.

I have had decent, hard-working employers, especially small businessmen, tell me of a ridiculous situation that exists. They have tried desperately to get someone to help in their businesses and willing to pay $2 an hour to work under pleasant surroundings, in air-conditioned comfort, and doing business with the nicest kinds of people, and they could not get someone to work in that little establishment because the welfare worker advised people they would lose money by going to work; that they would make more on welfare, and by staying home, than by working.

That is ridiculous. They would have less money by working than they would by living on welfare. At least in the District of Columbia that situation is being straightened out at long last.

The next thing I think should be a point of welfare reform is that in all cases every effort should be made to determine who is the father of the child. We have more unemployment than I would like to see. We have between 5 and 6 percent unemployed, but that still means 95 percent of the people who want to work are employed, and those who are unemployed are drawing unemployment insurance benefits.

The second point is that we should make it advantageous for the mother to seek the support of the father, and should make available through the Federal Government the instrumentality to assist that mother in requiring the father to support his children before we ask honorable and decent people to pay their tax money to support him. We should get that under control. That is point No. 2. That needs to be a part of the welfare reform.

It would not take many situations of that sort, where the daddy is made to pay, to get welfare on some proper basis. As far as this Senator is concerned, I would be happy to help the working poor, but the best test of whether a man is working poor is whether he is, in fact, working. If he is working and has a wife and children to support, or if a mother is willing and trying to support her child and is not making enough money to support them, then I am willing to help those people on a reasonable basis.

But why should the working poor be confused with the poor who do not care to work or with women who have men available to support those children, but who prefer to pretend they are not the fathers at all, when in fact they are? Why should we want to confuse the working poor with the nonworking people in this country who are not interested in working, be they poor or middle class?

So when we make a simple distinction between those who are entitled to be helped because they are doing their best to improve their lot and those who have no right to be helped, we will be improving welfare programs. But merely to double the number by adding to those who should not be on the roll in the first place will undermine the initiative that made this country great.

Mr. BYRD of Virginia. Is it the Senator's considered judgment, after listening to testimony before the committee for months and months, that the proposal lacks work incentive?

Mr. LONG. There is not a doubt in the world about it. As was pointed out, under the existing program, even though there was power to change it, a person would make more by not working than he could make by working. That is obviously a disincentive.

Under the family assistance plan, a family would be better off, in terms of cash, to pretend that the father was not the father of the children at all, so the mother and the children would be available for the family assistance plan, while the father could keep everything he made and covertly pass along to the mother such assistance as he wished for the children. Those people would be far better off under the family assistance plan than would honest people who were working hard for a living and who were not making very much money doing it.

Those conditions are not right and they ought to be corrected. Even if people are behaving honestly under the program, if we look at the various programs like food stamps, subsidized housing, and so forth, we find that they lose at various points as they move up the ladder economically.

So, after having put people on welfare and having prevailed on them to go to work, they would get only 20 cents on the dollar that they made after they went to work. That is very discouraging in and of itself. So the plan is obviously lacking in work incentive, which ought to be the objective of any welfare reform.

Many misleading facts have been put out about the matter. For example, it has been said that of all the people on welfare, only about 1 percent are actually available to work. A very distinguished American who served in the Harry Truman administration was in my office just yesterday. He mentioned that he and his wife were driving through the metropolitan area of the District of Columbia. As they were going through some of the so-called slum areas, they noted how filthy it was, with litter and trash everywhere. This man said that before these people were given welfare money, we ought to at least insist that they clean up whatever litter and trash was in front of their houses. Why not? If they are going to be given money, let them at least work enough to keep the front of their houses clean of litter and trash. That would be better than what we are doing now. These people, even mothers with many children, could sweep up the place in front of their homes and do that much to clean up the community.

Furthermore, over 90 percent of those children have fathers, and the identity of those fathers is known to the mothers in more than 90 percent of the cases. Lawyers could bring suits which would declare those men to be fathers of those children, and they could be compelled to help support them.

So we find a great big mess, and most of that has been created by the Federal Government itself through hiring poverty program lawyers to strike down pre-

cautionary provisions in Federal, State, and local statutes and regulations. Having hired all those lawyers to help subvert and undermine the purpose of the program, we then find that the administration, talking about reforms, fails to come up with the first simple requirements of welfare reforms.

It is said that one must register for work under the program. The Senator knows as well as I do that it is not intended to put those people to work. The very statute which says they must register to work would, on the fact of it, give 50 excuses for them not to work, and it does not provide incentives for them to go to work. So the program utterly fails of the objective stated for it. So it has not passed the Congress because of its failure to do that.

As one who wants to help the poor and who has led in that effort year after year, let me state that merely spending more money to put more people on the rolls is not the answer. The taxpayers are being victimized by putting on the rolls people who do not belong there, by encouraging them to lie, steal, and cheat, when the incentive ought to be for people to strike their names from those rolls and try to improve their condition. It is a far higher form of charity to provide help for a person so he can move up to a condition where he does not need a handout than to keep him on relief.

Mr. BYRD of Virginia. A person who has made a more detailed study of this subject than anyone else, or at least any other Governor, is Gov. Ronald Reagan of California. While we are discussing welfare, I want to pay tribute to Governor Reagan for going so thoroughly into this matter. I have talked with him on the telephone several times. I have talked with him in person. I have had letters from him. I think he has made a thorough study of welfare in California, which is the largest State in the Union. He takes a view very similar to the view expressed by the distinguished Senator from Louisiana and very similar to the view that I hold.

It had not occurred to me until this moment that, if he were willing to come east, he could give the committee a good bit of information that would be helpful in trying to shape a fair and reasonable and desirable welfare program. We want to help the poor people. I think we have a deep obligation, as a government and as individuals, to our fellow citizens who are physically or mentally unable to earn a living, and we want to fulfill that obligation.

As far as the Senator from Louisiana and the Senator from Virginia and the Governor of California are concerned, one of the abuses in the welfare system is lack of work incentives and the fact that persons are drawing welfare who in some cases refuse to work.

Mr. LONG. Of course, why should a person not refuse to work if he cannot keep any of it when he goes to work?

I would like to invite the attention of the distinguished Senator from West Virginia (Mr. BYRD) if I may, to the statements I am about to make. It is my understanding, if I recall correctly, that some years ago the distinguished junior Senator from West Virginia investigated the welfare situation in the District of Columbia, when he was chairman of the Appropriations Subcommittee dealing with this problem. It took a good deal of courage to confront the misguided people who seemed to feel that, for one reason or another, we would serve the national interest by loading the welfare rolls with people who had no right to be there.

I recall that the Senator was chastised viciously by the morning newspapers, day in and day out. But the Senate sustained him, because he was doing a real job and doing what the national interest required.

If I recall correctly, the Senator discovered that about 50 percent of the people who were on the welfare rolls here in the District of Columbia were not eligible for the payments they were receiving, or approximately 50 percent. With the permission of the Senator from Virginia, I would like to ask the Senator from West Virginia if that is not correct.

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from West Virginia, with the understanding that I do not lose my right to the floor or have it counted as a second speech.

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

Mr. BYRD of West Virginia. Mr. President, in response to the query by the able Senator from Louisiana, may I say that the investigation to which he refers was initiated by the Appropriations Subcommittee of the District of Columbia. As chairman of that subcommittee at that time, I called upon the Comptroller General of the United States to join with the investigators of the District of Columbia Welfare Department in conducting a joint investigation in the Nation's Capital of the ADC caseload.

Fifty-nine percent of the ADC caseload in the District of Columbia was determined to be ineligible—not by me, but by the investigators from the District of Columbia Welfare Department, working conjointly with the General Accounting Office investigators.

Having discovered that rate of ineligibility, it was thought by the subcommittee that the investigators should also examine the general public assistance caseload, which is wholly locally financed. It was found that 58 percent of the general public assistance caseload was ineligible. The subcommittee went from there to the caseload involving the permanently and totally disabled, and an investigation of that caseload showed that 39 percent of those who were on the totally and permanently disabled caseload were ineligible.

So of the three caseloads—ADC, general public assistance, and the aid to the permanently and totally disabled—it was found that 59 percent, 58 percent, and 39 percent, respectively, of the recipients were ineligible.

So the Comptroller General, as a result of these investigations, supplied to the subcommittee a well-documented report on the findings and conclusions which was disseminated among the press media and publicized.

Prior to that time, the caseload had been constantly rising in the District of Columbia, but, upon the initiation of the investigation and subsequent thereto for a period of many months, the caseload went down with each ensuing month, until HEW began relaxing its regulations more and more, and the Supreme Court of the United States issued certain decisions, which are all so well known—dealing with the substitute parent rule and the residency rule—and these two factors, acting in conjunction with the activities of so-called antipoverty programs, caused a reversal in the downward trend in the welfare caseload in the District of Columbia.

I shall be happy to supply the Senator from Louisiana with a copy of the Comptroller General's report to which I have made reference.

Mr. LONG. If I recall correctly, the people who then had the rolls loaded down so that more than 50 percent of the caseload did not belong there at all now have it back that way again, and apparently have escaped the scrutiny of the Senator from West Virginia to the point where the ADC rolls last year exceeded the eligibility by 53 percent; is that not correct?

Mr. BYRD of West Virginia. I believe that is correct. I am not attempting to keep up with the statistics here in the District of Columbia any longer, because it is not my responsibility to do it, and I have other responsibilities that consume all my time. But according to the press reports, I believe that is substantially correct.

