lan, Chairman of the Senate Government Operations Committee, doesn't think that's necessarily the case. He says he has an open mind about his own rural development proposals, as well as those of Senators Pearson and Talmadge and Humphrey and others.

MCCLELLAN. There is merit in those proposals. It's just a question of how far the government wants to go in these matters. I'm not opposing their measures. I don't see that there's any conflict. I don't see that what they propose to do would be anything other than a further implementation of what I seek to do.

KURALT. Hubert Humphrey also adopts a generous attitude about his rural development rivals.

HUMPHREY. I've been a legislator a long time and I know that the sections and the subsections that one writes in his own bill are not always—do not always come out intact. In fact, we have Senator McClellan, we have Senator Pearson, they have a number of co-sponsors—these are all very good bills. We'll want to take those bills and bring them into concert, and I believe that out of it we will come forth with a proposal that the Administration cannot afford to oppose.

KURALT. Humphrey never has been known for his pessimism. However, Republican Senator Jack Miller, who favors a rural revenue-sharing approach, told Mike Stanley he's afraid help for the countryside may not be quite so automatic.

MILLER. I regret that there seems to be a proclivity for a certain amount of politics—partisan politics. As a matter of tactics, I'm afraid some of them feel that they don't like to have the party in control of the Executive branch get credit for some of these new ideas which are long overdue.

STANLEY. You feel that while there is a broad consensus on the importance, partisan politics may so completely muddy the waters that there will not be a bill in the 92nd Congress?

MILLER. Well, there's a danger, when you have seven or eight people out here in the Senate all vying to be President of the United States, it's going to be pretty difficult.

KURALT. Senator James Pearson of Kansas has had little luck with his Rural Job Development Act for two years now. He's also pessimistic.

PEARSON. I think this is a low-priority item, not only on the Administration's agenda of public business, but on the Congress's too.

KURALT. As Senator Pearson sees it, the President and the Congress are overwhelmed by many problems. Rural America is only one, and not the most dramatic one. The country has problems, and the countryside's troubles, urgent as they are—and for all the new concern about them—may have to wait for any genuine solutions.

This is Charles Kuralt, CBS News.

SENATE—*Monday, September 13, 1971*

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

PRAYER

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

Eternal Father, in whom we live and move and have our being, we thank Thee for the life and work of our fallen comrade, WINSTON L. PROUTY.

We give thanks to Thee for his selfless service to his State, to the Nation, and to the world.

For his dedication to human betterment, the care of the aged, help for the needy, and instruction to the young, we give Thee thanks. For his fidelity to high trust, for his elevated patriotism, and his devotion to the cause of justice and peace at home and abroad, we give Thee thanks. For his gentle manner, his quiet demeanor, and his steadfast faith in Thee, we give Thee thanks. May the memory of his great and good life speak to us of the higher qualities which abide all time and move us to a deeper commitment to be Thy faithful servants all our days.

And now we beseech Thee to be with all who serve in this Chamber, that we may have wisdom and grace to do justly, to love mercy, and to walk humbly with Thee.

In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 10, 1971, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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 may 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 New Reports.

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

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

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY AND IN THE NAVY

The assistant legislative clerk proceeded to read sundry nominations in the Army and in the Navy, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ANNOUNCEMENT ON SENATE PROCEEDINGS TODAY AND TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after discussing the matter with the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), we wish to announce that tomorrow the Senate will be in session from 10 o'clock in the morning until 1 o'clock in the afternoon. At that time, we will adjourn and the membership will then have the opportunity to attend the funeral services for our late departed and beloved colleague, Senator WINSTON L. PROUTY. The funeral services will be held at 2 p.m. in Georgetown.

On Wednesday, September 15, the Senate will meet and any votes which might be considered that day will be postponed until Thursday, so that Senators who wish to attend the funeral in Vermont will be able to do so on that basis.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the recognition of the leadership on tomorrow, I be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, following my remarks tomorrow morning, that the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

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

DEATH OF SENATOR WINSTON L. PROUTY OF VERMONT

Mr. MANSFIELD. Mr. President, on my own time now, I yield to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. SCOTT. And if the Senator from Vermont needs more time, I shall be happy to yield it to him on my time.

Mr. AIKEN. Mr. President, for 33 years, WINSTON PROUTY devoted most of his time to public service on the local, State, and National scene.

Eight of these years were served in the U.S. House of Representatives and nearly 13 in the U.S. Senate.

During the 21 years in the U.S. Congress, WIN devoted much of his time to urging assistance to the needy and underprivileged people of this Nation—the sick, the poor, and those in need of educational opportunity.

His record in this field is outstanding.

Last Friday, September 10, his distinguished career came to an end.

The omnipotent power which mankind has never been able to fathom or define and which controls the course and destiny of every one of us, called for my colleague WIN PROUTY to come home.

Since I expect there will be a time set aside for Members of this Senate to pay their respects to our devoted colleague on this floor, I will say no more at this time.

Mrs. Aiken joins me in extending to Mrs. Prouty and the members of the Prouty family our deepest sympathy.

Mr. SCOTT. Mr. President——

Mr. MANSFIELD. If the distinguished minority leader will yield momentarily, and the Senator from Vermont will yield me the remainder of my time, just to join the distinguished Senator from Vermont (Mr. AIKEN) in the remarks he has just expressed about our late beloved colleague, Senator WINSTON L. PROUTY, I would say we will miss him; we will miss WIN PROUTY because of his many outstanding contributions which his senior colleague has just enumerated.

Most especially, I should say that Senator PROUTY held a large place in his heart for the older citizens of this country. He was their advocate and friend. He worked consistently and tirelessly to bring about the betterment of their lives, and the improvement of their condition in our society. No Member of this body understood better or appreciated more the needs of older Americans.

We will all miss him. His will be a place most difficult to fill. His work for educational improvements and his efforts to better the health and welfare of all Americans are a legacy of great distinction. WINSTON PROUTY of Vermont served his Nation with deep devotion and high integrity. His loss is profound; it will be felt in the days, weeks, months, and years ahead. I certainly join in extending the condolences of this institution to his wife and loved ones.

Mr. SCOTT. Mr. President, first, I should like to say, so that the CONGRESSIONAL RECORD will show it, that those Senators who find it possible to make arrangements to be in Vermont on Wednesday next, will, I hope. notify the appropriate Senate officials so that arrangements can be made for them to attend the funeral of Senator PROUTY. I am sure that is what the distinguished majority leader would wish also.

Mr. President, at a later date I shall have more to say about my good friend and colleague, WIN PROUTY.

We served in the House together. We came over here to the Senate on the same day. There were three of us on this side of the aisle who came over as new Senators then, Senator PROUTY, Senator Keating of New York, and myself.

WIN PROUTY and I were associated for a long time togther. We were longtime friends. I was tremendously devoted to him and his dear wife.

We miss him sorely. A very fine and wonderful man has gone on to his reward.

At some future time, we will all have an opportunity to pay a more adequate tribute to him.

Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I send to the desk two resolutions and ask for their prompt consideration.

The PRESIDENT pro tempore. The first resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Winston L. Prouty, late a Senator from the State of Vermont.

Resolved, That a committee of Senators be appointed by the President of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to unanimously.

The PRESIDENT pro tempore. The second resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 166

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Winston L. Prouty, late a Senator from the State of Vermont, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

The PRESIDENT pro tempore. Is there objection to consideration of the second resolution?

There being no objection, the resolution was considered and agreed to.

ORDER FOR ADJOURNMENT TOMORROW AT 1 P.M.

Mr. MANSFIELD. Mr. President, to nail down the schedule for tomorrow, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment at no later than 1 p.m.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from New Mexico (Mr. MONTOYA) is recognized for 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 419

(Ordered to be printed and to lie on the table.)

NOW IS THE TIME FOR TOTAL EXTRICATION

Mr. MONTOYA. Mr. President, the upcoming presidential election in South Vietnam has become one of the saddest political charades in recent history. As the world looks on in astonishment, the United States is being made an unwilling party to the total destruction of what remained of the democratic process in that unhappy country.

After an endless decade of commitment, this is what we have to show for 55,000 dead American boys, more than a quarter of a million wounded, and expenditure of more than $100 billion we could not afford.

President Thieu has blatantly and brutally used his power to manipulate South Vietnam's political institutions so as to effectively bar his opponents from competing against him at the polls in October.

Vice President Nguyen Cao Ky has once been disqualified by South Vietnam's Supreme Court.

Gen. Duong Van Minh managed to qualify in spite of the obviously rigged procedures prevailing in this contest. He, too, saw fit to withdraw from the race, claiming, and I believe correctly, that the poll has already been totally rigged from start to finish.

This, then, is what we have come to. Here, then, is all we have to show for all the unmeasurable agony, bloodshed, strife at home, and disgrace abroad of the last 10 years. It is not enough.

One of the main reasons we established a military presence there was to retain for the people of South Vietnam a right of self-determination, secured by free elections. In due course, representative institutions reflecting some sort of parliamentary democracy would be able to take root and grow. We interposed a shield of military might behind which such activities could transpire. It has all been in vain.

The largest circulation paper in my home State of New Mexico, the Albuquerque Journal, has recently spoken out eloquently and persuasively on this subject. This newspaper, along with many of the people of my State, has shown significant forbearance in the past as far as our Vietnam venture is concerned. Their editorial, which I ask unanimous consent to have printed in the RECORD, states the case perceptively and pointedly.

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

TIME TO GET OUT—NOW

The withdrawal of Vice President Nguyen Cao Ky from South Vietnam's Oct. 3 presidential election suggests it is a good time for the U.S. also to withdraw from the Indochinese morass.

We hold no brief for the flamboyant Ky. But his pullout is merely the latest in a series of actions that lends strong credence to his claim that "any election organized by (President Nguyen Van) Thieu would not be an honest election."

Ever since Thieu and Ky were first elected in September 1967 it has been known the two most likely would oppose each other in the 1971 presidential contest. But Thieu, smarting from the fact he received less than a majority (about 35 per cent of the vote) in the 1967 election, seemed determined to gain reelection in 1971 at whatever cost.

Last June he gained National Assembly approval of a measure obviously designed to eliminate any serious opposition. It required a presidential candidate to have his nomination paper signed by 40 deputies and senators or by 100 members of the elected provincial councils. Majorities of both the assembly and councils are controlled by Thieu.

As might have been expected, South Vietnamese's Supreme Court ruled Ky's nomination paper inadequate. Brig. Gen. Duona Van (Big) Minh, however managed to qualify.

But last week Minh withdrew from the race declaring the election already had been rigged. And soon afterward the Supreme Court, unexplicably reversing its earlier decision, ruled that Ky's name could go on the ballot. This apparently was a sop to American officials who expressed dismay about reduction of the field to a single candidate.

But Ky, like Minh, apparently wanted no part of an election in which the ballot-counting could be a mere formality.

Ky has proposed a possible solution to this whole corrupt mess: that he and President Thieu resign so that the speaker of the South Vietnamese senate could assume interim responsibility for the country and reorganize the next elections.

Since there is little likelihood that the recommendation will be followed we believe it is time to get out of Vietnam. One of the primary reasons for our vast expenditure of blood and treasure was to give the South Vietnamese a chance to choose officials in free elections, but it now is obvious the elections are no longer free.

Mr. MONTOYA. Mr. President, on August 15, as the outlines of this grotesque farce were becoming more sharply defined, I wrote to President Nixon expressing much the same thoughts as are delineated in the Albuquerque Journal editorial. In that missive, I asked the President to seek an end to such activities on the part of President Thieu. In the likely event that there was a negative response to the use of his good offices, I asked him to formally announce a policy of total U.S. military withdrawal from South Vietnam. Such a movement would be undertaken swiftly and result in total extrication of our forces in the shortest possible time. I ask unanimous consent to have a copy of that letter printed in the RECORD.

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

DEAR MR. PRESIDENT: In the last few days, it has become very clear that President Nguyen Van Thieu of South Vietnam has decided to make a shambles of the democratic processes American boys have been fighting to preserve. He is using the power of his office to prevent opponents from challenging him in the upcoming elections.

This is a negation of democracy. It subverts the very purpose for which we have given so much blood over the past decade. What use are our continued sacrifices, if under the umbrella of our protection, President Thieu throttles political competition that is the life blood of the entire democratic process?

The American people are alarmed and dismayed by this sad display. To permit this to continue under our aegis is to prolong the conflict and our involvement in it. To tolerate it further is to make a mockery of all the past sacrifices made by America, including the death of more than 55,000 of our boys.

I urge you to use your good offices to put a stop to this travesty of representative government. If he does not respond to these urgings, it should then be the formally announced policy of the United States Government to withdraw forthwith every remaining American soldier in Vietnam.

I know you share my concern and will act accordingly.

Mr. MONTOYA. Mr. President, it does not take an on-the-scene-observer to see what is happening. We are now reduced to backing an Asian dictatorship of the most blatant sort. It is all the more degrading for us to maintain massive support of this kind of regime, when the entire world can observe with its own eyes the travesty taking place there with our blessing and help.

It is harmful enough to have pursued our previous course. It is worse yet to cling to such a forlorn hope after it is proven beyond any shadow of a doubt that there is no chance for it to bring to fruition even the slimmest and most remote of our expectations.

Yet perhaps the final degradation is for us to frantically cling to Thieu and his clique in the face of his abrogation of all our publicly stated goals and ideals. We have reached a point where further support for his policies will result in irreparable, far-reaching harm to the long-range interests of the United States.

In light of all these factors and the total picture they reveal to the American public, it is incumbent upon the Congress to do something in the face of the President's obvious reluctance to act accordingly.

Therefore, I shall introduce a measure designed to attain the goal of immediate American withdrawal.

Mr. President, my amendment will require the complete withdrawal of U.S. military forces from Indochina within 4 months after the date of the presidential election to be held in Vietnam in October. My amendment will allow the President of the United States to make a finding, however, which would assure the Congress that the Republic of Vietnam has followed democratic processes in selection of its President.

The effect of such a finding, submitted by the President to the Congress, would be to nullify the military withdrawal provisions of my measure.

Many in this body have demonstrated their commitment to ending our tragic involvement in Southeast Asia in the form of a land war. I have shared their concern and commitment, and have joined in supporting those measures which have been offered by Senators MCGOVERN, HATFIELD, COOPER, CHURCH, and our distinguished majority leader, Senator MANSFIELD. It is not my intention in offering the present legislative measure to in any way subtract from the initiative and leadership demonstrated by my colleagues. I only want to contribute to our collective efforts to terminate a conflict that has divided this Nation and diverted it from attaining vital national goals.

Mr. President, every American understands the tragedy surrounding those service personnel who are held prisoners of war as a result of this conflict. My measure does not advocate in any form that we abandon our prisoners of war; rather, I am firmly convinced that this amendment contains an intelligent and well-reasoned approach to this complex aspect of our involvement in Southeast Asia.

With enactment of this measure, Congress would be on record directing the President to negotiate the release of our prisoners of war, and to withdraw our military forces in concert with their release by North Vietnam and the Vietcong. Such a withdrawal would be completed within 4 months after the end of the South Vietnamese elections.

Mr. President, no constitutional arguments can be made against my amendment. Under article 1, section 8 of the U.S. Constitution, Congress has power to appropriate funds for military purposes, as well as to declare war. Neither is the President being pressured to do anything faster than he had already indicated a desire to do previously. January 1972, as a withdrawal date, is already later than the target he favored for withdrawal in 1969. To those who may claim there is no

precedent for such an amendment as this, there is another more than adequate response. No situation has ever demanded such action on the part of Congress. While Presidential action is, of course, preferred, particularly in light of the genesis of this military action, when it is not forthcoming, it is the obligation of Congress to supply such an initiative.

Mr. President, in no way is this amendment and the action I am requesting an abrogation or erosion of the Commander in Chief's executive authority. Rather, it is in direct line with our often expressed reasons for involvement in Indochina. We entered that conflict to preserve for those people the right of self-determination. Representative institutions and free elections have consistently been the justifications for our presence in South Vietnam. Now we are putting the Saigon regime on notice that either past sacrifices are vindicated in the form of free elections, or we shall forthwith totally remove our military support.

To conclude, Mr. President, let me remind my colleagues that we should not expect the ideals of this Nation to withstand our continued support of dictatorial regimes. None of us in this Chamber can take comfort from our tragic history in Vietnam, but all of us share in the responsibility for our Nation's involvement. Now, an additional circumstance has been added to the equation—the total absence of the democratic processes we have at great human cost attempted to give life to in Indochina. The costs of our involvement in Southeast Asia need not be repeated, but our unresponsiveness to the tragedy must not be forgotten.

Mr. President I send to the desk an amendment to the military procurement authorization bill and ask that it be printed in the RECORD.

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

AMENDMENT NO. 419

At the end of the bill add the following new section:

SEC. 505. (a) The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam. Congress declares that United States military assistance to the Republic of Vietnam has consistently been founded on the concept of free and open elections. These elections should allow meaningful opponents to qualify as candidates, guarantee fair and open competition among these candidates, protect campaign workers from harassment and intimidation by opponents, the government, or private interests, and guarantee that voters are allowed to freely exercise their franchise. This has been the stated policy of the United States Government for many years.

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond four months after the date of the completion of the 1971 presidential elections of the Republic of Vietnam, unless the President submits within 15 days following such election a report to the Congress finding that:

(c) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina;

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(d) The Congress hereby urges and requests the President to negotiate with the government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established in subsection (b) of this section.

(e) This section shall not be construed to affect the Constitutional power of the President as Commander-in-Chief.

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times on September 13, 1971, entitled "Last Chance In Vietnam," and an article which was published in the New York Times on September 13, 1971, entitled "Strain of the Vietnam War Weakens Army Elsewhere."

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

[From the New York Times, Sept. 13, 1971]

LAST CHANCE IN VIETNAM

Two authoritative voices now have challenged the Administration's hand-wringing act over the political crisis in Vietnam and its claims that it has done all it can to influence President Thieu to turn his single-slate presidential "election" into a real contest.

The threat by Senator Henry M. Jackson of Washington to vote against further economic or military aid to Saigon unless the Administration prevails upon General Thieu to hold a genuine election indicates the distress felt by long-time supporters of United States policy in Vietnam.

South Vietnam's Supreme Court and its National Assembly could constitutionally reopen the race to other candidates, if General Thieu requested action. The Nixon Administration, Senator Jackson said, "should stop pretending to be helpless, saying there is nothing more to be done." The United States, he added, "still has sufficient influence in Vietnam to see that a pointless referendum is transformed into a meaningful political contest—if necessary, at a later date."

This assertion has now been verified by none other than President Thieu himself in an interview given shortly before the Jackson statement but published fortuitously at about the same time. As reported by columnist Rowland Evans and Robert Novak, South Vietnam's President said he could not stand up against an American threat to cut off aid. He disclosed that he had informed South Vietnam's generals that he would resign if the United States Government or Congress cut off aid because of his one-man race for re-election. "We need military assistance to conduct our self-defense," General Thieu said.

There have been other indications of concern within the military junta that rules South Vietnam. But none could be more conclusive than President Thieu's own revelation of the assurances of readiness to quit he felt it necessary to give his colleagues.

The Thieu and Jackson statements refute the Administration's denials of responsibility for the electoral farce now under way in Saigon. Mr. Nixon's failure to intervene to assure the people of South Vietnam an opportunity to choose their own government undermines the moral basis for claims by four American Presidents to justify intervention in Vietnam's civil war.

But Mr. Nixon is not the ultimate arbiter, as the Jackson and Thieu statements demonstrate. A firm position by Congress, making further aid conditional on a fair and contested presidential election in South Vietnam, undoubtedly would set such a contest in motion. What is essential is a three-way race including Vice President Ky and General Duong Van Minh, who is the candidate of the Buddhists and other major opposition forces in South Vietnam. Both Air Marshal Ky and General Minh undoubtedly would reenter the campaign if adequate machinery for joint and impartial supervision of the election were established by mutual agreement.

[From the New York Times, Sept. 13, 1971]

STRAIN OF THE VIETNAM WAR WEAKENS ARMY ELSEWHERE

(By B. Drummond Ayres, Jr.)

WASHINGTON, Sept. 12.—The tremendous strain placed on the United States Army by the Vietnam war has left many of its units that are stationed elsewhere not only demoralized but also unfit for heavy combat.

Officials here say that at least nine of the 11 divisions on active duty outside Southeast Asia are incapable of waging immediate, full-scale war because of manpower and training shortcomings.

Out in the field, at places like Fort Carson, Colo., and Grafenwöhr, West Germany, unit commanders worry aloud about what might happen "if the balloons goes up."

"I'm afraid we're quite a long way from the early nineteen-sixties, when we were about as good as an Army can get," says Maj. Gen. Donnelly P. Bolton, a Defense Department specialist in unit readiness.

The best prepared of the Army's divisions are still tied down in Vietnam—the 101st Airborne and the 23d Infantry. But even these units, which give the Army a total strength of 13 divisions and about a million men, are beginning to have trouble as the war grinds down and boredom and restlessness set in.

The two divisions outside Vietnam that also have combat ready ratings are the 82d Airborne and the First Mechanized. But they, too, have certain important limitations.

For example, the 82d can move quickly from its base at Fort Bragg, N. C., but it is a lightly armed division.

As for the First, it is a divided unit, with some of its troops stationed at Fort Riley, Kan., and others in Germany.

Of the nine Army divisions rated and unfit for immediate, full-scale combat, several—such as the Third Armored in Germany and the Second Infantry in Korea—are capable of strong holding actions, though not for long periods. These units have most of their troops but need at least six months up to first-class condition.

Other divisions with bad fitness reports, such as the Fourth Mechanized at Fort Carson and the 25th Infantry in Hawaii, are incapable even of holding actions. They are at least a year and a half from combat readiness.

MORALE PROBLEMS CITED

"About all we can do is stay ahead of our paperwork," says Maj. Nicholas Waddock, a Fourth Division officer whose battalion is at half strength.

While the unpreparedness within divisions like the Fourth stems mainly from shortages

in manpower and training, morale and disciplinary problems caused by the unpopularity of the war and the draft have aggravated the situation. So, too, have race and drug problems.

The deterioration in readiness began about five years ago when the Johnson Administration, taking politics and economics into consideration, decided to expand the Vietnam fighting force without calling up the inactive reserves and without huge draft levies.

This meant that men and equipment had to be siphoned from divisions stationed elsewhere, such as Korea and Germany.

As the war has slowed, most of the equipment has been returned. But because of continuing political and economic pressures, many of the men coming back have been discharged rather than sent to units short of troops.

Only recently has the flow been diverted.

RETRAINING NEEDED

For instance, early this year many of the battalions and brigades in the four divisions in Germany were down to 60 and 70 per cent of their fighting strength. Since then, however, thousands of replacements have been shipped to Europe, and now the divisions there are up to about 90 per cent of fighting strength.

Still, many of the new men must be retrained. Some units have too many infantrymen and not enough mechanics; others have too many mechanics and not enough infantrymen.

And even after the European divisions have reached full strength and trained individual soldiers in the required specialties, units must be trained as a whole—first at company level, then at battalion and brigade levels and finally at division level.

In the last five years, few Army units other than those headed for Vietnam have conducted much training above battalion level.

Some of the Army divisions stationed in the United States have not yet benefited substantially from the new troop replacement effort. Among these are the 25th in Hawaii, the Second Armored at Fort Hood, Tex., and Fort Carson's Fourth Mechanized.

The Fourth has an authorized strength of 17,000 men but has only 11,000, and a disproportionate number of them are officers and sergeants.

MANY ARE EMBITTERED

Thus companies are down to 25 to 40 per cent of their fighting strength. Also, one of every three men is trained in an unneeded military specialty, and one of every two men is a Vietnam returnee, a "short-timer" with less than six months to serve.

The Army says that shorttimers seldom acquire any sense of belonging to the Fourth. Many have been embittered by Vietnam and the draft and are willing to soldier only enough to get by until their discharge arrives.

Because it has a large number of returnees, the Fourth turns over about 15 per cent of its strength every month, about double the turnover rate for the rest of the Army.

"Things are so bad here," says Capt. Kenneth King, a company commander, "that we've had to put some of our vehicles and weapons in storage. We try to train one day a week. The rest of the time we just keep house."

Even divisions rated as combat-ready have problems with turnover and returnees. At Fort Riley, Col. R. D. Tice, commander of a First Mechanized Brigadge, says:

"We've got all our people. But until the war is over they're going to be coming and going so much that we're not going to be as good as we should be."

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered the distinguished Senator from Georgia is recognized for 15 minutes.

THE TEXTILE-IMPORT PROBLEM

Mr. TALMADGE. Mr. President, while I was home last week, we received sad news that the second largest single industrial employer in the State of Georgia will close four of its plants which employ 1,100 people.

The Bibb Manufacturing Co., which has 23 plants in Georgia, announced that a combination of poor business conditions and low-wage import competition were forcing the closing of plants in Macon, Columbus, and Porterdale. Thus, by the end of November, these 1,100 people—who comprise 15 percent of the Bibb Manufacturing Co. work force—will be out of their present jobs.

The Bibb closings were the largest of many which have occurred in Georgia in the past 2 years. The fact is, 17 plants have shut down since 1968, leaving thousands of textile workers to seek other jobs, unemployment compensation, or even face the prospect of having to go on welfare.

The Department of Labor continues to report a serious decline in textile employment in Georgia and throughout the Southeast. In 1 month alone, from June to July of this year, textile employment in the Southeast fell 7,000—with 900 of those jobs being lost in the State of Georgia.

I and other Senators who are equally concerned about this problem have come before the Senate time and time again pointing out that many of these job losses can be traced directly to unfair import competition from the low-wage countries of the Orient. Bibb Manufacturing, for example, produces yarns for carpets and twill. The Japanese have been underselling them in both lines. Imports have taken over more than half of the domestic market for worsted materials for men's suits. They have 25 percent of the overall apparel market.

One does not have to be drawn a picture to see that this type of penetration cannot occur without American working people being thrown out of a job.

Imports currently are running at an annual level of 6 billion square yards. This is more than double what they were 5 years ago. This represents a displacement of the equivalent of 300,000 American jobs.

We hear a good deal from the Japanese about their highly touted, but I submit virtually useless, unilateral controls on textile imports. They would have us believe that the U.S. Government has no business limiting textile imports. They say let Japan do it. They say let the Japanese Textile Federation dictate what kinds and the amounts of textiles that can be sold in this country. They say there is no need to impose quotas on imports. Japanese claim they will themselves use "self-restraint."

I say, what kind of self-restraint can we expect from the Japanese when we look at what has been happening in the last 10 years? It is still happening—Japanese and other Far East imports continue to glut the American market. American workers continue to find their jobs pulled out from under them, while the Nation's unemployment rate goes sky high.

Our overall trade deficit last year with Japan was about $1.8 billion, and it appears that it will increase by another $1 billion this year.

Mr. President, I think the Congress ought to serve notice on the Japanese here and now that this problem must be solved, and it must be solved now. If they are not willing to negotiate in a spirit of fair play and equity for the American textile workers, Congress has no choice but to take the matter in hand. In fact, Congress should have acted a long time ago. For years we have been talking about the problem. We have talked and tried to negotiate voluntary agreements. All the while, textile imports have driven people out of work and, at the same time, we go lamenting the high rate of unemployment.

The time for talk is over. The time to act is now. We have had enough mill closings. We have had more than enough joblessness. We have heard too much tough talk from the exporting countries about what they are going to do if we attempt to protect our basic job producing industries from total destruction. As the President said Thursday in his economic address to Congress, the time is long overdue for the United States to put our own interests first.

It was most ironic to return to Washington to find a Japanese cabinet delegation here "talking tough" on the international trade issue. In the September 9 edition of the Washington Post, Japan's Foreign Minister Takeo Fukuda attacked the 10-percent surtax on imports that has been imposed by President Nixon. He threatened retaliatory action if the import tax is not promptly removed.

In the same issue of the Washington Post, the presidents of four textile and apparel unions signed an advertisement pointing out that in the first 7 months of this year imports of Japanese textiles and apparel are 43 percent higher than last year's all-time record level.

With the United States plagued by serious economic problems, many of which are the direct result of our outdated and overly liberal trade policies, one would think that the Japanese would come to this country in a more conciliatory frame of mind.

Rather than coming over here to complain about the surtax and threaten retaliation, the Japanese should be talking about what can be done to correct this intolerable textile-import situation.

The import surcharge and an upward revaluation of the yen, if it is revalued high enough, can be significant steps to correcting our general balance-of-trade problems.

But, the surcharge is just a stopgap measure designed to get our general trade picture into better balance. It will have little effect on the longstanding and seriously deteriorating textile trade situation. As far as Japanese and oriental textiles are concerned, the 10-percent surcharge is like trying to treat cancer

with a bandaid. These imports are produced for wages and under working conditions that would be illegal in this country. They undersell our American made products by such a wide margin that the surtax will not even make a dent in the problem. How in the world can a 10-percent surcharge make any difference, when an American textile worker averages over $2.50 an hour and a Japanese textile worker earns less than $0.50 an hour?

The answer to the textile-import problem is not a surcharge. We are not going to solve the problem by relying on so-called self-restraint by the Japanese. The only way to effectively attack the problem is through import quotas.

Such action is imperative if we are going to protect the jobs and incomes of American workers. I hope the Congress will not let another year go by without stopping the flood of low-wage textile imports into the United States that deprive American people of the means for earning a living and supporting and feeding their families.

SCHOOL BUSING

Mr. TALMADGE. Mr. President, it is my understanding that my distinguished colleague, Senator GAMBRELL, plans to address the Senate this morning on the chaos in public school systems throughout the South resulting from busing.

I have opposed this policy since its inception, and welcome Senator GAMBRELL as a relatively new Member of the Senate and valuable ally in our efforts to restore normalcy to our schools.

Although some other cities in other parts of the country are now being subjected to busing, this ill-advised and I contend illegal policy has heretofore largely been reserved exclusively for the States of the South.

I submit that regardless of wherever busing takes place, it is detrimental to the education and well-being of children—which is the primary purpose of schools. More than that, it is contrary to the law enacted by Congress in 1964. Title IV of the Civil Rights Act reads as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That section of the law was put in expressly to prohibit the kind of idiocy we are witnessing in our schools today. The legislative history shows that title IV was meant to keep children from being bused all over creation simply to overcome racial imbalance. It was voted on by both Houses of Congress and signed by the President. It is the law. It is a mandate of Congress and as such should be obeyed.

I know of no better way to illustrate the chaos and confusion in our schools than to recite what happened to a mother in La Grange, Ga. She has six children, three in grammar school, three in junior high school. They were assigned to five different schools, far removed from her home.

That kind of thing is taking place all over the South, and now it is reaching into other parts of the country. I say the time has come to stop uprooting children and herding them about like cattle.

I commend my colleague's remarks to the Senate and associate myself with them.

I yield the floor. I yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The junior Senator from Georgia (Mr. GAMBRELL) is now recognized for 15 minutes.

BUSING OF SCHOOLCHILDREN

Mr. GAMBRELL. Mr. President, today I address my remarks to a question which has previously been unique to my section of the country, but which is now making its appearance at a number of other points around the country. I predict that it will become an issue of major national proportions, and cannot long be ignored by this body. I refer to the subject which has come to be known as busing. To me, busing means any plan for the placement of public school students which has as its primary purpose the achievement of a racial balance within the schools of a given school system.

Public feeling on this subject has become acute with the opening of schools for the 1971–72 year. The intensity of reaction in the South has been equalled, if not exceeded, in other parts of the country where busing plans have been imposed.

In the limited time available to me today, I will not try to deal extensively with the legal, educational, cultural, emotional, and practical issues involved in the busing question. Rather than go into detail, it will be sufficient to say that I am opposed to busing except where local educational authorities find it to be desirable in the achievement of the educational goals of their community.

On September 8, 1971, the assistant majority leader, the distinguished Senator from West Virginia, Mr. ROBERT BYRD, made an address on this subject on the floor of the Senate. Rather than repeat the brilliant and forceful observations contained in that address, I will simply say that I agree with them wholeheartedly, and ask unanimous consent that this address again be included in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. GAMBRELL. Mr. President, also before proceeding further, I will state without any qualification that I and the people of my State accept desegregation decisions of the Supreme Court as the law of the land.

The time for racial discrimination has passed in Georgia, and throughout the South. Southern political leaders have openly taken stands for equality of the races before the law. Southern people, both black and white, are working in harmony, through the enormous social and cultural adjustments made necessary by the overruling of previous Federal court decisions dealing with races relationships. Now the question has become whether southerners, both black and white, will have to bear a further burden, one not borne in other sections of this country. In the long run, I do not think we will, because it is not right.

And things that are not right will not work—this has already been proved in the case of busing.

Just prior to the August recess, on August 6, 1971, I inserted in the RECORD the July 28, 1971, decision of the Federal District Court for the Northern District of Georgia in the case of Calhoun against Cook. There, the Atlanta school board which has three black members, one of whom is the president of the school board as well as president of a predominantly black college in Atlanta, asked that busing not be required as part of the school system's new desegregation plan. This request was granted by the court in a very comprehensive and painstaking review of the situation existing in Atlanta. In short, the court rejected the busing of students on the ground that it was not legally required and would be economically wasteful, as well as educationally and socially unsound.

In its opinion, the district court in the Calhoun case based its judgment upon the Supreme Court decision in Swann against Charlotte-Mecklenburg Board of Education, the Supreme Court's only full bench decision relating to busing. The district court specifically relies upon the Supreme Court's statement that busing might be rejected where "the time or distance of travel is so great as to risk either the health of the children or impinge on the educational process."

I ask unanimous consent that the district court's opinion in the Calhoun case be included in the RECORD, at the end of my remarks, for all of the wisdom it contains.

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

(See exhibit 2.)

Mr. GAMBRELL. Mr. President, during the recess of the Senate, the Chief Justice of the United States, Mr. Burger, in Winston-Salem Board of Education against Scott refused to grant a stay of the effectiveness of a busing plan ordered into effect by a district court for the Winston-Salem school system. However, the Chief Justice stated that he found disturbing the apparent conclusion by the local school board and the district court that the Swann case required a desegregation plan to achieve a "fixed racial balance." The Chief Justice suggested "the possibility that there may be some misreading of the opinion of the Court in the Swann case. If the court of appeals or the district court read this Court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the Swann case to the countrary."

The Chief Justice then recited the language of the Swann case, appearing at 402 U.S. 824, as follows:

> If we were to read the holding of the district court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that

approach would be disapproved, and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the composition of the school system as a whole.

From what I have seen in my own State during the past month, and from what I have read is going on in other parts of the country, it is apparent to me that many of the lower Federal courts have misread the requirements of the Swann case. Chaos and confusion exist in areas such as Savannah, Augusta, Macon, Columbus, Cordele, and Albany in Georgia to mention a few. Likewise, confusion seems to exist in other areas of the country such as San Francisco, Calif.; Pontiac, Mich.; Corpus Christi and Austin, Tex.; and in Winston-Salem, N.C., again only to mention a few.

For example, Mr. Justice Black of the Supreme Court, in Corpus Christi District against Cisneros, granted a stay of the enforcement of a busing order stating that "this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full court, but which should be. Under these circumstances, which present a very anomalous, new and confusing situation, I decline as a single Justice to upset the district court's stay, and therefore, I reinstate it."

This "very anomalous, new and confusing situation" is widespread.

What the situation urgently cries out for is leadership, which cannot be provided in the Congress or in the courts. The courts are capable only of acting upon specific situations presented to them, and the Congress is not able to adopt and implement a consistent policy in reference to constitutional issues pending before the courts

Thus it remains for the President of the United States to exercise some degree of leadership in order to avoid a national crisis.

What has the President done?

On August 3, President Nixon announced what has been described as his opposition to busing. He stated that he and officials under his control would seek only the minimum amount of busing required by law. Subsequently, on August 9, he instructed the Secretary of Health, Education, and Welfare, Mr. Richardson, to forward to Congress legislation prohibiting the expenditure of Federal funds for busing purposes. Later on August 31, the President met in a widely publicized conference with the Secretary of Health, Education, and Welfare, after which Mr. Richardson announced only that he agreed with the President's policy as stated.

Mr. President, these announcements can only be taken as a misguided effort to gain politically from the sufferings of others, for taken altogether, they amount to less than nothing.

Neither the President, nor the Secretary of HEW, nor the Attorney General as head of the Justice Department have given any indication of what is considered the least amount of busing required by law, and for sure, none of them have joined the Chief Justice of the United States in suggesting that the lower Federal courts may be misinterpreting the Swann case. In substance, the President and his department heads are way behind the Supreme Court in proposing a slowdown on busing, and the announcement that they are opposing busing is sheer hypocrisy.

What is worse is the proposal to cut off Federal funds for busing purposes. This is like the President saying that he is opposed to solitary confinement and will implement his opposition to it by cutting off bread and water for those confined. He cannot stop or mitigate court and HEW busing decrees by denying Federal funds for that purpose. Denying Federal funds will make busing more of a burden, not less.

What is needed is for the President to announce a clearly defined policy, and then to take action across the board on it. This can be done through the Department of HEW and through the Justice Department, who are participating actively in the many school desegregation cases pending throughout the South and other parts of the country.

To give you an example of what a farce the so-called policy of the President is at this time, I cite two situations which recently occurred in my home State of Georgia.