Mr. LONG. Can the Senator imagine anything more ridiculous? It was found in 1963 that half the people on the rolls did not belong there to begin with. In the face of that there was initiated the so-called "declaration method" of applying for benefit, which meant they would put a person on welfare purely on his own word. They do that after they had already found 59-percent of the people on the rolls did not belong there? How ridiculous can you get?

Obviously we will save a great deal on welfare if we bar the so-called declaration method and investigate the actual need of applicants. If we are going to make 24 million more people eligible to go on the rolls, more than twice what we have now, all a person will have to do is get himself four or five social security numbers, using different names, he can go out and get himself on welfare four or five different times.

Furthermore, the Supreme Court, as the Senator so well knows, has declared unlawful the so-called man in the house rule or substitute father rule, and has declared that our statute does not permit a residency requirement when, in our judgment, it should and does. I think we can overcome the constitutional difficulty about that point, but it is now so easy for a person to get on the welfare rolls four or five times that one wonders why everyone on the welfare rolls does not get on four or five times.

A little lady out in Alameda County, Calif., got on the welfare rolls four times in one office when she was not eligible at all, just to show how easy it is. In Louisiana the other day someone came in the office and asked to go on welfare, and it

was discovered she was already on welfare four times with all her children, and would have been on five times except that the welfare worker who put her on the fourth time recognized her on her way out, and complained about the fact that the person was asking for someone else to handle her case, when it was obvious that she had taken good care of this person by recommending the maximum amount the last time she had seen her. Then it was discovered that this person was using different names and different social security numbers, and was cheating the system.

We do not now know of any way—I have been trying to find one—to protect the Government from being cheated blind with that technique. Unless we use fingerprints, it absolutely defies reason to know how we are going to detect these multiple social security numbers or even multiple applications and multiple names. One could even use the same name repeatedly, in areas where one lives near a State boundary. For example, a recipient living in far northeast Louisiana could also apply in Arkansas and Mississippi; there is no cross reference of the welfare rolls in those States.

And now, if one is to be eligible for it upon his own declaration—and in some States apparently they can even get on by telephone, or they can just take the application home and fill in whatever they want to, and that is worth maybe $2,000 a year to a single applicant—goodness knows how many of them are using several different offices, and there is no way to check any of it.

When we have the experience in the District of Columbia of more than 50 percent of the people on the rolls being ineligible, how can we, as prudent stewards of a public trust, vote for a situation that leaves it wide open for everybody to absolutely take advantage of us and steal us blind?

I see by the press—one of the handouts of the Department of Health, Education, and Welfare—that they say that the cases of detectible fraud are only 1 percent. I like the trick phrases they use: "detectible fraud." That means that they have caught only 1 percent. That is because they have not tried. Anybody who tried would catch 50 percent, or 14 percent, as the GAO detected in New York City; or 22 percent, as the State authorities detected in Nevada a month or so ago.

All this is going on, and it will become worse unless we do something to correct it. Those types of corrections are what I call reform.

This Senator is perfectly willing to spend more money to help needy people, but he is not willing to have the people who are entitled to be on there once go on there 4 or 5 times; and he is not willing to have people drawing large amounts of welfare payments only because they deny that they know who the father of their child is, when they know very well and when the father is very well able to support that child.

The Senator from West Virginia was on television the other day, and he acquitted himself very well against at least one questioner who wanted to embarrass the Senator. It was very obvious. The Senator reported that, far from being cruel with regard to handling the welfare problem in the District of Columbia, he simply insisted on enforcing the law; and by enforcing the law, a great deal of additional money was made available to people who belonged on the rolls. That is how this Senator thinks it should be done.

If Government aid is provided only to those who really need it and if they are encouraged to improve their condition, the aid will go much further and will be much more meaningful. It is a higher form of charity to help a person to help himself than it is merely to keep him on the dole forever.

The Senator pointed out that, thanks to his efforts, he not only saved the Government money, but also made it possible for those who remained on the rolls to have a great deal more, because they were the ones entitled to help, not the people who were ineligible.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Virginia again yield, with the same understanding?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. The able Senator from Louisiana has again referred to my efforts in connection with work on the Appropriations Subcommittee on the District of Columbia some years ago.

May I say, with regard to the declaration method, I think no fault can be found with the declaration method with respect to certain categories—for example, aid to the blind, old age assistance, and so on. But the trouble with some of the good people in HEW is this—and I say this with all due respect for them: Their ideas from the standpoint of theory do not prove out from the standpoint of practicality. So, while the declaration method is all right and is perhaps advisable—and I would support it with respect to the two caseloads I have referred to—I think it would not work with respect to the ADC caseload.

The Department of Health, Education, and Welfare simply has never been willing to face up to the fact that there are people on the welfare caseloads who are not eligible. HEW simply has been unwilling to confront the fact that investigations have proved that great numbers of recipients are not eligible.

Prior to the investigation to which we alluded a moment ago, which took place in the District of Columbia 7, 8, or 9 years ago, the Department of Health, Education, and Welfare took the position that in the District of Columbia the rate of ineligibility was not more than 2 or 3 percent, certainly less than 5 percent. What the people there apparently never have learned is simply that one cannot determine ineligibility by shuffling papers. It requires an investigation by trained investigators who know how to systematically go about checking on the reported and unreported resources, and so on, of the recipients.

The Comptroller General of the United States, who heads the General Accounting Office—which is an arm of Congress—stated in his report to Congress, in effect, that with respect to the ADC caseload, the caretaker relatives could not be depended upon to give the true facts with regard to the circumstances surrounding the case. They just could not be trusted. He did not mean that everyone out of every 100 could not be trusted. But, in the main, he indicated that "reliance cannot be placed on the ADC mothers to reveal the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance."

In the face of this, nevertheless, the Department of Health, Education, and Welfare has persisted in trying to get the declaration method extended to the ADC caseload—even in the face of this clear and unequivocal statement by the Comptroller General of the United States, which was based on very careful investigation of the caseloads in the District of Columbia.

We must have welfare reform in this country. We have to have it. It is long overdue. But just to send up a mixed bag to the Congress and write "welfare reform" on it does not mean that it is going to achieve genuine welfare reform.

As is often said, the welfare program is a "mess," but let me say here and now that HEW has contributed its share to that mess; because that agency has, in recent years, persistently insisted upon easing and relaxing the regulations, making it easier for recipients to apply and to qualify for and to stay on public welfare. HEW has encouraged people to go on welfare by forcing the States to follow such regulations and guidelines as have opened the floodgates.

Another example is in the case of overpayments. If a social security recipient, for some reason or other, receives an overpayment; if he gets a check to which he is not entitled, that social security recipient is required to repay to the Government every penny of that overpayment. But let a welfare recipient get an overpayment, and he is not required to pay that money back if it is an agency error. Senators would be surprised at the thousands of dollars just in the District of Columbia alone, over the years, that have been lost by virtue of overpayments to welfare recipients. Of course, there is the other side of the coin, too. There are underpayments. But neither can be defended.

HEW, in my judgment, while it does a great deal of good work, for which we are all thankful, has been perhaps the chief culprit in the creation of a mess out of the welfare programs in this country.

So do not look to HEW, may I say to my namesake from the State of Virginia, to tell Congress how to get out of this mess.

Mr. BYRD of Virginia. The Senator from West Virginia can be certain of that.

Mr. BYRD of West Virginia. HEW helped to make the mess, and we in Congress will have to find some way to bring about reasonable welfare reform in this country. We owe a religious duty; we owe a civic duty to the people of our country who need help and who deserve help. But, at the same time, we ought to find a way to give them that needed help without encouraging more and more people to get on welfare who are really physically and mentally able to find work, and

to do a good day's work, and who are not entitled to welfare. I am for manpower training programs. I am for any feasible, workable and compassionate approach to welfare reform. But the package that was sent up here last year labeled "welfare reform" was far from being welfare reform. We will never reform welfare by tripling welfare caseloads or doubling or tripling the costs. There has to be a better way. I, for one, accept my responsibility, along with others here, to try to find that better way. I am not a member of the committee which has jurisdiction over such legislation, however.

Mr. LONG. Mr. President, I very much appreciate what the distinguished junior Senator from West Virginia has said about this matter because I am certain in my mind that before we put 14 million people on the rolls, we should take off about 1 million that do not belong there, and the 4 million additional proposed to put on there probably we will find we do not need to put that many on, and we could get by with 3 million for parallel purposes——

Mr. BYRD of Virginia. The Senator is speaking of 14 million, not 4 million; is he not? It is 10 million to 24 million?

Mr. LONG. Yes; I stand corrected. I had my figures confused. The Senator is exactly correct and I thank him for the correction.

We should take off some of those who do not belong there. Before we support a child on the theory that we cannot find the father, we must make it to the mother's advantage to help us find the father. Before we say that the State laws are inadequate to make the father pay, we should pass a law that will give the Federal Government the right to sue the fellow and make him support the child. The Federal Government finds itself in the position of having the child left on its doorstep, so to speak, and has to put up the cash to support that little child. Having provided the mother with the tools to pursue the father and make him support his child, then we should allow her to keep half of that money, say, 50 percent of what is collected from the father.

One might say that by the time we let mama keep half of what she collects from papa, as a result of expenses by the Federal Government to bring that about, we might not save very much. The point is that if we pursue this thing, with diligence, find the father, and make him pay, it will deter others from running off in the first place.

Many of those who are taking good care of their former wives and children are doing so because they know the wife has a good lawyer working for her who will find him and make him pay. So why should not that same approach be used with regard to men who today are denying the paternity of their children? I believe that they would cease to engage in that kind of immoral conduct, or would begin to admit paternity and begin to support their children rather than abandon them to welfare.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Virginia yield again, on the same understanding as before?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. Just as the Department of Health, Education, and Welfare has long recommended that overpayments to welfare recipients were largely to be written off and forgotten and no effort made to collect repayments of overpayments, especially where an agency error was concerned, the same thing can be said, as I recall, about some of the details concerning the FAP program—and if I am in error, I hope that the distinguished chairman of the Finance Committee will correct me. I believe that the program initially sent up here by the HEW relegated to the scrapheap the family planning programs.

It has been quite some time since I reviewed the initial proposal, but it appeared to me, much of my chagrin at the time that HEW recommended a lesser effort from the standpoint of appropriations and authorizations, and so forth for family planning among welfare recipients.

Mr. LONG. If I may interject there, the Senator will find that HEW has seen the light in that area. The bill we passed by an 81-to-0 vote will move in the right direction on family planning. It is liberal in that regard, and I think it should be.

Mr. BYRD of West Virginia. What I was saying was, the Department originally was willing to play down and undercut that very important program. Am I not correct on that?

Mr. LONG. Yes.

Mr. BYRD of West Virginia. This shows a blindness on the part of the Department of Health, Education, and Welfare, which is absolutely contrary to all realism. This country will never be able to bring the welfare caseload under control until something is done to reverse the horrifying trend of illegitimacy. Two or three years ago, I recall that there were six mothers on the ADC caseload in the District of Columbia who had 61 illegitimate children—all on welfare. That is 10 illegitimate children apiece.

There was another group of 10 mothers who had 90 illegitimate children, all on welfare. That is, nine children each.

Another group of 21 mothers had 168 illegitimate children; all on welfare. That is eight children apiece.

One could go on and on and on with those who had seven each, and six each, and five each.

This is not said in criticism of the illegitimate child or in criticism of the woman who makes one mistake or even two mistakes. But when it gets to where there are five, six, seven, eight, nine, 10, and 11 illegitimate children in a family unit, in which there are as many as seven different fathers, then something is wrong. It is a problem which HEW and Congress should try in a compassionate way to correct and solve.

It was for this reason, I know, that Senator Tydings, of Maryland, who is no longer in this body, was so interested in trying to encourage family planning programs. It was for this reason that I sought, while acting as chairman of the Appropriations Subcommittee on the District of Columbia, to encourage the provision of family planning information, and so forth, to welfare recipients in the District of Columbia.

Mr. President, I say all this merely to say again that HEW has just been unable to see the facts as they are and to come up with a realistic program for trying to help these people who qualify for help and who ought to be given assistance, while, at the same time, ridding the caseloads of people who are not eligible. This is a duty owed to the taxpayer.

Mr. LONG. It stands to reason that all seven fathers of the children by that one mother would be a lot more interested in family planning if each one was confronted by a petition and subsequently a court order requiring him to pay support to the children. All of them would be a lot more responsible in their conduct. That is one phase of welfare reform that has been neglected by this bill. Nothing is accomplished along that line in the bill the administration sent up. As a matter of fact, one version of their bill even said that some welfare recipients would, henceforth, have to pay for any family planning services they desired.

Can you imagine anyone sending up a bill to put an additional 14 million people on the welfare rolls without beginning to correct any of the evils but to grandfather it all in? Brush it all under the rug and build on top of it.

This Senator will do his best. I appreciate the help of the two distinguished Senators from Virginia and West Virginia. They realize the problem and they will do their best to try to provide real welfare reform, welfare reform that seeks to make good citizens out of people that are presently more of a burden than a help to society.

Mr. BYRD of Virginia. Mr. President, the Senator from Louisiana mentioned a new point in the discussion, a point that one very seldom hears.

The Senator from Louisiana brought out the fact that the new proposals carry a grandfather clause. They "grandfather" in everyone who is on welfare.

As the Senator pointed out also, it uses that as a starting point and then adds 14 million persons to the welfare rolls.

It seems to me that to say that everyone on welfare should remain on welfare and get the same benefits he is now getting without regard to whether he should or should not be in that category is not a very good proposal.

Mr. LONG. Mr. President, I do not believe that I am betraying a confidence when I report for the record that before this Congress met, the advice of this Senator was sought as to what should be done with regard to the family assistance plan in this Congress.

It was my advice that the same program that was sent up last year should not be sent up this year, that those who wanted to ask Congress to act on behalf of the administration ought to try to determine why it is that those honorable men who have always voted for the high figure with respect to such matters would not support the plan. Obviously, there must have been something wrong with it when the men who have always been willing to vote for the high figure time after time would not support the plan.

Whether it is known or not, there is not any overwhelming demand for the adoption of the plan. The overwhelming demand on the part of the taxpayers is that we clean up this whole mess. The family assistance plan is a case of building new problems on top of old problems and sweeping the mischief under the rug. This does nothing about what is wrong with the program. It only makes it worse rather than better and adds 14 million additional people to the welfare rolls.

Until progress is made in that direction, it seems to me that it is an outrage to hold those poor old social security recipients as hostage, to hold their meager 10-percent increase hostage to push through some kind of a legislative monstrosity when the administration is not in a position to tell Congress what the proposal will be, so far as I am able to determine.

Does the Senator know what the latest version of the family assistance plan is? I do not.

Mr. BYRD of Virginia. I do not have the slightest idea.

Mr. LONG. Yet the people who clearly deserve and need a cost-of-living increase in their social security benefits as well as the disabled and the elderly people would be held hostage until the administration decided what it wanted to recommend in the way of welfare reform.

Mr. BYRD of Virginia. I think it important that the increase in the social security benefits be brought before Congress and passed.

As the Senator from Louisiana pointed out, this Congress wants to give an increase in social security benefits to the older people. They deserve it. The inflation they are experiencing justifies it. Congress passed it last year; the Senate passed it last year. Congress ought to pass that increase in social security benefits, as the Senator from Louisiana mentioned, and not tie it to a program that is very complex and that under the best of conditions is going to take a long time for the House of Representatives to consider.

I think it is very wrong and is very unjust. It works a great hardship on so many elderly people of our Nation not to pass the social security benefit increase. They are entitled to it. There should be a 10-percent increase in social security benefits. The Senate voted for that increase last December. The Senate Committee on Finance voted that way last September, I believe it was.

Congress is almost unanimous in giving an increase in the benefits to those people on social security. I think we ought to do it.

This is now February. When we return from the Lincoln Day recess, February will be more than half over. It is not logical or justified to hold the social security bill hostage to another bill merely for the purpose of trying to get the second bill passed. That is about what is happening.

Mr. LONG. Mr. President, what is happening is that a bill that passed the Senate by a vote of 81 to 0 is being held hostage. One does not have to ask how anyone voted. If a Member of the Senate was here, he voted for the bill. It was unanimous. However, the bill is now being held up while the House tries to add to it a very controversial matter, the details of which no one in Congress really knows. I assume then that we are to be asked to rush it through before we have had a chance to even study it.

If the family assistance plan is to be made a part of the social measure, I for one would insist that we have an opportunity to debate, discuss, consider, and vote on every suggestion that any Senator wants to make, such as the ones that were agreed to in the Finance Committee, to try to undo some of the very unfortunate court decisions which had the effect of enormously increasing the welfare burden on the taxpayers by adding to the rolls people who were never intended to be on those rolls.

If we do not act in the area of reform, we have no business calling this measure welfare reform. There is no reform in it. There is only a big increase in cost.

Mr. President, I thank the Senator for yielding to me. I had not intended to take so long.

I think it well that the record reflect that some of us are concerned about this matter.

I congratulate this department that at long last it has made this meager step in the right direction to assure that at least in the District of Columbia a mother will not be penalized because she wants to work to support her children.

Mr. BYRD of Virginia. Mr. President, if they want a pilot program, I think that there is no better place than the District of Columbia.

Mr. LONG. The Senator is correct. There would be no better place than the District of Columbia. It is close enough so that Congress can send out investigators to see how the plan is working.

Mr. BYRD of West Virginia. Mr. President, would the Senator from Virginia yield once again to me with the same understanding as before?

Mr. BYRD of Virginia. Mr. President, I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I congratulate the able Senator from Louisiana on the attitude he has expressed with respect to the need for an increase in social security benefits and with respect to the haste that ought to be made in providing that increase. I would hope that he will do whatever he can to sever from a proposed social security increase any other legislation.

I am for welfare reform. I want to see this Congress come forward with a workable, feasible, and wise welfare reform package. But if it cannot stand on its own two feet without holding as its hostage an increase for our social security recipients, then it is not a welfare reform package worthy of the name. It ought to be able to stand on its own bottom and pass on its own merits.

I hope the Senator will do whatever he can to prevent a social security increase from being held hostage in order to insure passage of a dubious welfare reform package. I think both bills should stand on their own, and certainly these millions of elderly people who are backed further into a corner by spiraling living costs and have to depend on that little social security check should not have to wait another 6, 8, or 10 months while Congress enacts welfare reform. They should have their increase now and it should be made retroactive to January 1.

I hope the chairman does what he can to bring that measure to the floor of the Senate soon after it comes from the House of Representatives. Let us give the old folks what they have coming to them and give it now. Welfare reform should be made to sink or swim on its own, and I hope it will be genuine welfare reform.

Mr. LONG. As the Senator knows, the bill we passed by a vote of 81 to 0 could be passed again by a vote of 81 to 0 today or tomorrow if we could get it to third reading and to a vote.

Mr. BYRD of West Virginia. Yes. I compliment the Senator.