First, the Federal district court ordered that the school system of Augusta, and Richmond County not be opened until a suitable plan of desegregation could be approved pursuant to the Swann decision. The local school board contended that its own plan provided for a nondiscriminatory pupil placement system, but this was rejected by the court. The court then asked for the Department of Health, Education, and Welfare to aid in the development of a plan to include massive busing of students. The Department of Health, Education, and Welfare failed to appear at the hearing called by the court, and as a result, the district court has appointed two so-called experts from Rhode Island to help him formulate a plan. Is this how the President hopes to achieve the minimum amount of busing required by law?

In Tifton, Ga., the Department of Health, Education, and Welfare has just rejected the plan of the local school board which has been approved for 2 years, and is now seeking to compel the busing of students to achieve racial balance throughout the county. At the same time the Department of Health, Education, and Welfare proposes to deprive the school system of Federal financial assistance until its demands are complied with. Is this the way the President and Secretary Richardson plan to oppose busing? The citizens of Tift County I am sure will be happy to hear that the President is going to cut off funds for the busing he is demanding.

Apparently, the Department of Health, Education, and Welfare is ignoring the Supreme Court's Swann decision, and continues to pursue social aims which the Supreme Court, the Congress and the President have denied are the policy of the Government. They have refused to quit monkeying around in their sociology laboratory, even though their experiment has been authoritatively demonstrated and declared to be a failure in the Atlanta case. They seem to forget that half the children being bused are black, or of some other minority, and that bus rides are just as long for black as for white. They also forget that those who are financially able can move away from such inconvenience, leaving the whole mess to the black and the poor.

All of these developments have left citizens with a feeling of confusion, frustration, and bitterness.

This certainly describes my own feelings at this moment.

First, I am frustrated and bitter because I know that busing under most circumstances is not required by law.

Second, I am frustrated and bitter because I know that requirements are being imposed upon citizens of my State which are not being imposed in other sections of the country, and would not be accepted there if an effort were made to impose them.

Third, I am frustrated and bitter because I know no responsible leader, black or white, Chinese, Indian, or Mexican American, who believes that busing of students should be required by law or court order, against the wishes of persons living in a community.

Fourth, I am frustrated and bitter because I know that as a single Senator, without support from Representatives from other sections of the country who do not have the problem, no remedy can be obtained for what is going on in this area.

Finally, I am frustrated and bitter because the President of the United States, while professing to oppose the busing of students, literally does nothing about it, and in fact proposes programs to make the situation worse rather than better.

Mr. President, in order to bring some order out of the chaos which exists, I call upon the President: First, to publicly declare his opinion that busing is legally required only in limited circumstances, which are largely nonexistent in the South and throughout the country; second, to put an end to efforts within the Justice Department and the Department of HEW to restructure society beyond what is provided for in the implementation of constitutional rights recognized by the Supreme Court; third, to announce and advocate the definition of a "unitary school system" as being one in which race is not a factor in the placement of students; fourth, to support through the Department of Justice and the Department of Health, Education, and Welfare, locally developed school integration plans which contain no element of racial discrimination, through busing or otherwise; and, fifth, to publicly announce that the South will no longer be treated differently from the rest of the country with respect to school integration.

Recent newspaper reports show that less than 5 percent of the school systems under race integration enforcement proceedings in the United States are located outside of the Southern States. On the other hand, statistics released by the Department of Health, Education, and Welfare, show that integration of the

races is much more widespread in southern school systems than it is in other parts of the country, and that the rate of integration in southern school systems is increasing more rapidly than elsewhere in the country.

It has been said that the President has a "southern political strategy," but if his actions in regard to school busing are part of it, then he has again failed miserably. The President should not assume that southerners cannot tell the difference between action and mere words. His failure to take action along the lines which I have described have made his words hypocritical and insulting to most southerners.

This admonition might also be heeded by others who aspire to positions of high national leadership. Southerners do not expect to return to conditions existing in former times, nor are we interested in promises to "go easy" in enforcing the law. We would like to know what the law is, what the policy of the national administration is, and we would also like to know that it will be equally applied on all sides. There can be no southern strategy for any party, or any candidate, which does not include a plain and positive commitment to equal enforcement of race integration policies throughout the country.

Mr. President, I hope that members of this body from other sections of the country will join me in this call for executive leadership on the subject of busing, and for equal treatment of the South in respect to integration enforcement. I will have more to say on both of these subjects, and propose to introduce legislation to guarantee equal treatment of Southern States on civil rights matters. Anyone who thinks these issues will go away will be disappointed. I expect to keep them before us until they are resolved.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of matters not referred to in my remarks. The matters are as follows:

The opinion of Justice Black in the Corpus Christi case.

The opinion of the Chief Justice of the United States in the Winston-Salem case.

An article published in the Augusta Chronicle of August 19, 1971, written by Mrs. B. M. Conley, entitled "Judge's Order Blocks Opening of Richmond County Schools."

An article published in the Augusta Chronicle of August 19, 1971, entitled "Official Defends Muscogee Mix Plan as 'Only Course'," with reference to the school situation in Columbus, Ga.

An editorial entitled "Busing Again," published in the Atlanta Constitution of Wednesday, August 18, 1971.

An article entitled "Chinese And Integration," written by Jack Spalding, and published in the Atlanta Journal, with reference to the Chinese in San Francisco and their problem with busing.

A statement handed to me during the recess by a lady named Mrs. Neal Hawley of Cordele, Ga., with reference to the situation in Cordele.

An editorial entitled "Straight-Faced Phony," published in the Columbus, Ga., Enquirer of September 8, 1971, with reference to the difference between the integration situation in Georgia and that in Chicago, the article having reference to the appearance of Senator STEVENSON on national television.

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

CORPUS CHRISTI INDEPENDENT SCHOOL DISTRICT ET AL V. JOSE CISNEROS ET AL

Application for reinstatement of Stay Ordered by the United States District Court for the Southern District of Texas (August 19, 1971)

MR. JUSTICE BLACK, Circuit Justice.

The district judge in this case ordered the Corpus Christi Independent School District to stop alleged historical practices of discrimination against school children on the basis of race or color. He directed how this was to be accomplished, saying at the same time that he would grant no stays of his order. The school district asked the court to stay its order and a stay was granted by a different district judge who had been assigned to hear the application. The plaintiffs, parents of the students allegedly discriminated against, then asked the United States Court of Appeals for the Fifth Circuit to vacate the stay. A panel of two Circuit Court judges did vacate the stay. The school district then applied to me as a single Justice to reinstate the District Court's stay. The Solicitor General of the United States has joined in requesting me as a single Justice to reinstate that stay. If I reinstate the stay, the District Court's order will not go into effect until the Fifth Circuit or this Court has had an opportunity to pass on it.

It is apparent that this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full Court, but which should be. Under these circumstances, which present a very anomalous, new and confusing situation, I decline as a single Justice to upset the District Court's stay and, therefore, I reinstate it without expressing any view as to the wisdom or propriety of the Solicitor General's position. The stay will be reinstated pending action on the merits in the Fifth Circuit or action by the full Court.

[Supreme Court of the United States, No. 71–274.—October Term, 1971]

APPLICATION TO STAY ORDER OF COURT OF PENDING WRIT OF CERTIORARI

Winston-Salem/Forsyth County Board of Education v. Catherine Scott et al.

[August 31, 1971]

THE CHIEF JUSTICE, Circuit Justice.

The Board of Education of the Forsyth County, North Carolina, school system has applied for a stay of a decision of the United States Court of Appeals for the Fourth Circuit dated June 10, 1971, and subsequent orders of the United States District Court for the Middle District of North Carolina entered pursuant thereto, pending disposition of the Board's petition for writ of certiorari to review the decision of the Court of Appeals. The operative order of the District Court is dated July 26, 1971; it adopts a plan for pupil assignment designed to desegregate the public schools of Forsyth County. The affected schools were already scheduled to open Monday, August 30.

The application for a stay was filed August 23, 1971, and the response thereto on August 26, 1971, making that date the earliest possible date for this Court or a Justice to act on the stay.

The background is of some importance.

Respondents, who are Negro pupils and parents in the school system, commenced action alleging that the School Board was operating a dual school system and seeking appropriate relief. The school system embraces both rural and urban areas in a county school system. The District Court found that in December 1969 there were 67 schools in the system with approximately 50,000 students.

The total student population was 72.5% white and 27.5% Negro. Of the schools, 15 were all Negro and seven were all white. Of the remaining schools, 31 had less than 5% of the minority race. The school system was operated under a geographical attendance zone system, with freedom of choice transfer provisions for all students regardless of race.

Prior to this Court's holding in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1917), the plaintiffs submitted a plan devised by their consultant Dr. Larsen; it was designed to achieve as closely as possible a mathematical racial balance in all of the schools of the system equal to that in the system as a whole. It employed satellite zoning and extensive cross-bussing. The District Court rejected the plan as not constitutionally required and unduly burdensome.

The School Board then submitted its plan for the 1970–1971 school year to the court for approval. It retained geographic zoning and freedom of choice transfer provisions, but with certain modifications allowing priority to majority-to-minority transfers and increasing the racial "balance" of several schools. The District Court in 1970 approved the Board's plan, subject to alterations which prevented minority-to-majority transfers, made changes affecting three attendance zones, and added a requirement that the Board create "innovative" programs designed to increase racial contact of students.

In rejecting the Larsen plan and approving the modified Board plan, the District Court found that the boundaries of the attendance zones had been drawn in good faith and without regard to racial considerations, and to ensure that, so far as possible, pupils attended the schools nearest their home, taking into account physical barriers, boundaries, and obstacles that might endanger children in the course of reaching their schools. The District Court at that time was of the view that the "neighborhood" school concept could not be the basis of assignment if residence in a neighborhood was denied or compelled because of race, but went on to find that the racial concentration of Negroes was not caused by public or private discrimination or state action but by economic factors and the desire of Negroes to live in their own neighborhoods rather than in predominately white neighborhoods. That finding has not been reviewed. Finally, the District Court found that the School Board had acted consistently in good faith, and was of the view that good faith "is a vital element in properly evaluating local judgment in devising compliance plans."

The District Court's order was rendered in the summer of 1970 and all parties appealed to the Court of Appeals, Fourth Circuit. While that appeal was pending, this Court decided *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), and related cases. See *Davis* v. *Board of School Commissioners of Mobile County*, 402 U.S. 33 (1971); *McDaniel* v. *Barresi*, 402 U.S. 39 (1971); *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971)).

In light of the *Swann* holding, the Court of Appeals by *per curiam* opinion *en banc* remanded this and several other cases to their respective district courts with instructions to receive from the school boards new plans "which will give effect to *Swann* and *Davis*." In its remand, the Court of Appeals stated in part:

"It is now clear, we think, that in school systems that have previously been operated separately as to the races by reason of state action, 'the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegrega-

tion, taking into account the practicalities of the situation.' *Davis, supra.*

* * * * *

"If the district court approves a plan achieving less actual desegregation than would be achieved under an alterate proposed plan it shall find facts that are thought to make impracticable the achieving of a greater degree of integration, especially if there remain any schools all or predominately of one race.

* * * * *

"In *Winston-Salem/Forsyth County,* the school board may fashion its plan on the Larson [*sic*] plan with necessary modifications and refinements or adopt a plan of its choice which will meet the requirements of *Swann* and *Davis.*"

On remand, the District Court interpreted the order of the Court of Appeals to mean that because the State of North Carolina formerly had state enforced dual school systems, declared unconstitutional in *Brown* v. *Board of Education,* 347 U.S. 483 (1954), the pupil assignment plan in Forsyth County had to be substantially revised to "achieve the greatest possible degree of desegregation." It concluded that:

"Despite the substantial difference between the findings of this Court, which formed the predicate for this Court's June 25, 1970 opinion in this case, and the findings which form the predicate of the decision of the District Court in *Swann,* it is apparent that it is as 'practicable' to desegregate all the public schools in the Winston-Salem/Forsyth County system as in the Charlotte-Mecklenburg system and that the appellate courts will accept no less. Consequently, this Court can approve no less. . . ."

The District Court then ordered the School Board to comply with the time schedule set by the Court of Appeals in submitting the required plan. Just why the District Judge undertook an independent, subjective analysis of how his case compared factually with the *Swann* case—something he could not do adequately without an examination of a comprehensive record not before him—is not clear.

The school authorities, declaring that they considered themselves "required" to do so, adopted a revised pupil assignment plan which was expressly designed *"to achieve a racial balance* throughout the system which will be acceptable to the Court." (Emphasis added.) Prior to the adoption of the revised plan, the school system transported about 18,000 pupils per day in about 216 buses. The drafters of the revised plan estimated that it would require at a minimum, with use of staggered school openings, 157 additional buses to transport approximately 16,000 additional pupils.

The Board submitted the plan to the District Court under protest and voiced strong objections to its adoption. A Board resolution submitted with the plan stated in conclusion that it was submitted to "accomplish *the required objective* of achieving a racial balance in the public schools . . . [but it] is not a sound or desirable plan, and should not be required. . . ." (Emphasis added.) On July 26, 1971, the District Court accepted the plan, noting that it was "strikingly similar" to the Larsen plan which it had previously refused to implement as not constitutionally required.

On August 23, the School Board applied to me, as Circuit Justice, for a stay pending disposition by the Court of its petition for writ of certiorari, filed the same day, seeking review of the remand order of the Court of Appeals; the response was received, as previously noted, August 26, 1971. The Board states that it has not applied previously to either the District Court or the Court of Appeals for a stay because the language of the decisions and orders of those courts makes it clear that neither would grant a stay and because there was not time to do so prior to the opening of the new school year.

In its present posture this stay application, like that presented to MR. JUSTICE BLACK and acted on by him August 19, 1971, in *Corpus Christi Independent School District* v. *Cisneros,* "is in an undesirable state of confusion. . . ."

To begin with, no reasons appear why this application was not presented to me at an earlier date, assuming we accept the explanation tendered for failure to present it to the Court of Appeals. The time available between receipt of the application and response and the opening of the school term August 30 was not sufficient to deal adequately with the complex issues presented. The application for stay is further weakened by the absence of specific allegations as to the time of travel or other alleged hardships involved in the added bus transportation program. Specific reference to the travel time in relation to the age and grade of particular categories of students is not disclosed. To assert, as the applicants do, that the "average time" of travel is one hour conveys very little enlightenment to support an application to stay the order of a District Court, however reluctantly entered by that court, especially an order dealing with a school term opening so soon after the motion was first presented. The "average" travel time may be generally relevant but whether a given plan trespasses the limits on school bus transportation indicated in *Swann,* 402 U.S., at 29, 30, 31, cannot be determined from a recital of a "one hour average" travel time.[1]

The Board's resolution reciting that it was adopting the revised plan under protest, on an understanding that it was *required* to achieve a fixed "racial balance" that reflected the total composition of the school district is disturbing. It suggests the possibility that there may be some misreading of the opinion of the Court in the *Swann* case. If the Court of Appeals or the District Court read this Court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* case to the contrary. Rather than trying to interpret or characterize a holding of the Court, a function of the Court itself, I set forth verbatim the issues seen by the Court in *Swann* and the essence of the Court's disposition of those issues:

"The central issue in this case is that of student assignment, and there are essentially four problem areas:

"(1) to what extent racial balance or racial quotas may be used as an implement in a remedial order to correct a previously segregated system;

"(2) whether every all-Negro and all-white school must be eliminated as an indispensable part of a remedial process of desegregation;

"(3) what the limits are, if any, on the rearrangement of school districts and attendance zones, as a remedial measure; and

"(4) what the limits are, if any, on the use of transportation facilities to correct state-enforced racial school segregation." 402 U.S., at 22.

After discussing the problem the opinion concluded:

"If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, *that approach would be disapproved and we would be obliged to reverse.* The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." 402 U.S., at 24. (Emphasis added.)

Nothing could be plainer, or so I had thought, than *Swann's* disapproval of the 71%–29% racial composition found in the *Swann* case as the controlling factor in assignment of pupils, simply because that was the racial composition of the whole school system. Elsewhere in the *Swann* opinion we had noted the necessity for a district court to determine what in fact was the racial balance as an obvious and necessary starting point to decide whether in fact any violation existed; we concluded, however, that "the very limited use made of the mathematical ratios was within the equitable remedial discretion of the District Court."

Since the second aspect of this case falls within the fourth question postulated by the Court in *Swann* it may be useful to refer to the Court's response to that question. After noting that 18 million students were transported to schools by bus in this country in 1969–1970 the Court concluded:

"The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible in this and the companion case, *Davis, supra.* The Charlotte school authorities did not purport to assign students on the basis of geographically drawn zones until 1965 and then they allowed almost unlimited transfer privileges. The District Court's conclusion that assignment of children to the school nearest their home serving their grade would not produce an effective dismantling of the dual system is supported by the record.

* * * * *

". . . In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

"An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process. District courts must weigh the soundness of any transportation plan in light of what is said in subdivisions (1), (2), and (3) above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures courts of equity have traditionally employed." 402 U.S. 29–31.

No prior case had dealt directly with bus transportation of students in this context or the limits on the use of transportation as part of a remedial plan, or with racial balancing.

This case is further complicated by what seems to me some confusion respecting the standards employed and the findings made by the District Court and the terms of the remand order of the Court of Appeals. Under *Swann* and related cases of April 20, 1971, as in earlier cases, judicial power can be invoked only on a showing of discrimination violative of the constitutional standards declared in *Brown v. Board of Education,* 347

[1] By way of illustration, if the record showed—to take an extreme example of a patent violation of *Swann*—that the average time was *three* hours daily or that some were compelled to travel three hours daily when school facilities were available at a lesser distance, I would not hesitate to stay such an order forthwith until the Court could act, at least as to the students so imposed on. The burdens and hardships of travel do not relate to race; excessive travel is as much a hardship on one race as another. The feasibility of a transfer program to give relief from such a patently offensive transportation order as the one hypothesized, would also be relevant.

U.S. 483 (1954). In findings dated June 25, 1970, the District Court sent the case back to the School Board for changes to eliminate the dual school system; it approved the plan submitted subject to several modifications. The modified plan was before the Court of Appeals when this Court decided the *Swann* case. The Court of Appeals in its remand following the decision in *Swann* did not reverse the District Court's findings, but rather directed reconsideration in light of *Swann*. In the circumstances that was an appropriate step. The present status of the findings is not clear to me, but the District Court on reconsideration following the remand seems to have thought that it was compelled to achieve a fixed racial balance reflecting the composition of the total county system. The explicit language of the Court's opinion in *Swann* suggests a possible confusion on this point. I do not attempt to construe that language, but simply recite it verbatim: "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." 402 U.S., at 24.

On the record now before me it is not possible to conclude with any assurance that the District Court in its order dated July 26, 1971, and the Court of Appeals in its remand dated June 10, 1971, did or did not correctly read this Court's holding in *Swann* and particularly the explicit language as to a requirement of fixed mathematical ratios or racial quotas and the limits suggested as to transportation of students. The record being inadequate to evaluate these issues, even preliminary for the limited purposes of a stay order, and the heavy burden for making out a case for such extraordinary relief being on the moving parties, I am unwilling to disturb the order of the District Court dated July 26, 1971, made pursuant to the remand order of the Court of Appeals which is sought to be reviewed here.[2]

[From the Augusta Chronicle, Aug. 19, 1971]

JUDGE'S ORDER BLOCKS OPENING OF RICHMOND COUNTY SCHOOLS

(By Mrs. B. M. Conley)

A restraining order prohibiting the opening of Richmond County public schools next Tuesday was issued Wednesday in Savannah by U.S. District Judge Alexander A. Lawrence. However, registration will proceed from 9 a.m. to noon today and Friday, Supt. of Schools Roy E. Rollins said after receiving notification of the order.

Judge Lawrence set a hearing for 2 p.m. Aug. 26 in federal court here to decide whether to issue a permanent injunction requested by John Ruffin, attorney for the plaintiffs in the years-old case, or to continue the temporary injunction granted.

The judge will also receive the new desegregation plans drawn by U.S. Office of Education consultants. Judge Lawrence called for the federally-drawn plans at a hearing here July 28 when he rejected the plan submitted by the Richmond County Board of Education. He established an Aug. 15 deadline for the new plans, but last Thursday granted a request for a 10-day extension.

John Fleming, school board president, said he expects to call a special meeting of the board early next week to discuss the restraining order.

"This is a matter that must be given consideration by the full board," he said, adding that the board would "look into ramifications of the order and problems surrounding the opening of school."

Judge Lawrence's restraining order specifically prohibits the board from opening schools "under the plan effective during the 1970–71 school year or under any other plan which has not been approved by this court."

The school board had voted at its monthly meeting last week to proceed with opening of schools under last year's plan since the deadline for the new court-order plan was extended beyond the opening date of schools. The first day of school was to be next Tuesday, which would have been a short day, with the first full day scheduled for the following day.

The plan submitted to Judge Lawrence by the school board was basically the same as last year's plan but with the transfer of an additional 300-400 students for integration purposes. Several other zoning changes were made, but they did not involve race. The plan also kept the faculty mix ratio ordered by the judge last year; which was 61 white to 39 black as nearly as possible in each school.

Last year's plan, in addition to the faculty mixing, had three sets of paired schools at the elementary level and zoning in the remainder of the schools with a provision for minority to majority transfer to any school.

Judge Lawrence rejected the 1971–72 plan, saying it did not meet mandates of the U.S. Fifth Circuit Court of Appeals nor provisions of the April Supreme Court ruling in the Swann vs. Charlotte, Mecklenburg, N.C. case.

Last year's school plan, modified by Judge Lawrence to include the faculty mix and the paired schools, was appealed by the plaintiffs to the Fifth Circuit Court of Appeals in New Orleans. The appeals court held the case in abeyance until after the Supreme Court ruling. The court early in July ruled that the plan which the school board used last year was not acceptable and requested Judge Lawrence to call for a new plan. The new plan which the board submitted was the one which Lawrence rejected.

The school board decided not to submit another plan to the court since the judge had asked Department of Health, Education and Welfare officials to submit a plan. Board members met with Ruffin later to see whether areas of agreement could be reached, but the meeting ended in less than an hour with nothing accomplished.

The school board has taken the position that the plan which it submitted this year is in compliance with the law. Fleming has said the matter is a difference of interpretation by Judge Lawrence and himself and school board attorney Franklin H. Pierce.

[From the Augusta (Ga.) Chronicle, Aug. 19, 1971]

OFFICIAL DEFENDS MUSCOGEE MIX PLAN AS "ONLY COURSE"

COLUMBUS, GA.—Chairman T. Hiram Stanley of the Muscogee County School Board said Wednesday a controversial school desegregation plan was the only course left open to the board by the federal courts.

Stanley defended the plan after the Columbus Metro Council adopted a resolution urging the board to draw up a new one before the start of the fall term of school.

The present proposal, described as requiring "considerably more busing" by a federal judge, calls for a black-white student ratio of 70–30 in elementary schools and 75–25 in junior and senior high schools.

It replaced a freedom of choice plan which was rejected by the 5th U.S. Circuit Court of Appeals.

Stanley said the ratio plan was prepared with the goal of "the least possible busing, least movement of pupils to schools distant from their neighborhood or residence, and the least amount of disruption of the educational process."

He said the board believed in freedom of choice but the appeals court turned that down and called for "desegregation of all schools in the district on a ratio of approximately the same as the percentage of blacks to whites in the total school population.

"We were told that unless the plan we were required to submit from Muscogee County had this standard, it would not be acceptable, and the responsibility for bringing this about would be turned over to so-called experts who would be employed at the expense of the school district."

Adoption of the resolution urging abandonment of the ratio plan came after the Metro Council was told by Mayor J. R. Allen he had received more than 1,000 calls of protest.

The ratio assignment of students has been approved by U.S. District Judge J. Robert Elliott who said it would require a good bit more busing than under freedom of choice.

[From the Atlanta (Ga.) Constitution, Aug. 18, 1971)

BUSING (AGAIN)

We think U.S. District Judge W. A. Bootle of Macon made an eminently sensible ruling in upholding the school desegregation plan under which Bibb County schools are operating.

"The school system is unitary—legally desegregated—and has been such for more than a year," said Bootle, adding: "All racial barriers have been removed from this school system. No longer is a child forced to attend a particular school or refused admission to a particular school because of race."

The ruling on the Macon and Bibb County schools is, in some ways, very similar to the recent ruling on Atlanta schools. In both cases, district judges rejected appeals for widespread school busing to achieve greater distribution of white and black pupils in schools throughout the system.

We can understand how and why Negro plaintiffs have brought such appeals. It relates to a concern peculiar to the school desegregation process in Southern cities. Not smaller communities. Only the fairly good sized urban communities. That concern can be summed up in one word: re-segregation.

In any fairly large city school system, residential patterns inevitably play a part in the assignment of pupils to particular schools. This means that the local school board, even though moving in honest good faith to comply with laws and court decisions, has a certain built-in limitation, specifically the fact that most neighborhoods, whether inner-city or suburban, tend to be predominantly white or predominantly black.

In Atlanta, for example, roughly 30 schools have gone through a process of re-segregation, as various city neighborhoods moved in transition from mostly white to mostly black.

We believe that the appeals for busing in, say, the Atlanta school system spring from a certain frustration on the part of Negro plaintiffs and civil rights spokesmen, a frustration that this re-segregation process often takes place in large city systems. Unhappily, it is no different from the de facto segregation of New York, Detroit, Chicago, or other major non-Southern cities.

Housing patterns are an important and legitimate concern for all citizens. But local schools boards don't create these patterns, nor can they control them.

CHINESE AND INTEGRATION

(By Jack Spaulding)

Life is full of little ironies.

Today we have the big push for integrated schools, the ideal being that a proper mix of races is good for each.

On the other hand we have the example of the Chinese colony in San Francisco, anxious to preserve its Chinaness so to speak. The

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[2] In their petition for a writ of certiorari in this Court, the petitioners have elected to seek review here of the remand order of the Court of Appeals of June 10, 1971, rather than having the substantive order of the District Court dated July 26, 1971, first revewed in the Court of Appeals.

Chinese are a minority, even as the blacks, so court-ordered busing applies to their children.

The San Francisco Chinese appealed. They want their children to stay in neighborhood schools where the daily pap of reading, writing, etc., can be followed by lessons in Chinese hearth and home. Chinatown is a densely populated and rather small area in San Francisco, and it is possible for a Chinese child in a neighborhood school to be conscious of and live by his Chinese heritage from the lessons he learns at home and in the neighborhood.

Alas. The Chinese parents who want their children to have the guidance of their heritage are thwarted. A busing plan, ordered by the courts, stands. The ruling is that the Chinese constitute a minority, therefore court rulings apply to them as to other minorities.

Tough on the Chinese who do not want to be merged.

It is hard to be a member of a proud minority in a country where the majority rules. You assimilate, or else.

Not very democratic when you come to think of it.

A majority in a genteel country would allow its minorities privileges such as the Chinese of San Francisco want. We're not that genteel. There are blacks who don't want to be bused, either.

Monday's report from the coast indicated the Chinese were planning a boycott of the schools, a family tactic, though in this case the boycott is in favor of continued segregation.

Luck to the Chinese.

There's a lesson here. If a minority, such as the Chinese, wishes to hang on to its heritage, besides which ours is green and raw, they should be allowed this. Their children are going to lose something by being bused across town to share in the heritage of Slovaks, Irish, Africans and whatever else.

The Chinese may boycott the public schools, but there is an answer for them if they have the guts and are willing to make the sacrifices.

Not long ago in this country the public schools were not as secular as they might have been. In many areas, including ours, they were strongly under the influence of the majority religion. This being so, children of minority groups were faced with the problem of the San Francisco Chinese. Their heritage was in danger.

So before the Chinese had this problem others had it and overcame it.

The Hebrews opened their academies where their children could learn to be proud of their tradition instead of ashamed of it.

The Roman Catholics opened their parochial schools because anti-Catholicism in some quarters was considered the purest sort of patriotism. They paid taxes to support public schools, but those who cared enough paid something extra so their children could benefit by the rich and ancient traditions of their ancestors.

The Lutherans were faced with the same problem and had the same answer. Other religions responded in the same fashion in lesser degree.

The Nation still is free. The public schools are, and always have been, the foundation of the educational system, and the Nation must support them.

But there always have been, and must continue to be alternatives. We need private schools to keep the public schools from becoming a monolithic brain washing organization. We need to remember that we are a nation of many races and traditions, beginning with the Indian, and each has the right to cherish and preserve and love the things which set it apart. That is our strength. We do not want to become one homogenized blob, without flavor, without tradition, as some would have us be.

A PLEA FOR UNDERSTANDING AND JUSTICE

(By Neal Hawley)

I am a white Southern mother. I am not a racist or a segregationist. My attitude toward the Negro is the same as it is toward the Chinese, the Puerto Rican, the Mexican, or any other minority, although I don't happen to know any of the others. If you found yourself thinking, "But you don't know the Chinese," then you are more prejudiced than I. It is my conviction that every American is entitled to equal treatment by the law and the courts; that every child is entitled to the best education his city can offer, though this will necessarily vary from city to city; and that every parent has a right to decide what is best for his children unless it can be proved that it is physically harmful to the child. I believe our Constitution guarantees these rights. Please try to understand why so many Southerners—Black and White—feel that our court-ordered school desegregation violates them.

I live in Cordele, Crisp County, Georgia. The town has a population of 10,609, the county 17,680, though much of the residential area is not in the city limits. As does every city in the nation that has a minority group, Cordele has certain sections where all the Negroes live. Unlike some cities, this has never been stated by law; it didn't need to be. At the first nudge by the courts—and it did take a nudge—our board of education adopted a freedom of choice plan. This resulted in very little integration. They also talked a few white teachers into teaching in all-Negro schools, and a few Negro students who had switched high schools returned to their former A. S. Clark, but not because of mistreatment of any kind. Each year found a few more Negroes in the elementary and junior high schools. This was not enough to suit H.E.W. or the courts. So last year the board closed a Negro elementary school, which was in need of many repairs, and assigned its students and teachers to the three integrated elementary schools. This upset the Negro parents, but the white parents adjusted very well, even those whose children got the Negro teachers.

Integration was working in Cordele. A private school was formed a year after the first Negro child was admitted to the public schools. Most of the avid segregationists rushed out, and fear has added to its rolls yearly. It now has a waiting list. Two years ago a Negro boy was named Most Outstanding Student in Crisp County Junior High. There were several Negroes in both the junior and senior high bands. They were accepted. They also attended the social functions but largely kept to themselves. What most of the nation can't seem to believe is that most Southerners are not "Nigger-haters." It is simply that segregation was the way of life with which we were raised and didn't think to question until recent years. Lifetime habits are hard to break. Anyone who was raised in the North and now lives in the South can vouch for the fact that there is much less hatred here.

Well, this slow but real progress in human relations was not enough to satisfy H.E.W. and the courts. We still had a Negro elementary school and a Negro junior and high school. Let me tell you a little about these schools. The elementary had the highest P.T.A. participation in the county (unless you consider the private school). Clark also had an active P.T.A., a feat which neither Crisp County Junior or Senior High could match. It had an excellent band, football and basketball teams, and its share of the usual social and service clubs. Its graduates did well when they went on to college. Both were schools of which their students and parents were proud. But their existence meant to the courts that we did not have a "unitary" school system. So they drew up a plan to insure that we did. This is a court order. It must be obeyed. This is how it works.

First, of course, do away with the all-Negro schools. Send all children in grades one through four to the three once all-white schools. Send all girls in grades four through eight to the previously Negro elementary school; all boys in those grades to A. S. Clark. All ninth graders go to the old Junior High, and High School gets the remaining grades, ten through twelve. Can you imagine the busing nightmare this has caused? The buses serving city children have to make two runs, so their riders either arrive at school half an hour early or leave half an hour late. Take your own family and imagine how many different schools your children would be attending if this were done in your town. Of course, if Cordele were larger and had more schools, it could be worse—such as a school for each different grade. Not only that, but since fifty-four per cent of the student body is Black, the teacher percentage must be the same. This means that if a Negro teacher retires or quits (it's almost impossible to fire one) that vacancy must be filled by a Negro, even if unqualified and a qualified white teacher is available. We may not place children in classes according to their level of achievement, for this may have the effect of resegregating the classes. Neither can we do anything else that is educably sound and desirable if it upsets the racial balance. You don't believe a court could be so unreasonable? I'll get you a copy of the order. This could be worse too; some of our Southern counties are as much as 80% black.

I live across the street from an elementary school. The high school is three blocks away; junior high only four blocks. My four children have always walked to school. Now two of them are being bused all the way across town to two different schools. I'm not about to join four P.T.A.'s. Can you blame me, or any other Southerner, for being bitter; about the inconveniences, as well as the educational implications? We are also aware that most of the country is allowed immunity in regards to their own local minority groups, and we are a little bitter about that too. Justifiably, I think.

You may wonder why I haven't sent my children to the private schools, or assume that I couldn't afford to, which is not true. I believe very strongly in the public school system. I believe it is vital to our American way of life. If every family who can afford to send their children to private schools, it will set public education back a generation. It would not only rob the schools of tax support, but community support which is also vital. I am trying to teach my children to be discriminating people, but not prejudiced by outward appearances or labels. I want them to be prepared to live in the 1980's, and I don't think the private school can do this. But I also want them to get a good educational foundation so that they will be able to get into college and succeed there. I am furious that the courts admittedly don't care whether my children, or the Negro children, learn anything while they are in this "unitary" school system so long as the ratio is right.

There is something else the rest of the country, and, especially, some well meaning Congressmen refuse to believe. Freedom of choice has not resulted in massive integration because the vast majority of Negroes simply do not want their children in integrated schools. Some of them feel they can get a better education there, and I agree that any parent should have the right to send his children to any school they feel is best. But most Negro parents no longer have that choice. The schools they felt were best have been taken away. You probably have noticed that most of the protests have been from Negro parents over the closing of all-black schools. You see, not only were they proud of these schools, but many of their social activities were centered in their neighborhood schools. Now this, too, has been taken away. Anyone who doesn't be-

lieve this, should make a real effort to talk with some of the parents involved. This is especially true of anyone in public office who thinks he is informed because he has listened to a few liberals who have drawn their own conclusions from hearsay, or textbooks, or a few militant Negroes.

I feel that any thoughtful American can see the implications of this situation. Do you think the courts should decide what is best for your child? Neither do these parents who want their neighborhood schools. Do you believe integration is more important than education? Neither does our school personnel, but they cannot initiate some programs they feel are best. Do you thing a whole section of the country should be dealt with so arbitrarily and vindictively because of its past sins and failures? Do you agree that the South is not getting equal treatment by the courts? Our children are being denied the best education our city can offer, and our parents cannot decide what is best for their children because all possible choices have been eliminated.

We have pled our cause before the courts, with H.E.W. and even with the President, though I'm sure it did not get that far. Now I am pleading it before the American public in the hope and sincere belief that this has been allowed to happen because most Americans did not know the facts. The white Southerner is the most overlooked minority in the nation. Any complaint is automatically classified as racist-inspired, then completely ignored. If you can't get that worked up over somebody else's plight, think of the ancient philosopher's statement that justice can never be realized until the uninjured are as indignant as the injured. If that doesn't prompt you to action, be warned that H.E.W. has already announced that it intends to extend its efforts nationwide—and your city may be next!

[From The Columbus (Ga.) Enquirer, Sept. 8, 1971]

STRAIGHT-FACED PHONY

With a straight face U.S. Sen. Adlai Stevenson Jr., of Illinois was mouthing off on television Sunday about how desirable it is, whatever the cost, to eliminate "de jure" segregation.

It was sickening.

These facts exposed that phony:

The most segregated school system in America is located in Mr. Stevenson's home state of Illinois. Although Chicago has a black enrollment of 316,711 (54.8 percent of that city's total school enrollment), a bare 3 percent of those black students attend schools which are predominantly white.

But that's not the worst of it.

Mr. Stevenson lives in the District of Columbia, but his own children are enrolled in a private school. Schools in the District of Columbia, by the way, are 94.6 black and counting at this writing.

Timidly and apologetically, a newsman on the national television panel asked Sen. Stevenson why it is that his children are not enrolled in the public school system.

Then this great champion of Negro rights mumbled something about inquiring about the neighborhood schools and finding them to be not very good. The race issue, of course, had nothing whatever to do with it.

The State of Illinois has a larger number of black students than does Georgia, although the percentage of Negroes in that northern state is 18.2 compared with Georgia's 33.2 per cent.

But note how the school desegregation records compare (and this was last year):

A total of 14.3 per cent of black students in Illinois was enrolled in predominantly white schools last term compared to 35.9 per cent of black students enrolled in predominantly white Georgia schools.

In Illinois, 60.2 per cent of all black students were enrolled in schools which were 99 to 100 per cent black while in Georgia only 25.4 per cent of all black students were in schools 99 to 100 per cent black.

Although the figures won't be in for a while, the degree of desegregation in Georgia will at least more than double during the current school term.

Here in Columbus, the desegregation rate will increase from a point which was more than four times Chicago's to 100 per cent.

Does anyone want to bet that desegregation in Mr. Stevenson's Illinois will change more than a single percentage point?

In a civilized society the most difficult people to deal with are those who lie to themselves and to others. That precisely is what Mr. Stevenson is doing when he talks, not about improving education opportunities for Negroes, not even about segregation but, about "de jure" segregation.

Mr. Stevenson knows very well there is no longer any such thing as de jure (which means segregation by law) segregation. He and others like him piously salve their consciences by pretending that their neighborhood segregation was caused by reasons totally different from neighborhood segregation in the South.

One of the few national-level voices from the North to publicly recognize and expose this grotesque hypocrisy has been Sen. Abraham Ribicoff of Connecticut.

EXHIBIT 1

SCHOOL BUSING AND FORCED INTEGRATION—A DISSENTING OPINION

Mr. BYRD of West Virginia. Mr. President, the issue of busing pupils to bring about forced integration in the public schools is stirring controversy throughout the country as schools open again. Despite what is depicted in some segments of the news media as generally quiet acceptance, such busing is widely resented and opposed. Inasmuch as this emotion-charged issue vitally affects some very basic concepts of American society and American freedom, I propose to discuss it briefly today.

The busing of children is really not the bedrock issue. In fact, it is but the surface manifestation of the basic issue involved—it is really just the tip of the iceberg. That part of the iceberg which is of more basic significance and which does not immediately surface in the emotion-packed discussions and speeches by President, Governors, and outraged parents, is the simple issue of assigning pupils in the public schools on the basis of race.

For the moment, however, I shall eschew the basic issue and direct my attention briefly to that more volatile subject of busing.

There are those who say we have always had busing of students, so why be concerned when there is busing of students now. But such an argument misses the point. True, we have had busing for many, many years in this country—prior even to the 1954 decision in the case of Brown against Board of Education. I remember riding a schoolbus myself back in Mercer County, W. Va., 40 years ago. But it was because the nearest high school was 7 miles away, and the only way to get there was partly on foot and partly by bus—far different from today's denial of access to a neighborhood school and forced attendance—based solely on race—of a school 7 to 10 or 20 miles away just to satisfy some arbitrary formula regarding racial balance.

But, some will say, what about the busing that occurred for years in support of segregation? The answer is that school segregation was the law of the land in that day—by statute and by requirement of many State constitutions and by court decision based on the interpretation of the U.S. Constitution. The people generally—black and white—accepted school segregation as the law; the people generally were satisfied with the law as it was, and wanted it that way; and the people were willing, voluntarily, to pay the financial costs of busing in order to maintain a segregated school system.

Now, the situation has changed. The U.S. Supreme Court in 1954, in the Brown case and in Bolling against Sharpe, ruled out forced racial segregation in the public schools of the States and the District of Columbia. The people, North and South, have now generally accepted that decision as the right one. But the financial costs of senseless, mass busing, arbitrary assignments and attendance ratios based purely on race—unsupported by the Constitution—are not being borne by the taxpayers today either voluntarily or willingly. They are being forced against their will to bear such costs.

Forced integration and busing programs are contributing very materially to the advancing deterioration of the inner cities. Whites who can afford to do so are moving farther and farther away into the suburbs, with the result that shopping centers and other outlying developments are taking away the business and tax base upon which cities—and their school systems—must depend. Busing thus becomes a self-defeating process. When children are going to be hauled willy-nilly away from their homes and neighborhoods it lessens the chances for improvement of the inner city schools which are most in need of improvement.

In Richmond, Va., a suit is presently underway to force the merging of the Richmond city school system and the adjoining Henrico and Chesterfield County school systems in order to rescue the city school from their deterioration. The city schools have become predominantly black because of the flight to the suburbs of whites, while the two county school systems are predominantly white.

But whites are now moving farther into the country, and it could become a physical impossibility to achieve a theoretical racial mix. Are the courts going to require that children be transported 30, 40, 50, 60 miles a day? Where is the line to be drawn? Or, are the Federal courts prepared now to try to impose racially determined housing and residential quotas?

To cite another example of white flight to the suburbs, one need only look at the public school system in Atlanta, Ga., which was 70-percent white and 30-percent black just 13 years ago, in 1958. Successive desegregation orders during this period have resulted in an exodus of white population to the suburbs. Enrollment in the public schools of Atlanta is today the exact reverse of 13 years ago—30-percent white, 70-percent black. Earlier this summer, two Federal judges refused to order further desegregation, saying that it would simply hasten this white flight. They said:

The problem is no longer how to achieve integration, but how to prevent resegregation.

The same thing has happened—and partly for the same reasons—in Washington, D.C., where the school population is 95-percent black. How tragic that the courts have been so blind, until it is too late, to the reality that parents simply do not intend to trust the welfare or safety or the education of their children—their most priceless possession—to the social experimentation of judges and HEW officials.

White persons alone are not the only persons concerned about the growing trend toward busing. Blacks are also concerned. An all-black school does not, per se, necessarily have to be an inferior school, a school without quality or educational opportunity. The concept that mass busing and racial quotas constitute the only way to improve education for blacks rests on an extremely faulty premise. It should be obvious that the way to improve educational opportunities for blacks is to improve the schools which they attend—and that is what the courts and the Government really should be concerned with. The vast amounts of money that are being

used to purchase great fleets of school buses could much better be used for the upgrading of substandard schools. The courts could do much more for the improvement of black education, and for making better economic opportunities available to blacks, if they would require, under the equal protection clause of the Constitution, that equal amounts of money be expended per pupil on blacks and whites. That would be a much sounder approach than the present disruptive busing approach.

The strangest aspect of the forced integration and busing craze is that improving education for all children—and especially for blacks, where their schools have been substandard—has taken a back seat to the achievement of racial quotas in the schools. There is no evidence that I know of to indicate that such quotas enhance education for either blacks or whites—and there are good reasons to think that the opposite is true.

Polarization of the races is intensified when neighborhood and school identities are destroyed and when students find that they cannot compete successfully with other students who may have had superior educational opportunities in the past.

What is most likely to be achieved by busing and forced integration is increasing mediocrity in education. A leveling process will have been set in motion which can have the effect of stifling incentive for the bright and gifted student while discouraging the less well prepared student and the slow learner. In this situation the skyrocketing growth in private schools, as opposed to public education, can be expected to continue—to the detriment of the public schools.

Along with busing, there is the equally nonsensical obsession these days with racial quotas. Education by racial quotas is not quality education. I do not care what court or what HEW bureaucrat says it is. It just is not so. Too many judges and HEW officials, television commentators and newspaper columnists these days believe that unless there is forced integration there can be no quality education. Perhaps I should not say they really believe this; they only act that way. If they really believed it, they would not send their own children to private schools or to predominantly white schools in suburbia. They would live in the inner-city and send their children to schools there where they could help bring about racial balance.

Were the imposition of racial quotas in the public schools necessary in order to conform to the equal protection clause of the 14th amendment, no fair-minded individual could legitimately complain. But can it be seriously contended that in a city, the population of which is, say, 65 percent white and 35 percent black, the Constitution requires the placement of 520 whites and 280 blacks, or some comparable ratio, in each school—with all of the cross-city busing that would be entailed? Does it not all become a little silly to argue that the Constitution requires such?

We are told that forced integration is important because it will teach the races to live together in peace But will it? Judging from the many racial incidents of fighting, knifing, and shooting that are increasingly occurring in the Nation's high schools, there is cause to question the efficacy of such forced race mixing as a way to achieve racial peace and understanding. Would not voluntary integration—based on freedom to choose the closest neighborhood school—be the wiser, more commonsense approach?

Can anyone seriously contend that, to uphold and enforce the constitutional right of Negro students to equal protection, they must be uprooted and forced to travel against their own wishes—by foot or by bus—away from their own neighborhood schools and to some distant school, merely that they may attend classes with white children? How utterly nonsensical have the courts become? What a distorted, twisted interpretation of the equal protection clause.

What kind of national madness has obsessed us. And madness it can only be when courts and Government agencies impose their own arbitrary choice of schools to be attended—a choice based solely upon race—regardless of the wishes, nay, even in complete opposition to the wishes of parents and children, Negroes and whites alike.

The Washington Sunday Star for August 29 said:

"Repeated instances of black parents in the South balking at school desegregation plans are making civil rights lawyers and government officials wonder whether a new outlook toward integration is developing among Southern blacks."

A former Director of the Department of Health, Education, and Welfare's Office of Civil Rights, Mrs. Ruby Martin, now with tht Washington Research Project, a private organization that serves as a watchdog over desegregation, was quoted in the article as saying that blacks "often have a very big feeling of being had" when desegregation plans put the burden of busing exclusively on black children and when the closing of formerly black schools results in black principals and teeachers losing their jobs.

Little wonder that infuriated black parents are threatening boycott. Little wonder that outraged white parents have filed request after request for pupil records as a preliminary to placing their children in private schools.

Would the people of this country tolerate this nonsense if it were sought to be perpetrated on them by legislative bodies? The answer has to be no, because the people then would have the recourse of the ballot in purging from public office those who would visit upon them and their children such a monstrous and costly madness. But the people are helpless in the face of edicts from the courts that obstinately and stubbornly refuse to follow a rule of reason in this most delicate of all problems. And why do the courts—and particularly the Supreme Court—persist in their authoritarian course? Is it because they are unwilling to admit error in having gone too far already and are determined at all cost to force people, over a period of time, to become resigned to the inevitableness of school assignments based on racial formulas?

Any Negro child has a constitutional right to attend the public school of his choice, and State authorities ought to be bound to guarantee and, if need be, to enforce that right. It would seem to be clear that any act of the State to force that child, because of his race, to attend a particular school against his wishes and in preference to the school of his choice would be violative of his constitutional rights.

It is preposterous to maintain that those who wrote the 14th amendment intended that a Negro child should be forced by the State to attend a public school in which his race is in the minority when he may desire to attend his neighborhood school where his race is in the majority. He may just prefer to be with his own race. How can any court seriously contend that it protects that child's constitutional rights when it forces his school to be closed, and forces him to attend—on foot or by bus—a school which is to his cost and inconvenience and which he does not want to attend?

Now, let me proceed to that which is really basic to this whole emotion-packed subject—to wit, forced integration, or the assignment of pupils in the public schools on the basis of race.

Does the Constitution, in fact, require forced integration? Does the Constitution, in fact, countenance pupil assignment on a racial basis?

In dealing with these questions, let us go back to December 9, 1952, when the five cases ultimately decided under the name of Brown against Board of Education were first argued before the U.S. Supreme Court. Mr. Thurgood Marshall, then the chief counsel for the NAACP, arguing the case of Briggs against Elliott, from South Carolina, made some most interesting comments. His point was that what the plaintiffs wanted was the voiding, on constitutional grounds, of the South Carolina statute requiring school boards to segregate children by race. He told the Court:

"(I)f this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on."

I think it reasonable to say that none of the other attorneys representing Negro plaintiffs said anything to contradict Mr. Marshall's assertion that all that they sought was an invalidation of school assignments by race or color and an affirmative requirement that assignment be on a nondiscriminatory basis, through districting or proximity of schools or some such neutral standard. And that in essence is the relief which the plaintiffs properly received in the Brown decisions.

Today, however, an amazing transformation has been wrought. Now it is not the absence of discriminatory standards in assignment which is the keystone of desegregation law. Indeed, race must be taken into account, because what is now forbidden are all-white or all-black schools or schools made up predominantly of one race or the other. Pupils, teachers, and supporting staff must all now be assigned by race, and by race alone. Racial ratios have become the order of the day.

It need hardly be said that when the States and localities are required to operate school systems to serve the primary purpose of integration rather than education, and to conduct one long complicated experiment in sociological leveling, public support of public education is bound to suffer.

The difficulty simply is that some of the Federal courts leave the impression that they are no longer concerned with adjudicating rights under the Constitution, no longer concerned with determining the meaning of the equal protection clause for school assignments but are, instead, relying on the Constitution to carry out a visionary and impractical program of social engineering which, I am convinced, most Americans would reject out of hand were it to emanate from Congress or the Executive.

Before we can successfully oppose implementation of this grand design which apparently exists as a base plan somewhere so strongly that it has survived a change of administrations and a change in leadership on the Supreme Court, before we can turn things around and put the Constitution and the education of our children in first place, we must get our bearings and take our stand on fundamental things. What we need to do is think long and hard and place our position on fundamentals—the most fundamental fact being that the equal protection clause forbids segregation but it does not command integration.

The distinction has been much belittled by the social engineers on and off the bench in recent years. But Thurgood Marshall was right when he assured Justice Frankfurter that all the plaintiffs wanted was an order ending State-compelled segregation, right because that was all they were constitutionally entitled to. Chief Justice John Parker was eloquently simple in the opinion in Briggs against Elliott on remand:

"Nothing in the Constitution or in the decision of the Supreme Court takes away from

the people freedom to choose the schools they attend."

Or as an eminent successor of Judge Parker, Chief Judge Clement Haynsworth, wrote in 1967:

"If each pupil, each year, attends the school of his choice, the Constitution does not require that he be deprived of his choice unless its exercise is not free."

Judge Haynsworth paid dearly for his adherence to that simple idea. And the Justices of the Supreme Court, however they may qualify their pronouncements, have effectively renounced the idea. The tragedy is that there has been no Justice on the Court who would give voice to the dissent from the majority's edict, no Justice who by example or reason and historical soundness of interpretation would give those of us who deplore the Court's excesses a standard to repair to. In the absence, then, of such a Justice, such a standard, it is up to us the American people, dealing in reason with the issue, to formulate a stand and to urge its acceptance by the U.S. Supreme Court, which cannot long remain ignorant of the trauma which its present standard is inflicting not only on the South but, in time, will also inflict throughout the country.

Let me say for the record that I fully agree with Brown against Board of Education, which forbade pupil assignments on the basis of race. I want that clearly established.

But the district judge in the Swann case brought a new and different rationale into the desegregation picture. He found that the school board had selected school sites in such a way as to promote segregation of the races. This rationale was accepted by both the Fourth Circuit and, incredibly, by the Supreme Court. I think the speciousness of this rationale is going to be more and more recognized inasmuch as it is not only the South which is to be affected but the entire North as well. The social planners now have a theory, a doctrine, a concept, a legal handle, so to speak, by which they can turn aside the de jure-de facto segregation distinction, and it is going to be in the North that the real crunch will come.

If the location of school buildings in all-black or all-white areas is itself discriminatory because it promotes separation, then suddenly every northern jurisdiction is under the gun. Indianapolis was recently held to have maintained de jure segregation by the Federal court. Los Angeles and San Francisco are under court order and the Chinese in San Francisco are up in arms, as they should be. Pontiac, Mich.—where the fire bombing of school buses occurred earlier this week—is under a court order which will require extensive busing. The number of suits is growing daily. And the breakthrough has come primarily because of the argument of discrimination through site selection.

In Swann against Charlotte-Mecklenburg Board of Education, Chief Justice Burger solemnly assures us that it is merely the traditional equity powers of the courts which the Federal courts are using to require the cessation of discrimination. As far as it goes, his statement is correct. But he does not tell us that some concept of constitutional requirements should underlie the judgment of the courts with regard to the way the equity power is exercised. He does not tell us why the undoubted power to remedy past discrimination should be utilized to destroy the neighborhood school system. Why is it that the Federal courts now are to use the standard of race as the criterion of approval of a desegregation plan?

To sum up, I think we must go to the basic question of what the equal protection clauses really requires. Contrary to the social engineers, it does not require that every child must absolutely—and without consideration of the wishes of his parent and himself—attend a school in which he is exposed to children of all racial, economic, and social classes which make up that community. The equal protection clause does require that State and local officials deal fairly with every child, regardless of race, that they not assign him on the basis of race or class, and that in terms of faculty and staff and facilities his school be treated as all others.

It may well be that as a Nation we are bound for a great leveling, of class and status, a homogenization of persons so that eventually we all will seem to have come out of some bland mold all alike. That may well be, though I hope not. But, if it is going to be, let it be the result of policies formulated and executed by elected officials responsible to the people, let it be the result of policies debated and subject to rejection. Let it not be the edict of judges appointed for life and unaccountable to anyone. We have had more than enough judicial lawmaking.

It is time for the Supreme Court to tailor its results more closely to what it says. Time and again in the Swann opinion the Court speaks commonsense. The objective of the Court, the Chief Justice tells us, is to outlaw de jure discrimination in the schools. It is not, in his words, to deal "with—the—myriad factors of human existence which can cause discrimination in a multitude of ways." It is not to achieve broader social purposes. And, yet, after the soothing language, the result approved is the assignment of public school pupils on a racial basis.

In referring to the "tools employed by school planners and by courts to break up the dual school system," the Court took note of "attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools." In other words, attendance assignments made deliberately on a racial basis. The Court said:

"As an interim corrective measure, this cannot be said to be beyond the broad remedial powers of the court."

In other words, the Court was willing to condone pupil assignments on a racial basis—which is clearly unconstitutional—"as an interim corrective measure" within the "remedial powers of a court."

And the amazing part of it all is that there was not one Justice among the nine members of the high court who entered a dissenting opinion.

Does it not seem strange that, notwithstanding the deep and unabridged division among the American people—yea, even among distinguished lawyers and judges of lower courts—with regard to the question of forced integration, mass crosscity busing, closing of schools, and imposed racial ratios, the Nation's highest tribunal, composed of nine men, would find itself without a single dissenter on such a debatable question. Think of it. Complete unanimity in its support of school assignment based on race, when not one word of the 14th amendment's equal protection clause has been changed during the 17 years that have passed since the Court in 1954 ruled that school assignment based on race was violative of the equal protection clause of the 14th amendment to the Federal Constitution. A complete 180 degree change in the position of the Court. And complete unanimity. Can the answer be so clear to nine judges and so unclear to 200 million people?

Voices must be raised throughout this country which will move the Nation's highest tribunal to the realization that the position it took in the Swann case—of giving approval to pupil assignments on a racial basis and to racial quotas as "a useful starting point" in shaping a remedy—is going to impair pupil support of the public school system and will continue to produce chaos in the public schools.

Let us now, finally, look briefly at the Swann case and also at what Chief Justice Burger said on Tuesday of last week about that case.

In Swann against Board of Education the Court, speaking through the Chief Justice, stated that—

"Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis."

While Chief Justice Burger has no greater admirer than I—because I believe that the Court under his leadership is returning to a course of judicial moderation, restraint, and respect for legal precedent—I have to say that I feel that this was specious reasoning. The Court seemed to be saying that, given a constitutional violation, there is an adequate basis for ordering assignment of students on a racial basis. And what is the constitutional violation?

Prior to the year 1954, the assignment of students on a racial basis did not constitute a constitutional violation. But the 1954 decision in Brown against Board of Education made it unconstitutional to assign students to public schools on the basis of race. Now the Court, in April 1971, maintains that if there is a constitutional violation—growing out of the previous State-enforced system of assignment of students on the basis of race—the courts may judicially order assignment of students on a racial basis. In other words, two wrongs will make a right.

I maintain that, if the 1954 Court decision, making it a constitutional violation to assign students on the basis of race, was a correct one—and I believe it was—no pupil assignment on the basis of race can be constitutional, whether ordered by a court or otherwise. In other words, if it is a constitutional violation for school authorities to assign students on the basis of race, it is a constitutional violation for the courts to assign students on the basis of race. A court has no power to suspend the operation of the Constitution, even for a moment; hence, how can the Nation's highest court, speaking through the Chief Justice, maintain that there can be any basis whatsoever for violating the Constitution—to wit, by ordering the assignment of students on a racial basis? Yet, the Court, in effect, has proceeded to suspend the Constitution by taking the position that, given a constitutional violation on the part of school authorities; namely, utilizing various means calculated to maintain a dual school system, the courts may resort similarly to a violation of the Constitution—assigning students on the basis of race—in order to correct that constitutional violation by State or school authorities. I submit that, in the light of the 1954 decision in Brown against Board of Education, there can be no basis whatsoever for the assignment of students to public schools solely on the basis of race, and I further submit that such assignment, even when made by order or approval of a court, is not, by virtue of such court sanction, clothed with constitutional respectability.

The judiciary was created by the Constitution, and it derives its powers through and from the Constitution. The judiciary can interpret the Constitution, but it cannot interpret that document in such a way as to put itself above and beyond the reach of the Constitution. The Court cannot say on the one hand that school assignment on the basis of race is unconstitutional, while on the other hand the Court proceeds to order or approve pupil assignment on a racial basis by judicial decree.

"I deny that any judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved." So wrote Mr. Justice Harlan, the lone dissenter, in his dissenting opinion in the case of Plessy against Ferguson, in the year 1896. What else but a civil right, the right of children to attend their neighborhood school. What else but a civil right, the right of taxpaying parents to select the neighborhood school as the

school to be attended by their children. Would that there had been just one dissenting Justice on the Supreme Court of the United States in the Swann case who had said, as did Mr. Justice Harlan 75 years ago:

"It is therefore to be regretted that this high tribunal, the final expository of the fundamental law of the land, has reached the conclusion that it is competent for a state (or for any court) to regulate the enjoyment by citizens of their civil rights solely upon the basis of race."

Because that is precisely how the enjoyment by citizens of their civil rights regarding school assignments are being regulated—solely upon the basis of race.

Let me say in conclusion that I believe the Chief Justice, and possibly other members of the Supreme Court, are now aware of the damage which has been done to many school systems as a result of the Swann ruling.

Only Tuesday of last week, the Chief Justice stated that judges in lower Federal courts were misreading the High Court's opinions if they were ordering busing of pupils in the belief that the Supreme Court has "required" racial balance in every school. Chief Justice Burger said that this is disturbing."

He took the unusual step of writing a 10-page opinion in the Winston-Salem busing case in which he sought to clarify the High Court's position—and in which he revealed his own misgivings over the extent to which some Federal judges and some school districts have gone in ordering busing to bring about racial quotas.

The Chief Justice refused a stay in the Winston-Salem busing plans, but he cautioned that—

"If the Court of Appeals or the District Court read this court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* (v. Charlotte-Mecklenburg) case to the contrary."

Chief Justice Burger recognized the "confusion" which presently permeates throughout much of the Federal court system in regard to the problem of forced integration in the public schools. It all adds up to a pretty sorry mess, much of which has been created by the Federal courts themselves.

Last week's opinion by Chief Justice Burger—although not binding—I trust, is a straw in the wind which may give us some hope that reason may one day prevail over the utter confusion which today reigns completely in the matter of school desegregation, and that, at some future date—hopefully not too far away—children, both black and white, will no longer be treated as guinea pigs in a social experiment that amounts to pure folly and that the needless hauling of them, like cattle, for countless miles and at a wasteful price will cease to be an obsessional fetish.

EXHIBIT 2

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs v. *Ed. S. Cook, et al.*, Defendants

This case in on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of *Swann* v. *Charlotte-Mecklenburg Board of Education*. Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958, Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to *Brown* v. *Topeka* was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "busing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fare provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1957, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation. Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of tidal, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 9 pct-10 pct enrollment by race as "integrated". Presently, 38 elementary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct. (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 45 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following.

24 have integration of less than 10 pct (ranging from 1 pct-7 pct black and 1 pct-5 pct white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites;

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

THE PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ miles—5
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks by-passed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the con-

trary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship and * * * increases in travel time for the children involved or seriously imperils existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers." Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been established to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no buses, no drivers, and no funds with which to acquire and operate them. The pairing of noncontiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholeasle bussing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education and Welfare has long ago approved the present plans.

The remedy of mass busing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass busing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegregation in all but 15 all-black or all-whte schools, or less than 10 pct. of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, JR.,
U.S. District Judge.
ALBERT J. HENDERSON, JR.,
U.S. District Judge.

TEXT OF THE COURT ORDER

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs vs. Ed S. Cook, et al., Defendants.

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United States v. Hindus County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, a period of 15 minutes has been set aside as this point for the transaction of routine morning business, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. GAMBRELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

GALLUP FINDS ONLY 18 PERCENT FAVOR BUSING

Mr. GAMBRELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Poll Finds Drop in Majority's Opposition to Busing," published in the September 12 issue of the New York Times in reference to a poll conducted by the Gallup system as to the opinion of citizens all over the country on the busing question.

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

POLL FINDS DROP IN MAJORITY'S OPPOSITION TO BUSING

The overwhelming majority of Americans continue to oppose busing of pupils to integrate the schools, but opposition has declined since 1970, particularly among certain key groups in the population, according to the Gallup Poll.

In the latest survey, 18 per cent of those questioned said they favored the busing of black and white children from one school district to another as a means of achieving racial balance in the nation's classrooms. Three in four persons, or 76 per cent, expressed opposition.

In the previous survey, taken in March, 1970, 14 per cent said they favored busing, while 81 per cent expressed opposition.

The decline in opposition since 1970 has come about among both blacks and whites and in the South as well as the North.

One of the sharpest increases in support was found among college-trained persons, with the proportion favoring busing having almost doubled since 1970—from 13 per cent to 23 per cent.

A total of 1525 persons, 18 and older, were interviewed Aug. 20–23.

The busing controversy, which has recently erupted in many parts of the nation in connection with the opening of school, has strong political implications for next year's Presidential race—particularly in view of another possible third-party attempt by Alabama's Gov. George C. Wallace, an outspoken critic of busing.

Evidence of the keen interest in the issue is the fact that 94 per cent of persons interviewed said they had heard or read about busing of Negro and white children from one school district to another, a percentage that far exceeded that recorded for many other domestic issues.

All those who said they had heard or read about the issue were then asked this question:

"In general, do you favor or oppose the busing of Negro and white school children from one school district to another?"

Following is a percentage comparison between 1970 and today in the proportion who favor busing:

	Latest	March 1970
Nationwide	18	14
Whites	15	11
Blacks	45	37
Northern whites	17	13
Southern whites	10	5
College trained	23	13
High school	16	14
Grade school	17	16
Under 30 years	26	17
30-49 years	16	16
50 and older	14	10
Republicans	11	10
Democrats	23	18
Independents	16	13

When interviewed, a 60-year-old chef from Bayonne, N.J., remarked, "Busing is not the Government's business—let the kids go to school where they live."

A 45-year-old Iowa factory worker said, "I just don't see the reason for the extra expense—all the money being spent on busing could be better used to improve schools in neighborhoods."

However, the wife of a storeowner in New York City said, "Busing may cause immediate problems, but in the long run it will give blacks a better education and improve race relations."

Mr. GAMBRELL. Mr. President, if I may do so on the time allotted me in the morning hour, I should like to add to my previous comments the remark that the article which I have cited from the New York Times shows that only 18 percent of the people of the United States favor busing. A close study of the statistics indicated in the breakdown of that 18 percent indicates that those who favor busing seem to be those who are least involved with it—those who live in the suburbs and those who are college trained. The people, black and white, in my area, and those who are affected by the problem elsewhere, do not seem to be in favor of it. And I would say the fact that only 18 percent of the people nationally favor busing ought to have a strong influence on the thinking of Members of this body.

Mr. ELLENDER. Mr. President, I am in complete accord with the views expressed by the Senators from Georgia on the question of busing.

In my last weekly broadcast to my constituents, on September 11, 1971, I discussed the subject of busing, and I ask unanimous consent that an excerpt from my broadcast dealing with this subject be printed in the RECORD.

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

THE BUSING PROBLEM

Another issue which I found to be causing grave concern all over Louisiana is federal action forcing the transportation of public school students from one place to another for the purpose of integration. This process is being carried out totally without regard to its effect on the education process. I sympathize greatly with the parents who feel their children's education is being adversely affected.

The responsibility for this state of affairs lies with the federal courts and with the Administration now in power. Congress has sincerely tried to ban busing solely for the sake of integration, that is, to balance whites and blacks attending public schools.

During the lengthy consideration of the Civil Rights Act of 1964, the Senate tried to head off such busing. Section 401 of the Civil Rights Act, which deals with education, contains the following language:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

That same section of the law further states that:

"Nothing herein shall impower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the Court to insure compliance with Constitutional standards."

These changes made by the Senate were known as the infamous Dirksen Amendments. In this manner, Senator Dirksen thought he would be able to protect the northern cities from the nefarious actions of the Civil Rights advocates. By so doing, he was able to break the back of our southern filibuster. In other words, he was able to persuade his northern friends to support the bill, in the belief that those in the North would not be affected by the law. His amendments apparently succeeded in doing just that. Our Courts have simply by-passed the very plain language written by the Congress. In 1968 it became clear to many of us that the law was not being followed as intended by the Congress. Therefore, I helped to draft and enact the following language to the HEW appropriations bill:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

It was also stipulated that funds could not be withheld from school districts in order to force them to bus students against their will. Similar language was included by the Congress in the relative appropriations bills for fiscal years 1970, 1971 and 1972.

The Congress has gone on record many times against the forced busing of students. We did our best to insure freedom of choice. Unfortunately, the federal courts ignored the Congress. The courts have been assisted on many occasions by the bureaucrats of the Office of Education.

The argument has been used that southern school districts have been segregated because of de jure segregation; that is, a policy followed under the laws of the past, while the northern school districts are segregated because of housing patterns. We are fast reaching the point where the distinction is no longer valid. Maybe we have already reached that point. I am confident that when and if a national policy can be applied equally to the north, south, east and west, many of our southern difficulties will come to an end. I look forward to the day when reason will be allowed to prevail once again.

We must obey the law as interpreted by the courts. But I am confident the day is coming when the courts will see that the whole nation is more interested in education than in busing our children for forced integration.

THE IMPORTATION OF TEXTILES

Mr. GAMBRELL. Mr. President, I subscribe to and associate myself with the comments of the Senator from Georgia (Mr. TALMADGE) with reference to the textile import situation. This problem is getting graver and graver, and I fear that the talk about voluntary restrictions has merely been a smokescreen for increased imports and increased job losses in this country.

NO PLACATION OF REVOLUTIONARIES

Mr. BYRD of West Virginia. Mr. President, in recent years a dangerous philosophy has grown up in this country, a philosophy which holds that our Government and our people should seek to placate the revolutionaries who would destroy our Government and our society.

A very perceptive column by Holmes Alexander, entitled "Forgive George Jackson," appeared in the Welch Daily News in Welch, W. Va., on September 8, dealing with this philosophy of placation.

Biblical commandments do not make the sinner, as Columnist Alexander points out. Society does not make the criminal, nor do governments make the rebel.

I ask unanimous consent that this excellent column by Mr. Alexander be printed in the RECORD.

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

FORGIVE GEORGE JACKSON

(By Holmes Alexander)

WASHINGTON, D.C.—"Avenge George Jackson!" read the signs scrawled here on the walls and scaffoldings.

If you've been around awhile, the incendiary language doesn't immediately make you think of a young run-amok black murderer who was trying to shoot his way out of San Quentin prison, or of the five other men who were slaughtered in the course of his thwarted jailbreak.

No, because it hasn't been so long ago that these same surfaces were daubed with other names. Last spring it was Binh, the Communist negotiator in Paris. Before that it was the late Ho Chi Minh, our enemy in Hanoi. A few years back, it was Che Guevera, who was Castro's chief of staff and who later was killed during a phase of his ambitious campaign to revolutionize all of Latin America.

Jackson was a revolutionary, dying a desperado's death. He was a man who had evidently maddened himself on Marxian literature which fed his hatred of the white society in which he lived and the capitalist system which has provided living standards not matched in any Communist nations. By his own writings and by interview, Jackson gave his own impressionistic version of the theory which holds that Commandments make the sinner, Society make the criminal, Government makes the rebel.

Jackson personified the Revolution which we have been trying to contain for fully a decade and which shows no signs of running out of momentum. There are those who believe that the war's end in Vietnam, so long as it is an end that admits American guilt, will help to bring about social calm. These same people and others believe that the solution lies in expansion of the programs for racial and economic equality, using the police power and the taxing power to bring about this balance, or even to achieve a compensating imbalance that will make up for the past.

But Richard Nixon's election in 1968, although a muted and confused mandate, did indicate a certain choice of course by the American people. They clearly wanted the new President to get them out of Vietnam, but only "with honor." This is a nice distinction. It's importance is not whether it is possible, but chiefly that it is what the people desired and demanded at the last national accounting.

Within that concept of honor is the sanctity of contract, embedded in our Constitution, as well as the national intuition which tells us that we cannot afford to lose a war against any Communist enemy. These convictions have not changed in the majority of American minds. It is altogether unlikely that the country will agree to placate its revolutionaries by the sort of surrender in Indochina which would be both disgraceful and a downpayment on future capitulation. There is not a Democratic opponent, nor a Republican renegade, who can defeat Nixon by promising to contain the Revolution on those terms.

Also, there is forming in American minds a belief that measures of self-sacrifice have not been very productive in calming the revolutionary malcontents. Somewhere in the President's mental computer a little cog must have turned and told him that compulsory race-mixing has its limits. It is believable that he has become ambiguous on busing because he senses a mind-changing within the populace.

The white society, hated by George Jackson, has worn itself to a frazzle trying to show its love for the George Jacksons. Since 1954, when there was not a black face on the Supreme Court nor in the Senate, the American Negroes have been overwhelmed with favors to their race that they were in no position to take by force.

Since 1962, they have gained legislative goals which could hardly have been matched if the racial percentages of the nation had been reversed. In three successive Presidential administrations, the white society has strained its capitalist system to provide for the inability and unwillingness of the black population to make its own way.

But this formula of self-sacrifice, which hasn't worked, is not self-perpetuating. On the contrary, it may well be self-reversing.

Avenge George Jackson? Forgive George Jackson, is about all that his friends and foes should ask.

MINING, ENVIRONMENT MIX

Mr. ALLOTT. Mr. President, too often persons interested in the commercial development of our natural resources and persons interested in the preservation of our environmental heritage tend to work at cross-purposes. Out in the Colorado Rockies where the air—and the thinking—is often clearer than it is elsewhere, there is a unique mining development near Empire, 50 miles west of Denver. There the Climax Molybdenum Co., has a $250 million mining operation which was planned and is being carried out with the cooperation of the major environmental groups of the State. A description of this unusual but mutually beneficial arrangement was published in the Denver Post August 18 in an article by Mr. Dick Prouty. I ask unanimous consent to have the article printed in the RECORD.

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

MINING, ENVIRONMENT MIX

By Dick Prouty

EMPIRE.—Can a herculean mining operation costing $250 million and taking eight years just to begin production be compatible with the Rocky Mountain environment?

For the Henderson Project of Climax Molybdenum Company the answer seems to be "yes."

The Henderson Project is a plan to mine molybdenum ore under 12,315 foot Red Mountain 8 miles west of here, about 50 miles west of Denver.

The ore body, with about 4½ to 5 pounds of molybdenum being extracted per ton of ore, is large enough to last 30 or more years, Climax officials say.

50 MILLION POUNDS

Annual production is to be 50 million pounds of molybdenum.

The second of three Henderson shafts now is being put down 3,100 feet into the same mountain from which Climax' Urad Mine is extracting ore. Later a third shaft will be sunk.

To get the ore to the mill, 14.6 miles away,

a 10-mile-long tunnel is being bored between the mine, under the Continental Divide to the upper reaches of the Williams Fork River.

Harold Wright, Henderson mine manager, said that when full production gets under way—target date in 1975—six completely automated electric trains with 30 cars each will be shuttling back and forth between mine and mill.

"They're completely automated, there's no one in them at all," Wright said of the trains, which are a low-profile narrow-gauge type.

Each train will have four, 50-ton rated locomotives of the Swedish ASEA manufacture, he said.

At the mill, where a mountain is being leveled for the site of a crusher and mill, two tailings ponds and a water reservoir also are under construction.

According to Bill Reno, Climax construction engineer, the tailings ponds will require about 130 acres of the 18,000 acres of land Climax has bought in the Williams Fork drainage.

The project isn't just Climax. It's also the product of the Thorne Ecological Foundation, Boulder, the Denver-based Rocky Mountain Center on Environment (ROMCOE), the U.S. Forest Service, Colorado Water Pollution Control Commission, the Colorado Open Space Council and others.

But it is Climax, a subsidiary of American Metals Climax, New York City, that's paying the bill. The environmental safeguards were undertaken with "a great deal of apprehension on both sides on how it would work out," said Jim Gilliland, a Colorado native who is director of environmental controls for Climax.

How much the environmental considerations will cost hasn't been calculated. But it's plenty, a company official said.

The first environmental controls were extensions of conservation measures worked out between the U.S. Forest Service and Climax in the early 1960s when the Urad mine was reopened.

The Colorado Water Pollution Control Commission didn't even exist then, but the Climax representative, the late Ernie Jones, pioneered the ecological outlook with Neil Edstrom, former Idaho Springs forest ranger.

The Henderson lode was discovered in the mid 1960s. The scope of mining more than 300 million tons of ore, of having water for milling, tailing ponds for nearly 1,900 pounds of mill waste per ton, power lines, roads, housing for workers and other impacts on the environment generated studies on the ecological significance of the development.

Stan Dempsey, Climax attorney, was active in conservation work and as plans for Henderson were outlined he sought a broader input on environmental aspects from the fledgling Colorado Open Space Council.

Climax officials including Dempsey, Don Stephens and Bill Distler, then Henderson Project director and now in charge of mining operations for it, Urad and the Climax, Colo., mines, met with Roger Hansen, now executive director of ROMCOE; Bob Weiner, of COSC; Dr. Beatrice Willard, of the Thorne Ecological Foundation, and with others worked out what is known as "An Experiment in Ecology."

"The important thing," Distler said, "is that environmental considerations were a part of Henderson from the beginning."