Mr. LONG. The other measure would have grave difficulty passing either House on its own merits. I think it would be a tragic mistake to try to hold these tens of millions of people who have to rely on social security as hostages to pass a measure that could not be passed otherwise. But it would not be hard to pass the bill which has already been passed by a vote of 81 to 0.

Mr. BYRD of Virginia. Mr. President, I wish to associate myself with the remarks made by the Senator from West Virginia. I express the hope that the Senate will sever from the social security bill any other legislation, whether it be the welfare proposal or any other legislation, because I think it is very important that an increase in social security benefits be forthcoming at the earliest possible date.

Congress, including the Senate, has promised the elderly people of our Nation, those who must live on social security and who are so hard hit by inflation, an increase in benefits. I see no reason why that increase should be withheld. I will vote to sever any other legislation from that measure that would have the effect of delaying the benefits that I think the elderly people are entitled to.

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

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

ORDER FOR RECESS TO 11:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11:45 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the approval of the Journal, if there is no objection, and the recognition of the majority leader and the minority leader under the previous order, if they so desire, the able Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks by the Senator from Massachusetts (Mr. KENNEDY) tomorrow, there be a period for the transaction of routine morning business, not to exceed 45 minutes, with statements therein limited to 3 minutes.

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

SENATE RESOLUTION 50—SUBMISSION OF A RESOLUTION TO AMEND RULE XXII

Mr. DOLE. Mr. President, the question of the limits to which Senate debate should be subject is highly important. It is important to the Members of this body and to the American people. Free and unfettered discussion of issues before the Senate has been a cornerstone of our procedure since the first Congress. Protection of a minority from tyrannical abuse by the majority is a unique feature of our legislative process. This safeguard, this safety valve against intemperate, hasty and ill-considered action has served as a valuable element of our constitutional processes over the years.

The wisdom of Congress and it contributions to the life of the Nation are not measures only in the rolls of bills which have received approval. Another and sometimes a more accurate gage of congressional sagacity and foresight might be found by sifting through the proposals which died from committee inaction, outright floor defeat and suffocation by filibuster. Of course, from time-to-time, meritorious and highly worthwhile legislation has been blocked, and the good intentions and commendable goals of the vast majority of the American people have been frustrated by considerably less than a majority of the Senate.

DANGER OF PARALYSIS

It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate and America's legislative process along with it.

During the last Congress, the legislative branch of Government was subject to considerable criticism, not all of it unfounded. This criticism, generally, took the Congress to task for its apparent incapacity to dispose of its workload in the time allotted to it and for its failure to give decisive attention to many of the crucial issues facing the Nation.

Specifically, this criticism often centered on the Senate and rule XXII. Perhaps no single feature of Senate procedure has been subjected to such heated discussion as the portion of rule XXII requiring a two-third vote to invoke cloture upon debate.

The reaction to this criticism has varied. Some have maintained stanchly varied. Some have maintained staunchly that rule XXII, as it is written, must remain and that any alteration of it would be dangerous and highly undesirable. Others have gone to the opposite extreme and demanded the complete abolition of rule XXII and establishment of debate at majority suffrance. There have been others who have sought a middle ground, who feel that extended but not unlimited debate is a worthwhile and valuable element of the Senate's processes. I count myself among this number, for after studying the history and precedents of rule XXII and having lived and operated under the rule for the full 91st Congress, I believe its spirit, if not its present letter, is necessary and merits retention.

THE THRUST OF REFORM

Over the years, the proponents of amending rule XXII have suggested a number of alternatives. The current, and to date most well-received, proposal is to change the number necessary to invoke cloture from two-thirds of those Senators present and voting to three-fifths. It is perhaps the logical step, three-fifths being the only fraction between two-thirds and one-half which comes out to whole Senators. But I believe that an immediate substitution of three-fifths for two-thirds might present too great an opportunity for hasty decision and rash action. To my mind, it has seemed that a gradual shift in the vote requirement, geared to the length of debate and the consideration given to the invocation of cloture, would be most advantageous and desirable. Therefore, I am presenting an alternative to the proposal offered by the Senators from Idaho (Mr. CHURCH) and my senior colleague from Kansas (Mr. PEARSON).

A COMPROMISE SOLUTION

My alternative would be to reduce by one the number of votes required to limit debate each time a cloture petition is voted upon. On the first vote, an affirmative two-thirds of the Senators present and voting would be required to institute cloture; on the second vote, two-thirds less one of the Senators present and voting would be required; on the third vote, two-thirds less three, and so on until the point of three-fifths of those present and voting were reached. If all 100 Senators were present and voting it would require 8 separate votes on any given issue to move from a two-thirds to three-fifths requirement, or from 61 to 60 votes.

Mr. President, I believe this proposition is a valid and acceptable compromise. It preserves the present safeguards of the two-thirds requirement, but it also admits the element of gradual and responsible change. I commend this suggested amendment to rule XXII to my colleagues' attention and offer it in the hope that it may provide a basis upon which we might all agree.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

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

The resolution (S. Res. 50), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subparagraph, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"(b) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to impose a limitation of debate with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions for the purpose of limitation of debate may be made with respect to the same measure, motion, matter, or unfinished business. Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, matter, or unfinished business shall be reduced by one vote on the second, and by one additional vote on each succeeding, occasion on which the question whether debate shall be brought to a close is submitted to the Senate with respect to that measure, motion, matter, or unfinished business. Such reduction in the number of affirmative votes required for the limitation of debate shall continue until the affirmative vote so required for that purpose shall have been reduced to three-fifths of the Senators present and voting. Thereafter, the requirement of an affirmative vote of three-fifths of the Senators present and voting

shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

THE APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, I wish the RECORD to correct a misunderstanding of my position with regard to the extension of the Appalachian Regional Development Act. I understand that a memorandum, Legislative Daily of Tuesday, February 2, 1971, has been circulated in the U.S. Department of Commerce which reads as follows:

Senator Byrd of West Virginia expressed opposition to the Appalachian Regional Commission, and was joined by Senator Baker who expressed his support of revenue sharing but strongly opposed abolishing regional commissions, page S. 607. Senator Ervin also expressed his opposition—page S. 624.

I am today writing a letter to the Honorable Maurice H. Stans, Secretary of the U.S. Department of Commerce, calling his attention to this incorrect report with respect to what I recently said on the Senate floor regarding the Appalachian Regional Commission.

Instead of expressing opposition to the Appalachian Regional Commission, the CONGRESSIONAL RECORD will show that I am a cosponsor of current legislation to provide for the extension of programs under the Appalachian Regional Development Act for 4 years. The RECORD also shows positively that I am in vigorous opposition to any efforts to abolish the Appalachian Regional Commission.

So I ask unanimous consent to insert in the RECORD the "Summary of the Legislative Daily for the Secretary"; my letter of February 10, 1971, to the Secretary of the Department of Commerce correcting the statement in the memo which has been supplied to him; and a recapitulation of my statement which appeared on page S607 of the CONGRESSIONAL RECORD, the statement being entitled "The Appalachian Regional Commission."

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

SUMMARY OF LEGISLATIVE DAILY FOR THE SECRETARY

SENATE

Joint Economic Committee will begin hearings Friday, February 5, on the President's economic report. Hearings will continue on February 8, 9, 10, 17, 18, 19, and during the week of February 22. Secretary Stans has been invited to testify.

Senate yesterday received from the Secretary of Commerce a draft of proposed legislation providing relief in certain patent and trademarks cases, which was referred to Judiciary Committee. Also received were the annual reports of the Ozarks, Coastal Plains, and New England Regional Commissions—all of which were referred to Public Works Committee.

Senator BYRD of West Virginia expressed opposition to the Appalachian Regional Commission, and was joined by Senator BAKER who expressed his support of revenue sharing but strongly opposed abolishing regional commissions, page S.607. Senator ERVIN also expressed his opposition—page S.624.

Senator BENNETT placed in the RECORD a speech by Deputy Assistant Secretary Harold Scott on trade policy for the 1970's, page S.638.

HOUSE

None.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., February 10, 1971.

Hon. MAURICE H. STANS,
Secretary, U.S. Department of Commerce, Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that a misunderstanding of my position with regard to the proposed extension of the Appalachian Regional Development Act has been circulated within the U.S. Department of Commerce. According to the enclosed copy of a Legislative Summary, which I am advised was prepared for your information, it would appear that you have been incorrectly advised that I have expressed opposition to the Appalachian Regional Commission.

On the contrary, I am a co-sponsor of current legislation to provide for the extension of programs of the Appalachian Regional Development Act for four years. I have stated positively that I am in vigorous opposition to any efforts to abolish the Appalachian Regional Commission. The enclosed excerpt from the February 1 Congressional Record carries the report of my remarks in the Senate on that date in behalf of the extension of the Appalachian Regional Commission.

I would greatly appreciate your taking such action as may be indicated to clarify the record in this matter within the U.S. Department of Commerce.

With kind personal regards.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

THE APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, it is reported that the administration will seek to eliminate the Appalachian Regional Commission program, and rechannel the funds which have been going to the ARC into the proposed revenue-sharing plan.

As I understand the proposal, the abolition of the ARC would take place at the end of the current year. The fiscal year 1972 budget, which has just come to Congress, contains $282 million for the Appalachian Regional Commission programs, compared with $293 million budgeted for the current fiscal year.

Mr. President, I will vigorously oppose any efforts to abolish the Appalachian Regional Commission. The ARC, in itself, is a new idea in Federal-State relations. And it has represented a successful idea, although, in the 5 years that the program has been operative, it has not had sufficient time to realize its full worth.