The cooperative attitude of conservationists surprised some company officials and vice versa. But there were environmentalists who weren't—and aren't—happy about another development invading the mountains.

"It can't be hidden," Hansen acknowledged, "the landscape is considerably disturbed. But the impact is definitely minimized. There's no question about it."

"With all the construction, you can't tell now what it's ultimately going to look like," Hansen said.

"But the way it's going, the way it has gone and is intended to go, Henderson will be an ecological model for industrial development. I don't know of anyone in the country who has done the things Climax has done," he said.

WORK WITH PEOPLE

"We've been accused of doing a 'sell-out, of being a turncoat to the environment and all sorts of things," Hansen, a lawyer and planner, said, "but environmentalists have to accept responsibility and to work with people in good faith."

The results of that faith are just beginning to show. For example:

Ute Creek, the Williams Fork River, West Fork of Clear Creek and other streams are flowing clear and sparkling despite the enormity of the earthmoving and other work being done near them.

Clumps of trees at the mine, near the railroad and power line rights of way were left standing instead of being cut down. In one case a spruce-fir stand with trees more than 300 years old still stands—a powerline route was changed instead of cutting the trees.

850 TREES MOVED

More than $20,000 was spent to dig up 850 trees—aspen, fir, spruce, pine—from 4 to 40 feet high and transplant them to provide a 100-yard-long test screen to a huge tailing pond. The test plot, that is watered almost daily, will show what kind of trees can best survive the transplant shock. Eventually more trees will be moved to form a screen more than a third of a mile long.

While more than 300 acres of timber were harvested, much of the waste was chipped for mulch instead of being burned.

Topsoil is stockpiled until final earth moving and construction is complete and then it will be distributed, seeded and planted with grasses, shrubs and trees.

The 10,000 gallons of water needed each minute in the milling process is to be recycled, a process that saves water and avoids pollution.

The 5,000 gallons a minute of warm water encountered in sinking shafts to the working mine level is being aerated to cool and oxygenate it before it goes into Clear Creek via settling ponds.

New concepts in power line rights of way and screening were pioneered by Climax and Public Service Company of Colorado. No more wide, straight swathes through the mountains. The wires and towers are treated to blend instead of contrast with their surroundings.

Acres of grass now green disturbed slopes that would have been ignored before. A tertiary sewage treatment plan, almost a high-altitude experiment at 10,320 feet, is planned for the mine and offices.

In the next century, when mining is over, plans for using the reservoirs and tailing ponds already have been outlined.

Fundamental to all this are the ecological inventories made and continuing under the direction of Dr. John Marr, noted University of Colorado ecologist, and Dr. Richard Beidleman, of Colorado College, and others involved in the Colorado environmental movement.

"This way we know what the situation was, what it is, and if it changes how it's changed so we know what to do about it," Gilliland said.

"We'll have the actual data. Instead of guessing and theorizing, we'll know," he said. He was referring to plant, wildlife, water life and other continuing studies.

One of the really tough problems is tailings, reclamation. Work at the old Climax Colo., mine has proven the challenge. Dr. William Berg of Colorado State University, is seeking reclamation answers under a Climax grant.

PROVIDE ACCESS

Not all the environmental improvements have worked. One that failed was Climax plans to open up thousands of acres of its own land in the Williams Fork Valley, and provide access to the Arapaho National Forest, for hunters and campers.

But the guests drove their vehicles across meadows, mountainsides and in other ways tore up the land. The area is now barred to vehicular access, Don Stephens, Climax, public relations representative, said.

"It's still open," he said, "you just have to walk or ride a horse."

He said Climax is considering running a twice-a-day truck route in the area this fall. Then hunters can haul their deer or elk to the access roads, and it will be brought out in the company truck to the county road.

The impact of the enormous project and anticipated satellite development on the Williams Fork is a major concern of Colorado Game, Fish and Parks officials.

"It's going to change deer and elk migration routes, population concentrations and other factors," Paul Gilbert, area supervisor at Hot Sulphur Springs, said. To the west, across the Williams Fork Mountains, development in the Blue River Valley is affecting deer, elk upland game birds as well as stream life.

He estimated there are 500 elk and about 500 deer in the area now.

WATER COMPETITION

Competition for water by various interests, including Climax, Denver and other developers is also worrying trout enthusiasts, he said.

"They're making every effort they can to keep the stream clean, but it's the combination of effects including adequate stream flows that concern me," Gilbert said.

The opening of once closed ranches and foot access to the national forest is working out "surprisingly well," he said.

Distler said the company spent weeks searching for a mill and tailing site that would minimize the environmental impact. Of 36 sites, only two were environmentally satisfactory.

The result is a small scenic valley just west of the Williams Fork River, north of Ute Pass.

A portion of the two-track, narrow-gauge railroad between the tunnel portal and the mill will be visible from the county road that follows the river back up the valley from the Colorado River.

The tunnel will be more than 52,000 feet long. The Dravo Corporation has bored more than 3,000 feet underground from the Williams Fork side.

The tunnel and train are expected to cost $50 million.

THE RIGHT "MIX" OF STRATEGIC WEAPONRY

Mr. ALLOTT. Mr. President, as the Nation continues to confront the vexing problem of choosing the right "mix" strategic weaponry, it is fortunate to have the services of a dedicated expert of the caliber of Dr. John S. Foster, Jr., Director of Defense Research and Engineering for the Department of Defense.

The August issue of the Air Force magazine contains a most interesting and informative interview with Dr. Foster. So that all Senators can consider Dr. Foster's wise judgments, I ask unanimous consent to have the article printed in the RECORD.

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

THE U.S.S.R. IS HEADED TOWARD TECHNOLOGICAL SUPERIORITY

It can now be shown "with high confidence" that the Soviet Union's military technology effort is outstripping that of the

United States, probably between forty and fifty percent.

Expressed in equivalent US costs, this is a difference of more than $3 billion annually. To boot, Soviet spending is growing at a yearly rate equivalent to about $1 billion. This imbalance is being accelerated by the fact that the US chose to curtail its efforts in the field of military technology in 1968, concurrent with the steep, steady increases by the Soviet Union. In 1968, the United States was presumed to be ahead of the USSR in military technology by between two and three years. Now this lead is vanishing at a rate of about one-third of year per year, which means that by 1975, or soon thereafter, the Soviets could lead the world in military technology.

In addition, the Soviet space effort, while not increasing in phase with the Soviet military effort, is, nevertheless, about sixty percent (the equivalent of $2 billion annually) greater than that of the United States. Because of the interplay between space and military technologies, the greater Soviet space effort helps tilt the balance even further in favor of the Soviet Union.

This assessment of the status and trends regarding Soviet and US technology in the fields of defense, nuclear weapons, and space—the three measuring areas—is the product of painstaking, long-term studies involving the broad structure of the US intelligence community.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering and the government's ranking weapons technologist, discussed the significance and nature of these findings in a recent interview with this reporter. The more than $3 billion by which the USSR outspends the U.S., he said, "buys an awful lot in terms of military technology and would support about half a dozen new major weapons systems, including their allocable share of the technological base." Because the intelligence community's estimate of the two countries' levels of technological effort suggested such a stupendous difference and because of its crucial impact on the long-term security of the United States, "we felt we needed to run an independent check," to satisfy the Department of Defense and others that the intelligence/economics experts were indeed accurate to within ten to twenty percent, as claimed.

This reexamination was instituted last year at the behest of the defense R&D community. In the main, it hinged on a systematic "calibration" of past, and therefore presumably measurable, developments and trends in the areas of funding, manpower, and facilities on the one hand, and observable hardware and achievements on the other.

DOUBLE-CHECKING INTELLIGENCE

The period from 1960 to 1968 was selected because it is recent enough to be relevant to the present yet allows sufficient time for technological progress to have "surfaced" during the intervening three years since 1968. The "inputs" that could be deduced from the Soviet All Union Science Budget and other economic indicators were correlated with the "outputs," *i.e.*, the technological products of that period. The published Soviet budget provides only indirect clues regarding military and space technology. Nevertheless, US analysts found that over a period of many years the trends with regard to the size of the unexplained portion of the Soviet budget are generally consistent with the observable combined levels of effort in space, nuclear weapons, and military technology.

In addition, intelligence analysts recently found a way to break out Soviet space activities from the unexplained budget portion, Dr. Foster said. This led to the conclusion that, coinciding roughly with the announcement of the US moon-landing program, the Soviet Union began allocating the lion's share of its annual technological growth to the Russian space program while holding the military/nuclear energy technology effort relatively level.

This trend continued until the Soviet space effort peaked at about $5 billion annually around 1968. In that year the Soviet Union leveled off its space activities and began allocating its annual growth to the military side. The space effort appears to have been kept constant "at the equivalent of about $5 billion since then," Dr. Foster said.

By segregating Soviet space and military activities, intelligence analysts have been able to refine their estimates of the USSR's militarily oriented technology effort. Armed with this knowledge, intelligence analysts designed a comprehensive scheme to double-check and fortify these findings. Dr. Foster described it in detail:

"We asked ourselves, how did the US compare with the Soviet Union technologically in 1960? Were we ahead or behind, and, if so, by how much and in what fields? And we wanted the answers to the same questions with regard to 1964 and 1968. Because we were looking back—in fact were measuring history—we presumably would produce quite factual information. We postulated that, if the economists assert that the overall levels of effort by the two countries were roughly flat and even, then at the end of the eight-year period, things would be in rough equilibrium and there should not be any violent changes in their relative positions.

"What we wanted to know was which country was ahead in equivalent effort and, if possible, in what areas. So we examined the areas of intelligence, strategic weapons, tactical weapons, and civil space activity. We examined more than 100 individual programs in order to achieve a meaningful average."

The analysts covered a number of programs in each area in order to establish differences in objectives that must be taken into account in order to "obtain valid state-of-the-art readings," Dr. Foster said. In the case of aircraft engines, for example, US designers appear to place greater emphasis on thrust-to-weight and fuel economy while their Soviet counterparts seemingly stress minimizing maintenance and maximizing total thrust. Similar slight differences in objectives were recognized in other technological areas.

SOVIET MOMENTUM VERIFIED

By plotting and comparing the respective standing of the two countries at the three measuring points—and in many areas—and by taking into account all intelligence data, Dr. Foster said, it was possible to reach some basic conclusions that, while not startling, could not previously be drawn with any degree of certainty. The study ascertained that whenever one country pulled ahead of the other in any given area, it did so because it had increased its level of effort by a ratio roughly equal to the ratio by which it gained over the other.

Dr. Foster cited ICBM technology as an example. The US and the Soviet Union were approximately even in 1960. But by 1968, the US had moved ahead somewhat in missile technology simply because it tried harder. Similarly, a greater effort propelled the US from second best in space in 1960 to a three-year lead over the Soviet Union by 1968.

Across the board, Dr. Foster said, the United States was found to have been between two and three years ahead of the Soviet Union in military technology in 1960 and held that lead throughout the eight-year period studied. The pivotal conclusion from this intelligence study—and the one considered paramount for reliable future intelligence assessments—was "our firm belief that in 1968 the effective level of technological efforts in the defense field by the two countries was about equal [within a plus or minus ten to twenty percent range]," Dr. Foster emphasized, adding, "We have this high confidence because we 'averaged' over such a long period."

THE DECLINE OF U.S. TECHNOLOGY

By dint of the carefully plotted technological positions and capabilities of the two countries as of 1968, it is now possible to measure more precisely the present level of activities in the Soviet Union, relate them more meaningfully to our own effort, and project more accurately the future trends, Dr. Foster believes. There is, of course, absolute certainty that the United States in the three years since 1968 has reduced its technological efforts in the defense and space sector by about $3 billion—DoD's R&D dropped by about $1 billion and NASA's cut has been almost $2 billion in 1968 dollars.

So far as the Soviet Union is concerned, its budgets and announced plans during the past three years indicate R&D growth.

"On the basis of what we see and don't see happening, the intelligence community's analysts and economists find evidence that this growth is in military technology. The reason is that their civilian R&D effort is so small that an extra $1 billion a year allocated for three years would be very much in evidence by now.

"It is only in the military sector that they can absorb an increase of this size. Unfortunately, it will be another year or two before the Soviet programs started during the past three years will begin to reach a point where we can observe and analyze them. Perhaps the new missile silos that Secretary [of Defense Melvin R.] Laird recently brought to the attention of the public are the first in a series of technological advances that will result from the major growth in military R&D that is currently under way in the Soviet Union. If these trends continue, the Soviet Union could gain superiority over the United States in military technology in the mid-1970's," Dr. Foster said.

SOVIETS LEAD IN RAW POWER

Regarding weapon systems in being, he said, the best estimates indicated that, "while the balance is shifting steadily, there still is rough parity. The Soviets lead in the number of strategic missiles, in payload, and in megatonnage. In short, they are ahead in raw power. The U.S. has fielded technically superior equipment. This makes it difficult to determine the exact balance."

The combination of a Soviet military R&D effort substantially greater than that of the U.S. superimposed on this rough parity and "the high momentum of their weapons deployment, in the judgment of the Department of Defense, will create an unacceptable imbalance in power if present trends were permitted to continue. In the second half of this decade, the Soviet Union would not only have technical superiority in a general military sense but would have accumulated leads that could not be overcome or would be so costly to overcome in a short period that we might face some dangerous years," Dr. Foster predicted.

MANPOWER VS. HARDWARE

The dilemma of the Department of Defense stemming from this convergence of trends is made acute, Dr. Foster said, "because, obviously, we can't go to the Congress and say, 'Let's match the Soviet effort.' Also, the President, in reordering national priorities, has decided to hold the Defense budget to about seven percent of the gross national product [GNP]," compared to about ten percent in previous years. As a result, Dr. Foster stressed, "we won't have any major increases in the immediate future."

Because of inflation, a corresponding reduction in the size of the forces is automatically deemed necessary. But Secretary Laird and other DoD leaders faced another tough decision: "Should we modernize at the cost of manpower? [The decision was] that

we could not afford to have a technically and qualitatively inferior force, even if that meant further manpower reductions. With this in mind, we have requested a twelve percent R&D increase in the next budget year in spite of the fact that we are cutting back in other areas," Dr. Foster said.

The justification for this increase "is based not on the fact that the Soviet level of effort exceeds ours but on the merit of the individual programs. Some ninety percent of them were authorized by the Congress last year. The current funding rate of some is to be decreased, and others increased, with the increases exceeding the decreases by about $400 million. There is also provision for new 'initiatives' at a cost of about $300 million.

"These are programs," he said, "that either substantially increase the rate with which we go after a solution to a military problem, or represent the initiation of completely new solutions to problems that have worried us for some time."

TRIAD REDUCES VULNERABILITY

A key factor in preventing technological surprise from expanding into a lasting, decisive vulnerability of the US deterrence capability is, Dr. Foster believes, the triad of land-based and sea-based missiles and manned bombers. "Our deterrence capability rests on weapon systems based on technologies that can never be precisely evaluated short of actual combat. From time to time, we discover, or the enemy can discover, weaknesses in one or the other. This is why we have redundancy in the form of three approaches that are complementary rather than supplementary. Each is necessary because all are different. We don't fly bombers, for instance, because we like to fly. Rather, we do so because bombers have different basing modes, they penetrate differently, and they must be defended against differently. By contrast, ICBMs and SLBMs have certain common penetration characteristics that can be exploited by the defender. However, while the Minuteman trajectories are rather fixed, having to come from the north, Polaris can come from many different directions."

In terms of basing modes, he said, "Minuteman is based on our own soil where we have control over it. Polaris is based at sea where, hopefully, it is hidden. At the same time, we can't be there to watch it."

Dr. Foster elaborated on his recent statement that the Soviets might well invest in major R&D to try to make the "sea transparent": "Nobody can provide the technical assurance that in the next ten years it will not be possible to find Polaris submarines. It appears to us that the Soviets have made a rather major effort in deploying the SS–9s so as to have the capability to attack Minuteman. This effort is in the vicinity of between $10 and $15 billion.

"In attempting to go after submarines, it is certainly not inconceivable that a similar expenditure could produce similar results. For some reason, people who discuss ASW [antisubmarine warfare] think in terms of $1 to $2 billion as being an appropriate level for such a purpose."

Few allow for the possibility that the Soviets might "be willing to spend between $10 and $20 billion, which might well provide them with an ASW breakthrough. However, it is just because of this possibility that the US Navy is making aggressive efforts to maintain the invulnerability of our underwater-launched missile systems," Dr. Foster stressed.

THE B–1'S ROLE

Regarding the Air Force's B–1 strategic bombers, Dr. Foster said: "For about fifty years, bombers have proved to be valuable weapons to fight wars or deter wars. We know of no technology that could change this, now or in the foreseeable future." Development of the B–1 is warranted because of the age of the B–52 force and because of an array of other advantages inherent in the B–1 design, Dr. Foster said. "Also, there are problems with regard to the basing of the B–52's, their relatively slow reaction time, and their slow penetration speed." To some extent, he said, the B–52 can be improved in terms of reaction speed, and "this will be done by the Air Force as it becomes necessary. The Air Force is already correcting the basing deficiencies by moving further inland to protect the aircraft against the possibility of Soviet sea-launched ballistic missiles with depressed trajectories. But there is no way by which the B–52s can be made to penetrate to targets at high speed, which provides a severalfold advantage. There are, of course, many other advantages that accrue to the B–1, including reduced [radar] cross-section and improved ECM capability." (*See June issue of* AIR FORCE, *p. 31.*)

THE 647 WARNING SYSTEM

US deterrence with regard to all three members of the triad is dependent on warning. A highly classified satellite system employing sophisticated sensors and computers and known only as the 647 Advanced Warning System is currently under development. It is said to be capable of providing detailed warning information about Soviet missile shots about one minute after their launch. Dr. Foster declined to discuss specifics but termed the 647 system "a very significant advance that appears to be meeting the specifications we have set for it."

He said the system is not yet fully deployed, adding that when it is, "it can give the President the option to make decisions much earlier than otherwise possible. Advanced warning is terribly important. It gives him the opportunity to contact the other side during the fifteen to thirty minutes before impact, which would be vital if misunderstandings or mistakes are involved."

Soviet capabilities in the field of advanced warning are "not fully known to us, although they are working hard in this area," he said. Dr. Foster added that the Soviets have demonstrated some capability to intercept satellites. The United States does not have "this capability, although we could develop it if we wanted to."

Dr. Foster rejected the suggestion that the 647 system would enhance the survivability of the Minuteman force. "I do not believe that we should rest the Minuteman deterrence capability on the requirement that if it is to be used, it must be fired before it is attacked. Warning is simply no substitute for survivability."

Dr. Foster also expressed opposition to efforts to develop recallable warheads as an extension of ICBMs, as proposed by some military planners. "In my opinion, recallable warheads don't make sense and provide no particular advantage. It is, of course, possible to launch rockets on warning and to have these rockets place warheads in orbit. But once they are in orbit, they are on a given trajectory, and it takes enormous amounts of energy to bring them back to earth on the right trajectory to hit a specific target. The other alternative is to wait for a week or so until they come to the right point, and then deboost them to bring them down. Because it takes a large amount of energy to maneuver them and to deboost them, the payload of such a system is reduced by a factor of three to ten. Also, they have trouble in regard to timing. In addition, I don't believe that, on the long term, the survivability of a warhead in space is any greater than it is on the ground."

ICBM HARDSITE SURVIVABILITY

Dr. Foster pointed out that increased survivability of the land-based ICBMs is being achieved through the development of the US Army's prototype Hardsite Missile Defense System, for which an allocation of $65 million is being requested from the Congress. He described the interaction between the Safeguard and Hardsite systems:

"We remain convinced that the way to defend Minuteman ICBMs is, first, through a high-altitude, long-range capability to knock out the incoming 'swarms' with as big a [warhead] yield as we can put on a reasonably sized missile. The Spartan missile, with its several-megaton warhead does just that. Spartan is coupled with long-range acquisition radar and local-site radar. The latter directs the interceptor to the incoming missiles.

"In addition, we require a high-performance, short-range missile, with a few-kiloton warhead, to function in the lower atmosphere where the bulk filtering [sorting out of decoys from actual warheads] takes place. We obtain this capability with Sprint.

"If we want to provide further defensive capability against larger numbers and greater sophistication of attacking missiles, we can go to larger numbers of Sprints, as opposed to Spartans. The first step in this direction would be to add more missile-site radars, along with additional numbers of Sprint interceptors. Further intensification of the threat could be met with further increases of this type. By contrast, if a steep increase in the threat were anticipated from the outset, a different approach would be more practical. It would consist of a cheaper, less-sophisticated, missile-site radar, simpler computers, and perhaps a less-expensive version of Sprint. We call this package the Hardsite system, and the Army has already started prototype development. Further funding of this effort is being requested from the Congress. In essence, the Hardsite system components are cheaper versions of the Sprint system components optimized for deployment in large numbers. Our present prototype effort consists of setting up a module of the key elements, hooking them up, and testing them."

Dr. Foster said the system will use conventional guidance rather than a homing device, as initially recommended by an Air Force study.

Regarding the effect of Soviet defensive systems on the credibility of US nuclear deterrence, Dr. Foster named as "a most worrisome threat the possibility that they might find a way to design weapon systems that could be used effectively for missile as well as air defense. In such an eventuality, the Soviets could have thousands upon thousands of interceptors deployable against our ballistic systems. For this reason, it is vital that we continue the ABRES [Advanced Ballistic Re-entry System, operated for all services by the Air Force], which could provide us with the means to negate such a potential Soviet technological breakthrough."

With increasing proof of the Soviet Union's accelerating technological momentum in hand, the time would seem propitious for this country to undertake adequate "technological countermeasures" to prevent a condition of "unacceptable imbalance of power" from developing.

F–14 AND F–15 AIR BATTLE APPROACHES

In his interview with AIR FORCE Magazine, Dr. Foster stressed that the intent to build experimental prototypes of future fighter aircraft did not aim at replacing, in part or in toto, either the F–15 or F–14 aircraft currently under development by the Air Force and the US Navy.

"Prototypes should not be looked upon as viable solutions of our near-term needs. At best, they could serve as backups in case catastrophic difficulties were to develop in either the F–14 or F–15 programs, something that we don't expect," Dr. Foster said. He added that the US, "a country that has such a high stake in the air-superiority capability, is indeed fortunate that two major and different approaches to the air-superiority mission are being covered by these two programs."

While both the Navy and the Air Force, in designing their respective fighters, "have

backed off from the highest attainable technologies—at least so far as speed and altitude are concerned, and have chosen not to go into the Mach 3 regime, which would require a very costly titanium design—they have picked aircraft with capabilities that cover the two principal approaches to future air combat.

"If fighters with longer range acquisition and increased firepower will dominate future air battles, then we might be better off with the F–14, which carries a long-range acquisition radar and the Phoenix missile system. On the other hand, if the rules of combat, enemy identification, and the nature of engagements are such that the battle that is being fought is really a dogfight, then, obviously, the F–15 is the best approach," Dr. Foster concluded.

How Our New R&D Policy Relies on the Extensive Use of Prototypes

To be able to cope with the momentum of the Soviet effort as well as to be able to carry out the needed modernization of the U.S. inventory, Dr. Foster believes that one issue of overriding importance must be resolved:

"It is the level of competence which the public and the Congress attach to our management of weapons development during this period of reduced and reluctant funding of defense programs."

This is one reason why the Department of Defense and the services are extending and refining the milestone approach to R&D. It was formulated about two years ago and first used on the Air Force's F–15 air-superiority fighter program.

The new approach hinges on hardware experimentation and additional prototyping. "Prototyping is going to be a major thing, now and in the foreseeable future. It is the way industry will tend to go in working with the services; it is the way the services will go to receive DoD approval; and it is the way DoD will go to receive congressional approval. There is consensus up and down the line that this is the right thing to do," according to Dr. Foster. The emerging policies represent an amalgam of management lessons learned, here and abroad, over the past twenty years.

In a way, milestones and prototypes represent common sense. A key function of the new approach is to advance the state of the art steadily, continuously, and at low cost, while permitting the United States to retain first-class design teams that otherwise might have to be disbanded. This reformation of the R&D processes encompasses all the services and DoD, and "is being joined enthusiastically by NASA."

Inherent in the new approach is "a return to some of the practices of the 1950s, as opposed to the policies of the 1960s. In the 1950s we used a heavily empirical approach to weapon systems acquisition. In the 1960s we tried to reduce costs by more analytical 'paper studies,' an approach that was, and continues to be, useful. But we seem to have overdone it—we aren't smart enough to understand all the technical and cost possibilities ahead of time, and that increases costs. So we are 'adding back' prototypes," Dr. Foster explained. At the nub of this is prototyping and "progress that can be demonstrated by hardware at as many milestones as is reasonable," he said, adding, "We must reemphasize prototype development and test before we make major program commitments. We must fabricate and test experimental prototypes as early as possible to assure that we have an adequate base of demonstrated technology and an adequate number of alternate approaches based upon some experience with hardware.

"But at the same time the decision to go the prototype route is made," he said, "the government must establish very precisely what the protoype is needed for and guard against it's becoming a mere buzz word. We must take the time to describe not only what specific advance is expected but how we will go about measuring whether or not the expected progress was indeed attained. And the government needs to communicate these criteria not only to its own people but to the contractor as well."

The reorientation toward more prototyping was catalyzed when the Department of Defense recently began to examine US entries in the European air-superiority fighter contest (including Lockheed's CL–1200/X–27, LTV's V–1000, Northrop's P–530, and others) with an eye toward their use as long-term experimental prototypes to advance the state of the art in fighter aircraft design.

In a practical sense, the milestone and prototyping policy, which is likely to be applied in all major defense technology areas, falls into three categories, according to Dr. Foster:

Experimental prototypes can be used to explore promising theories or laboratory findings, or to bridge the gap between theory and application in cases where the technology is "too green" for direct application or meaningful cost estimates. Examples include high-energy laser systems and the so-called supercritical wing that extends the limits of the subsonic flight regime.

Developmental prototypes can be used when the government lacks either the confidence or the urgency to enter a system into full-scale development. The purpose may be to gain information concerning cost or schedule tradeoffs, to reduce deployment lead times without actually deploying, or to reduce technological or manufacturing uncertainties. Examples include the B–1 bomber program, the AWACS radar, and F–15 avionics.

Production prototypes can be used when high-rate, volume production is planned to prove the system, tools, and production methods. This has been the most common form of prototyping and, among the three categories, the one that resembles most the eventual production system in terms of dimension, performance, and features.

Single-Source or Competitive Approaches?

To advance the state of the art at a maximum rate and minimum cost, in DoD's view, "the government should structure several programs in each of the key areas of defense technology in order to provide [industry and government laboratories] the opportunity to pursue promising approaches on a rather continuous basis. This means, for instance, that we should put several million dollars each year into the ECM field with the expectation that every year, or two, a contractor will come forth with an advancement in the art of ECM, demonstrated on a working model," Dr. Foster explained.

"The way we expect to assure excellence in this process is through competition—by having perhaps two or three contractors working on a given problem area. At this time we don't know what constitutes the optimum number of competitors. This has to be adjusted as we gain experience over a period of time. If a contractor does not perform, obviously we will consider terminating him; conversely, if his performance is good, we will be more willing to have him continue. Since this work generally will be performed on a cost-plus basis, it will not constitute a windfall to any contractors, and we have made this clear to industry leaders at a recent meeting of the IAC [DoD's Industrial Advisory Council]," DoD's research chief said.

While no decisions have been reached, there is the apparent intent on the part of the government to pare down the number of individual companies that need to maintain a continuous research effort in a given technology area. In order to get maximum mileage out of the government-funded programs and to create additional incentives for the participating industry, Dr. Foster suggests that there be an interfacing of "similar skills, such as a company's work on commercial aircraft engines or airframe design," which are transferable between civilian and military applications.

While the new policy could be seen as more of a nationalized or arsenal-type R&D approach, it is meant to retain a basic free-enterprise character by providing for competition in most instances. This will not preclude single-source programs, however, involving either only one in-house laboratory or one outside contractor. This method is to be used, Dr. Foster explained, when it provides lower cost; when there is clear superiority of a chosen system alternative; when only one contractor has a given capability; or when the production investment is low, the development costs high, and the risk marginal.

Competitive prototype development involving the same technology by two or more developers could be advisable, according to Dr. Foster, when production potential exceeds development costs by a significant factor, in the order of ten percent vs. ninety percent; when the system represents a crucial national need; or when a second production source is required.

Yet a third alternative could be utilized when basically different technologies that can satisfy the same need are involved. This might be invoked when no single technology shows up as superior or when the preferred alternative is highly risky and therefore requires a backup design. This approach is already in effect, Dr. Foster pointed out, on the Harrier/Cheyenne/A–X developments, as well as the F–14/F–15 effort.

The Extent of Prototyping

To use prototypes in an economical fashion, there is to be judicious evaluation of the extent to which it is necessary. That means greater emphasis on development of new components or new subsystems for existing systems, or changing systems through systematic alteration akin to the way the French aerospace company, Dassault, evolved an entire family of combat aircraft from one basic design (*see August '70* Air Force, *p. 32*). This could range from such items as inertial instrumentation to a new avionics package, and to such metamorphoses as the changeover from the A–11 testbed to the YF–12. (Dr. Foster rated as one of the currently most pressing component developments the need for an improved fire-control system for air-to-air combat, which "if deployed on an F–4 would lead to a mission improvement comparable under certain conditions to the step-up from that aircraft to the F–14 or F–15. Advances of this kind are less glamorous but more cost-effective and therefore must be pursued vigorously.")

In the hierarchy of prototypes, one other choice can be made—between "bare-bone models," which contain only a minimum of essential elements and are typified by the Air Force's AWACS development, and complete systems, Dr. Forster stressed.

Potential Prototyping Fields

Principal areas of weapons technology that are being viewed as promising candidates for continuous prototype programs, Dr. Foster told Air Force Magazine, include:

Aircraft—fighters, V/STOL aircraft, and hypersonic vehicles.

Remotely Piloted Vehicles (RPVs)—recce drones and defense suppression weapons.

Missiles—tactical submarine-launched and antiship missiles.

Other separate areas rated as candidates for sustained programs include electronic countermeasures and high-energy laser systems aboard airborne testbeds. In the component and subsystem area, aircraft engines, missile propulsion, tactical-missile warheads, and night sights for small arms are candidates.

No price tag has been placed on efforts of this kind as yet, but several hundred mil-

lion dollars annually, including about $100 million for fighters and $50 million for avionics, might be considered likely. Dr. Foster pointed out that the present funding level for advanced developments approaches this financial level. The three services are currently reviewing their R&D programs in order to select candidates for prototype efforts and new "initiatives."

Linked with the return to a prototype-oriented R&D philosophy, Dr. Foster said, are new management techniques, including the creation of a DoD-wide Weapon Systems Management School at Fort Belvoir, Va. In the future, Program Directors and other key SPO personnel will be selected from graduates of the Fort Belvoir school, Dr. Foster said. General management thrust will continue to deemphasize contractural commitment and focus instead on tradeoffs "throughout the life of the program. In the past, tradeoffs were considered only during the definition phase. The policy now is to permit and encourage tradeoffs in the hardware phase. It is then that our actual experience permits their use in a far more prudent and practical way.

"This concept includes cost increase situations. In such cases, we don't just want to hear from the program director that the price has gone up by X number of dollars but expect him to state some options, based on tradeoffs, that will enable us to keep the costs in line."

REOPENING OF THE SUEZ CANAL

Mr. ALLOTT. Mr. President, recently there has been considerable speculation about possible methods of achieving reopening the Suez Canal, the great benefits that allegedly would flow therefrom. And there have been reports that U.S. officials have been putting substantial pressure on Israel to force that country to make concessions which, it is vaguely hoped, will result in reopening the canal.

Mr. President, such speculation and reports are dismaying to me.

I am not convinced that the reopening of the canal is an event the desirability of which is self-evident, or even demonstrable. In fact, there are many reasons to believe that reopening the canal at this time would benefit primarily—and perhaps only—the Soviet Union, whose growing naval strength in that area of the world needs no encouraging.

In addition, I continue to believe that the only solid hope for a true and lasting peace in the Middle East rests with a direct settlement arrived at through direct negotiations between the nations immediately involved. As regards the Suez Canal, this means direct negotiations between Israel and the United Arab Republic.

I find my views on this matter strengthened by a recent article that has come to my attention. The article is from the New Middle East, July 1971, published in London. The author is Alvin J. Cottrell.

Mr. President, so that all Senators can profit from this intelligent analysis, I ask unanimous consent to have it printed in the RECORD.

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

IMPLICATIONS OF REOPENING THE CANAL FOR THE AREA EAST AND SOUTH OF SUEZ

(By Calvin J. Cottrell)

Secretary of State Rogers' recent visit to the Middle East has brought to the fore again the question of the significance of the Suez Canal and the implications of its reopening. This issue helps to demonstrate one of the recurrent tendencies of U.S. policy, namely, the tendency to compartmentalise problems or, to put it another way, it shows a failure to see problems in broader context. Nowhere has this been more true than in the Middle East, where the United States has not had primary responsibility in the same sense as the British did for so many years and thus never developed in depth the necessary expertise. On the question of the Middle East, the United States has tended to see the problem almost entirely in terms of the Arab-Israel conflict, almost as though this conflict was entirely isolated from the much broader issues for which it unfortunately has come to serve as something of a pawn. At the beginning of the Arab-Israel confrontation when the State of Isratel was established, it was indeed correct to see it as primarily a dispute over Palestine.

When the Arab-Israeli conflict originated, the Soviets were not a Middle East power, but beginning with the period shortly after Stalin's death, and certainly since their decision to finance and help to build the Aswan High Dam and supply Egypt and other revolutionary Arab states with arms, they have emerged as the potentially dominant power in the Middle East. It is clear that they chose to support the revolutionary Arab cause primarily because they considered Israel too small and because they believed their objectives could best be achieved through support of the revolutionary Arab states, large both in terms of geography and demography.

It is probably safe to say that even Soviet objectives have undergone change since the Soviet leaders first committed themselves in the Middle East. Soviet policy has almost certainly had the consistent objective of ending the Western monopoly over the area. The larger objective, namely, to replace the West in this region, has always been a function of the stability or lack thereof among the nations of the area. The Soviet leaders, here as elsewhere, have been tempted by the weakness of the states in the area.

The area over which the Arab-Israel struggle is being waged is obviously larger than the area encompassed in the direct confrontation of the principal combatants in the conflict itself, i.e., Egypt and Israel. Indeed, it can be said that the Soviet Union is now committed in Egypt, *not only to save its investment there, as is often said, but to gain access to areas east and south of the Suez Canal, where they seek to reorient the policies of the riparian states.* The reopening of the Suez Canal has become a vital necessity, given the growing power of the Soviet Navy—a naval power non-existent when the State of Israel was established. Soviet naval power is rapidly becoming the prime instrument for extension of Soviet political influence. It is against this background that the consequences of the proposals for the reopening of the Suez Canal at this juncture should be carefully weighed.

The United States Government has placed great emphasis on the idea of an interim settlement, which would permit the clearing and reopening of the Suez Canal, in the belief that this would further dampen the Arab-Israel conflict and represent a first step in an overall settlement which would return Israeli forces to their June 1967 boundaries and bring about greater stability in the Middle East. It should be said here that, while undoubtedly such a settlement would probably dampen the crisis, the crisis itself has already been fairly dormant for some time, especially since the establishment of the original truce agreement. In this respect the additional gain will not necessarily add greatly to the stalemate which already exists.

In some official and unofficial Washington quarters it is argued in favour of such an interim agreement that the danger is growing that the new Egyptian Government, with the support of the Soviet Union, needs to achieve some victory or favourable progress against Israel in order to bolster its domestic position and, that the Soviet leaders in turn need such a victory also to prove that their intervention—15,000–16,000 troops and much sophisticated equipment—has been beneficial in bringing about a victory for Egypt. There can be no doubt that there is some force in these arguments, but even such an interim settlement will still leave the Arab-Israel confrontation intact. At the same time it will reopen the Canal and widen Soviet naval and hence political influence into areas such as the Persian Gulf, South Arabia, and the Horn of Africa.

There are many rumours in Washington and reports in the American press suggesting that the recent purge in Egypt has demonstrated Sadat's greater independence from Soviet influence. It is argued in some official and unofficial quarters that the people purged by Sadat—and they never fail to mention Ali Sabry—were the pro-Soviet people, and that therefore what happened was that Sadat asserted his independence from the Soviet Union. This may all be true, although so far such views seem to be supported by few facts. Typical of such thinking is the column of two of Washington's most responsible commentators on world affairs, Rowland Evans and Robert Novak. Writing about Sadat's purge and the Suez settlement in *The Washington Post* on May 20, 1971, they state:

"Egypt, which for almost 100 years had been politically and economically oriented to Europe and the United States, came under the dangerous influence of Moscow, with Soviet power threatening the oil-rich Persian Gulf, the east coast of Africa and the Indian Ocean.

"That upward spiral of Soviet influence is now indirectly threatened by Sadat's political purge, but the threat will bite only if Sadat's gamble pays off with an interim agreement with Israel."

It is quite possible to view Sadat's position as well in accord with Soviet objectives, whatever role the Soviets have played in the internal affairs of Egypt, and it is difficult to believe that the Soviet Union lacks influence, given the size of its military presence in Egypt and the obvious and continuing military dependence of Egypt on its Russian support. Nasser was not necessarily the Soviet Union's man, but it seems clear that the Soviet leaders always preferred him to the other possible alternatives. Certainly the same can be said about Sadat.