The Appalachian Regional Commission grew out of an unusual Federal-State concept that the Federal Government ought to assist underdeveloped areas of our country to realize their full potential—a concept as valid as the revenue-sharing proposal which the administration has asked Congress to consider.

Many important projects such as highway construction are underway or in the planning stages, and it would be foolish, in my judgment, to change the signals now. To undertake a program with the special aim of assisting a relatively poor region to pull itself up economically, and then to terminate the program before it has time to accomplish its objective, would be most unwise.

The Appalachian Regional Commission programs are necessarily long range; and they put the emphasis exactly where the administration has said it wants the emphasis put—on local planning and initiative. No Appalachian program can be undertaken unless it springs from the grassroots. That is part of the concept, and it is what the administration has said it wants to achieve in its revenue-sharing plan.

If the special status of the Appalachian Mountain region is removed by abolishing the ARC, then I fear that the emphasis which has been placed on the very real needs of the region will be swallowed up by the demands for revenue which are sure to come from all 50 States.

Mr. President, not only should this unique program not be abandoned, it should also be expanded to other underdeveloped areas; and, indeed, that was the original idea. In my judgment, the Appalachian Regional Commission should be extended for a period sufficient to allow completion of the entire program that is currently underway; and, in addition, consideration should be given to the possible creation of other Appalachian-type programs in other parts of the country.

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

Mr. BYRD of West Virginia. Mr. President, do I have time remaining?

The PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have asked the Senator to yield only for a moment so that I may express my entire agreement with him on the statement he just made with respect to the Appalachian Regional Commission. My position in this respect may be unique. I was one of the first and I am one of the most ardent backers of Federal revenue sharing, the concept set forth in the President's state of the Union message. I intend to introduce a bill to implement the first of those two objectives.

I am also an advocate of the regional concept as developed by the Appalachian Regional Commission over the years. I do not think the two concepts are inconsistent. I think they can exist side by side.

I thank the Senator from West Virginia for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

S 744—INTRODUCTION OF BILL TO AMEND SECTION 214(B) OF THE APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I am today introducing a bill on behalf of myself and my senior colleague, Mr. RANDOLPH, to amend section 214(b) of the Appalachian Regional Development Act of 1965, and to allow the Federal Government to provide 100-percent funding for improvements at Appalachian airports that the Federal Aviation Administration judges as necessary to enhance airport safety.

At present, the Federal Aviation Administration is restricted to 50-percent funding for certain safety improvement projects at airports, and the Appalachian Regional Commission is permitted to contribute an additional 30 percent of the funds required. The total Federal contribution, however, cannot exceed 80 percent of the project's cost, with the final 20 percent coming from local sources.

The Appalachian area is a prime example of how this logic can fail. There are many airports in Appalachia where safety improvements must be made, but where there is not sufficient revenue at the local level to meet the 20-percent

requirement. Some of these needed safety improvements run into the hundreds of thousands of dollars. Therefore, it is often difficult, and sometimes impossible, for communities in Appalachia to meet the funding requirements imposed upon them.

I believe this restriction for improving the safety of our airports should be lifted, Mr. President, because we cannot allow the safety of our citizens traveling by air to depend on whether there is sufficient revenue at the local level to insure a modern airport facility.

In the last half century, aviation has developed into an important component of our national transportation system. Travel by air has had an ever-increasing influence on the economic advancement of our Nation by providing greater mobility than had previously been available.

The continued development of a sound and safe system of airports is essential in this era of expanded use of air transportation, and this development must be a national, rather than a local, concern. The percentage requirements for Federal contributions to grant-in-aid projects, authorized by Federal grant-in-aid acts, cannot be allowed to play such a predominant role in determining the safety of each and every American air traveler.

Under the provisions of my bill, the restriction of 80 percent Federal funding would be lifted in the case of any project for runway extension and construction, approach clearances, and site preparation for navigational aids, including land acquisition for these purposes. It restate and emphasize, Mr. President, that, in order to qualify for 100 percent Federal funding, each project must be approved by the Federal Aviation Administration as enhancing airport safety.

We cannot overlook the significant impact and great importance the air transportation system plays in the economic development of our Nation; and I naturally have that fact in mind also as I introduce this bill today.

However, foremost in my mind is the fact that we cannot overlook the responsibility—the Federal responsibility—of assuring to the best of our technological ability the safety of all Americans traveling by air.

My distinguished senior colleague (Mr. RANDOLPH) joins with me in cosponsoring this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 744) to amend section 214(b) of the Appalachian Regional Development Act of 1965, introduced by Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11:45 a.m., following a recess; immediately following the approval of the Journal and recognition of the two leaders under the previous order, the able Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes; following which there will be a period for the transaction of routine morning business not in excess of 45 minutes, with statements limited therein to 3 minutes; following which the pending business will be laid before the Senate.

RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11:45 a.m., tomorrow.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate recessed until tomorrow, Thursday, February 11, 1971, at 11:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10 (legislative day of January 26), 1970:

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, of Rhode Island, to be an Assistant Secretary of Transportation, vice James D. Braman, resigned.

U.S. DISTRICT COURTS

Robert E. Varner, of Alabama, to be a U.S. district judge for the middle district of Alabama vice a new position created by Public Law 91–272, approved June 2, 1970.

DEPARTMENT OF JUSTICE

P. Ellis Almond, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years vice Fred C. Sink, resigned.

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel

Langston, Joe V., XXXX

To be lieutenant colonel

Minckler, Rex D., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be colonel

Ostrom, Thomas R., xxx-xx-xxxx

To be captain

Moore, Robert J., xxx-xx-xxxx
Stephens, Robert B., Jr., xxx-xx-xxxx

To be first lieutenant

Carpenter, Timothy L., xxx-xx-xxxx
Jetland, Robert T., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Bugenske, John G., xxx-xx-xxxx
Dickerson, George W., xxx-xx-xxxx
Goiser, John L., xxx-xx-xxxx
Guyton, James S., Jr., xxx-xx-xxxx
Jordan, William A., xxx-xx-xxxx
Kuehn, Frederick G., xxx-xx-xxxx
Moffet, David H., Jr., xxx-xx-xxxx
Moore, Donald G., xxx-xx-xxxx
Shipp, Grantland V., xxx-xx-xxxx
Smith, Horton P., xxx-xx-xxxx
Thorne, Phillip D., xxx-xx-xxxx
Wright, Herman, xxx-xx-xxxx