It might be said that the Soviet leaders had a number of options and it is conceivable that their interests, particularly with regard to opening the Suez Canal, could be achieved no matter who was in power in Egypt, perhaps even more so under Sadat than under more enthusiastic Soviet supporters within the Egyptian hierarchy. Clearly the Soviet leaders prefer to achieve a peaceful settlement of the crisis which would enable them to use the Suez Canal and also enhance their prestige with their Arab clients. Also, equally clear, President Sadat could present to his people the return of the Canal to Egyptian control as an important achievement made under his leadership. Indeed, it is conceivable that one of the reasons for the large-scale Soviet intervention in Egypt was the Soviet leaders' fear of a coup which would

see Nasser overthrown by the military and his displacement by elements with a more activist or risk-taking attitude towards confrontation with Israel.

The Soviet leaders face a dilemma when it comes to a settlement in that they must be very careful not to reduce Egypt's dependence upon them, since it is the threat of Israel which provides the basis for their acceptance by the Arabs. An overall settlement of the Arab-Israel dispute at this time would certainly not serve Soviet interests, since it would diminish the need for their presence in Egypt and thus result in a diminution of their influence with their Arab clients.

This is so even though the Soviet Union itself has been extremely reluctant to give back occupied territory since the end of World War II. As the distinguished British Middle East historian, Bernard Lewis, testified before a sub-committee of the United States Senate on March 17, 1971: "The Soviet Union is a weighty protector—but the Arabs are more conscious of the weight than the protection. The Soviets have a great need to gain some sort of victory over Israel in order to convince the Arabs of the value of their protection. For this, they must persuade the United States to provide them with one—a task which is not as difficult as it ought to be."

It seems clear now, whatever the original Soviet motivations for intervention in Egypt and for their general support of the Arab cause might have been, that in addition to extending and consolidating their position within the Arab world, the prime Soviet objective is clearly now to reopen the Suez Canal. Reopening the Canal would enable them to multiply their naval position east and south of Suez and hence increase their political influence in the Horn of Africa and in the Persian Gulf area.

Thus, it is at least worth some thought whether the concentration of United States policy-makers on a partial agreement between Egypt and Israel will not have the effect of triggering off problems east and south of Suez which, while dormant during the long period of British protection, particularly in the Persian Gulf, may now flare up if the Soviet leaders are able to increase their naval forces in the Indian Ocean. And this will certainly follow when the Canal is reopened. One of the great losses suffered by the Soviet Union as a result of the June 1967 War and hence those revolutionary forces which they either support or are sympathetic to in the Horn of Africa and the Persian Gulf and South Arabia—was the closure of the Suez Canal. Since Soviet crisis mismanagement prior to the outbreak of hostilities in June 1967 was partly responsible for the Canal's closure, it has been a key aim of the Soviet Union to redress the situation, and this has pushed the issue of reopening the Suez Canal to a top priority level.

There are those in some circles in the United States who refuse to accept the view that the Soviet Union has a great interest in maintaining a large-scale naval presence in the Indian Ocean. It is difficult to understand how such a conclusion could be reached except on the basis of pure guesswork or wishful thinking. The Soviet leaders have never concealed their interest in the area east of Suez. We need not go back to historical references to Tsarist statements about warm water ports—known to almost every literate person in order to document the abiding Soviet interest in the Persian Gulf-Arabian Sea area. Perhaps it will suffice to mention the much-cited effort of the Soviets to carve out a sphere of influence in this area south of Baku and Batum "in the general direction of the Persian Gulf", which was disclosed when the Molotov-Ribbentrop Protocols of 1940 were opened to the public.

When we join these long-standing and declared interests with the actual presence of anywhere from 6 to 20 Soviet naval vessels in the Indian Ocean—beginning just one month after the British announcement to withdraw was made in January 1968 and the numerous port facility agreements which the Soviet Union has negotiated over the past several years in the area east and south of Suez (e.g., in Yemen, Somalia, India, Mauritius, and their intense interest in the island of Socotra), it seems more than obvious that the Soviet Union has a great interest in maintaining a permanent and relatively large-scale naval presence in this Ocean, just as it has had in the Mediterranean since 1963.

The cost of maintaining the presence of even six naval vessels in this area for the Soviet Union is considerable so long as the Suez Canal remains closed. Indeed, a look at the map of the world tells more than words why the Suez Canal is vital to Soviet strategy. A quick glance at a map of the world will show that the Red Sea, with the Suez Canal closed, is about the farthest point in the world from the Soviet Union by sea. It is a long and somewhat difficult voyage from Vladivostok to the Indian Ocean and it is even further from such ports as Odessa in the Black Sea and the ports in the Baltic. But with the Canal open the sailing time for Soviet naval forces in the Black Sea and from units in the eastern Mediterranean would be reduced by anywhere from 30 to 40 days to no more than five days, and the route presents no hazards. The distance from the Black Sea to the Red Sea through the Canal is about 3,000 miles, around the Cape it is 11,000.

Just to give an interesting example, the United States which deploys two destroyers in the Persian Gulf with Bahrain as base, required 40-odd days sailing time from east coast ports such as the U.S. naval base at Norfolk, Virginia. This is a most costly operation in terms of ships and personnel a fact seemingly unknown to many pundits and civilian policy-makers. The ratio of ships to actual deployment for the United States for such a modest deployment is 3 to 1, i.e, 2 ships deployed, 2 en route, and 2 being readied in Norfolk. Even if we allow that the Soviet Union has only a 2 to 1 requirement and this is certainly a conservative estimate—the cost in ships to maintain any sizeable presence in the Indian Ocean area must be considerable with the Canal closed. But the problem becomes quite simple with the Canal open. The opening of the Canal would thus mean a quantum jump in Soviet naval power east of Suez. It would also mean, as far as the Soviet Navy is concerned, that the Black Sea, the Mediterranean, the Indian Ocean and the Pacific are a single vast area.

The significance of the Suez Canal in a strategic sense has never been clearly understood in the United States, because the United States usually met its military commitments in Asia via the Pacific Ocean. However, from a European strategic viewpoint, the Suez Canal was the shortest route for meeting military commitments in the entire area east of Suez. Therefore, the importance of its reopening in a strategic sense has been better understood by Europeans including the Soviet Union, than has been true in the case of American policy-makers. This important geographic difference in outlook lies at the root of much of the disinterest of the Unied States in the threat of Soviet penetration into the Indian Ocean.

What effect will all this have on the situation east and south of Suez? Of course, there is no clear answer to this, except to say that in this area there is an abundance of unresolved disputes and conflicts that have been held in abeyance by the long period of western domination. As has only too recently been recognised, particularly in the United States, these conflicts have been "frozen" by a small, but acceptable British military presence in the area east of Suez and particularly in the Persian Gulf. Many of these disputes and conflicts will almost certainly surface in the Persian Gulf following Britain's withdrawal before or by the end of 1971.

Revolutionary forces will almost surely make their bid for power in the Arabian side of the Gulf. The British withdrawal is final, and might coincide with the opening of the Canal. The presence of Soviet naval forces in this area is hardly likely to provide a stabilising influence, even if the Soviet leaders themselves did not wish to encourage or accelerate the activities of the revolutionary forces. In fact, the very replacement of the western presence by a Soviet naval presence could have the effect of releasing forces, which have been biding their time until the departure of British forces.

These smouldering disputes are too well known to people familiar with the area to need a detailed examination. Needless to say, most of them are not likely to be resolved by the time of Britain's departure. One of the most urgent and serious claims is that of the Shah of Iran to three islets which are near the entrance to the very strategic 26-mile Strait of Hormuz. The islands are presently under the control of Ras al-Khaimah (The Tumbs) and Sharjah (Abu Musa). The Shah of Iran has stated that he will seize the islands by force if his claim is not settled through negotiation. The islands lie some 30 to 50 miles off the coast of the Trucial States, and the Shah's fear is that they may fall into the hands of revolutionary Arabs if there is any change in the traditional form of government which now prevails in the southern Gulf. Any action by revolutionary forces in that area could force Iran's hand. The cession of these islands to Iran is opposed by the second largest Gulf state, Saudi Arabia. Saudi Arabia's internal situation already leaves something to be desired, and a revolutionary coup by the military, somewhat along the lines of the Libyan example, is always possible. Such forces could also be encouraged by an increased Soviet presence in the area.

There is, of course, also the dispute between Iran and Iraq over the Shatt-al-Arab, which is formed by the confluence of the Tigris, Euphrates and Karun rivers at the head of the Gulf, and also the possible conflict which could result between Iran and Iraq over the Iraqi claims to Kuwait, forestalled in 1961 by the landing of British forces. The British would not be able to perform this deterrent function again. Certainly Iran would have to oppose with force such an attempt by Iraq, and this could draw the great powers into confrontation over this issue if the Soviet Union sided with Iraq. The only hope for the future of the Gulf is its insulation from great power rivalry and the same is true to a large extent of the Horn of Africa.

Nor is an increased Soviet naval presence in this area likely to contribute to its stability when it is likely to occur in the absence of any countervailing or neutralising western naval forces, particularly those of the United States. It is quite clear that the so-called Nixon Doctrine envisages a naval strategy to implement the concept of a lower United States military profile abroad and that the United States Administration thus far appears to have excluded the Indian Ocean from this concept in any operational sense, except for the very limited agreement to build the communications facility with Britain on the small BIOT island of Diego Garcia under an agreement reached in 1966. Congress has just appropriated $19,000,000 for its development, but even this limited expenditure was opposed by some as though it represented some vast open-end military commitment by the United States.

It is interesting to note. to. that not only are United States naval requirements in terms of ships to implement such a Doctrine not being met by the necessary shipbuilding

programme, but there is almost a total disinterest, at least in United States political circles, in preparing the United States for the possibility of countering the inevitable large-scale Soviet naval presence in the Indian Ocean, which one must assume will follow a decision to reopen the Suez Canal. In some quarters the idea of the Soviet Union establishing a dominant position in the area is dismissed as alarmist or even accepted as inevitable and not necessarily detrimental to Western and local interests. It may be recalled, however, that similar views were heard during the period of the Soviet naval build-up in the Mediterranean.

It should be axiomatic in the policy of any great power that it be prepared to accept the military and hence political and economic consequences of its own proposed peace plans or settlements by possessing the necessary military and other capabilities. But one somehow obtains the unmistakable impression in Washington that an interim agreement on Suez will somehow solve most, if not all, of the problems of the Middle East area, when in fact it is quite possible that we have not even yet confronted the worst of the problems which still lie ahead in the greater Middle East area. Again this is due in some measure to the fact that we have tended to define the problem of the Middle East in terms of the Arab-Israeli conflict, as though the issues involved and the area encompassed by the dispute remained unchanged since 1948, when Israel received statehood. One is sometimes left wondering whether such vital countries as Iran and Turkey are considered as part of the Middle East, even though they are the two largest and most powerful nations in the area.

It is certainly not my purpose to downgrade the further damping of the Arab-Israel conflict, with all the obvious dangers it holds for continued strife in the Middle East and the world, nor to suggest that a great waterway such as the Suez Canal should remain closed forever. We ought always to be certain, however, that in our haste to ameliorate one, albeit potentially lethal conflict, we do not contribute to the immediate development of others, which to a large extent have been almost totally obscured by the great focus on the Arab-Israeli conflict.

The tendency of the western media to narrow its attention so much on the issue of the day is a contributory factor why there is not a better understanding of the inter-relationship between a probem so complex as that between Israel and the Arabs, and the broader area over which the struggle is being waged. Almost all the conflicts east and south of Suez whether in the Horn of Africa, the Persian Gulf, or in South Arabia—have become an extension of the Arab-Israel War. That conflict has in turn become a pawn in the pursuit of greater objectives in an area which extends from Morocco to the Indian Ocean.

Yet, ironically enough, a partial settlement of that war will not necessarily lead to a lessening of the dangers inherent in the very unstable conditions that exist throughout the larger Middle East area, and particularly in the region east and south of that battleground.

NATIONAL NEW COMMUNITIES DEVELOPMENT PROGRAM

Mr. ALLOTT. Mr. President, since early 1970, the University of Northern Colorado has been working with the Department of Housing and Urban Development to establish a National New Communities Development program through HUD's National Urban Studies "University Without Walls" program. The development of new communities offers us a chance to channel our growth into environments that are both socially and economically viable. I am proud of Colorado's participation in this national need.

Mr. President, so that my colleagues will have an opportunity to review this new communities program, I ask unanimous consent that a summary of the curriculum be printed in the RECORD.

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

THE UNIVERSITY OF NORTHERN COLORADO'S NEW COMMUNITIES PROGRAM—CENTER FOR SPECIAL AND ADVANCED PROGRAMS

As a welcome alternative to urban congestion and suburban sprawl, the development of New Communities offers an exciting opportunity to create environments that are both socially and economically viable.

Through careful design and comprehensive programming, an entire community can be planned to meet the needs of all its citizens. Promising new concepts and innovations can be applied; social problems and environmental pollution can be prevented. By making provisions at the outset to include all segments of society, New Communities can set an example of harmony for the rest of the Nation to follow.

Since early 1970, the University of Northern Colorado has been working with the U.S. Department of Housing and Urban Development to shape its contribution to a national New Communities Development Program through HUD's National Urban Studies "University Without Walls" Program. In this connection, UNC has been designated by HUD as the managerial institution in the development and presentation of a national, program of instruction, designed to provide information on the science of New Communities to state and local governments and private developers. UNC is in the process of completing consortia agreements with universities and colleges throughout the United States, providing for a nation-wide exchange of credits and resources. Curriculum for UNC's New Communities Program has been developed jointly with HUD's Office of New Communities Development and HUD's Community Development Training Program, as well as with consultants from the ranks of developers actually doing the work of building and managing New Communities and representatives from consortium universities.

OBJECTIVES OF THE NEW COMMUNITIES PROGRAM

To disseminate information and promote a general understanding of the concepts of New Communities.

To improve the technical competence of private developers, federal agency personnel, and state and local government professional staff members concerned with the planning, development and management of New Communities.

To develop an understanding of the contribution which New Communities can make to national urban and rural balance policies.

To promote understanding of New Communities among the academic community and elected and appointed officials.

To provide new information and reinforcement instruction to staff currently involved in New Community development.

To provide condensed and focused information on New Communities to top-level policy makers in the public and private sector.

WHO SHOULD APPLY

Private Developers and their management personnel.

Professionals in private practice—engineers, planners, economists and architects.

Individuals in the middle management ranks of *state and local governments*—primarily the planning and development agencies. (*HUD University Fellowships* for two-thirds of the cost of tuition are available to eligible employees of state and local public agencies under Title VIII of the Housing Act of 1964).

Federal employees (U.S. Government Employees Training Act applies).

College faculties.

A NEW WORLD MONETARY ORDER

Mr. ALLOTT. Mr. President, we are now entering a period of uncertainty that, hopefully, will be dissipated by creative statesmanship. This statesmanship is needed in bringing order to the international monetary system.

The men charged with bringing order to the current disorder would be well advised to consider the advice offered by the Wall Street Journal in an editorial of August 19.

The basic theme of this editorial is given in one sentence:

In a free market, the value of anything, even a nation's currency, is subject to change.

Mr. President, surely one of the lessons of this century is that nationalist fervor is not a useful ingredient in economic reasoning. Or, to say the same thing with other words, the long-term advantage of a strong nation lies in economic performance, and not substituting political power for economic power. Or, to say the same thing in still other words, assertions of political power are foredoomed to failure unless they reflect—rather than attempt to create—economical health.

Mr. President, these axioms are directed at recommending two lines of policy for the days ahead.

First, we should not allow misguided nationalism to control the value of the dollar. Recent British history teaches a sobering lesson for those who would attach national prestige to the value of the currency. The British wasted years of growth in a foredoomed battle to prop up the pound. We should not invest similar time, energy, or emotion in protecting any artificial value for the dollar.

In fact, we should welcome the free fluctuation of the value of the dollar in these early days of "floating." We should welcome this because the movement of the dollar is an objective reading of our economic health.

This is no time for cosmetic tamperings that hide from us the truth about the strength of our economy. And the strength of the dollar, relative to other major currencies, is one good guide to the strength of our economy.

Second, Mr. President, we should not allow the 10-percent charge on imports to be anything other than a temporary instrument for facilitating the path of the dollar to a more realistic valuation relative to other currencies. Any nation that needs protection from foreign competition is a nation that even more desperately needs protection from protectionism.

Mr. President, so that all Senators can profit from the thinking of the Wall Street Journal, I ask unanimous consent to have the editorial printed in the RECORD.

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

A NEW WORLD MONETARY ORDER

Over the next few weeks Western nations will be deciding the shape of a new world monetary systems. If the new arrangement is to have much chance of success, it will have to include more flexibility than its predecessor.

When the U.S. and other nations planned the old system at Bretton Woods, N.H., in 1944, they did not intend that exchange rates should remain forever fixed. The monetary officials recognized that internal developments in member countries could raise or lower the values of their currencies, so they made provision for regular consultations to determine when or whether various rates should be changed.

The overriding aim of the planners, after all, was to promote the freest possible flow of trade and investment. In a free market, the value of anything, even a nation's currency, always is subject to change.

For several years everything appeared to be working well. World trade expanded enormously, as tariffs and other restrictions were steadily pared away.

To be sure, the U.S. in the early 1950s began suffering regular payments deficits, but most other nations welcomed the outflowing dollars as additions to their currency reserves. More or less accidentally, the world went on a dollar standard.

In the 1960s, however, the monetary order began to crumble. U.S. inflation cut into America's exports and increased its imports. Other nations, recovered from the war, became much more vigorous competitors in markets both inside and outside the U.S. America's surplus of exports over imports, which had limited the outflow of dollars, began dwindling away.

U.S. spending on Europe's defenses, moreover, continued high, and in the mid-1960s the outlay on Vietnam accelerated. Foreigners found that the influx of dollars was inflating their domestic economies and yet, with fixed exchange rates, they were committed to take all the dollars that came their way.

In some nations, such as Britain, domestic inflation stemmed more from domestic policies than from the inflow of dollars. In any case, the dollar, the pound and other currencies came under recurring pressures that, in a free market, would have led to changes in values.

By this time, though, fixed exchange rates had become almost a religion. The U.S. argued, with considerable justification, that the dollar's central position demanded that its value remain unchanged; something had to serve as a benchmark for the system. If there had to be changes in values, in other words, they should come in other currencies.

But other nations also were reluctant to move. When a government devalues the currency it admits the failure of its economic policies. On the other hand, a government that revalues its currency upward makes its exports more expensive, a move that can have highly adverse economic consequences for a nation as export-dependent as West Germany.

So everyone for a long time tried to avoid any such developments. The U.S. defended the dollar by imposing various restrictions on private foreign investment, for instance. Other nations, faced by the prospect of devaluation or revaluation, tried various other curbs on the flow of trade and commerce.

The primary aim of the Bretton Woods planners—commercial freedom—thus suffered because of something the planners never envisaged, a fanatic determination to cling to fixed exchange rates.

Determination, though, was not enough, as those businessmen who must trade in foreign currencies appeared to realize. As pressures mounted to push a currency either up or down, the traders bought or sold to protect themselves—and thus intensified the pressures. Eventually a nation in such a situation was forced either to alter its currency's value officially or to let it float freely in the market as the U.S. has now done with the dollar.

It would have been better if the system has been reshaped through voluntary international action, instead of being compelled by the U.S. move. There was no assurance, however, that other countries were ready to offer such cooperation. The best that can be hoped for is that the U.S. and other nations will now work together toward a new arrangement without the inflexibility that helped doom the old system.

As Commerce Secretary Maurice Stans indicated this week, evolution of a viable new order will permit removal of controls on capital outflows. It also should permit elimination of the new import surcharge, as well as many of the other restrictions imposed not only by the U.S. but other nations.

It should, in sum, permit a long step toward the freedom the planners envisioned in Bretton Woods in 1944.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I have three more short statements. I ask unanimous consent to have my time extended for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, if the Chair will recognize me, I will be glad to yield my 3 minutes to the able Senator.

Mr. ALLOTT. I thank the Senator. I appreciate his courtesy.

THE BEST IN AMERICAN LIFE

Mr. ALLOTT. Mr. President, I am grateful to a constituent, Mr. Robert Reginald Beffie of Boulder, Colo., for calling my attention to a moving editorial printed in one of the Netherlands' great newspapers, De Telegraaf.

The editorial was published August 2, during Apollo 15. It speaks a sober admiration for the best in American life.

So that all Senators can ponder this editorial, and the national virtues that inspired it, I ask unanimous consent to have it printed in the RECORD.

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

THIS SUNDAY

While on this radiant, late Sunday afternoon, August 1, 1971, in the Vondel Park in Amsterdam, hippies from many countries—some under the influence of "stickies", LSD, heroin and other mind-expanding drugs—were sprawled while philosophizing about the sinfulness of the world and particularly the United States, residents of homes in the immediate neighborhood plus additional hundreds of millions of other "narrow-minded" folks all over the globe were watching with fascination as an American air force officer with short hair under his space helmet was drilling a hole on the moon. Carefully, and with great patience, he tried to execute a temperature probe at the drilling site, probably the first hole which in the billion-year old history of our solar system was ever bored into another heavenly body.

A greater contrast can hardly be imagined: the youthful "philosophers" in blessed idleness, stretched out on the green grass, and the somewhat older doers on the moon—scarcely a region known for its luxuriant grass and chirping birds, but rather to be compared with the barren inhospitality of the South Pole. Different from the Pole, of course, but equally defiant, equally hostile, equally challenging. Whatever the youthful and somewhat older critics of current U.S. policies may think, for everyone who witnessed these stirring events in his living room, one thing is crystal clear: again the United States has proved to be a great nation, one which is able to perform stupendous feats, a nation which can still offer the world much in enthusiasm, scientific and technological know-how and constructive imagination. A nation which always seems to be ready to take on new tasks, whether these be the liberation of Europe, or the exploration of a completely unknown, hostile ex-terrestrial body.

When a moment later the American flag went up in the living room, and the astronauts saluted (the Dutch TV commentator exhibiting great sensitivity, naturally talked through the ceremony, mentioning something about "a snapshort for the folks back home"), many older ones among us experienced a feeling of unaffected emotion. If ever a small group of Americans earned the right to plant their flag with pride, it was on Sunday afternoon on the moon. Just as earlier in Okinawa. Or on the beaches of France. In the bars of Roermond and in the Vondel Park many remained totally oblivious of this. They missed a great deal, this past Sunday.

THE PRESIDENT'S ECONOMIC POLICY

Mr. ALLOTT. Mr. President, among the important, intelligent, and public spirited commentary on the President's bold and imaginative economic policies, one editorial struck me as particularly admirable.

It was delivered on KLZ radio and television in Denver on August 17. So that all Senators can profit from this wise editorial, I ask unanimous consent to have it printed in the RECORD.

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

THE PRESIDENT'S ECONOMIC BOMBSHELL

President Nixon's dramatic and far-reaching program for economic recovery is more than a government blueprint to guide the financial world. It is a serious challenge to ALL Americans. In ordering a freeze on prices, wages, and rents, the President laid it on the line to the country when he said, "I am relying on the VOLUNTARY cooperation of all Americans—workers, employers, consumers—to make this freeze work." However, included in the executive order was a penalty clause assessing a $5,000 fine for each violation.

If the Nixon Plan does work, the VOLUNTARY approach to national action should produce more than a needed economic upswing. It could go far to unify the country and pinpoint solutions to other equally grave national problems. The way the country responds during the next 90 days and what Congress does next month to implement the President's over-all plan with requested legislation could affect our economic well-being for generations to come. Early reaction, for the most part, has been favorable. But how ALL the people accept the challenge and what they do about it remains to be seen.

Too often we think only of ourselves, our own pocketbooks. But at this critical point in our history, individual feelings must give way to what's best for all. Each of us must be willing to make some sacrifice. It's no time to "let the other fellow do it." Our nation's survival is at stake. We believe a *united* America can solve *any* problem, and the *voluntary* way is the best way.

WELFARE REFORM

Mr. ALLOTT. Mr. President, soon the Senate will be called upon once again to march into the bramble patch known as welfare reform.

Every year the need for reform becomes more pressing; the evils of the present system become more manifold and manifest; and the proper direction of advance becomes less certain. The literature on the welfare crisis is expanding even faster than the welfare cases that are the crisis—but it would be a bold—and wrong—man who would venture to extract a safe solution to the crisis from all this literature.

In the somewhat forlorn hope of being helpful, I call to the attention of the Senate a most illuminating short essay on what the social scientists like to call the basic parameters of the subject.

The essay is by Irving Kristol, journalist, publisher, editor of the Public Interest, Henry Luce, professor of urban values at New York University, and widely respected perceiver of facts that are disagreeable to perceive. The essay is entitled "Welfare: The Best of Intentions, the Worst of Results" and appeared in the August issue of Atlantic magazine.

Says Kristol:

We do not like to think that our instincts of social compassion might have dismal consequences—not accidentally, but inexorably.

But, he argues, that is the case where welfare is concerned.

Kristol addresses himself to this question:

Specifically, why has there been such an extraordinary growth in our welfare population after 1964—after, that is, unemployment began to move down toward the unprecedented (in peacetime, anyway) low level of 3.5 percent?

Kristol thinks we now know the answer to the question. So that all Senators can judge for themselves, I ask unanimous consent to have Kristol's article printed in the RECORD.

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

WELFARE: THE BEST OF INTENTIONS, THE WORST OF RESULTS

(By Irving Kristol)

In 1835, Alexis de Tocqueville submitted an *Essay on Pauperism* to the Royal Academic Society of Cherbourg. The *Essay* addressed itself to a striking contemporary paradox: why, in the most "opulent" (we would say, more timidly, "affluent") nation in the world—that is, England—was there such an extraordinary problem of "pauperism" (what we would now call "welfare": poor people on poor relief)? In France and Spain and Portugal, he pointed out, the people were all much poorer than in England; and the average Spaniard was poor even in comparison with the English pauper on poor relief. But in none of these poorer countries was there a "pauper problem" of the kind that agitated English society and English politics. How could one account for that "apparently inexplicable" phenomenon?

"ENOUGH"

Tocqueville's answer was twofold. First, urbanization and industrialization made the poor more dependent on public charity for a minimum level of subsistence. In an agrarian conomy, it was only in rare periods of famine that the poorest rural laborer could not get enough to eat—"enough" meaning here simply a diet that would avert starvation. In contrast, the poor in a modern city have no such normal, minimum guarantee; they are therefore in frequent need of public assistance, if they are to keep body and soul together.

Second, in an "opulent" society, the idea of poverty itself undergoes a continual redefinition. The poor experience not only the need for a guaranteed minimum; they also suffer from what a modern sociologist would call "relative deprivation." Tocqueville puts the matter this way:

"Among civilized peoples, the lack of a multitude of things causes poverty. . . . In a country where the majority is ill-clothed, ill-housed, ill-fed, who thinks of giving clean clothes, healthy food, comfortable quarters to the poor? The majority of the English, having all these things, regard their absence as a frightful misfortune; society believes itself bound to come to the aid of those who lack them. . . . In England, the average standard of living a man can hope for in the course of his life is higher than in any country of the world. This greatly facilitates the extension of pauperism in that kingdom." [1]

But Tocqueville did not stop with this explanation—a persuasive and not particularly controversial explanation—of why wealthy nations have so many "paupers." He went on to assert that public assistance and "pauperdom" existed in a symbiotic relationship, and he predicted that each would nourish the other, that both would inexorably grow. Behind this remarkable prediction was a view of human nature. "There are," he wrote, "two incentives to work: the need to live and the desire to improve the conditions of life. Experience has proven that the majority of men can be sufficiently motivated to work only by the first of these incentives. The second is only effective with a small minority. . . . A law which gives all the poor a right to public aid, whatever the origin of their poverty, weakens or destroys the first stimulant and leaves only the second intact."

At this point, we are bound to draw up short and take our leave of Tocqueville. Such gloomy conclusions, derived from a less than benign view of human nature, do not recommend themselves either to the twentieth-century political imagination or to the American political temperament. We do not like to think that our instincts of social compassion might have dismal consequences—not accidentally but inexorably. We simply cannot believe that the universe is so constituted. We much prefer, if a choice has to be made, to have a good opinion of mankind and a poor opinion of our socio-economic system. We shall, for instance, be more sympathetic, if not to the specific argument, then at least to the general approach of Regulating the Poor: The Function of Public Welfare by Frances Fox Piven and Richard A. Cloward recently published by Pantheon.

MYSTERY

Professors Piven and Cloward, both leading "activists" in the Welfare Rights Movement, have written a valuable book—but, alas, a confusing one. The confusion results from the two purposes they have in mind.

The first purpose, which they achieve in an excellent and even masterly way, is to answer the same question that perplexed Tocqueville: why has there been such a fantastic "welfare explosion" in the United States? Specifically, why has there been such an extraordinary growth in our welfare population after 1964—after, that is, unemployment began to move down toward the unprecedented (in peacetime, anyway) low level of 3.5 percent? Between 1964 and 1968, we had general prosperity of a kind not known since World War II.

This prosperity was not, of course, shared equally by rich and poor, white and black; but all did demonstrably and substantially share in it. Nevertheless, it was precisely during those years that the "welfare explosion" took place.

I do not think it is sufficiently appreciated by the public at large just how baffling this event was to our scholars and our policy-makers in Washington. For half a decade, our best minds puzzled over the statistics, held innumerable conferences to discuss them, and got nowhere. The only serious effort at explanation was made by Daniel Patrick Moynihan, in his famous and brilliant memorandum on the Negro family, in 1965. He called attention to the fact that most of the new welfare recipients were in the Aid to Dependent Children category, that a growing proportion of families in this category were black and fatherless, and that the disorganization of the Negro family seemed to have gathered a sociological momentum of its own—a momentum impervious to the effects of improving economic circumstances. Why this was happening to the Negro family, however, Mr. Moynihan could not convincingly explain. This permitted a great many liberal-minded scholars to spend all of their energies attacking him rather than the problem.

But, eventually, any social phenomenon yields up its mystery. Or, to put it another way: eventually, all social observers, no matter how blurred their vision may be by tacit ideological presuppositions, come to see the obvious. We now know what caused the "welfare explosion." I would also say—though this topic is still exceedingly controversial—that we are coming to realize what has been causing the disorganization of the Negro family.

All the facts are lucidly and authoritatively presented by Professors Piven and Cloward. Unfortunately, they have felt compelled to wrap their findings in a thin, transparently false general theory of welfare in a capitalist society.

This general theory is so simpleminded, so crude in a quasi-Marxist way, that one is embarrassed to summarize it. I will therefore let the authors state it for themselves:

"Relief arrangements [under capitalism] are not shaped by the impulse to charity . . . [they are] created and sustained to help deal with the malfunctions inherent in market economies.

"Relief arrangements are usually initiated or expanded in response to the political disorders that sometimes follow from the sharp economic downturns or dislocations that periodically beset market systems. The purpose of relief-giving at such times is not to ease hunger and want but to deal with civil disorder among the unemployed. One stability is restored, however, the relief system is not ordinarily eliminated. Instead, it is reorganized to buttress the normal incentives of the labor market. This is done in two ways. The main way is by cutting the 'able-bodied' off the rolls, whether or not there are jobs, and whether or not the wages offered are sufficient for survival. Second, some of those who cannot work or who are not needed in the labor market are allowed to continue on the relief rolls, but they are treated so barbarously as to make of them a class of pariahs whose degradation breeds a fear and loathing of pauperism among the laboring classes."

Now, the objections to this theory—on historical, sociological, and economic grounds—are too numerous to mention. But one objection ought to be definitive: it does not explain what Piven-Cloward elsewhere in the book explain so well—that is, the "welfare explosion" of the 1960s. True, this "welfare explosion" coincided with rioting in the black slums. But according to the general theory,

[1] *Tocqueville and Beaumont on Social Reform* edited by Seymour Drescher. Harper Torchbooks.

the poor in the black slums should not have been rioting at all, since the economy was booming and black unemployment was at an all-time low; and if they did riot, it should have been because they were being pushed off welfare into low-paying jobs. In fact, they were rioting while they were going on welfare in ever increasing numbers—and while welfare payments were being increased, not while they were being cut back.

The true explanation of the "welfare explosion" is available to any reader of *Regulating the Poor* who will ignore the authors' general theory. (This is easily done: once they have stated the theory, they happily forget all about it when discussing the 1960s.) This "explosion" was created—in part intentionally, in larger part unwittingly—by public officials and public employees who were executing public policies as part of a "War on Poverty." And these policies had been advocated and enacted by many of the same people who were subsequently so bewildered by the "welfare explosion." Not surprisingly it took them a while to realize that the problem they were trying to solve was the problem they were creating.

Here, as related in Piven-Cloward's book, are the reasons behind the "welfare explosion" of the 1960s:

1. The number of poor people who are eligible for welfare will increase as one elevates the official definitions of "poverty" and "need." The War on Poverty elevated these official definitions; therefore, an increase in the number of "eligibles" automatically followed.

2. The number of eligible poor who actually apply for welfare will increase as welfare benefits go up—as they did throughout the 1960s. When welfare payments (and associated benefits, such as Medicaid and food stamps) compete with low wages, many poor people will rationally prefer welfare. In New York City today, as in many other large cities, welfare benefits not only compete with low wages; they outstrip them.

3. The reluctance of people actually eligible for welfare to apply for it—a reluctance based on pride or ignorance or fear—will diminish if any organized campaign is instituted to "sign them up." Such a campaign was successfully launched in the 1960s by (a) various community organizations sponsored and financed by the Office of Economic Opportunity, (b) the Welfare Rights Movement, and (c) the social work profession, which was now populated by college graduates who thought it their moral duty to help people get on welfare—instead of, as used to be the case, helping them get off welfare. In addition, the courts cooperated by striking down various legal obstacles (for example, residence requirements).

In summary, one can say that the "welfare explosion" was the work, not of "capitalism" or of any other "ism," but of men and women like Miss Piven and Mr. Cloward—in the Welfare Rights Movement, the social work profession, the office of Economic Opportunity, and so on. It would be nice to think that the "general theory" in *Regulating the Poor* was devised mainly out of an excess of modesty.

CONNECTION

It should be emphasized that Piven-Cloward think the "welfare explosion" is a good thing. They believe more people should be on welfare and that these people should get far more generous benefits than now prevail. One would expect, therefore, that this book would have a triumphant tone to it. Yet it does not. Indeed, it ends rather abruptly, in a minor key.

The reason, one suspects, is that even Piven-Cloward must be less than certain about what they have accomplished. Somehow, the fact that more poor people are on welfare, receiving more generous payments, does not seem to have made this country a nicer place to live—not even for the poor on welfare, whose condition seems not noticeably better than when they were poor and off welfare. Something appears to have gone wrong: a liberal and compassionate social policy has bred all sorts of unanticipated and perverse consequences.

One such perverse consequence, and surely the most important, is the disorganization and demoralization of the Negro family. It used to be thought that a generous welfare program, liberally administered, would help poor families stick together. We now find that as many poor black families are breaking up after they get on welfare as before they get on; and that, in general, the prospect of welfare does nothing to hold a poor family together. Mr. Moynihan was percipient in emphasizing, back in 1965, that there was a connection between family disorganization and the influx of poor black female-headed families to welfare. What we can now see is that the existence of a liberal welfare program might itself have been responsible, to a significant extent, for this family disorganization.

UNMANNED

One must emphasize here that the question of race or ethnicity is of secondary importance. It is true that the Negro family has experienced historical vicissitudes that make it a relatively vulnerable institution. But it is also probable—I would go so far as to say certain—that if the Irish immigrants in nineteenth-century America had had something comparable to our present welfare system, there would have been a "welfare explosion" then, and a sharp increase in Irish family disorganization, too. The family is, in our society, a vital economic institution. Welfare robs it of its economic function. Above all, welfare robs the head of the household of his economic function, and tends to make of him a "superfluous man." Welfare, it must be remembered, competes with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition.

Is it surprising, then, that—unmanned and demoralized—he removes himself from family responsibilities that no longer rest on his shoulders? That he drifts outs of his home—or is even pushed out of his home—into the male street-corner society of the slum? One wonders how many white middle-class families would survive if mother and children were guaranteed the father's income (or more) without the father's presence? And how many white middle-class fathers would under these circumstances, persist at their not-always-interesting jobs?

To raise such questions is to point to the fundamental problems of our welfare system, a vicious circle in which the best of intentions merge into the worst of results. It is not easy to imagine just how we might break out of this vicious circle. One might suggest, however, that we begin by going back and reading Tocqueville more respectfully. We may not find the truth in him; but the exercise may help liberate us from our own twentieth-century illusions.

THE TEXTILE-IMPORT PROBLEM

Mr. JORDAN of North Carolina. Mr. President, I wish to associate myself with the remarks made earlier today by the senior Senator from Georgia (Mr. TALMADGE) about the increasing and disastrous effects of imports of textiles into the State of Georgia.

I have said consistently—and the textile people of the United States have said this repeatedly—that nobody wishes to cut off the imports of anything into the United States. But we have asked for some controls on how much goods of any description can come into the United States. The textile industry has been hit hardest and has continued to be dominated by imports.

The latest problem that hit Georgia, when some of their plants were shut down, is further demonstration of what is happening to the textile industry in this country, and it will continue unless this situation is brought under control.

In my opinion, the serious economic problems in the United States today—and they are serious, or we would not have wage and price controls—are due to the fact that we do not limit imports into the United States, and this has almost destroyed our whole economy. It applies to automobiles and every other product. It does not apply only to textiles.

THE BUSING OF CHILDREN

Mr. JORDAN of North Carolina. Mr. President, I wish to associate myself with the remarks made earlier today by the junior Senator from Georgia (Mr. GAMBRELL) with respect to busing. It is not only a serious situation in Georgia, but also in other Southern States, including my State—in Greensboro, Raleigh, Charlotte, Wilmington, and Winston-Salem. It has particularly affected the larger cities. It has almost destroyed the school systems of those cities.

Some of these children get up at 7 in the morning, to be hauled across town. In the winter, it is dark at that time, and it will be dark when they come home in the afternoon. Some families have children going to three different schools. This is not necessary. On the bus, they pass the schoolhouse to which they previously walked. Not only is this destroying the purpose for which schoolhouses were built—good education—but also, it is creating turmoil and strife in the schools after they get there and on their way to school and on their return from school.

I am certain that the blacks are just as unhappy about this situation as are the whites. No parents want their children picked up and hauled all the way across town just for the purpose of hauling them, and that is about what is happening in a great many cases.

I want to join in any legislation which will right this situation. I voted for the legislation which put into law the very thing the Senator from Georgia (Mr TALMADGE) spoke about; namely, making it illegal to bus our children to achieve racial balance. I helped support that legislation. We were told on the Senate floor that there was no idea ever to bus children simply for the purpose of integration. They assured us that would not happen. But it is happening, as we know, and it is not happening equally throughout the United States.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JORDAN of North Carolina. May I have 1 more minute?

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will yield 1 minute to the Senator.

The PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. I yield 1

minute to the Senator from North Carolina.

Mr. JORDAN of North Carolina. In conclusion, I want to say that we have seen instances of bombing of buses in the last 2 weeks in northern cities. We have not seen that happen in North Carolina. We have not seen that happen in Georgia or in any other Southern States. Our citizens are law abiding. We try to obey the law as it is interpreted by the courts, and we hope to continue to do that. Other people are not subject to this, and when they are, they go to the extreme of dynamiting the buses and trying to stop them from rolling.

I hope that this situation can be determined by law and stopped before it gets worse.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HUMPHREY:

S. 2504. A bill to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietitian. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 2505. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. BENNETT, Mr. GOLDWATER, Mr. STEVENS, Mr. TOWER, Mr. YOUNG, and Mr. GURNEY):

S.J. Res. 154. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 2504. A bill to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietitian Referred to the Committee on Finance.

Mr. HUMPHREY. Mr. President, I am today introducing a bill to amend the Social Security Act to include under part B of medicare nutritional services provided by or under supervision of a registered dietitian from the home health services.

The last few years have seen a growing awareness of the importance of nutrition to health. Congress has significantly expanded and improved the food stamp program as well as the school lunch and breakfast programs. Additional moneys have been appropriated for child feeding programs. Programs under the Office of Economic Opportunity have tried to supplement the quantity of food intake for poor Americans, and there have been changes in the commodity distribution program to provide a wider variety of nutrients in surplus and purchased food.

Just providing the foods, though, is not sufficient. We must also provide the instruction and aid that will enable the food to be prepared in the most nutritious manner.

One method that has been successful in nutritional education is that of nutritional aids. The Department of Agriculture has used this program in conjunction with the food stamp program.

However, for our elderly, there is a glaring omission in their total health care—under medicare, we have failed to make provision for nutrition in the case of home health agency visits.

The legislation that I am introducing would correct this omission.

Presently, under medicare, home visits are a reimbursable expense only for nurses, physical therapists, occupational therapists, speech therapists, and home health aides. The diabetic patient, therefore, is penalized since he must be hospitalized or admitted to an extended care facility in order to benefit from the services of nutritionists.

My amendment would not require a home health agency to provide for nutrition services. It would make it possible for a home health agency to be reimbursed for the home visit made by a nutritionist in the same way reimbursement is provided for a nurse or physical therapist. By emphasizing the preventive aspect of medicine the amendment will make it possible to reduce the need for hospitalization and thereby decrease the costs of medical care under medicare.

A study recently published by the Public Health Service that was authored by F. Douglas Scutchfield, M.D., and Donald K. Freeborn, Ph. D., concluded that home health services reduced the costs of medical care by decreasing hospital use. The physicians participating in the study reported that they would not have hospitalized some patients if home health services were available. The length of hospital stays of other patients would have been reduced if home health services had been available. Nursing services were most often cited as the required home health discipline needed. Counseling in dietetics and physical therapy were next in order of importance to the physicians.

The inclusion of nutrition as a component of health care will significantly reduce the number of people requiring expensive hospitalization under medicare. As Dr. Jean Meyer, Chairman of the White House Conference on Food, Nutrition, and Health recently stated:

With Government at all levels responsible for an ever increasing proportion of health expenditures, with these expenditures mounting without appreciable effect on the health statistics of the Nation, it is becoming obvious that emphasis must be shifted from purely curative to prevention and rehabilitation. This means that nutrition should assume even more importance than in the past. In terms of money—as in terms of human suffering—one can well argue that every dollar spent on nutrition instruction may save tens of dollars in later medical care.

It is essential that we make provision for nutrition and other preventive health services in all Federal medical care programs.

The Council of Home Health Agencies and the Community Health Services of the National League for Nursing have endorsed the concept of reimbursement under medicare for nutritionists' home visits.

I ask unanimous consent that an article, "Estimation of Need, Utilization, and Cost of Personal Care Homes and Home Health Services" by Drs. Scutchfield and Freeborn, a position paper by the American Dietetic Association on the "Nutritional Components of Health Services Delivery Systems," and the bill be printed at this point in the RECORD.

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

S. 2504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861 (m) (1) of the Social Security Act is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by inserting "and" immediately after the semicolon at the end thereof; and

(3) by adding at the end thereof the following new clause:

"(B)" nutrition services provided by or under the supervision of a registered dietition;".

(b) The amendments made by subsection (a) shall be applicable only to services provided after the month which follows the month in which this Act is enacted.

ESTIMATION OF NEED, UTILIZATION, AND COSTS OF PERSONAL CARE HOMES HEALTH SERVICES

(By F. Douglas Scutchfield, M.D., and Donald K. Freeborn, Ph. D.)

(Dr. Scutchfield is director of continuing professional education, St. Claire Medical Center, and field professor of community medicine, University of Kentucky Medical School. Dr. Freeborn was associate director, Ohio Valley Regional Medical Program, Lexington, and assistant professor, department of behavioral science, University of Kentucky Medical School. He is presently senior scientist, Health Service Research Center, Kaiser Foundation Hospitals, Portland, Oreg.

Mrs. Phyllis DeHart, Mrs. Janet Hughbanks, and Mrs. Anne Cook helped in data collection and analysis. Tearsheet requests to F. Douglas Scutchfield, M.D., St. Claire Medical Center, Morehead, Ky. 40351).

Rising costs and increased demands for medical care have forced a search for alternative and less expensive methods of providing optimum health care. Two such methods are home health services and personal care homes.

The concept of home health services is not new; it has been practiced for many years by various groups (1). Financial support through Medicare and Medicaid has stimulated its development. A number of programs have failed, however, because of underutilization of services due to lack of referrals from the physician community. Underutilization has increased costs per patient visit to the point where costs often exceed the guidelines for reimbursement.

Neither are personal care homes a new development (2). Personal care homes, unlike home health services, have not had Federal funding available to stimulate their development. In rural, isolated areas with largely aged populations, personal care homes could have a significant impact on the quality and quantity of medical care, especially if an illness is considered in its sociocultural context.

Many home health services and personal care homes have failed for lack of enough use to insure financial support. To avoid such a pitfall, we have attempted to describe a system for estimating the potential use of

these services and also to characterize their potential users.

We have examined the feasibility of these services only on an economic basis. We realize, however, that there are many additional benefits to be gained from a personnal care home and a home health service; for example, improved quality of care and psychological support of the family during an illness.

THE SETTING OF OUR STUDY

Rowan County is in the rugged, rural Appalachian terrain of northeastern Kentucky. Its 17,000 residents are primarily employed in farming. They are older and poorer than the average Kentuckian (3). The county's medical facilities include a 40-bed general hospital, St. Claire Medical Center, and a 50-bed extended care facility, the Daniel Boone Convalescent Center. The hospital and convalescent center serve as the primary health facilities for residents of the surrounding four-county area.

METHOD OF STUDY

From January to March 1970, a questionnaire was included with the charts of all patients admitted to St. Claire Medical Center. The form was designed to gather information about the demographic characteristics of the patients, the extent to which present hospital use could be altered by home health service and personal care homes, the potential use of these services, and the kinds of care required by patients who would use them. Attending physicians filled out the forms when a patient was discharged. Pediatric patients less than 14 years old, obstetrical patients, and the 27 patients who died while hospitalized during the study period were not included in the data analysis.

At the end of the study period, the questionnaires were checked against the list of persons discharged for that period. If a form had not been completed for an eligible patient, the attending physician was contacted and asked to complete one. Questionnaires were at least partially completed for all 318 eligible patients. Health administration personnel in the area provided cost estimates for these programs.

We originally included questionnaire forms with charts of the patients admitted to the Daniel Boone Convalescent Center, but the turnover of patients in that center was so slow that less than five questionnaires were completed. None of the five patients would have been referred to a home health service or a personal care home.

RESULTS

Distribution of the patient sample by age group, sex, and type of payment is shown in table 1. Only 3.1 percent of these patients would have had no method of payment, and approximately 40 percent were over 60 years old.

TABLE 1.—DEMOGRAPHIC CHARACTERISTICS OF PATIENTS ELIGIBLE FOR HOME HEALTH SERVICES AND PERSONAL CARE HOMES

Characteristics	Number	Percent
Age group (years):		
0 to 9	0	0
10 to 19	26	8.2
20 to 29	25	7.9
30 to 39	46	14.5
40 to 49	38	11.9
50 to 59	44	13.8
60 to 69	43	13.5
70 and over	66	27.1
Not recorded	10	3.1
Total	318	100.0
Sex:		
Male	146	45.9
Female	171	53.8
Not recorded	1	.3
Total	318	100.0
Type of payment:		
No method of payment	10	3.1
Medicare	32	10.1
Medicaid	32	10.1
Workman's compensation	9	2.8
Vocational rehabilitation	16	5.0
Private	135	42.6
Medicare and compensation	1	.3
Medicare and Medicaid	71	22.3
Medicare and private	9	2.8
Vocational rehabilitation and private	3	.9
Total	318	100.0

Home health services. The impact of home health services on the present health system was examined by asking physicians whether they would have admitted certain patients if such services had been available. The physicians indicated that they would not have admitted nine patients or 2.8 percent of the St. Claire Medical Center and that 22 patients or 16.9 percent would have been discharged earlier. The physicians were then asked to estimate how much earlier, and they calculated that 22 patients accounted for 87 additional patient days of hospitalization in the absence of a home health service.

The attending physicians indicated that 66 or 20.8 percent of all eligible patients would have been referred to a home health service after their discharge from the hospital. The physicians also estimated that these patients would have required an average of 1.9 hours per week for 3.1 months before they could have been discharged from such a service. Estimating 1 hour per visit, this means that the average patient would have required 24.1 visits from a home health service until discharge.

Two internists, two surgeons, and four family physicians on the hospital staff participated in completing the survey forms.

Type of payment, age group of patients who would have been admitted to a home health service, and specialty of the attending physician are shown in table 2. Predictably, Medicare and Medicaid would have been asked to handle most of the financial support of home health service through payments by the patient. Only 9.3 percent of the patients who would have been referred to a home health service were not covered by at least one of these federally subsidizing health insurance plans.

TABLE 2.—CHARACTERISTICS RELATED TO PATIENTS WHO WOULD HAVE BEEN REFERRED TO HOME HEALTH SERVICES

Characteristics	Home health service patients		Total sample	
	Number	Percent	Number	Percent
Type of payment:				
Medicare only	14	21.6	30	10.1
Medicaid only	8	12.3	32	10.7
Workman's compensation only			9	3.0
Vocational rehabilitation only	1	1.5	16	5.4
Private insurance only	5	7.7	133	44.7
Medicare and workman's compensation	1	1.5	1	.3
Medicare and Medicaid	35	53.9	66	22.1
Medicare and private	1	1.5	8	2.7
Rehabilitation and private			3	1.0
Total	[1] 65	100.0	[1] 289	100.0
Age group (years):				
0 to 9	0		0	
10 to 19	1	1.5	26	8.6
20 to 29			25	8.4
30 to 39	1	1.5	46	15.4
40 to 49	2	3.1	38	12.8
50 to 59	5	7.8	42	14.0
60 to 69	10	15.6	41	13.8
70 and over	45	70.5	81	27.0
Total	[1] 64	100.0	[1] 299	100.0
Specialty of attending physician:				
Surgeon	7	10.6	183	59.6
Internist	54	82.9	106	24.5
Family physician	5	7.5	18	5.9
Total	[1] 66	100.0	[1] 307	100.0

[1] Numbers differ because of incompleted questionnaires.

A corollary to this is the larger proportion of patients 60 years old and older who would have been referred to a home health service. Although specialists in internal medicine served only 24.5 percent of the total patient study group, they had 82.9 percent of the patients who would have been admitted to a home health service, a difference that is statistically significant.

If we assume that the January–March experience holds throughout the year, 264 patients would have been referred to a home health service. If these patients had averaged 24 visits by the staff of the home health service, based on estimates of the attending physicians, there would have been 6,336 home health service visits per year.

The following tabulation shows an annual operating cost estimate of $46,800 for home health service. Based on this estimate and the annual number of visits, the cost would have been $7.39 per patient visit or $177.27 for the average patient admitted to these services. At a hospital cost of $44 per day, this amounted to four inpatient days.

Activity	*Cost*
Medical director, 10 percent of time	$7,200
Registered nurse director, full time	6,800
Staff nurse, full time	16,000
5 home health aides, full time at $3,200	6,000
Travel	3,000
Supplies and office equipment	7,800
Administrative costs, 20 percent of salaries	46,800
Total	

The State of Kentucky currently pays $6,300 as a starting salary for a home health nurse director and $3,192 for a home health aide.

The type of service that the physician would have prescribed for patients referred to home health services is shown in table 3. Apparently, most of the time would have been spent with nursing duties; for example, colostomy care, catheter care, and patient education. Counseling in dietetics and physical therapy were next in order of importance, according to the physician.

TABLE 3.—TYPE OF SERVICES REQUIRED BY PATIENTS REFERRED TO THE HOME HEALTH AGENCY

Service	Number of patients	Percent
Nursing only	27	32.5
Nursing and dietetics	17	20.6
Nursing and physical therapy	14	16.9
Dietetics only	10	12.0
Physical therapy only	7	7.4
Nursing, physical therapy, and dietetics	4	4.8
Physical therapy and dietetics	3	3.6
Not recorded	1	1.2
Total	83	100.0

Personal care homes. Similar questions were asked about the use of personal care homes. The attending physicians said 12 patients or 3.8 percent would never have been admitted to the hospital had personal care homes been available, and, based on the

physicians' estimates, earlier discharges from the hospital would have saved 77.5 hospital days.

The attending physicians would have referred 23 patients or 7.2 percent to a personal care home if one had been available. These 23 patients would have had an estimated stay of 7.5 months per patient. Extrapolating for a 1-year period, one could have expected 92 admissions to personal care homes. With an average stay of 7.5 months per patient, a 55-person capacity home would have had 100 percent occupancy. Based on the current public assistance payments of $161 per person per month in a personal care home, an estimated $106,260 income would have been realized by the home.

Type of payment, age group of patient, and specialty of attending physician for the sample patients who would have been referred to a personal care home after discharge from the hospital are shown in table 4. As with home health services, only 4.3 percent of the patients who would have been referred to a personal care home were not covered by Medicare or Medicaid. The group who would have been admitted to such a home were older than the sample. While 32.8 percent of the patients with completed questionnaires had a specialist in internal medicine as an attending physician, 73.9 percent of those who would have been referred were attended by an internist.

TABLE 4.—CHARACTERISTICS RELATED TO PATIENTS WHO WOULD HAVE BEEN REFERRED TO PERSONAL CARE HOMES

Characteristics	Personal care home patients		Total sample	
	Number	Percent	Number	Percent
Type of payment:				
Medicare only	7	30.4	30	10.3
Medicaid only	3	13.0	30	10.3
Workman's compensation only			9	3.1
Vocational rehabilitation only	1	4.3	15	5.2
Private insurance only			133	45.9
Medicare and workmen's compensation				
Medicare and medicaid	10	43.6	62	21.4
Medicare and private	2	8.7	8	2.8
Rehabilitation and private			3	1.0
Total	[1] 23	100.0	[1] 290	100.0
Age group (years):				
0–9				
10–19			26	8.6
20–29			25	8.3
30–39			46	15.3
40–49	1	4.5	38	12.6
50–59	2	9.0	44	14.7
60–69	3	13.7	33	11.1
70 and over	16	72.8	88	29.4
Total	[1] 22	100.0	[1] 300	100.0
Specialty of admitting physician:				
Surgeon	3	13.0	183	61.2
Internist	17	74.0	98	32.8
Family physician	3	13.0	19	6.0
Total	[1] 23	100.0	[1] 299	100.0

[1] Numbers differ because of incompleted questionnaires.

Attending physicians indicated that they would have preferred home health services over personal care homes for 49 or 15.4 percent of the patients, personal care homes over home health services for 20 or 6.3 percent, and both services for 12 or 3.8 percent.

DISCUSSION

Implementation of home health services could have saved 348 patient days annually in a general hospital; at current hospital costs the saving would have been $14,616. An annual budget of $46,800 for home health services and approximately 6,000 patient visits apparently would have made such services financially feasible.

The cost of personal care homes were difficult to measure. From our data it appeared that a 50-bed personal care home would have had essentially 100 percent occupancy and would have generated, from public assistance, an annual income of approximately $106,000. If a good-quality personal care home could be maintained at this annual operating cost, such a home would be feasible.

One would have to be extremely cautious in implementing both programs simultaneously as one program could cannibalize the other, produce underutilization of both, and perhaps contribute to the collapse of both.

As pointed out previously it is extremely important to examine the projected need and use of home health services and personal care homes before implementing such programs. If a patient is assigned to a home health service, it must be at a physician's order. The limiting factor then would be the physician's perception about the adequacy of post hospital care.

The best mechanism for ascertaining use would be to project physician admissions to such a service.

Although a physician's order is unnecessary for admission to a personal care home, the physician should have an adequate knowledge of the capacity of the patient or the patient's family to provide for the needs of daily life. It therefore does not seem unreasonable to ask for his judgment when attempting to project the use of that service.

Based on our data, we can also predict that the patients admitted to personal care homes and home health services would be older than the general population, and that the services would be financed by federally subsidized health insurance or public assistance. The old and the poor are more likely to have inadequate home care situations and chronic and debilitating illnesses that would account for their use of these facilities. Also, the physicians providing patient care may not be aware of the importance of home health services in the care of any age and socio-economic group or any diagnostic category, but we have not tested this hypothesis.

Similar points could be made concerning the projected use of such services by the three types of physicians in the area. The internist may have the old, poor patient with a chronic debilitating disease, or the surgeons and family physicians may not perceive the importance of these services to the patient's care. Although our study was not designed specifically to answer such questions, we feel that these hypotheses could be tested by future investigators.

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THE AMERICAN DIETETIC ASSOCIATION POSITION PAPER ON THE NUTRITION COMPONENT OF HEALTH SERVICES DELIVERY SYSTEMS [1]

"Nutrition services under the supervision of qualified nutrition personnel should be a component of *all* health and health-related programs and should be designed to reach the total population with priority given to such nutritionally vulnerable groups as infants, children, and youth in the growing years, women in the child-bearing years, and the older age population." (1) The need for the Association to interpret and expand this policy statement is based on a recognition and concern that:

(a) The need and demand for quality health care by the population is not being met by, and is critically straining, the current health care delivery system.

(b) The alarming increase in the cost of medical care mandates a review and evaluation of the present health care delivery system.

The American Dietetic Association's position is that inclusion of nutrition as a component of health care will significantly reduce the number of people requiring sick care service and, therefore, contribute directly to:

(a) A relief of strain on the nation's health care delivery system;

(b) A decrease in the escalating rate of health care costs;

(c) An increase in physical, mental, and social well-being of people so that they may achieve and maintain productive and independent lives.

Nutrition is a critical factor in the promotion of health and prevention of disease and in recovery and rehabilitation from illness or injury. Evidence mounts that Americans who fail to attain a diet optimal for health can be found at every socio-economic level. The reasons are many and complex, but the impact on the health of the nation is seen in the increased risk of complications of pregnancy in the poorly nourished woman, in the chance that her infant may be of low birth weight with accompanying risk of retarded physical and mental development; in the high incidence of overweight and underweight in school-age children and in adults; in the debilitation of the malnourished elderly; in dental disease, widespread in the total population; and in the high incidence of chronic illnesses that require dietary treatment, monitoring, and follow-up. Since it is apparent that improvements in the nutrition of people will have a direct effect on the level of health and the resulting need for health services the American Dietetic Association recommends that:

I. Nutritional care, as a component of health care, be available to all people on a continuing and coordinated basis. *Nutritional care* is the application of nutrition science to the health care of people. In its broadest sense, nutritional care is provided to the general population through studies of food consumption and nutritional health, mass education and food assistance programs. As applied to patient care, it has the same components (assessment of food practices and nutritional status, nutrition education, and food assistance) plus dietary counseling and the service of appropriate food. These nutritional care services must be combined and coordinated to meet individual needs.

II. Nutritional care be integrated into preventive, diagnostic, curative, and restorative health services. Any contemplated health services delivery system should include a nutrition component in its preventive as well as remedial services, if the maximum benefits to health are to be achieved. The following example illustrates the application of this recommendation:

HEALTH SERVICES AND NUTRITIONAL CARE

Public health service—health promotion: mass nutrition education; supplemental food assistance.

Health-testing service (7): assessment of food intake and other indexes of nutritional status.

Health care service: nutrition education and counseling, food assistance, appropriate food service.

Preventive, maintenance service: dietary counseling, food assistance, appropriate food service.

Sick-care service: for all levels of in-patient care, appropriate food service, diet therapy, dietary counseling.

[1] Approved by the Executive Board, February 12, 1971, as Position Paper Number 0000E.

III. The planning and supervision of nutritional care be under the direction of persons professionally educated in nutrition as it relates to human health needs. Dietitians and public health nutritionists, with their educated knowledge of foods and nutrition, are the health professionals who are prepared specifically to help individuals and groups improve their diets and their nutritional status. (In this paper, the term *dietitian* shall be interpreted to mean either a public health nutritionist or a dietitian who is qualified for registration in The American Dietetic Association.) Supportive personnel (dietetic technicians, dietetic assistants) extend the knowledge and skills of dietitians to greater numbers of people.

IV. Dietitians function at the planning and policy-making level of federal, regional, state, and local comprehensive health planning bodies to assure that an appropriate nutritional care component is incorporated into all comprehensive health care planning.

V. Comprehensive health care plans include appropriate administrative placement of the nutrition care component; staffing patterns and qualifications for personnel; identification of nature and extent of nutrition problems; standards of nutritional care; methods to be used for delivery of nutrition services; and evaluation.

VI. To assure that a supply of dietitians is available and accessible to those in need of nutritional care, steps should be taken to:

A. Support the expansion of existing education and training facilities in nutrition and dietetics and the development of new facilities.

B. Increase support available to students of education and training in nutrition by means of scholarships, loans, and other financial mechanisms.

C. Explore and establish new approaches to undergraduate, graduate, and technical education.

D. Utilize supportive dietetic personnel and improve their career development and status in the health career system.

E. Explore other means to increase the dietetic manpower supply through such mechanisms as proficiency and equivalency examinations and other recruiting efforts.

VII. Dietitians be eligible for payments as providers of health care services. Future health care legislation should stipulate dietary counseling services as an eligible service for third party payment.

VIII. Adequate funding for preventive as well as curative nutritional care services be provided. Until such time as the nation is geared to deliver comprehensive family health care, nutrition services should be supported in existing specialized programs and services, such as: health services for mothers and children; the elderly; special groups, such as migrant agricultural workers and low-income families; family planning programs; chronic disease control services; home health services, rehabilitation services for drug and alcohol addicts; and group care services in facilities such as hospitals, nursing homes, extended care facilities such as hospitals, nursing homes, extended care facilities, day-care centers, and residential institutions; detention centers, detoxification centers, and prisons.

IX. A careful appraisal be made of the economic benefits of nutritional care in a comprehensive medical care system. Such an appraisal should also include evaluation of the effectiveness of preventive nutritional care, as well as remedial services, on such variables as cost, absenteeism, worker productivity, and so on.

X. Any national health insurance program adopted include incentives for the development of preventive health services. Nutritional care should be identified in the legislation as an essential component of preventive health care service.

XI. Standards for nutritional care services be included in all federal and state guidelines and regulations for health care.

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By Mr. HANSEN:

S. 2505. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

Mr. HANSEN. Mr. President, the Nation is facing a critical shortage of one of its most essential, cleanest and convenient fuels, natural gas.

One of the reasons for this developing shortage is because producers have been discouraged from exploring for and developing gas reserves by the delays and uncertainties of Federal Power Commission regulation under existing law. Also these delays and uncertainties have caused gas producers to seek the intrastate market for such gas as they have discovered, thereby denying gas to the interstate market.

The reason they seek the intrastate market is that, as the law now stands, the gas producer who sells gas in interstate commerce does not know:

First, what price he will receive for his gas,

Second, how long he will receive any price approved by the Commission,

Third, how much gas he must deliver, or,

Fourth, how long he must continue deliveries.

There is no way the Commission under existing law can give the gas producer any assurance that the prices and terms of his contract, if approved, will be valid or that the Commission's own orders with regard to them will not be changed.

The bill which I introduce corrects this situation by providing that once the gas producer submits his new contract to the Commission—which he is required to do—and the Commission approves the contract, it is then, and only then, a valid and binding contract. It is a contract that the producer and his banker can use as the basis for loans to enable him to search for more gas.

As to old contracts this bill makes no change in the law except that once the FPC approves a price for gas under such a contract it cannot be lowered.

By removing uncertainties as to contract prices and terms this bill will encourage gas producers to explore for gas to meet the expanding consumer demand. It will also encourage them to sell in the interstate market and thereby permit the interstate market to be competitive with the intrastate market. It is legislation needed to correct a situation which has contributed to the gas shortage now facing the Nation's consumers.

If the situation is not corrected, the Nation will be deprived of the ecological benefits of this most clean-burning of all fuels and the gas consumers will become dependent on unreliable, high-cost foreign sources of energy.

The bill also exempts small producers contracts—for 10,000 million cubic feet per day or less—from FPC control. This is merely a pragmatic provision to relieve the FPC of a large amount of paperwork without adversely affecting its ability to control prices. In the nature of the business prices under small contracts follow those under large contracts.

Mr. President, the need for some form of legislation has become apparent in recent years.

The American Gas Association's latest reserve figures reported this month were 10.3 trillion cubic feet below the 275.1 trillion cubic feet reported at the end of 1969. The Federal Power Commission figures which do not include gas supplied for intrastate use were even more discouraging. FPC said only last week that natural gas reserves available for shipment through interstate pipelines declined by 17.8 trillion feet last year. We used more than 22 trillion cubic feet last year.

The FPC based its estimates on preliminary data supplied by 66 major interstate pipeline companies. The Commission said it was the third consecutive year of declining reserves since the FPC began to collect annual reports of gas supplies in 1963.

Last winter there was a very real threat of actual fuel shortages in parts of the country. A concerted and coordinated effort by Government and industry prevented any actual suffering.

But the gas shortage is not simply threatening, it is here as Forbes magazine pointed out in its issue on August 1. Last winter, cities like Cleveland were so

short of supplies that industry had to shut down for brief periods to conserve fuel for space heating. One after another of the major gas companies have announced they will take on no new large industrial customers for lack of additional supplies. New York State, a recent Public Service Commission study indicated, will be short by 25 billion cubic feet of gas this year and probably 50 billion in 1972.

A number of companies, headed by El Paso Natural Gas, are attempting to supplement their supplies by importing high-cost liquefied natural gas from places like Algeria and Nigeria.

Recently the Senate Interior Committee held hearings on legislation to establish a Coal Gasification Development Corporation intended to provide a framework for Government and industry to cooperate in the vital task of bringing the technology of coal gasification to commercial realization.

Undoubtedly all available sources of energy will be needed in the future if this country is to continue as the world's industrial leader but for the immediate and short term future, coal gasification and imported liquefied natural gas would be strictly supplemental to domestic natural gas and would cost substantially more.

But, as I and others have pointed out, we have the gas and the ability to develop it if we are willing to face reality.

Reliable sources—the American Association of Petroleum Geologists, the National Petroleum Council, the Colorado School of Mines, and others—maintain that more oil and gas remains to be discovered in the continental United States and Alaska than has been produced. But it will not be discovered and produced at prevailing prices.

The headline on the Forbes magazine article on U.S. self-sufficiency in raw materials and energy expressed the problem briefly and succinctly:

YOU GET WHAT YOU PAY FOR

The price of self-sufficiency is high. But if we are not prepared to pay it, the price of dependence could be higher.

Mr. President, in my opinion this bill is a step in the right direction and is certainly in the public interest. It will not in itself solve the natural gas shortage but unless this and other legislation to change Government policy and enhance the economic climate to provide the necessary conditions and incentives is enacted, much of our oil and gas resources will stay in the ground undiscovered and unused.

The time is late and this trend will not be reversed in a year or two but it is long past time that we changed course, and took the legislative steps that will be necessary to reestablish this Nation's fuels and energy self-sufficiency.

I urge my colleagues to join with me in an effort to reverse a growing and dangerous dependency on foreign sources for the most important and vital factor of American prosperity, progress, and leadership—the energy that fuels our economy.

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. BENNETT, Mr. GOLDWATER, Mr. STEVENS, Mr. TOWER, Mr. YOUNG, and Mr. GURNEY):

S.J. Res. 154. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day." Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to authorize the President to proclaim the first day of January of each year as "Appreciate America Day."

The Association for a Strong America, Inc., a nonpolitical, nonprofit organization whose aim is to help Americans to realize the importance of constructive involvement in civil and community affairs and to develop realistic pride in our country, has proposed January 1 to be designated "Appreciate America Day."

This particular day was chosen because it is a holiday with a long tradition as a time for making resolutions for the year to come and because it is a holiday which combines reflective thoughts with enthusiastic anticipation. It is an appropriate time to pause and express appreciation for our heritage as Americans and to dedicate ourselves to keeping this appreciation alive throughout the year.

In furtherance of this goal the Governors of 10 States; Delaware, Colorado, Illinois, Indiana, Kansas, Nebraska, New Mexico, New Hampshire, North Carolina, and South Carolina, have designated January 1 as "Appreciate America Day." Congressman LENT, of New York, has introduced a companion resolution in the House of Representatives, House Joint Resolution 835, which is supported by the Veterans of World War I.

Mr. President, I request that this joint resolution be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

S.J. RES. 153

Whereas the private citizens and public officials of the United States desire a unified Nation; and

Whereas the people of the United States have a basic appreciation for the many benefits which citizenship bestows upon them; and

Whereas the Association for a Strong America, Incorporated, is a nonpolitical, nonprofit organization which assists in the development of realistic pride in America and endeavors to educate citizens on the importance of becoming constructively involved in civic and community affairs; and

Whereas such association has campaigned since May 1970, to have the first day of January of each year proclaimed as "Appreciate America Day"; and

Whereas the first day of January is an appropriate day to display the American flag and to organize observances for the purpose of showing appreciation for being American and for the beauty, honor, and freedom in America; and

Whereas Federal, State, and local officials have supported the campaign to proclaim the first day of January of each year as "Appreciate America Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation each year designating the first day of January as "Appreciate America Day", in conjunction with New Year's Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1615

At the request of Mr. BIBLE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1615, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1800

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 1800, a bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology.

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

S. 2412

At the request of Mr. ALLOTT, the Senator from Ohio (Mr. SAXBE), the Senator from Nevada (Mr. BIBLE), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 2412, a bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system.

COVERAGE OF CERTAIN CLAIMS BY GOVERNMENT EMPLOYEES—AMENDMENT

AMENDMENT NO. 420

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. STEVENS. Mr. President, today I submit an amendment to S. 1574 which would authorize retention of employee benefits for teachers who obtain employment in a school system which has been transferred from the jurisdiction of the Bureau of Indian Affairs to a State or local municipality.

Many BIA schools in Alaska are being transferred to State and local jurisdiction. As presently written, S. 1574 would authorize retention of such benefits only for teachers who transfer to Indian tribal organizations. The present language of this bill would, therefore, not resolve the retention problem for teachers in

schools which are transferred to a State or local municipality.

This amendment would provide retention of such benefits as compensation for injury, retirement, life insurance, and health benefits to those employees of BIA-controlled schools which are being transferred to Indian, State, or local jurisdiction. This expanded language is necessary if this transition is to be made smoothly in the State of Alaska.

ESTABLISHMENT OF A NATIONAL INSTITUTE OF ADVERTISING, MARKETING, AND SOCIETY—AMENDMENT

AMENDMENT NO. 421

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. MOSS submitted an amendment, intended to be proposed by him, to S. 1753, a bill to establish a National Institute of Advertising, Marketing, and Society.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

A CHRONICLE OF EVENTS IN SOUTH ASIA—THE CRISIS IN PAKISTAN

Mr. SAXBE. Mr. President, during the recent months preceding the congressional recess, Senator CHURCH and I have been attempting to build a record on behalf of our amendment to the Foreign Assistance Act of 1971 which would suspend military and economic aid to the Government of Pakistan until distribution of food and other relief measures supervised by international agencies takes place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan. To date there are 33 cosponsors to the Saxbe-Church amendment—amendment No. 159 to S. 1657.

In response to numerous inquiries received by my office during the congressional recess, I would like to list the cosponsors. They are: Senators SCOTT, TUNNEY, CASE, PASTORE, BENNETT, PELL, BELLMON, HART, ROTH, BAYH, BOGGS, CRANSTON, BROOKE, METCALF, GURNEY, MCGOVERN, BEALL, EAGLETON, STEVENS, STEVENSON, MOSS, MONDALE, HUGHES, HARTKE, MUSKIE, PROXMIRE, HUMPHREY, MAGNUSON, WILLIAMS, RANDOLPH, and RIBICOFF. Today I am happy to announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Wisconsin (Mr. NELSON) have joined us in cosponsoring this amendment and I ask unanimous consent that their names be added to the list of cosponsors previously mentioned.

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

Mr. SAXBE. Mr. President, the amendment is currently before the Foreign Relations Committee and will remain there until the Foreign Assistance Act is reported out from the committee. The timing of this action is very much in doubt at this point because of the committee's request for the 5-year military assistance plan and the President's refusal by invoking Executive privilege.

I would like to comment on the recent events in South Asia and have divided the news accounts into the following items: the Soviet-India Treaty, the U.S. shipment of arms, the refugees, the prospect of famine, the trial of Sheikh Mujibur Rahman, events in Pakistan, Senator KENNEDY'S trip to India, and Senator PERCY'S trip to India and Pakistan. Press accounts on these issues will be inserted at the end of my remarks along with editorial opinion, news analysis, and letters to the editor.

THE SOVIET-INDIA TREATY

On August 8, the Soviet Foreign Minister, Andrei A. Gromyko, arrived in New Delhi for talks with Indian Foreign Minister Swaran Singh. On August 9 India and the Soviet Union signed a 20-year pact of "peace, friendship, and cooperation." The 12-article treaty does not commit either country to give military aid automatically to the other in the event of an attack by a third nation. Instead the key ninth article says:

> Each contracting party undertakes to abstain from providing any assistance to any third party that engages in armed conflict with the other party.
>
> In the event of either party being subjected to an attack or a threat thereof, the high contracting parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to insure peace and the security of their countries.

The immediate effect of the friendship treaty has been variously interpreted. Some believe that it has contributed to a significant cooling of the crisis atmosphere, others believe that it may embolden India to strike if the repressive regime in East Pakistan continues to force more refugees into India. Although the Soviet-Indian communique has been denounced by the Pakistanis and termed a diplomatic coup for the Russians, India privately has assured Washington that her new friendship treaty with the Soviet Union was not directed against the United States or any of its allies. Finally some believe that President Nixon's trip to China encouraged the Soviet Union to enter into the pact with India.

U.S. SHIPMENT OF ARMS

Ever since the New York Times in June reported the departure of Pakistani ships carrying U.S. military equipment and ammunition, there has been considerable confusion as to the amount and type and extent of deliveries. Earlier the State Department had announced that it had stopped approving sales of military equpiment to Pakistan as of March 25, 1971. It later was revealed that U.S. supplies were moving after that date, but the Department said that they were moving on the strength of approval granted before March 25. On August 13, the State Department announced that U.S. arms flow to Pakistan had only $4 million worth of supplies and spare parts to be delivered between now and next March. On August 28 the State Department announced that military shipments to Pakistan since March 25 totaled $3.6 million and that $2.6 million in military equipment was still in the pipeline. However, others have alleged up to $35 million has been in the pipeline since the ostensible embargo of March 25.