To be captain

Babel, Otto, xxx-xx-xxxx
Badger, Ralph E., xxx-xx-xxxx
Beasley, Louis J.. Jr., xxx-xx-xxxx
Belitz, Charles L., xxx-xx-xxxx
Byrd, Joseph L., Jr., xxx-xx-xxxx
Gardner, David L., xxx-xx-xxxx
Carter, James C., xxx-xx-xxxx
Dalton, John W., xxx-xx-xxxx
Dowdell, Archie L., xxx-xx-xxxx
Gorman, Vincent C., Jr., xxx-xx-xxxx
Harechmak. John R., xxx-xx-xxxx
Hood, Ronald N., xxx-xx-xxxx
Jefferey, Henry E., xxx-xx-xxxx
Kelley, Robert L., xxx-xx-xxxx
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Williams, Carroll W., xxx-xx-xxxx
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Wilson, William V., xxx-xx-xxxx
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Crosby, Lamar C., xxx-xx-xxxx
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Weeks, Edward S., Jr., xxx-xx-xxxx
Wilson, George P. III, xxx-xx-xxxx
Winters, Stephen C., xxx-xx-xxxx
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The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adams, Charles J., xxx-xx-xxxx
Adams, David B., xxx-xx-xxxx
Adams, Roosevelt, Jr., xxx-xx-xxxx
Adcock, Gordon G., xxx-xx-xxxx
Alexander, William L., xxx-xx-xxxx
Allen, James H., Jr., xxx-xx-xxxx
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Allison, Barry L., xxx-xx-xxxx
Allison, James B. III, xxx-xx-xxxx
Allison, John R., xxx-xx-xxxx
Ambrose, John W., xxx-xx-xxxx
Anderson, George H., III, xxx-xx-xxxx
Anderson, Leo P., xxx-xx-xxxx
Anderson, Mark C., xxx-xx-xxxx
Andrews, Richard L., xxx-xx-xxxx
Archer, William D., xxx-xx-xxxx
Arteaga, Roland A., xxx-xx-xxxx
Arzoomanian, Richard A., xxx-xx-xxxx
Ashman, John L., xxx-xx-xxxx
Axson, Harry B., Jr., xxx-xx-xxxx
Backus, Richard G., xxx-xx-xxxx
Bacon, Robert A., xxx-xx-xxxx
Bailey, David J., xxx-xx-xxxx
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Barbee, John C., xxx-xx-xxxx
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Beauchamp, Richard A., xxx-xx-xxxx
Beck, Stephen W., xxx-xx-xxxx
Beckner, Michael A., xxx-xx-xxxx
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Bergeron, George C., xxx-xx-xxxx
Bernard, Joseph A., xxx-xx-xxxx
Berry, James R., xxx-xx-xxxx
Biersack, Carl W., xxx-xx-xxxx
Black, John B., xxx-xx-xxxx
Blackstock, Roger S., xxx-xx-xxxx
Blake, Robert T., Jr., xxx-xx-xxxx
Blanding, Zenola B., xxx-xx-xxxx
Boivie, Richard H., xxx-xx-xxxx
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Borowski, Lawrence P., xxx-xx-xxxx
Bourne, Kenneth W., xxx-xx-xxxx
Bowe, Nathaniel W., Jr., xxx-xx-xxxx
Boyaki, Walter L., xxx-xx-xxxx
Brabec, Don A., xxx-xx-xxxx
Bray, Kenneth J., xxx-xx-xxxx
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Buffington, Edwin L., II, xxx-xx-xxxx
Burns, Timothy J., xxxx
Butera, John J., xxx-xx-xxxx
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Butto, Robert J., xxx-xx-xxxx
Buxton, Ronald C., xxx-xx-xxxx
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Campbell, Philip L., xxx-xx-xxxx
Carmichael, Lawrence J., xxx-xx-xxxx
Casciano, Philip M., xxx-xx-xxxx
Casey, John L., xxx-xx-xxxx
Cash, Broady B., xxx-xx-xxxx
Causa, Jack A., xxx-xx-xxxx
Chambers, Michael S., xxx-xx-xxxx
Choate, Larry L., xxx-xx-xxxx
Christophel, Robert A., xxx-xx-xxxx
Chudick, Robert N., xxx-xx-xxxx
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Conley, Davitt A., xxx-xx-xxxx
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Cruz, Daniel L., xxx-xx-xxxx
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Cwenar, Charles J., xxx-xx-xxxx
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Disbrow, James C., xxx-xx-xxxx
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Donley, Freemon R., xxx-xx-xxxx
Downing, Benjamin H., xxx-xx-xxxx
Drake, John R., xxx-xx-xxxx
Driggers, Lee I., xxx-xx-xxxx
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Dunham, Jimmy D., xxx-xx-xxxx
Dunn, Michael A., xxx-xx-xxxx
Edwards, Donald L., xxx-xx-xxxx
Eley, Timothy G., xxx-xx-xxxx
Ellenburg, Tommy V., xxx-xx-xxxx
Ellis, John R., xxx-xx-xxxx
Elmer, Morrie D., xxx-xx-xxxx
Esposito, Thomas J., xxx-xx-xxxx
Evans, Michael E., xxx-xx-xxxx
Fallin, Richard H., xxx-xx-xxxx
Fannin, Danny R., xxx-xx-xxxx
Ferreira, Luis M., xxx-xx-xxxx
Ferrell, William B., Jr., xxx-xx-xxxx
Ferriter, John M., xxx-xx-xxxx
Fisher, Lynn A., xxx-xx-xxxx
Fogle, Allen R., xxx-xx-xxxx
Foreman, Clifton A., xxx-xx-xxxx
Forth, Lyle E., xxx-xx-xxxx
Fox, Michael R., xxx-xx-xxxx
Frost, Martin W., xxx-xx-xxxx
Gagarine, Michael A., xxx-xx-xxxx
Gallatin, Randy C., xxx-xx-xxxx
Gallemore, John H., xxx-xx-xxxx
Gant, Ronald D., xxx-xx-xxxx
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Garren, Patrick E., xxx-xx-xxxx
Garza, Oscar G., Jr., xxx-xx-xxxx
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Geisbush, David L., xxx-xx-xxxx
George, Danny M., xxx-xx-xxxx
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Giasi, Anthony J., xxx-xx-xxxx
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Gill, Donald T., xxx-xx-xxxx
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Graves, Stephen L., xxx-xx-xxxx.
Greenberg, Lawrence M., xxx-xx-xxxx.
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Gudgel, Richard G., xxx-xx-xxxx.
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Hada, Kerry S., xxx-xx-xxxx.
Hahn, Michael P., xxx-xx-xxxx.
Hall, Larry M., xxx-xx-xxxx.
Handy, David E., xxx-xx-xxxx.
Harding, Steve M., xxx-xx-xxxx.
Harkey, Henry A., xxx-xx-xxxx.
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Hart, Donald J., xxx-xx-xxxx.
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Haygood, Andrew B., xxx-xx-xxxx.
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Heim, David E., xxx-xx-xxxx.
Heldreth, William M., xxx-xx-xxxx.
Henderson, Jack C., xxx-xx-xxxx.
Henning, Darryl C., xxx-xx-xxxx.
Herr, Richard E., xxx-xx-xxxx.
Heslop, James L., xxx-xx-xxxx.
Hill, Ellis D., xxx-xx-xxxx.
Hintz, Thomas A., xxx-xx-xxxx.
Hoch, Alfred L., xxx-xx-xxxx.
Hogan, Thomas F., III, xxx-xx-xxxx.
Holder, Danny G., xxx-xx-xxxx.
Holzknecht, Louis F., xxx-xx-xxxx.
Homer, Thomas J., xxx-xx-xxxx.
Honeycutt, Randall J., xxx-xx-xxxx.
Honsch, Albert, Jr., xxx-xx-xxxx.
Horton, Richard A., xxx-xx-xxxx.
Howard, Alfred N., Jr., xxx-xx-xxxx.
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Indrisano, Gerard, xxx-xx-xxxx.
Iovine, Richard M., xxx-xx-xxxx.
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Johnson, Karl H., xxx-xx-xxxx.
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Jones, Cecil B., Jr., xxx-xx-xxxx.
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Kelly, Sean R., xxx-xx-xxxx.
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Kindsvatter, Peter S., xxx-xx-xxxx.
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Kinzig, Stanley F., xxx-xx-xxxx.
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Klink, Ralph R., xxx-xx-xxxx.
Klocko, Thomas J., xxx-xx-xxxx.
Knight, Melvin J., xxx-xx-xxxx.
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Ley, David J., xxx-xx-xxxx.
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Liddell, William K., xxx-xx-xxxx.
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Likins, Bruce M., xxx-xx-xxxx.
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Rooker, Calvin R., xxx-xx-xxxx.
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Rowe, Douglas L., xxx-xx-xxxx.
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Ryan, Michael P., xxx-xx-xxxx.
Saleeby, Claude A., xxx-xx-xxxx.
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Santoro, Vincent S., xxx-xx-xxxx.
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Schultz, Daniel E., xxx-xx-xxxx.
Schwarting, Michael L., xxx-xx-xxxx.
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Searcy, James D., xxx-xx-xxxx
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Vierra, Lawrence A., xxx-xx-xxxx
Vigen, Edward M., xxx-xx-xxxx
Vitrikas, Robert P., xxx-xx-xxxx
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Williams, Andrew C., Jr., xxx-xx-xxxx
Williams, Harry C., xxx-xx-xxxx
Williams, Richard W., xxx-xx-xxxx
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Willis, Clifford R., xxx-xx-xxxx
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Wood, James E., xxx-xx-xxxx
Wooten, Richard E., xxx-xx-xxxx
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Yeager, Ronald E., xxx-xx-xxxx
Zakia, Peter J., xxx-xx-xxxx
Zickefoose, Charles R., xxx-xx-xxxx
Ziegler, Richard J., xxx-xx-xxxx
Ziemkiewicz, Frank E., xxx-xx-xxxx
Zimmerman, Bruce E., xxx-xx-xxxx
Zirkle, John L.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Ackerman, John M., xxxx
Adams, Joseph I., Jr., xxx-xx-xxxx
Addy, John K., xxx-xx-xxxx
Adkins, Ronald A., xxx-xx-xxxx
Aed, George, II, xxx-xx-xxxx
Ah Yo, Gerald P., xxx-xx-xxxx
Aken, Joseph D., xxx-xx-xxxx
Allum, Philip D., xxx-xx-xxxx
Ammons, Victor M., xxx-xx-xxxx
Andre, Richard A., xxx-xx-xxxx
Angwin, John S., xxx-xx-xxxx
Ards, Donald D., xxx-xx-xxxx
Arsenault, Robert J., xxx-xx-xxxx
Ashby, William D., Jr., xxx-xx-xxxx
Atchley, Larry J., xxx-xx-xxxx
Aycock, Daniel D., xxx-xx-xxxx
Babson, John F., xxx-xx-xxxx
Bach, Bruce F., xxx-xx-xxxx
Baer, John R., xxx-xx-xxxx
Baker, Kerry A., xxx-xx-xxxx
Balloch, Steven M., xxx-xx-xxxx
Ballowe, Thomas L., xxx-xx-xxxx
Barber, Wilfred H., xxx-xx-xxxx
Barfield, Thomas H., Jr., xxx-xx-xxxx
Barnwell, Walter J., xxx-xx-xxxx
Barry, Patrick R., xxx-xx-xxxx
Bartalot, Louis R., xxx-xx-xxxx
Bartolain, Bruce A., xxx-xx-xxxx
Batog, Danny E., xxx-xx-xxxx
Batsky, Thomas E., xxx-xx-xxxx
Bauman, Noel J., xxx-xx-xxxx
Baxter, Michael J., xxx-xx-xxxx
Beasley, Robert J., xxx-xx-xxxx
Beaudoin, Robert A., xxx-xx-xxxx
Beckwith, James L., xxx-xx-xxxx
Beisner, James W., xxx-xx-xxxx
Bell, Kenneth U., xxx-xx-xxxx
Bell, Ronald K., xxx-xx-xxxx
Bender, Bruce A., xxx-xx-xxxx
Benson, Morgan, xxx-xx-xxxx
Bergtholdt, Gary B., xxx-xx-xxxx
Berry, Harvey W., xxx-xx-xxxx
Bertrand, Gary T., xxx-xx-xxxx
Besser, William E., xxx-xx-xxxx
Bevers, Bill, Jr., xxx-xx-xxxx
Beyer, Walter R., III, xxx-xx-xxxx
Bingham, Henry L., xxx-xx-xxxx
Bish, William C., xxx-xx-xxxx
Bishop, Michael W., xxx-xx-xxxx
Bitting, Alan C., xxx-xx-xxxx
Blackshire, Douglas L., xxx-xx-xxxx
Blain, Thomas D., xxx-xx-xxxx
Blankenhorn, Charles E., xxx-xx-xxxx
Blevins, James R., xxx-xx-xxxx
Blissett, William G., xxx-xx-xxxx
Blount, Kerry A., xxx-xx-xxxx
Boggs, Frank M., xxx-xx-xxxx
Bolton, Michael L., xxx-xx-xxxx
Bond, Clinton W., xxx-xx-xxxx
Bonham, Lyle V., xxx-xx-xxxx
Bono, Marc W., xxx-xx-xxxx
Bonvicino, Rodney J., xxx-xx-xxxx
Borchers, Alan L., xxx-xx-xxxx
Bowns, Nicolas D., xxx-xx-xxxx
Boyatt, Mark D., xxx-xx-xxxx
Brabbie, Cassell E., xxx-xx-xxxx
Braddy, William L., Jr., xxx-xx-xxxx
Bradshaw, Arthur L., Jr., xxx-xx-xxxx
Brady, Lance H., xxx-xx-xxxx
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Brake, Jonathan W., xxx-xx-xxxx
Brazil, Thomas E., xxx-xx-xxxx
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Brehm, Russell C., xxx-xx-xxxx
Broaddus, Gregory D., xxx-xx-xxxx
Broadwater, William T., xxx-xx-xxxx
Brophy, William S., III, xxx-xx-xxxx
Brown, Clarence D., xxx-xx-xxxx
Brown, Donald H., Jr., xxx-xx-xxxx
Brown, Fred E., xxx-xx-xxxx
Brown, Gene F., xxx-xx-xxxx
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Cadiz, Jesse L., xxx-xx-xxxx
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Campbell, James L., xxx-xx-xxxx
Carreker, Steven C., xxx-xx-xxxx
Carroll, Barry L., xxx-xx-xxxx
Carter, Jeffrey C., xxx-xx-xxxx
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Casey, James M., xxx-xx-xxxx
Casson, Russell F., xxx-xx-xxxx
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Cate, Richard H., xxx-xx-xxxx
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Chaffee, Dennis L., xxx-xx-xxxx
Champion, Kenneth L., Jr., xxx-xx-xxxx
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Chiles, James W., xxx-xx-xxxx
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Christianson, Paul L., xxx-xx-xxxx
Chun, Dennis W. K., xxx-xx-xxxx
Cieslak, Jon C., xxx-xx-xxxx
Clark, Bruce F., xxx-xx-xxxx
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Cloyd, David G., xxx-xx-xxxx
Clubb, Frank W., xxx-xx-xxxx
Coaker, Charles D., xxx-xx-xxxx
Coburn, Dale P., xxx-xx-xxxx
Cockerham, Terry V., xxx-xx-xxxx
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Coligan, Robert E., xxx-xx-xxxx
Columbus, Allan, xxx-xx-xxxx
Conaty, Francis S., III, xxx-xx-xxxx
Conlin, Andrew P., xxx-xx-xxxx
Conn, Joseph O., xxx-xx-xxxx
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Cooper, John W., xxx-xx-xxxx
Correa, Gregory A., xxx-xx-xxxx
Couch, Joseph C., xxx-xx-xxxx
Covington, Duncan S., xxx-xx-xxxx
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Cowardin, Louis J., Jr., xxx-xx-xxxx
Crabtree, Donald J., xxx-xx-xxxx
Craddick, William G., xxx-xx-xxxx
Craft, Charles W., Jr., xxx-xx-xxxx
Craven, Douglas R., xxx-xx-xxxx
Cronyn, Robert L., xxx-xx-xxxx
Crouse, James T., xxx-xx-xxxx
Crouse, Robin W., Jr., xxx-xx-xxxx
Crowe, Frederick J., xxx-xx-xxxx
Cunningham, Edselle K., xxx-xx-xxxx
Curles, Lawrence J., xxx-xx-xxxx
Curran, Stephen B., xxx-xx-xxxx
Currin, John G., Jr., xxx-xx-xxxx
Cushman, George H., IV, xxx-xx-xxxx
Daniel, Scott N., xxx-xx-xxxx
Daniels, Mark C., xxx-xx-xxxx
Davis, James M., xxx-xx-xxxx
Davis, Lee A., xxx-xx-xxxx

Davis, Ronald L., xxx-xx-xxxx.
Davis, Scott L., xxx-xx-xxxx.
Davis, Thomas C., xxx-xx-xxxx.
De Hayes, Mark F., xxx-xx-xxxx.
Deca, James A., xxx-xx-xxxx.
Degiacomo, Frank G., xxx-xx-xxxx.
Del Corso, Robert E., xxx-xx-xxxx.
Delashaw, James M., xxx-xx-xxxx.
Dellert, Luis A., Jr., xxx-xx-xxxx.
Deloatch, Curtis A., xxx-xx-xxxx.
Denniston, William B., Jr., xxx-xx-xxxx.
Denton, Howard M., Jr., xxx-xx-xxxx.
Derie, Joseph A., I, xxx-xx-xxxx.
Deutsch, James P., xxx-xx-xxxx.
Di Loretto, Daniel V., xxx-xx-xxxx.
Dibella, Donald S., xxx-xx-xxxx.
Dicks, Julian M., xxx-xx-xxxx.
Diehl, Robert A., Jr., xxx-xx-xxxx.
Dillon, John D., xxx-xx-xxxx.
Dillon, Thomas J., xxx-xx-xxxx.
Distephano, Anthony, xxx-xx-xxxx.
Dobson, Kenneth L., Jr., xxx-xx-xxxx.
Doke, Larry W., xxx-xx-xxxx.
Dolan, Kerry B., xxx-xx-xxxx.
Doll, Michael W., xxx-xx-xxxx.
Donaldson, Edward J., xxx-xx-xxxx.
Donato, Anthony J., xxx-xx-xxxx.
Donoghue, Kevin J., xxx-xx-xxxx.
Doran, John P., xxx-xx-xxxx.
Dorris, Denis M., xxx-xx-xxxx.
Doyle, Loren C., xxx-xx-xxxx.
Doyle, Michael T., xxx-xx-xxxx.
Drake, J. Madison, xxx-xx-xxxx.
Dries, James E., xxxx.
Duda, Frank P., xxx-xx-xxxx.
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Duesbury, William C., xxx-xx-xxxx.
Duncanson, Leonard A., Jr., xxx-xx-xxxx.
Durante, Arthur A., Jr., xxx-xx-xxxx.
Dykstra, David R., xxx-xx-xxxx.
Eagleson, Charles W., xxx-xx-xxxx.
Echert, Douglas C., xxx-xx-xxxx.
Edwards, Michael B., xxx-xx-xxxx.
Egan, James A., xxx-xx-xxxx.
Eggleston, Shaun G., xxx-xx-xxxx.
Eimers, Phillip W., xxx-xx-xxxx.
Elias, Robert J., xxx-xx-xxxx.
Ellington, Lane F., xxx-xx-xxxx.
Ellis, John O., Jr., xxx-xx-xxxx.
Emery, John C., Jr., xxx-xx-xxxx.
Engelstad, Dana P., xxx-xx-xxxx.
Englebright, Gary O., xxx-xx-xxxx.
Estes, Allen W., xxx-xx-xxxx.
Estes, Darrick T., xxx-xx-xxxx.
Estes, Ray A., xxx-xx-xxxx.
Evans, David B., xxx-xx-xxxx.
Evans, Ferguson, xxx-xx-xxxx.
Evans, Okey R., xxx-xx-xxxx.
Fabio, Robert M., xxx-xx-xxxx.
Failey, Christopher P., xxx-xx-xxxx.
Farmer, William T., xxx-xx-xxxx.
Farris, Edward R., Jr., xxx-xx-xxxx.
Farrow, Larry A., xxx-xx-xxxx.
Favati, Richard F., xxx-xx-xxxx.
Ferguson, Jack W., II, xxx-xx-xxxx.
Fierke, Thomas C., xxx-xx-xxxx.
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Fischesser, Christopher W., xxx-xx-xxxx.
Fisher, Donald J., xxx-xx-xxxx.
Fisher, Peter B., xxx-xx-xxxx.
Fisher, Stephen L., xxx-xx-xxxx.
Flores, Richard A., xxx-xx-xxxx.
Flynn, Michael F., xxx-xx-xxxx.
Flynn, Robert F., Jr., xxx-xx-xxxx.
Foltz, John, R. P., xxx-xx-xxxx.
Fontenot, Gregory, xxx-xx-xxxx.
Ford, Larry O., xxx-xx-xxxx.
Fornwalt, Mark A., xxx-xx-xxxx.
Forshey, Eddie D., xxx-xx-xxxx.
Fortson, James F., Jr., xxx-xx-xxxx.
Fowler, Arthur B., III, xxx-xx-xxxx.
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Franklin, Peter C., xxx-xx-xxxx.
Franks, John C., xxx-xx-xxxx.
Freeman, William T., Jr., xxx-xx-xxxx.
French, Malcolm F., xxx-xx-xxxx.
French, Daniel L., xxx-xx-xxxx.
Friar, Frank A., xxx-xx-xxxx.
Frick, Lynn A., xxx-xx-xxxx.
Fry, John C., xxx-xx-xxxx.
Funkerburk, Harold E., xxx-xx-xxxx.
Furr, Stephen R., xxx-xx-xxxx.
Gaffney, Michael W., xxx-xx-xxxx.
Galles, Clyde R., xxx-xx-xxxx.
Galliher, Charles D., xxx-xx-xxxx.
Garcia, Johnny J., xxx-xx-xxxx.
Gardner, Alan M., xxx-xx-xxxx.
Garr, Richard E., xxx-xx-xxxx.
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Garrison, Milton B., xxx-xx-xxxx.
Gates, Philip E., xxx-xx-xxxx.
Gavin, Frank C., xxx-xx-xxxx.
Gaynor, Dennis P., xxx-xx-xxxx.
Geoffrion, Leo T., xxx-xx-xxxx.
Gesker, Michael P., xxx-xx-xxxx.
Gilbert, Gary R., xxx-xx-xxxx.
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Gindy, Bert J., xxx-xx-xxxx.
Glasebrook, Nile A., xxx-xx-xxxx.
Glasgow, William M., III, xxx-xx-xxxx.
Glover, Robert L., xxx-xx-xxxx.
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Goetz, Dale P., xxx-xx-xxxx.
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Greene, Byron D., III, xxx-xx-xxxx.
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Griffin, Mark R., xxx-xx-xxxx.
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Johnson, Mickey C., xxx-xx-xxxx.
Johnson, Milo M., xxx-xx-xxxx.
Johnson, Reid N., xxx-xx-xxxx.
Johnston, Stephen C., xxx-xx-xxxx.
Jones, Bryan E., xxx-xx-xxxx.
Jordan, David F., xxx-xx-xxxx.
Jurand, Henry A., xxx-xx-xxxx.
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Kelly, Jerome F., xxx-xx-xxxx.
Kendzior, Lawrence J., xxx-xx-xxxx.
Kennedy, Peter C., xxx-xx-xxxx.
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Kilmer, Robert, Jr., xxx-xx-xxxx.
King, David R., xxx-xx-xxxx.
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Klima, David J., xxx-xx-xxxx.
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Knowles, James J., xxx-xx-xxxx.
Koerner, Robert F., xxx-xx-xxxx.
Kraemer, Eric A., xxx-xx-xxxx.
Kramer, Richard G., xxx-xx-xxxx.
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Kulpa, Victor J., Jr., xxx-xx-xxxx.
Kunke, George F., Jr., xxx-xx-xxxx.
Kurtz, Edward J., Jr., xxx-xx-xxxx.
Laack, William J., xxx-xx-xxxx.
Laffin, William C., xxx-xx-xxxx.
Laird, Charles M., xxx-xx-xxxx.
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Lamb, John A., Jr., xxx-xx-xxxx.
Lambert, T. F., III, xxx-xx-xxxx.
Lance, Darell G., xxx-xx-xxxx.
Landis, William L., xxx-xx-xxxx.
Langford, Michael J., xxx-xx-xxxx.
Larkin, James J., xxx-xx-xxxx.
Lashuay, Jack A., xxx-xx-xxxx.
Lasselle, Brian R., xxx-xx-xxxx.
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Latiff, Robert H., xxx-xx-xxxx.
Lautzenheiser, David F., xxx-xx-xxxx.
Leahy, Lawrence M., xxx-xx-xxxx.
Leclair, Thomas J., xxx-xx-xxxx.
Leigh, James F., xxx-xx-xxxx.
Leopard, Stephen L., xxx-xx-xxxx.
Levengood, Lynn E., xxx-xx-xxxx.
Levens, Jack L., xxx-xx-xxxx.
Levier, Kerry M., xxx-xx-xxxx.
Lewis, Mark R., xxx-xx-xxxx.
Lewis, Paul L., xxx-xx-xxxx.
Liane, Anthony L., xxx-xx-xxxx.
Lindell, Michael P., xxx-xx-xxxx.
Littell, John E., xxx-xx-xxxx.
Livingston, Raymond L., Jr., xxx-xx-xxxx.
Lombardo, Samuel R., xxx-xx-xxxx.
Long, Clifford K., xxx-xx-xxxx.
Long, David F., xxx-xx-xxxx.
Longbrake, Rickie L., xxx-xx-xxxx.
Longsworth, Ned V., Jr., xxx-xx-xxxx.
Looney, John R., xxx-xx-xxxx.
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Lynch, Timothy R., xxx-xx-xxxx.
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Magyera, Stephen N., Jr., xxx-xx-xxxx.
Manocchio, Dominic J., xxx-xx-xxxx.
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Marcantel, Michael K., xxx-xx-xxxx.
Mark, Robert E., xxx-xx-xxxx.
Marsh, David R., xxx-xx-xxxx.
Marsh, John E., xxx-xx-xxxx.
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Marshall, Joseph P., xxx-xx-xxxx.
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CONFIRMATIONS