On August 19, 1971, it was disclosed that Pakistan was using U.S. jet liners to help move men from West Pakistan to East Pakistan and that two of the planes had been provided in June. These planes are leased from World Airways to Pakistani International Airlines. Although Raymond J. Rasenberger, counsel for World Airways, contended that the planes were leased in July and September of 1970, respectively, long before the current controversy erupted, it is clear that new licenses had to be issued by the Commerce Department in order to substitute the two replacement Boeing 707's and the issuance of the licenses could have been denied. Finally a World official said that by flying the leased planes into a "war zone" PIA would be breaking the terms of their contract.

REFUGEE RELIEF

There are two separate programs of relief: one for persons who have fled into India to escape the fighting at home, and the other for persons in East Pakistan left destitute. The United States has already pledged $70.5 million to help East Pakistani refugees in India. Some may take solace over the fact that this contribution is more than that of the rest of the world combined, except for India. However, India has already contributed over $300 million for the refugee efforts and says it will need an additional $100 million by the end of September. The United States has given $1 million and pledged an additional $1 million to a total of $28 million required for refugee aid in East Pakistan. Finally, the President has named six persons to an advisory panel on south Asian relief assistance to help direct the U.S. Government's efforts for East Pakistan refugees.

THE IMPENDING FAMINE

A Harvard Medical School team has warned that East Pakistan faces the largest food deficit since the Bengal famine in 1943, when 3 million people perished.

These findings have been coordinated by Prof. Stanley Wolpert of the University of California in an article reprinted in the Los Angeles Times. For truly this is where the ultimate tragedy will occur. Alvin Toffler, writer and editor of Future Shock, has called it a planetary catastrophe, a human disaster so massive that it could bathe the future in blood, not just for Asians but for those of us in the West as well.

As heinous as are the crimes described in an article, such as the "Goondas of Saidpur," which describes a final solution not dissimilar to Hitler's, certainly the ultimate in the tragedy lies in the massive starvation sure to follow. The Harvard medical team concluded that there is a lag of 2.28 million tons precivil war estimates and a reduction of 20 percent in crop yield:

> East Pakistan was struck in succession by the severest flood in a decade during September, 1970; the worst cyclone of this century which devastated the coastal, rice pro-

ducing region in November 1970; and a massive military campaign sweeping across the countryside in March 1971. . . . Hundreds of thousands of farmers have fled into India to escape injury and death arising from military actions against civilians . . . lack of fertilizer, pesticides, seed and fuel for irrigation pumps contributed to a lower output . . . urban location of existing imported food stocks will further exhaust the food deficit in rural areas . . . even if large quantities of grain could be delivered and offloaded, the ability to transport these items to deficit areas is severely limited.

If the famine parallels the famine of 1943 we can expect "mass starvation leading to a complete social disintegration; suicide, selling of children and wives into slavery, banditry, and the disruption of existing family structures. . . ."

THE TRIAL OF SHEIKH MUJIBAR RAHMAN

On August 9 the martial law administration office in Rawalpindi announced that Sheikh Mujibar Rahman leader of the outlawed Awami League would be tried by a special military court for "waging war against Pakistan" and other offenses. I along with 10 other Senators urged Secretary Rogers to convey to Pakistan that compassion be shown to Sheikh Mujib. Secretary of State Rogers is to be congratulated in his stern warning that any summary action in the current trial of the Bengali leader would increase the chances of a resumption of warfare are in Pakistan. Secretary General U Thant also warned that the trial of Mujib was a "matter of extraordinary interest and concern in many quarters and that its result would inevitably have repercussions outside the borders of Pakistan." As the Washington Star stated on August 12:

The execution of Sheikh Mujib even if there were adequate legal basis for it might provide the spark igniting a general war in the Indian sub-continent which could spread to China—which supports Pakistan—and Russia . . . in short there is no alternative to Sheikh Mujib if reconciliation is to be achieved. A Punjabi puppet leader would lack authority and any other politically viable Bengali would almost certainly prove more intransigent than Sheikh Mujib. To execute such a man would be the height of folly. It would increase the danger of war and smash the last point hope of a just and peaceful settlement.

EVENTS IN PAKISTAN

The events in Pakistan appear to be a mixed bag. Pakistan has agreed to allow the United Nations to send in 38 officials who will act to some extent as observers in East Pakistan. Pakistan has accepted the appointment of a number of United Nations and U.S. officials to head food relief and refugee assistance programs in East Pakistan, and finally the Government of Pakistan has relieved Lt. Gen. Tikka Khan from his post as Governor and Martial Law Administrator of East Pakistan and has named a civilian as the new Governor.

On the other hand the Government of Pakistan will prosecute 95 Bengali deputies of the 288 Awami League deputies to win seats in the 310-member provincial assembly. This action followed a ban of 79 of the 167 Awami deputies in the National Assembly out of a total of 313.

Finally, East Pakistan has been ravaged by floods and the attacks of the Mukti Bahini continue.

Just yesterday, West Pakistan leader Zulfikar Ali Bhutto strongly criticized the Government and warned of a civil war in West Pakistan if the military government does not hand over power to the civilians.

SENATOR KENNEDY'S TRIP AND SENATOR PERCY'S TRIP

Both Senator KENNEDY and Senator PERCY after their recent trips to South Asia have urged the cut off of American military aid to Pakistan until the strife in the eastern part of the country ends. Senator KENNEDY also urged the suspension of economic aid. Senator KENNEDY charged that the Government of Pakistan was committing genocide and Pakistan promptly canceled his visit.

SUMMARY

It seems that the passage of time may be on the side of those who favor continued American aid to prop up another government that has shown no regard to the right of self-determination of its people.

I agree with the Toronto Declaration of Concern. And its conclusions which were—

We urge all governments: 1. to terminate immediately all military deliveries to Pakistan; 2. to suspend all economic aid to Pakistan; 3. to channel all possible resources into a massive emergency program for famine relief in East Pakistan directed and administered by the UN; 4. to make firm continuing commitments to share fairly the economic burden of supporting the refugees in India; 5. to intervene to save the life of Sheikh Mujibar Rahman.

However, we must recognize that a civil war is raging in Pakistan. I am dismayed by India's overzealous efforts in contributing assistance to that civil war. If we are going to avoid further human suffering from disease and famine, both India and Pakistan must contribute to the stability which will be required for the needed international relief.

AMENDMENT NO. 364

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Indiana (Mr. HARTKE) be added as a co-sponsor of amendment No. 364 to S. 1684, a bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF FURTHER SPEEDY TRIAL HEARINGS—ADDITIONAL COSPONSORS OF BILL

Mr. ERVIN. Mr. President, I am pleased to announce a resumption on Tuesday, September 14, of the speedy trial hearings which the Constitutional Rights Subcommittee began in July of this year. Beginning at 10 o'clock a.m. on that day, we shall hear from Assistant Attorney General William H. Rehnquist of the Justice Department, Congressman ABNER J. MIKVA, and Prof. Dan Freed of Yale Law School.

At the July hearings several of the 49 Senators cosponsoring S. 895 appeared and a number of others submitted statements so that the subcommittee would have the benefit of their very useful suggestions and comments in its deliberations on this important bill. In addition, the subcommittee heard from a Federal and a State judge, both from busy districts, who told us how they have achieved the goal of speedy trial in their own jurisdictions. We were also fortunate to have interested and knowledgeable witnesses with extensive experience in prosecution, defense, and pretrial rehabilitation services who gave us their advice on improving S. 895. All these witnesses provided us with a solid foundation on which to construct sound, speedy trial legislation.

I was most encouraged to find two common threads extending throughout the testimony and statements presented to the subcommittee at that time. First, there was a general agreement that speedy trial is not an unattainable goal—it is a realistic objective within our grasp. Second, I found that a sincere desire to find a practical means to reach that goal speedily pervaded the entire record—everyone has offered constructive comment aimed at realizing our goal just as soon as practically possible.

Thus far, in our hearings, we have learned that the speedy trial goal can be reached where the will to achieve it exists. We have also learned that pretrial services agencies can effectively reduce crime and rehabilitate defendants if that result is sought with sufficient resolve. If we in the Congress apply that same will and resolve to act constructively on this legislation, I am confident that we can give the courts and their related agencies the necessary encouragement, machinery, and resources to accomplish our common goal. So far, all who have appeared have made highly valuable contributions to our work. I fully expect that spirit to continue as we proceed with the hearings.

As I have previously explained, title I of S. 895 would require each Federal district court to establish its own plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirement would be allowed but only on limited grounds such as a defendant's unavailability or a judicial finding that the ends of justice could not otherwise be met. Title II of the bill contains provisions to enhance operation of the Bail Reform Act of 1966 by establishing demonstration pretrial services agencies in five judicial districts. These agencies would insure that the defendant received the necessary social, employment, and other services to minimize the temptations to crime and delinquency in the pretrial period.

As I have also pointed out on prior occasions, those of us who sponsor S. 895 know that it is not devoid of problems. However, we are all convinced that these problems can be overcome. I believe that we have made substantial progress as a result of the first hearings we held in July, and I am certain that we shall write another chapter of progress when we resume our hearings on September 14.

Our witnesses on that day are all eminently well qualified to assist us in this continuing task. The Department of

Justice will be represented by Assistant Attorney General Rehnquist, accompanied by Associate Deputy Attorney General for Criminal Justice Donald E. Santarelli. Although the subcommittee has had no official notification of the Department's position on S. 895, we have had assurance from Department officials that they share our strong desire to insure speedy trials for all Federal criminal suspects. Another of our witnesses, Congressman MIKVA, has been a strong and able leader in the House of Representatives for the much needed speedy trial legislation which we are pursuing in the Senate. Professor Freed, former head of the Justice Department's Office of Criminal Justice, has long been interested in improving the quality of criminal justice in America and firmly believes that speedy trial is an important key to that improvement.

I fully expect that the impending hearings will bring us much closer to the realization of the sixth amendment speedy trial guarantee. Our hearings will begin at 10 o'clock a.m. on September 14, 1971, in room 6226 of the New Senate Office Building. Further information about the hearings can be obtained by contacting the Constitutional Rights Subcommittee office, 102–B, Old Senate Office Building.

Mr. President, I am also pleased to announce that three more Members of the Senate—Senators NELSON, ROTH, and TUNNEY—have joined in cosponsoring S. 895. Our total number of cosponsors have now reached 49. I ask unanimous consent that at the next printing of S. 895 the following Senators be shown as cosponsors: BIRCH BAYH, WALLACE F. BENNETT, LLOYD M. BENTSEN, JR., ALAN BIBLE, QUENTIN N. BURDICK, HOWARD W. CANNON, CLIFFORD P. CASE, LAWTON CHILES, ALAN CRANSTON, CARL T. CURTIS, ROBERT DOLE, THOMAS F. EAGLETON, HIRAM L. FONG, DAVID H. GAMBRELL, EDWARD J. GURNEY, PHILIP A. HART, VANCE HARTKE, MARK O. HATFIELD, ERNEST F. HOLLINGS, ROMAN L. HRUSKA, HAROLD E. HUGHES, HUBERT H. HUMPHREY, DANIEL K. INOUYE, HENRY M. JACKSON, JACOB K. JAVITS, EDWARD M. KENNEDY, WARREN G. MAGNUSON, CHARLES MCC. MATHIAS, JR., JOHN L. MCCLELLAN, GALE W. MCGEE, GEORGE MCGOVERN, THOMAS J. MCINTYRE, JACK MILLER, WALTER F. MONDALE, FRANK E. MOSS, EDMUND S. MUSKIE, GAYLORD NELSON, ROBERT W. PACKWOOD, CLAIBORNE PELL, CHARLES H. PERCY, JENNINGS RANDOLPH, WILLIAM V. ROTH, TED STEVENS, HERMAN E. TALMADGE, STROM THURMOND, JOHN G. TOWER, JOHN V. TUNNEY, and HARRISON A. WILLIAMS.

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

ADDITIONAL STATEMENTS

THE LOSS OF SENATOR PROUTY

Mr. STENNIS. Mr. President, I wish to express my regret at the passing of Senator PROUTY on Friday, September 10, and to extend my deep sympathy to his family and to the people of Vermont, whom he represented so ably in the Senate.

WINSTON PROUTY was a man of great integrity and courage. Quiet and gentlemanly in manner, he was a dedicated and effective Member of this body. He worked especially hard on behalf of the elderly and the unfortunate, championing their cause with consistency and skill.

Senator PROUTY's 20 years in Congress—8 years in the House and 12 years in the Senate—are a testimonial to the esteem with which he was held by the people of Vermont. The memories he leaves with each of his colleagues in the Senate are testimonials to our individual esteem for him, as a Senator, as a man, and as a friend. We will miss him here, and he will be greatly missed by the people of Vermont.

I wish to extend my condolences to Mrs. Prouty, in her time of grief.

TRIBUTE TO SENATOR NELSON AND OTHERS ON PASSAGE LAST WEEK OF POVERTY PROGRAM EXTENSION

Mr. MANSFIELD. Mr. President, I was pleased to note upon my return to the Senate the final passage of S. 2007, an act to extend for 2 years programs administered by the Office of Economic Opportunity. I believe that this measure through the able management of the distinguished Senator from Wisconsin (Mr. NELSON) was passed in record time. In the last several years, this particular program has often taken many days of deliberation before final passage, but with thorough preparation and admirable legislative foresight, Senator NELSON—I noted from the RECORD—was able to accommodate a very complete and deliberate debate which I think led to its rapid, final passage.

The distinguished senior Senator from New York (Mr. JAVITS) as ranking minority member lent not only his intimate knowledge of the vast range of subjects and details covered by the bill, but also his articulate voice in helping the Senate more thoroughly to appreciate the far-reaching ramifications of this bill.

Amendments that were offered by Senator TAFT, Senator RANDOLPH, and Senator RIBICOFF again showed the thoroughness with which Senators approach their individual responsibilities for the enactment of all legislation. The Senate owes them each a note of thanks for their participation.

Contributing to the debate through amendments and their insightful questions, Senator MONDALE, Senator CRANSTON, Senator SCHWEIKER, Senator WILLIAMS, and Senator BUCKLEY all contributed to this Chamber's reputation as the world's greatest deliberative body. It is my thought that only when Members are willing to express their thoughts about programs will it be possible for this body to reach a consensus.

Again, to each of the Senators who participated in the debate on the Office of Economic Opportunity programs bill, I wish to say thanks and to say again that I was pleasantly surprised to find this important piece of legislation approved with such rapidity.

SOARING MEDICAL COSTS

Mr. SAXBE. Mr. President, I have frequently taken the floor of the Senate to decry our Nation's overburdened health care system.

There is a manpower shortage—too many people for the number of professionals available. There are simply not enough doctors, nurses, dentists, and technologists to meet the demands of our growing population. People wait for hours in clinics, hospitals, and doctors' offices to receive necessary medical treatment.

Not only is there a severe shortage of medical personnel; there is also an inefficient use of the existing manpower. Nurses and doctors are performing functions that could easily be handled by what I call paramedical personnel. Their special training and skills are being wasted. Thus, the waste of a valuable resource. Other health personnel must be employed to do what the highly trained doctors and nurses now do.

In addition to the manpower shortage and the inefficient use of medical personnel, there is also an unequal distribution of medical manpower. Doctors have followed the middle-class move to suburbia, concentrating medical personnel in the suburbs, and leaving the urban and isolated rural areas virtually unserved. Many people in urban and rural areas go untreated and sometimes die in emergencies, because they have been isolated from proper and readily available medical care.

Mr. President, in today's New York Times, Staff Writer Richard D. Lyons explores the health care dilemma in considerable detail. Because both his article and the subject itself are so timely, 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:

DILEMMA IN HEALTH CARE: RISING COST AND DEMAND

(By Richard D. Lyons)

WASHINGTON, Sept. 12.—A decade ago, one medical group in Manhattan charged $35 for a basic physical checkup; today it charges $65. In those same years the going rate for an appendectomy in New York rose from $485 to $1,175 and that the cost of an average hospital stay, for the nation as a whole, rose from $265 to $785.

Indeed, Americans are spending money on health care as if there were no tomorrow.

And while almost everyone is complaining about spiraling health care costs, most of the same people—rich and middle class as well as poor, insurers and providers as well as consumers—are also demanding more and better health care no matter what it costs.

The statistics for medical costs, at a time when accumulated inflation has swollen most economic indications, are staggering. This year Americans—through their own pocketbooks, their Federal, state and local governments, and their health insurance companies—will spend almost $80-billion for such things as 15 million operations, two billion prescriptions and the salaries of the five million people who provide health care.

One conservative Federal estimate sets the nation's total health bill by 1980 at $156-billion, which would be 8 per cent of the gross national product and over five times the peak annual cost of the Vietnam war.

"I think medical care is going to be the Vietnam of the nineteen-seventies—billions and billions of dollars going into a quagmire," says Dr. Frederic Bass, a health planner at the University of Pennsylvania.

In this era of inflation, no other item on the Consumer Price Index has risen so fast over the last decade as health costs. In the last four years alone, they have climbed 30 per cent.

Hospital rates have risen five-fold. Today they are hovering at about $100 a day, an unthinkable sum a decade ago. But a decade from now, according to some projections, hospitals may be charging $1,000 a day. At one Boston hospital, a bed in the intensive care unit for respiratory diseases now costs $425.75 a day.

Such statistics provide only a partial picture, however. Behind them there is a long period of dramatic progress in medical technology and, along with it, an unquantifiable but almost tangible rise in public expectations. And at the conjunction of all these factors are two fundamental questions:

If, theoretically, good health care is now possible for everyone, then how can the nation rationally allow anyone to go without it? But if, practically, the cost of good health care continues to rise so steeply, then how can the nation maintain even its present standards for long without going bankrupt?

Personal "horror stories" of the financial and emotional costs of illness are seemingly endless: A New York couple is financially ruined by the medical costs of a son paralyzed by a football injury; an elderly black couple in Mississippi spend one-third of their meager Social Security check on medicine; a Californian undergoes a kidney transplant to save his life, yet does not have the funds to buy the drugs to keep it viable.

Ranging from Robert Ball, the director of the Social Security Administration, to Paul Stark, the head of a defunct Federal health center in Prestonburg, Ky., many medical administrators feel that the country is either spending too much money on health care or is not getting its money's worth.

REASONS FOR THE INCREASE

The reasons for this surge in spending include:

Inflation, which accounts for half the recent rise in health costs.

More Americans, 20 million more in the last 10 years.

Medicare and Medicaid, which accelerated the demand for services and helped to drive up their prices.

A philosophical shift to the now general opinion that health care is a right of every American, not just a privilege of birth or money.

More sophisticated medical techniques, such as open-heart surgery, that lead to better medical care but at greater cost.

Unionization of hospital workers, which gives higher salaries and more costly fringe benefits to a group that has been among the lowest paid in the nation for decades.

There are other reasons, but they are much harder to document with numbers. Critics of the national health care system—many call it a nonsystem—say it has and is creating vast inequities. For example, in New York City it is at times almost impossible to find a hospital bed, that half the beds in San Francisco hospitals are empty and more hospitals are opening there.

The critics hold that there are vast inefficiencies in the prescription of drugs, the payment for health insurance and the services provided by both hospitals and doctors. For example, a favorite remark of Senator Kennedy, the Massachusetts Democrat who is the chief Congressional critic health care system, is that there are more neurosurgeons in his home state than there are in the British Isles, which have 10 times the population.

Another trouble is that the flood of new money into health care has not been matched by an increase in efficiency. In fact, it seems to have acted in reverse in some permutation of Parkinson's law.

"It costs more and more all the time to stand still," says John G. Veneman, Under-Secretary of Health, Education and Welfare. Mr. Veneman and other Nixon Administration officials were appalled by health costs when they took office, but Federal expenses have continued to shoot up despite their efforts.

Where does all the money go? Principally to hospitals, doctors, drugs, medical appliances, nursing homes and, as overhead, to the health insurance companies such as Blue Cross and Blue Shield that spread the risk of becoming ill.

Portions of the health care pie are divided roughly this way: 40 per cent for hospital care; 20 per cent for doctors' services; 10 per cent for drugs; 6 per cent for dentists' services, and 4 per cent for nursing home expenses. The remaining 20 per cent is divided among such items as medical research, construction of facilities, and administration.

Nearly every critic of the health care system believes Americans are spending too much money on drugs. Dr. Henry E. Simmons, chief drug officer of the Food and Drug Administration, estimates that "Americans spend half a million dollars a year on drugs for which there is no valid proof of efficacy."

Just recently the F.D.A. succeeded in removing from public sale a drug named Panalba after a legal battle that ran on for years. During that time consumers were spending $30-million a year on the product, even though Federal judges as well as Federal scientists had found it to be ineffective.

HIGH DRUG PROFITS

While drug prices have not risen dramatically, the pharmaceutical industry reaps the highest profits in terms of return on investment—20 per cent—of any large segment of American industry. Congressional investigations have revealed huge profits in some specific drugs—of over 1,000 per cent in isolated cases—yet drug companies have successfully turned back most attempts to reduce prices.

Another factor is doctors' fees. "You can't reform the health care system unless you delve into the pocketbooks of doctors," says Dr. Robert D. Eilers, director of the Leonard Davis Institute of Health Economics. He notes that one medical group recently hired a surgeon for a salary of $85,000 a year "plus bonuses."

Doctors, the most highly paid professionals in the country, earn a median income of $40,000 a year—after expenses but before taxes—according to our calculation. Only one per cent of Americans earn as much as this. Federal economists estimate that doctors' fees are almost 70 per cent higher than they were in the late nineteen-fifties, a rise almost double that of the consumer price Index.

Yet doctors have their own economic problem. Premium rates for medical malpractice insurance, for example, have been soaring. One New York surgeon said he paid an annual premium of $50 when he started practice in 1950. He expects that next year's premium will be $5,050, a hundred times as much. This expense he passes along to the consumer in the form of higher fees.

"HAVE TO PUT THE CRUNCH ON"

Despite all the complaints about drug costs and doctors' fees, most of the grumbling over the rise in health costs has been directed at hospitals. For hospitals have been getting the lion's share of health expenses.

The most common criticism has been that the hospitals have never had the incentives needed for them to effect economies. In addition, most hospitals are controlled by doctors who are unfamiliar with the modern management practices that might curb costs.

"Hospitals are the problems, but Blue Cross hasn't pushed them hard enough," says Dr. Herbert S. Denenberg, the new Pennsylvania insurance commissioner. "You have to put the crunch on someone if you're going to control medical costs."

In a rare effort to force economies, the insurance commissioner rejected a $74-million premium rate increase request from Blue Cross of Greater Philadelphia, which has been awarded an annual increase for the last quarter century. He wants to retain Blue Cross, but force it in turn to force hospitals to effect economies.

Dr. Denenberg, one of the new breed of reformers in the health care field and a friend of Ralph Nader, the consumer advocate, also accuses the other private insurance companies of "just shoveling money back and forth—they have not paid attention to cost and quality controls."

The Pennsylvanian is one of 20 new state insurance commissioners who have taken office in the last year. Many of them are determined to force economies in health costs. Others include Kenneth Deshetler, Ohio's Director of Insurance, and John F. O'Leary, chairman of the Massachusetts rate-setting commission.

Mr. O'Leary wants state and Federal agencies to intervene to force down hospital costs and some states, including New York, Maryland, California and Pennsylvania, are considering the creation of hospital rate setting commissions similar to those that regulate transportation, electric and gas rates.

Gordon Chase, head of the New York City Health Services Administration, accuses hospital leaders of using "quality of care" to "obscure inefficiency, obsolescence and traditional ways of operating which will not stand close scrutiny."

Three-quarters of all hospital bills are paid through Blue Cross, which was specifically created to perform the task. Yet Blue Cross has gone almost unregulated. Congressional investigators found recently that some local plans were paying the country club dues of Blue Cross executives, while others were paying for executives' vacations in Hawaii.

The national president of Blue Cross, Walter J. McNerney of Chicago, conceded that the hospital insurance plan "has not done everything as well as it should" to hold down hospital rates. "We have not been sufficiently self-critical and innovative," he adds.

How could hospital costs be brought down? The Good Samaritan Health Service in Phoenix found a way by amalgamating a group of 10 hospitals, thus doing away with duplicating services and overhead. The group saved $90,000 last year by buying all its insurance as a package. Common laundry services and the standardization of linens and uniforms all would help, but relatively few groups of hospitals have done this.

Costs could also be constrained by clusters of hospitals if individual institutions were assigned specific tasks, such as delivering babies and performing open-heart surgery, rather than each offering a full range of services.

Keeping people out of the hospital is uniformly acknowledged as the most effective method of holding down costs.

The patient population of Philadelphia State Hospital dropped from 6,400 to under 3,000 in recent years, aided by the creation of the West Philadelphia Mental Health Consortium, a group of nine community mental health clinics.

Dr. Robert Leopold, the consortium's director, says that while costs per patient are $6 a day at the health centers, they are $15 a day in the state hospital. The Philadelphia program, one of only a few in the nation, "shows that psychiatric patients can be treated near

their homes outside the hospital and at far less cost," Dr. Leopold says.

Large cost savings from Pre-Paid Group Plans also are possible through the operation of what are known as prepaid group plans, of which the most familiar are the Kaiser foundation groups of California, Oregon, Hawaii, Colorado and Ohio.

By stressing preventive medicine, that is, treating potentially serious medical conditions before they can grow into costly diseases, persons enrolled in the Kaiser groups spend less than half as many days in hospitals as other Americans. Premiums for Kaiser care are also less than comparable insurance plans, while the annual increase in premium rates has been less than elsewhere.

The money-saving potential of providing preventive services, such as periodic physicals has been demonstrated by the Group Health Cooperative of Puget Sound in Seattle, which was started in 1947 and now provides health care for 140,000 people.

Last year the group health cooperative spent only $37 per member on hospitalization. This compares with $112 for the average American. Yet almost the same amount of money was spent for both groups for physicians' fees and outpatient services such as laboratory tests and X-rays. The lesson would seem to be that preventive medicine, properly run, can substantially reduce costly hospitalization.

A Federal takeover of health delivery systems, as occurred in Britain, has been advocated by some groups here. But at least two experiments with Federal funding in this country have indicated that it is little better economically than the system it is meant to replace.

In Prestonburg, Ky., one such project was canceled by the Office of Economic Opportunity after investigators found it to services but also "totally corrupt." More than half of the $4 million spent on the project went for the salaries of courthouse cronies and overhead expenses.

Another Federally funded project, the Martin Luther King Health Center in the Bronx, spends $75 per patient visit, far more than it would cost to treat a person in a doctor's office.

MAINTENANCE GROUPS

The Nixon Administration is spending $45 million on what might be one partial solution to the health cost problem—the health maintenance organization. The H.M.O., as it is known, has been praised by the President as the prime new method of organizing health care delivery for quality and economy.

H.M.O.'s, a few of which are now in operation, use groups of doctors and facilities to treat the health needs of thousands of persons living in specific areas. In his health message of late February, Mr. Nixon also proposed a $300-million loan guarantee programs to start dozens of H.M.O.'s. If the Administration has its wish, 80 percent of all Americans will be enrolled in H.M.O.'s by the end of the decade.

This percentage is viewed as wildly optimistic even by those health care experts who say that reform of the system is absolutely necessary to bring better medical care to more people at less cost.

One of the new breed of reformers who are leading the attack against wasteful and inept practices in the health care field is Dr. Denenberg of Pennsylvania, who is a friend of Ralph Nader, the consumer advocate. Dr. Denenberg is the type of free wheeling challenger of the medical establisment who, according to one critic, makes Mr. Nader "look like Louis the fourteenth."

"The health delivery system is so full of glaring inefficiencies and abuses that it is easy to give up in despair," says Dr. Denenberg. "For example, the providers of health care saddle the public with unnecessary, underutilized and duplicated services which not only produce astronomical costs, but also often deliver low quality care."

The complaints come from within the medical establishment as well. Dr. Edwin L. Crosby, president of the American Hospital Association, says the Nation has too many hospital beds. And one of the truisms of medical practice holds that too many operations are being performed on too many people.

The result, according to Dr. Murray Hunter, medical director of a clinic in Fairmont, W. Va., is that "for a dollar today we're getting 50 cents worth of health care—if it were done right we'd get 80 cents worth."

Another problem is that merely increasing the money spent on health care does not necessarily lead to better-quality care. A Dr. Donald Harrington, director of the San Joaquin Medical Foundation in Stockton, Calif., puts it: "An open checkbook often leads to bad work."

Yet some doctors seem to be benefitting by such an approach. Dr. Lowell E. Bellin, New York City's first deputy health resources commissioner, says: "If after 2 years in private practice a doctor isn't clearing $35,000 a year, you should strap an electroencephalograph to his brain to find out why."

HOW UNION PACIFIC GATHERS LETTERS OF SUPPORT FOR THE ASTRO PROGRAM

Mr. CHURCH. Mr. President, I cannot speak for other Senators, but in recent weeks I have received numerous letters from people in my State of Idaho expressing their support for aid to our Nation's railroads. Some letters refer to the so-called ASTRO program directly; others simply call for aid to the railroads.

The volume of letters received has been impressive and, like all letters which I receive from Idahoans, I have given them careful study and consideration. However, recently I came into possession of a brochure sent out by the Union Pacific Railroad, signed by its president, E. H. Bailey. I can only say that I was personally shocked and appalled at its contents. In effect, the Union Pacific Railroad, through an extremely thin facade, is attempting to buy influence in the Congress via an overt "bribe" to its employees to write their Senators and Representatives and urge their friends to do the same.

The "bribe" is in the form of a "prize" which is awarded to winners in what is creatively described as the "ASTRO Sweepstakes."

The pertinent section of the brochure states:

WIN A $100 SAVINGS BOND!!!

Get as many people as possible to write. Send their names to me. Each week, for six weeks, the employee who turns in the most verifiable names will win a $100 Savings Bond. The first award will be based on signature cards received as of 5:00 p.m., Friday, July 16, with additional awards made each week on the five following Fridays. Use the enclosed signature pad or any paper. I'll send more literature or signature pads if you ask.

Union Pacific needs and will appreciate your help.

E. H. BAILEY.

The packet which I received also contained a convenient form for informing Mr. Bailey of how many signatures the competitor for the $100 bond had collected. The form asked for the date and stated:

Today, I contacted ——— and he/she promised to write his/her Congressman asking for help for the railroad industry.

———.

Also enclosed was a conveniently self-addressed envelope to Mr. Bailey and a card for the individual the packet was sent to so that he can verify that he has written his Representative or Senator.

I think it would be of interest to Members of Congress to know that the mail they have been receiving from their States may have been motivated by the hope of winning a savings bond either for oneself or helping to win a bond for one's friend, rather than any factual familiarity with the economic status of the Nation's railroads.

Mr. President, the distinguished Senator from Montana (Mr. METCALF) has estimated the cost of the ASTRO program to be in the neighborhood of $36 billion. It includes proposals for favorable tax treatment from the Federal Government, loan guarantees, low-interest loans, authority for automatic rate increases, and more freedom to abandon service.

When we passed the Railroad Passenger Service Act, we did so with the avowed purpose of preserving and improving national rail passenger transportation. Today we have 50 percent less passenger service in America, and my State of Idaho has, for all practical purposes, been made totally devoid of service. In 1969, we granted railroads special tax breaks under the Tax Reform Act of 1969. No sooner had we done so than the railroads pushed for higher rates and moved to abandon north-south passenger service between Salt Lake City, Utah, and Butte, Mont., via Idaho points. Now the railroads ask for more. Again they say it will mean improved service for Idaho and the Nation. Their past record in fulfilling their pledges is dismal, indeed. Although I will attempt to keep an open mind and study the records and reports on this legislation, should it come before the full Senate for a vote, I will not cosponsor or promote this program.

Mr. President, I ask unanimous consent that the text of the brochure which contains the "ASTRO Sweepstakes" be printed in the RECORD.

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

AMERICA'S RAILROADS . . . WHO NEEDS THEM? YOU DO, WE ALL DO . . . AND THEY NEED YOU

With this match-that-writes, you can fire up Congress by writing and asking their support of America's railroads. Ideas in the blue Astro pamphlet may be helpful. Turn this page for your Senators' and Representatives' names.

E. H. BAILEY.

P.S.—You may win one of six $100 Savings Bonds in the "Astro Sweepstakes." Details are on the other side of this folder.

U.S. SENATORS AND CONGRESSMEN FROM THE 13 UNION PACIFIC STATES

Write your Senators or Representative in Washington—in your own words—and ask him to help the railroads help themselves.

The correct form of address for your Representative or Senator is:

your address
city, state
the date

The Honorable ———
The United States Senate (or House of Representatives)
Washington, D.C.

(Dear Congressman ———: or Dear Senator ———:)

Please write in your own words.

California

Senators

Alan Cranston.
John V. Tunney.

Congressmen

District 17: Glenn M. Anderson.
District 19: Chet Holifield.
District 23: Del Clawson.
District 24: John H. Rousselot.
District 25: Charles S. Wiggins.
District 29: George E. Danielson.
District 30: Edward R. Roybal.
District 32: Craig Hosmer.
District 33: Jerry L. Pettis.
District 34: Richard T. Hanna.
District 38: Victor V. Veysey.

Colorado

Senators

Gordon Allott.
Peter H. Dominick.

Congressmen

District 1: James D. McKevitt.
District 2: Donald G. Brotzman.
District 3: Frank E. Evans.
District 4: Wayne N. Aspinall.

Idaho

Senators

Frank Church.
Len B. Jordan.

Congressmen

District 1: James A. McClure.
District 2: Orval Hansen.

Iowa

Senators

Jack Miller.
Harold Hughes.

Congressman

District 7: William J. Scherle.

Kansas

Senators

Robert Dole.
James B. Pearson.

Congressmen

District 1: Keith G. Sebelius.
District 2: William R. Roy.
District 3: Larry Winn, Jr.

Missouri

Senators

Stuart Symington.
Thomas F. Eagleton.

Congressmen

District 5: Richard Bolling.
District 6: W. R. Hull, Jr.

Montana

Senators

Michael J. Mansfield.
Lee Metcalf.

Congressman

District 1: Richard G. Shoup.

Nebraska

Senators

Roman L. Hruska.
Carl T. Curtis.

Congressmen

District 1: Charles Thone.
District 2: John G. McCollister.
District 3: David T. Martin.

Nevada

Senators

Alan Bible.
Howard W. Cannon.

Congressman

District 1: Walter S. Baring (at large).

Oregon

Senators

Mark O. Hatfield.
Robert W. Packwood.

Congressmen

District 1: Wendell Wyatt.
District 2: Al Ullman.
District 3: Edith Green.

Utah

Senators

Wallace F. Bennett.
Frank E. Moss.

Congressmen

District 1: K. Gunn McKay.
District 2: S. P. Lloyd.

Washington

Senators

Warren G. Magnuson.
Henry M. Jackson.

Congressmen

District 3: J. B. Hansen.
District 4: Mike McCormack.
District 5: Thomas Foley.
District 6: Floyd Hicks.
District 7: Brock Adams.

Wyoming

Senators

Gale W. McGee.
Clifford P. Hansen.

Congressman

District 1: Teno Roncalio.

Tell Congress railroad jobs are important.

This button [not printed in the RECORD] is yours . . . to wear after you have convinced five friends and neighbors to write their congressmen.

WIN A $100 SAVINGS BOND!!!

Get as many people as possible to write. Send their names to me. Each week, for six weeks, the employee who turns in the most verifiable names will win a $100 Savings Bond. The first award will be based on signature cards received as of 5:00 P.M., Friday, July 16, with additional awards made each week on the five following Fridays. Use the enclosed signature pad or any paper. I'll send more literature or signature pads if you ask.

Union Pacific needs and will appreciate your help.

E. H. BAILEY.

WHY IS UNION PACIFIC CONCERNED?

Healthy as we are now, our railroad is dependent on a sound, nationwide rail network. We'd get sick pretty fast if our connections at Council Bluffs and Kansas City failed. You and Union Pacific have a vital stake in the ASTRO program.

BENEFITS OF THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, some opponents of the trans-Alaska pipeline have argued that the economic benefits to be derived from this project would be only temporary. Thus, they have contended that the construction and operation of the pipeline would create a "boom-and-bust" situation similar to the 1898 gold rush which took place in northern Alaska.

This argument, which was never given any credence by those familiar with the economic situation in Alaska and the potential of the North Slope reserves, has now been persuasively refuted in a scholarly study prepared for the Department of the Interior by the Institute of Social, Economic, and Government Research of the University of Alaska. Entitled "Economic Impact of Trans-Alaska Pipeline," this report examines the structure and recent history of Alaska's oil and gas industry and the expected social and economic impact through the year 2000 of North Slope development and the construction and operation of the pipeline.

The report concludes that construction of the pipeline and related facilities will directly affect the State's economy through increased payrolls, oil royalties, and tax benefits. Moreover, the new transportation facilities which will be built to facilitate petroleum industry activity will most likely encourage an increase in tourism and promote the economical extraction of other resources.