Executive nominations confirmed by the Senate February 10 (legislative day of January 26), 1971:

ENVIRONMENTAL PROTECTION AGENCY

The following-named persons to be Assistant Administrators of the Environmental Protection Agency:

Thomas Edmund Carroll, of Maryland.
John R. Quarles, Jr., of Virginia.
Stanley M. Greenfield, of California.
Donald Mac Murphy Mosiman, of Indiana.

DIPLOMATIC AND FOREIGN SERVICE

George Bush, of Texas, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the representative of the United States of America in the Security Council of the United Nations.

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

SMALL BUSINESS ADMINISTRATION

Thomas S. Kleppe, of North Dakota, to be Administrator of the Small Business Administration.

EXTENSIONS OF REMARKS

WHY SPACE?

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Wednesday, February 10, 1971

Mr. WEICKER. Mr. President, last Friday I had the honor of addressing the U.S. Savings Bonds Luncheon at the Hotel Sonesta in Hartford, Conn. Since Alan Shepard and Edgar Mitchell were walking on the surface of the moon at the time I spoke, I thought it particularly appropriate that I should discuss the accomplishments and future perspectives of the space program. Because of the interest the program holds for all Senators, I ask unanimous consent that the text of my speech be printed in the Extensions of Remarks.

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

SPEECH BY HON. LOWELL P. WEICKER, JR.

Since Alan Shepard and Ed Mitchell landed on the moon this morning and began walking on the dusty surface of our nearest celestial neighbor about 4 hours ago, it is hard to believe that the entire concept of the Space Program is under severe attack across the country.

Yet while these brave men walk on the moon, certain people who substitute cliches and noise for thought and far sightedness continue to undermine them. They question the expense, the aims and the results of space exploration; and, incredible as it may seem at this moment, and despite having all the arguments of logic against them, these doubters have succeeded in having the program cut back drastically.

The few minutes I spend today will be the first round of this Senator's counter attack in support of our space exploration program. First of all, I want to make it clear that I would never claim we should go on with a "damn the expense, full speed ahead" attitude. As with everything else, we must continue our exploration in an orderly manner, gaining maximum knowledge and effectiveness from our efforts. But it is in the very basic nature of man to explore, to be adventurous, to challenge the unknown, and when this urge is stifled, man himself dies a little. As Alfred North Whithead said, "The vitality of thought is in adventure. Ideas won't keep. Something must be done about them. When the idea is new, its custodians have fervor, live for it, and, if need be, die for it."

This country was born, and raised to maturity on the strength of hopes and dreams, on the urge to explore and expand man's horizons. We opened the frontier; we found new ways to produce food, to cure disease, to house and cloth our people. We are great because we are a nation of explorers and problem solvers. Space is the new frontier, the new challenge, and if we deny ourselves the opportunity to explore it, we may deny our own heritage at the same time.

Between moon shots, the average American tends to lose interest in the space program. But, like today, when American men are out there 250,000 miles from earth, our hearts beat faster, our chests expand with pride—and perhaps a little envy—and suddenly all our worldly problems seem smaller and more surmountable. At moments like this, we are all uplifted a bit; we are all up there on the moon. We are all vicariously fulfilling the need to explore and thus living up to our heritage. We are at our best at times like this.

More and more, as I observe the workings of our society—from the individual family up through the many institutions of industry and education to our governments small and large—I am struck by the truth of the old saw: strategy is left to the lieutenant colonels—because the generals are so enamoured of tactics. In this age of Aquarius, this age of a "greening America," we see more and more emphasis on instant gratification of immediate desires, on shrugging off responsibilities with the feeling that "someone else" will take up the burden, on trying to settle vital and complex issues with two-dimensional slogans that rapidly degenerate into clichés.

We have become used to our apparent national wealth and power, without questioning its basis, or understanding whence it came, or recognizing its fragility; we therefore grow individually lazier and greedier. We are surfeited by the magnitude of our accomplishments, taking extraordinary events as commonplace and refusing to delve deeply into their meaning or implication. We don't like to face the fact that the modern world—and life within it—is extremely complicated and will—must—grow more so. We don't like to think strategically, which implies adequate consideration of our alternate futures, usually at some expense to our present.

I want to talk today about just that: about national strategy, and, more specifically, about national strategies in space exploration and exploitation.

Space has come to mean many things to us Americans, some good and some not.

Unfortunately, many people fail to realize that the direct benefits of the program to all of us are literally endless:

Photographs from space can pinpoint sources of air and water pollution precisely in minutes instead of months—

The T.V. cameras developed for Apollo are being used to monitor complicated industrial processes.

Sensors used to record the bodily functions of our Astronauts are now used in the Intensive Care units of hospitals—

Moon dust has been proven to make plants grow faster in ordinary soil and the artificial reproduction of its chemical properties may provide a revolutionary new fertilizer.

Perhaps the nation's space program has been too successful—and too anonymous—to warrant the attention that our more visible *failures* seem to attract. We have had routine operational satellite services in communications and meteorology since 1965 and in navigation since 1968; we have been monitoring the sun's activity from space since 1962; we have been doing precise satellite geodesy since 1965; we have been in-