Perhaps even more important are the indirect and secondary economic effects which can be expected from pipeline construction and operation. Thus, this activity is expected to increase personal income originating in Alaska by approximately one-third over 1969 levels in the first full year of construction. Moreover, employment and payrolls will increase by about one-fifth over 1970 figures, and the State's population will grow by about one-sixth over the 1970 level.

Of great importance is the conclusion that while some temporary decline in Alaska employment and personal income can be expected for 1 or 2 years following the peak pipeline construction activity, the beneficial effects to be derived from spending and from petroleum royalties and taxes will just about offset the decline in moneys injected into the State's economy by construction and field development activity. In this connection, total State revenue attributable to the development of the North Slope reserves are expected to be approximately $1 million once the pipeline is operating at full capacity.

Although somewhat speculative in that they rest on factual and methodological assumptions which are sometimes necessarily oversimplified, these numerical projections are persuasive evidence that the beneficial economic effects of the pipeline will be permanent and that a boom-and-bust situation can be avoided. Since there is a high probability that further oil and gas discoveries, some perhaps as large as the Prudhoe Bay field, will be made in Alaska, it is reasonable to expect that similar economic benefits will be derived for many years to come.

GENOCIDE: ADVISE AND CONSENT

Mr. PROXMIRE. Mr. President, the Senate's role in the making of foreign policy has become a matter of increasing public controversy. This is largely due to the widespread malaise over the prosecution of the war in Indochina: many Senators feel that they were misled on this matter, and that their opinions were

not taken into consideration when policies were formed.

In other words, the Senate's constitutional duty "to advise and consent" on matters of foreign policy has fallen into a state of disrepair.

Now the Senate has an opportunity to fulfill that historic duty. For 20 years the Convention on the Prevention and Punishment of the Crime of Genocide has lain dormant in the Senate, while 75 other nations have moved forward to ratify it. As a result of our delay, we now stand isolated as the only superpower which has not become a party to that treaty. We are the only superpower which has refused to join the body of world opinion which would reinforce our opposition to the crime of genocide with the authority of law.

Two years ago, Secretary of State Rogers and Attorney General Mitchell cleared the Genocide Convention for White House endorsement, finding no substantive diplomatic or constitutional justifications for U.S. refusal to ratify the treaty. President Nixon then sent a message to the Senate urging its advice and consent to ratification of the treaty. A subcommittee of the Committee on Foreign Relations has held exhaustive hearings on the Genocide Convention, and the committee itself has reported it out to the floor of the Senate with a favorable recommendation.

And that, Mr. President, is where the matter stands today.

As I said earlier, this would be a most appropriate time for the Senate to ratify the Genocide Convention. As a symbolic affirmation of our Nation's basic humane instincts and faith in law, it would counteract the popular cynicism which has begun to shroud the American public image in numerous countries around the world. It might give cause for some people in our own country to be less suspicious about the motives of the Government. And it would present an excellent opportunity for the Senate to exercise its constitutional authority to lend legitimacy to American foreign policy.

Whether the Senate's ultimate disposition is affirmative or negative—and I would hope it is affirmative—let us act on the Genocide Convention. Let us not delay in completing action on this treaty which nobly embodies the best traits of our national character.

DISCOVERY OF THE HISTORY OF ALASKA

Mr. STEVENS. Mr. President, "Economic growth and research are not always compatible bedfellows." These are the opening words of Dr. John P. Cook, assistant professor of anthropology at the University of Alaska, in an article reprinted in the Southeastern Alaska Empire, Juneau, Alaska, on August 6, 1971. Professor Cook goes on to say: "But the trans-Alaska pipeline is an extraordinary story."

And so it is, Mr. President, that the longer and more vigorous the discussion about the soon-to-be-built Alaska pipeline continues, the more and more information surfaces about the ancillary benefits associated with the project.

I ask unanimous consent that Professor Cook's article about discovering the history of Alaska through archeological investigations along the pipeline route be printed in the RECORD.

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

DISCOVERING THE HISTORY OF ALASKA

(By Dr. John P. Cook)

COLLEGE, ALASKA.—Economic growth and research are not always compatible bed fellows. This is especially true in the field of archeology where construction activities often destroy, irretrievably, valuable archeological sites that might have shed some important light on some problem of our historic or prehistoric heritage. This situation is unfortunately true in many parts of the country even in the face of federal laws and many state statutes protecting such antiquities. Although the public is increasingly aware of how much the past has conditioned our present status—physically, culturally and even psychologically—there are simply not enough archeologists, enforcing officials, or concerned industries to cope with the growing destruction through construction. But the trans-Alaska pipeline is an extraordinary story—of exactly the opposite situation.

After the discovery of large oil reserves on the North Slope of Alaska in 1968, a consortium of firms—the Alyeska Pipeline Service Company—was formed to construct a 48-inch pipeline from the oil fields of the ice free harbor of Valdez on the southcentral coast of the state. In an almost 800-mile traverse of the state, the proposed pipeline would cross areas of vital interest to anthropologists.

Why this interest? There are a number of reasons. The original human inhabitants of the New World, and thus the ancestors of all North and South American Indians, migrated from Asia across what is now the Bering Straits. This migration probably took many thousands of years, during which Alaska was a major occupation zone. Theoretically, these were hunters traveling in small bands following herds of bison, horse and mammoth. But, actually, we have virtually no concrete evidence of these early hunters. The pipeline will pass through parts of the state where they must have lived, and it is highly probable that it will uncover some of these sites.

The descendents of these people have perhaps been living in Alaska for 50,000 to 60,000 years. During this time, the environment has changed, changed several times, initiating changes in the cultural life and perhaps even the physical characteristics of the natives. What these changes were and how they came about are important questions whose answers can be applied to the study of mankind everywhere. Archeology along the pipeline route may provide the answers to many of these questions regarding process and change, and adaptation of human populations.

With these problems in mind, the pipeline company has combined forces with archeologists in the state and with federal officials to prevent any possible loss of anthropological-archeological data occurring through construction activities associated with the pipeline. Through contractual agreements with the University of Alaska and Alaska Methodist University the company has provided for a thorough examination of the pipeline, an associated haul road, pumping facilities and all other areas of activity where there might be historic or prehistoric sites. Although the survey has not been completed, a great number of sites has been located.

However, it is not enough to just locate the sites. If they are to be useful, they must be properly excavated. Collections of artifacts themselves tell us relatively little about man's past behavior; it is the relationship of the artifacts to each other, to the soil, and to the environment—the context in which they are found—that provides the insights to cultural processes and changes. So, in addition to the survey, the archeologists will thoroughly excavate each site that might be affected by subsequent construction activities.

The professional archeologists involved are Professor William B. Workman, of Alaska Methodist University, who has completed a preliminary survey of the extreme southern end of the route, and myself, coordinating the efforts of several field parties examining the northern three-fourths of the alignment, from what is known as Hogan Hill, about 30 miles south of Paxson, Alaska, to Prudhoe Bay.

The archeological crews conducted the survey almost entirely on foot, although with helicopter support. They were dropped off at points along the alignment and were picked up again after a day's work examining the ground for any evidence of archeological value. In some cases, during excavation, they camped in the field for several days. As a site was located, it was mapped and excavated as thoroughly as possible. Most of the sites were small prehistoric camp sites and could be completely excavated in a short time. Almost 400 miles of northern Alaska was covered in this manner and another 250 miles will be examined during the summer of 1971. As the data was recovered, it was sent to the laboratory at the University of Alaska for cleaning, cataloging and preliminary analysis. A more complete analysis will be completed by the end of 1971.

The 189 sites discovered so far were spread from Livengood to Prudhoe Bay, the entire length of the pipeline surveyed by the University of Alaska in 1970. The sites range in age from quite recent back to as much as 13,000 years, or possibly even more. Given this vast area and the long time span involved, it is not surprising that very few definitive conclusions can be stated; actually, more problems have been posed than questions answered. Some of these will, hopefully, be more fully explicated with continuing research on the leads provided by the survey. But some tentative theories can be adduced from this recently acquired data.

First of all, regarding the distribution of all the sites, regardless of age, it can be seen that although they were found from one end of the survey to the other, there are two notable gaps. One of these occurs between Sagwon and the Gallagher Flint Station (Site S–10) a distance of some 60 miles. The other major distributional gap straddles the continental divide and extends southward down the Dietrich Pass to Cathedral Mountain; only one site was found in this stretch of some 110 miles. This latter situation seems to be paralleled by a relative paucity of sites on the southern flanks of the Brooks Range to the west; that is, along the John River and the Alatna where Campbell and Irving (Dr. John M. Campbell, executive secretary of the archeological committee of the Arctic Institute of North America, and Professor William Irving, of the University of Toronto) have found relatively little compared to the rich archeological resources of Anaktuvuk Pass, Chandler Lake and Howard Pass. It may be that the prehistoric peoples did not utilize these regions to any great extent for the simple reason that they represent essentially, a single biome (plant community); tundra from Sagwon to the Gallagher Flint Station, and alpine in the other case. The cultures probably were able to exploit ecotones (transition zones between different plant communities) between biomes with much greater effectiveness. Thus, there are a number of sites at the coastal sea-land ecotone, a large number in the northern foothills of the Brooks Range, and an equivalent density in

the hill and riverine area of the Yukon-Tanana Upland and its northwest extension, the Ray Mountains. This very general hypothesis seems to hold true in light of the present archeological picture even though there are a few sporadic instances to the contrary.

Changing cultural boundaries between Eskimo and Athapaskan Indian may be seen in the distribution of some of the artifact types. Thus, the apparently Athapaskan related Kavik point (a type of arrowhead associated with an Indian culture which apparently flourished about half a century ago; the first of this type was discovered by Campbell in Anaktuvuk Pass) was found, not only in the interior where it would be expected from the present native distribution, but also well north of the continental divide—as far north as Sagwon. If this point type does, indeed, document an Athapaskan occupation, then the Indians must have utilized a much larger area than at present—at the expense of Eskimo groups. This would have been about 500 years ago if the evidence from the type site at Anaktuvuk Pass, Klokut and Dixthada, is any indication or from the state of preservation of those sites near Murphy Lake and Sagwon. It may, of course, simply reflect either trading parties from the interior or an Athapaskan influence on a resident Eskimo population.

Since it is possible that these apparent extensions of either Eskimo or Indian culture areas may, in fact, be due to diffusion or an acculturative situation, the process of selective adaptation of material culture is an important one. Some of the principles underlying this process in these northern hunting groups may be drawn out of the ongoing analysis of the protohistoric and contact period (when aboriginal peoples contacted representatives of Western culture, usually traders, explorers, missionaries or whalers, about 1800 to 1850) sites in the Galbraith and Murphy Lake areas and along the Sagavanirktok River. This analysis is not complete yet but will be included in a final report on the archeological research to be submitted in December, 1971. This will stress the adaptation of tool types and material from Western civilization by the Eskimo cultures. At least one change seems to be apparent; the form of tent rings in prehistoric times was circular or oval while post contact tent rings are commonly square or rectangular.

In general, it can be said that the bulk of the sites found, and the material recovered from them, have contributed, or will contribute, to the elucidation of regional variations or cultural transitions through archeological times. The survey and excavations this summer can be expected to provide further and equally important data.

Two further considerations, what might be termed "spinoff" from the project, must be noted. First, it has provided invaluable training and experience for a number of potential Arctic archeologists—graduate students at the University of Alaska and elsewhere. At least five M.A. theses and possibly one Ph. D. dissertation will deal with these sites and the problems they represent. This is remarkable in itself.

Secondly, the project represents a very real precedent in northern archeology. A great many potentially valuable sites have been bulldozed and vandalized by federal, state and commercial construction and exploration activities in the past. If a commercial organization can show the concern, cooperation and communication to effect a project of this magnitude, then it will be difficult for others, especially the military and other government operations, to ignore the Federal Antiquities Act.

RECYCLING

Mr. MOSS. Mr. President, during the congressional recess two articles of interest were published on the subject of recycling, and I take this opportunity to bring them to the attention of the Senate. One, an article by Sylvia Porter, published in the Washington Evening Star, sets forth the basic facts and figures about recycling. It is a good introduction to the whole field of resource reuse.

The other article, written by Hartt Wixon for the Salt Lake City Deseret News, tells how one group of concerned citizens, with the cooperation of local businessmen, is working to help to solve our solid waste problems. I commend all those involved in this most worthwhile effort.

I ask unanimous consent that the articles be printed in the RECORD.

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

RECYCLING CURE FOR REFUSE ILLS

(By Sylvia Porter)

Solid wastes in the U.S. are now growing at an annual rate of four to six percent—a pace at which they will have more than tripled in less than 30 years. Despite mounting awareness and concern about the problem, this enormous explosion in waste is being relentlessly propelled by basic forces in society: population growth, the steady increase in per capita consumption of goods and ever-rising demands for things.

All disposal techniques—landfill, incineration, ocean dumping—are under strong criticism. Across the land, there has been increasing support for "resource recycling."

Is this—the recycling of valuable materials in the solid waste stream—the most viable answer to the problem? From Judd H. Alexander, vice president of Environmental Affairs for American Can Co. and a spokesman for the steel can industry, come some revealing observations.

Q. In simplest words, what is the so-called recycling revolution?

A. Under development now are new municipal and regional solid-waste disposal systems which will have the technical capabilities of reclaiming such valuable resources as glass, metals, paper fibers, etc., from collected waste. These waste products will then be recycled and reused as new raw materials. That's it, in simplest words.

Q. What kind of an economic return can be expected from that?

A. Take just this one comparison: we lose an estimated $5 billion in valuable metals alone each year in our unclaimed waste. At the same time, we spend an estimated $4 billion a year to collect this waste.

Now take steel cans alone. With more than 60 billion cans produced yearly, the steel recovery potential by itself is eye-stopping. Steel makes up 7 percent of the average trash heap. Including cans and other discarded household items, the steel content of waste output comes to more than 20 million tons annually. Americans discard 20 million appliances a year and from 6 to 9 million autos a year. There's no doubt in steel industry circles that the ultimate solution to the nation's solid-waste problem lies in recycling.

Q. Are any cities doing an outstanding job of recovering dollars from solid waste?

A. The city of Atlanta has incorporated the basic principle of magnetic separation to salvage steel cans from the city's incinerated trash. This operation cost the city $30,000 but, simultaneously, brought in $80,000 in scrap sales—a profit of $50,000 from metal cans alone.

Another system of interest is Chicago's new Northwest Incinerator, basically a European-type model, which will produce saleable steam as a byproduct of incineration. This system will recover close to one-half billion cans a year for recycling.

The Black-Clawson Co. has developed a pilot plant in Middletown, Ohio, where 50 to 70 percent of the incoming newspapers, food containers and other packaging materials can be recovered and remade into paper.

Q. What about proposals to restrict the distribution of non-returnable bottles and cans used for soft drinks and beer.

A. Many of these restrictions are under consideration. As an illustration, beginning in October 1972, sales of all non-returnable beer and soft-drink cans and bottles will be prohibited in Oregon. Also banned are cans that can be opened by pulling rings in their top. Consumers will be required to pay a deposit on all beer and soft drink containers.

Q. Are these restrictions part of the solution?

A. Metal cans and one-way bottles comprise only 1.3 percent of the nation's total solid waste—so even if banned, that would leave 98.7 percent of the solid waste problem to be solved.

A 1969 study by the National Academy of Sciences of roadside litter in 29 states showed that almost 60 percent of litter in paper and about 20 percent represents beverage cans and bottles. A provocative sidelight is that, along any mile of highway that was checked, there were almost as many returnable as non-returnable bottles. For the American who doesn't care about his surroundings, a few cents deposit doesn't make much of a dent on his conscience.

The overall solid-waste problem goes far, far beyond such solutions as this sort of restrictive legislation. Where we must seek the fundamental answers is in resource recycling.

U. STUDENTS OPEN RECYCLING CENTER

(By Hartt Wixom)

"The highest civilization is the one which uses its natural resources over and over."

This is more than a motto to a group of University of Utah students who have opened their own recycling service at the corner of Research Road and Wasatch Boulevard, weekends, 10 a.m. to 4 p.m.

FOCAL POINT

As a focal point of the University of Utah Student Ecology Center, the recycling service recently delivered its first multi-ton truckload of materials to commercial outlets. The service handles newspapers, cardboard, sacks, steel and aluminum cans and glass. Additional information can be obtained by calling the center at 591–8257, or contacting student official Brian Mason.

In addition, several commercial firms in Salt Lake Valley have announced specific payment plans. The Fisher Brewing Co., 160 S. 10th West, will pay 25 cents for the return of every 24 company bottles, or 12 cents for every 24 cans, Monday-Friday, 1–3 p.m., and Saturday, 9 a.m.-noon.

OLD NEWSPAPERS

The Cellulose Insulation Manufacturing Co., Midvale, now accepts newspaper collections by appointment, 255–4583.

There are also many things each of us can do in our own homes, Mason explains.

"Set things up so garbage and dry materials will not be collected in the same container. Re-use writing paper more fully when possible.

"The best time to sort things out for recycling is when you throw them away, so

stack newspapers in a pile for binding, and sort steel and aluminum cans.

TELL THEM APART

"One way to tell quickly the difference is aluminum cans lack a seam around the bottom, and are lighter than steel. Labels should be removed and the cans flattened. This is accomplished much more easily if the cover on each side of the can is first removed," Mason adds.

As for glass, remove all metal, including lids and neck rings. Most labels are easily removed by washing.

The university, and most recycling centers throughout the country, do not accept magazines, waxed or other coated paper or cardboard, tissue paper, catalogues, egg cartons, or plastics. However, magazines are readily accepted by invalids in the neighborhood, hospitals etc. and can thus be re-used.

EGG CARTONS

Return styrofoam egg cartons to Cackling Acre, 2666 W. 4700 South, Kearns, the Sierra Club, Uinta Chapter's August newsletter suggests.

"There is no Salt Lake City or county recycling center to lessen the load on area dumpyards which simply continue to fill," Sierra recycling chairman Marqui Bury states. But if discarded materials were used over and over, of course it would place less burden on forests, minerals, and other natural resources, according to ecological studies.

RECYCLE CARTONS

For example, a study by the Ex-Cell-O Corp., Detroit, indicates that milk cartons can be recycled with cooperation of elementary schools and grocery stores, turning out 100 to 125 tons of daily pulp used to make more milk cartons.

Ex-Cell-O claims that for every acre of trees saved, enough oxygen is supplied for 18 persons and is a factor in maintaining the quality of air, as well as aesthetics, watershed protection, recreational and wildlife habitat utilization.

DO YOU NEED IT?

Many conservation clubs and ecology-minded firms also recommend that you consider before you buy. Ask yourself, "Do I need it?" Or can you repair something you've already got in the yard cluttering up the landscape? Many items of furniture can be repainted or repaired, with that much less strain on the environment.

"What each person can do may seem small in the universal scheme of things," one conservationist puts it. "But consider the clean feeling you have knowing you're doing your part. And if everyone did, our environmental problems would be small indeed."

THE TRAGIC SHOOTING OF KENYON BALLEW

Mr. CHURCH. Mr. President, William Pitt once said:

Necessity is the plea for every infringement of human liberty. It is the argument of tyrants; it is the creed of slaves.

Last June 7, agents of the Department of the Treasury and the Montgomery County, Md., police felt it was necessary to batter down the door of Kenyon Ballew. With Treasury agents dressed in civilian clothes, and some police sporting sideburns and mustaches and dressed in shirtsleeves, they burst through the door of the Ballew apartment. When the smoke had cleared away, nine shots had been fired and Mr. Ballew lay paralyzed on the floor of his apartment. He is still paralyzed today.

The Washington Post has recently published an editorial which puts in perspective the infringement of individual liberties which has taken place because of necessity. I ask unanimous consent that the Post editorial, entitled "The Shooting of Kenyon Ballew," be printed in the RECORD.

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

[From the Washington Post, Aug. 7, 1971]

THE SHOOTING OF KENYON BALLEW

A man lying for two months in a hospital bed, semi-paralyzed, incapable of speech and with a bullet in his brain is a personal tragedy but not necessarily a national issue. And so it may well be possible to read too much into the case of Kenyon F. Ballew. But because U.S. Treasury Department agents joined Montgomery County police in the raid on the Ballew apartment in Silver Spring last June 7, the federal government and, by implication, the Nixon administration, became a part of what might otherwise have been a routine raid and a part of the controversy over the methods and the manner of carrying it out. Not only have county authorities and a grand jury reported on the incident, but the Treasury Department and Secretary Connally have both weighed in with their judgments. So have Mrs. Ballew, who bitterly disputes the police version of events, and her husband's attorney, Mr. John F. Bonner, who has put down the Treasury report as a "complete white-wash."

Under the circumstances it is difficult even now to reconstruct the raid with certainty; although nine shots were fired inside the apartment (only one of them by Mr. Ballew) not even the police and the Treasury men agree on who fired first, and one account has it that Mr. Ballew's pistol discharged accidentally after he was hit. But the bare facts, not in dispute, are enough for our purpose, which is simply to try to find some humanity and some sense in this affair, to reconcile the performance of the law enforcers with the real threat to law and order presented by the Ballews.

The first fact, beyond any questioning, is that Mr. Ballew had an extraordinary collection of guns, hand grenades and other explosive weapons. And there is reason to think that he had assembled some part of his arsenal for practical purposes; the multiple locks on his front door confirmed his and his wife's anxiety about the security of the neighborhood. So it was not surprising, whether justified or not, that the Ballews should react with alarm and suspicion to any suspected intruder. And the commando force of police and Treasury agents which appeared at the Ballew back door was not such as to set one's mind at ease. Although armed with a search warrant, the T-men were in mufti and some of the police, sporting sideburns and mustaches, were dressed in shirts and dungarees; to Mrs. Ballew they looked like "racketeers" or "hippies" and while they observed the formalities of a command to open up, they waited no more than a minute before addressing themselves to the door with a battering ram.

For their part, Mr. Balew was in the bathtub and his wife had on only underpants; neither, in other words, was in a position, let alone of a mind, to rush to the door. Whether either one clearly heard the shouted identification of the authorities through the door is uncertain in any case; so Mr. Ballew went for the nearest of his guns. Perhaps he shouldn't have—it is hard to say. What is clear is that the raid was conducted largely on a tip from an unidentified informant whose reliability can only be attested to by the police and that it was carried out in a manner almost *calculated* to terrorize and thus to increase enormously the opportunity for mishap.

Or so it seems to us Montgomery County Executive James Gleason saw it "otherwise"; he couldn't think of "anything that could have been done differently." The grand jury did find some fault with the "search and seizure" procedures employed and recommended some specific tightening up. And the Treasury Department's report, somewhat more dispassionate, pointed to "several administrative and supervisory deficiencies" in the conduct of the raid and promised to correct them.

But Secretary Connally stoutly defended the raid as "legally proper under the circumstances" and the department, as if to back up the judgment that led it to act in the first place, was at pains to itemize the weapons haul from the raid and to report its recommendation that Mr. Ballew be prosecuted "should his physical condition permit."

Well, the doctors are not very optimistic on that last count; the odds are that Kenyon Ballew will not go to court—or to jail. The odds are, in fact, that he will be lucky to recover from the paralysis that now very nearly immobilizes him. Meanwhile, the medical bills have piled up to more than $10,000 and though his Pressmen's Union will pay up to $20,000, its resources are hardly limitless—and there is no end in sight.

But it was all "legally proper" and that is all that seems to matter to this administration, whether it is the Vietnam Veterans' right to camp on the Capitol grounds, or the holding of war protesters without charges, or the welfare entitlement of the poor, or the busing of black schoolchildren, or a paralyzed 28-year-old gun buff who was a little slow answering the door.

TRANQUILIZERS LARGEST DRUG CATEGORY IN NURSING HOMES

Mr. MOSS. Mr. President, some time ago Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, called upon Congress to investigate what he called the "dangerous use of tranquilizer drugs on elderly nursing home patients simply to pacify them." In pointing out the dangers of this practice he said:

Exclusive use of tranquilizers can quickly reduce an ambulatory patient to a zombie, confining the patient to a chair or bed, causing the patient's muscles to atrophy from inaction and causing general health to deteriorate quickly.

Conscientious doctors may use tranquilizer drugs in a carefully administered program to help genuinely disturbed patients. However, it appears that many doctors, who are less than conscientious, give blanket instructions to nursing home staffs for use of tranquilizer drugs on patients who do not need them.

Because of the seriousness of this problem, I have asked my Subcommittee on Long-Term Care of the Committee on Aging, to include this as one of the issues to be examined during the current series of hearings.

Regrettably, up until today we have had limited information as to how many and what kinds of drugs were given to nursing home patients. We have known for some time that the average patient gets about four medications a day and have a pretty firm estimate that the drug cost to patients in nursing homes is $25 per patient per month or $300 a year per patient. With about 900,000 patients

in nursing homes with drug costs of $300 a year, the total projected drug market for nursing homes is about $270 million per year.

It has also commonly been stated that the largest single category of nursing home drugs is tranquilizers, representing a market of $40 million a year, with the next largest category being sedatives and hypnotics at $27 million a year.

In an effort to obtain a little better statistical data, I have asked the General Accounting Office to do an audit of the drugs medicaid pays for in three States. The three States selected were Illinois, Ohio, and New Jersey, and GAO was given instructions to compute this information on the basis of 4 months during 1970. The Illinois portion of this report is now complete and it is quite revealing.

The total expenditures for the medicaid program in Illinois in 1970 was $200 million, with $22 million or 11 percent going for drugs.

The total cost of medicaid for drugs of nursing home patients in the months January, April, July, and October in Illinois was $1,160,467.16. Far and away the largest category of drugs paid for were central nervous system drugs, including tranquilizers, which represented 35 percent or $407,101.32 of this 4-month total of medicaid nursing home drugs. Tranquilizers accounted for $207,015.48 of this total with thorazine, $55,924.11; Mellaril, $53,526.50; and librium, $21,-351.37 leading the list.

As far as analgesics are concerned, Darvon compound, which contains aspirin and caffeine, leads the list with about a $59,491.90, Fiorinal with $16,636.09 and aspirin about $7,500 the third highest category.

These statistics certainly do not confirm or deny the allegations of oversedation or indiscriminate sedation of patients in nursing homes.

But it is significant that tranquilizers are the largest single category of drugs dispensed in nursing homes. This is true whether the measure is quantity dispensed or cost. Most common of these drugs are thorazine and Mellaril, both of which are antipsychotic compounds. According to ethical practice, they are prescribed for the acutely psychotic or the elderly chronic schizophrenic patient, that is, both recognized forms of mental illness. Additional use is perhaps indicated "for patients in acute stages of agitation from senile pyschosis or delirium when attempts to control them with minor tranquilizers have failed."

According to Dr. William B. Webb, Jr., of the Hospital of the University of Pennsylvania, "The Use of Psychopharmacological Drugs in the Aged," Geriatrics, June 1971, both of these drugs have the liability of hypotension. Paradoxical reactions characterized by a worsening of the agitated state secondary to reduced cerebral oxygenation, are not uncommon and extreme care must be exercised with the dosage levels employed.

Those who have been taking these drugs for a long period of time may develop jaundice, cataracts, skin changes, and permanent dyskinesias, and a few cases of sudden death presumably secondary to myocardial damage. According to Dr. Webb, these problems and the fact that old people seem to be especially vulnerable to other rare but serious side effects such as hepatic toxicity and blood dycrasias, have marketedly limited the usefulness of these drugs for the over-65 age group.

Even the lesser tranquilizers—that is, Librium, Valium, Miltown, Equanil—can produce dangerous side effects such as impaired memory and judgment, impaired motor behavior, including ataxia in coordination and muscular weakness not to mention the possibility of edema, skin eruptions, nausea, and constipation.

Since the elderly are particularly subject to detrimental side effects and disruptive sedative effects, good medical practice recommends that the use of these medications be strictly time limited and episodic and that they are used as an adjunct to getting at the causes of agitation.

In short, the use of these drugs is fraught with dangers and they must be carefully controlled. The large numbers of these drugs being administered to nursing home patients does tend to support an inference at least that nursing home patients are receiving them in excess. What remains to be established is who administers them, whether they are prescribed by physicians, and at what level for what period of time.

Even though thousands of former mental patients have been discharged to nursing homes I am sure that their number would not necessitate the extremely wide usage of the antipsychotic drugs thorazine and Mellaril. We cannot and will not tolerate the sedation of patients as a means of controlling them. The whole question of the flow of drugs through nursing homes, it seems to me, is in need of serious reevaluation. I look forward to the completed report from GAO reporting on the other States and to further evidence from the Committee on Aging.

Mr. President, I ask unanimous consent to have printed in the RECORD my news release and the GAO audit relating to medicaid drug purchases in the State of Illinois.

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

NEWS RELEASE FROM SENATOR FRANK E. MOSS, SEPT. 13, 1971

WASHINGTON, D.C.—U.S. Senator Frank E. Moss, Chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging today released a General Accounting Office Audit which documents that tranquilizers are far and away the largest category of nursing home drugs paid for by the Medicaid program.

"The study by the General Accounting Office result from the recurrent allegations received during hearings by my Subcommittee on Long-Term Care that nursing home patients are excessively tranquilized in nursing homes. While the GAO report itself does not confirm these allegations it documents that the Government is paying for an incredible volume of tranquilizers. The availability of these drugs in such large numbers does tend to support an inference that they are given without proper medical controls," said Senator Moss.

The audit conducted by the GAO at Senator Moss' request covers the State of Illinois, with similar audits of New Jersey and Ohio in progress. The GAO report indicates:

Total 1970 Medicaid expenses in Illinois $200 million with expenditures for drugs equaling $22 million or 11 percent.

Central nervous system drugs accounted for 35 percent of total nursing home drugs. Tranquilizers made up about 18 percent of this category.

The next highest categories were gastrointestinal drugs and anti-infective agents each with about 8 percent of the total.

Among tranquilizers the strongest items, Thorazine and Mellaril together accounted for over 50 percent of the drugs in this category.

The Senator, who plans further nursing home hearings in the near future, made this statement today on the Senate floor:

SCHEDULE I.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR DRUGS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Category	Prescriptions	
	Number	Amount
Antihistamine drugs	6,716	$21,328.43
Anti-infective agents	20,503	103,455.06
Antineoplastic agents	19	73.68
Autonomic drugs	11,045	44,794.87
Blood derivatives		
Blood formulation and coagulation	4,430	9 623.40
Cardiovascular drugs	28,689	81,836.37
Central nervous system drugs [1]	85,234	407,101.32
Diagnostic agents	146	228.34
Electrolytic, caloric, and water balance	24,636	96,896.38
Enzymes	302	2,288.26
Expectorants and cough preparations	3,884	8,842.61
Eye, ear, nose and throat preparations	761	1,572.71
Gastrointestinal drugs	32,650	108,458.43
Gold compounds		
Heavy metal antagonists		
Hormones and synthetic substitutes	13,852	62,212.44
Local anesthetics		
Oxytocics		
Radioactive agents		
Serums, toxoids and vaccines	3,429	10,056.74
Skin and mucous membrane preparations	7,167	24,794.98
Spasmolytic agents	3,228	10,398.80
Vitamins	29,929	84,984.09
Unclassified therapeutic agents	109	638.65
Other unclassified drugs [2]	19,104	85,774.24
Total	293,833	1,165,359.70

[1] This category, which includes tranquilizers, represented about 35 percent of drugs purchased on behalf of nursing home patients during the period.

[2] Includes drugs purchased under national formularies such as the National Formulary and U.S. Pharmacopeia; compounded prescriptions; specially approved drugs, and medical supplies (i.e., cotton, gauze, syringes and hypodermic needles).

SCHEDULE II.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR CENTRAL NERVOUS SYSTEM DRUGS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Category	Prescriptions	
	Number	Amount
Central nervous system drugs:		
General anesthetics		
Analgesics and antipyretics	23,666	$114,943.22
Narcotic antagonists		
Anticonvulsants	2,151	5,554.54
Psychotherapeutic agents		
Antidepressants	3,456	22,496.69
Tranquilizers	32,153	207,015.48
Other psychotherapeutic agents	186	1,367.55
Respiratory and cerebral stimulants	1,615	6,721.23
Sedatives and hypnotics	22,007	49,002.61
Total	85,234	407,101.32

SCHEDULE III.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR TRANQUILIZERS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of tranquilizer	Prescriptions	
	Number	Amount
Combid	323	$1,910.00
Compazine	1,179	5,313.91
Equagesic	189	1,423.81
Fluephenazine dihydrochloride	181	1,157.57
Haldol	258	2,178.01
Hydroxyzine	1,321	10,384.23
Librax	246	1,577.79
Librium	3,265	21,351.37
Mellaril	6,854	53,526.51
Meprobamate	1,738	7,346.58
erax	227	1,542.32
Sparine	2,164	15,006.00
Stelazine	1,100	8,059.72
Thorazine	10,146	55,924.11
Trancopal	19	115.28
Trilafon	895	6,038.73
Valium	1,901	13,270.28
Vesprin	147	889.26
Total	32,153	207,015.48

SCHEDULE IV.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR ANALGESICS AND ANTIPYRETICS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of drug	Prescriptions	
	Number	Amount
Acetaminophen	944	$2,687.44
Analgesic balm	105	111.94
A.P.C	291	314.98
Aspirin	237	279.28
Aspirin, buffered	539	797.14
Aspirin, enteric coated	2,276	6,449.56
Butazolidin	636	3,802.40
Codeine with aspirin, phenacetin and caffeine	1,104	3,079.14
Codeine phosphate	26	68.73
Colchicine	53	138.42
Crystoids	1	1.25
Darvon	1,790	9,087.60
Darvon compound	10,524	59,491.90
Darvon with A.S.A. (aspirin)	341	2,125.43
Demerol HCL	134	445.94
Dilaudid HCL	9	19.44
Fiorinal	236	709.36
Indocin	2,126	16,636.09
Leritine	5	16.42
Methadone HCL	6	16.26
Morphine sulfate	9	28.19
Pabalate	411	1,585.14
Pabalate—sodium free	844	3,579.33
Percodan	72	278.86
Sodium salicylate	637	1,620.97
Talwin	310	1,572.01
Total	23,666	114,943.22

SCHEDULE V.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR SEDATIVES AND HYPNOTICS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of drug	Prescriptions	
	Number	Amount
Amobarbital	277	$545.53
Amobarbital sodium	325	711.99
Butabarbital sodium	1,306	3,157.47
Chloral hydrate	6,141	15,294.31
Doriden	2,964	8,419.60
Pentobarbital sodium	2,187	3,643.83
Penobarbital	4,043	6,579.52
Placidyl	1,932	5,808.53
Secobarbital sodium	2,832	4,841.83
Total	22,007	49,002.61

ILLINOIS MEDICAID DRUG PROGRAM

Selected statistical information on Illinois' medicaid and intermediate care programs for calendar year 1970

	Jan. 1966
Medicaid program:	
Started 1970 expenditures:	
Amount (millions)	$200.6
Federal share (millions)	$100.3
Drugs:	
1970 expenditures:	
Amount (millions)	$22.2
Federal share (millions)	$11.1
Percent of total medicaid expenditures (millions)	$11.1
Nursing home care:	
Skilled nursing care:	
1970 expenditures:	
Amount (millions)	$5.3
Federal share (millions)	$2.7
Percent of total, medicaid expenditures (millions)	$2.6
Patient days of care paid for	598,349
Intermediate nursing care:	
1970 expenditures:	
Amount (millions)	$62.6
Federal share (millions)	$31.3
Patient days of care paid for	7,773,530

ILLINOIS MEDICAID DRUG PROGRAM

General definition of drug categories

Antihistamine drugs—Products used to alleviate the symptoms of hayfever, allergy, and the common cold.

Anti-infective agents—Products used in the treatment of bacterial and viral diseases.

Antineoplastic agents—Products used in the treatment of cancer.

Autonomic drugs—Products whose primary effect is on the nervous system and includes drugs used to treat abnormalities in smooth muscle tone and certain abnormal eye conditions.

Blood derivatives—Products used in blood replacement.

Blood formulation and coagulation—Products used to enhance formation of blood cell products and components, including the treatment of anemia.

Cardiovascular drugs—Products used to treat abnormal blood pressure, heart congestion, and cardiac insufficiency.

Central nervous system drugs—Products whose primary effect is on the brain and are used to excite, sedate, tranquilize, or relieve pain.

Diagnostic agents—Products used to diagnose diseases and in laboratory analysis.

Electrolytic, caloric, and water balance—Products used to restore water balance of body fluids. Also, products are used to help eliminate abnormal water retention in tissues.

Enzymes—Products derived from naturally occurring substances and are generally used to expedite or retard a natural body process. Frequently, these products are used to treat undesirable blood coagulation.

Expectorants and cough preparations—Products used to alleviate coughs and to breakup excessive sputum.

Eye, ear, nose, and throat preparations—Anti-infective, anti-inflammatories, and pain reducers used in treatment of eye, ear, nose, or throat disorders.

Gastrointestinal drugs—Drugs used to treat hyper-acidity of the stomach, diarrhea, nausea, and vomiting.

Gold compounds—Products containing gold and generally used in treatment of rheumatoid arthritis.

Heavy metal antagonists—Products used primarily to treat certain types of poisoning.

Hormones and synthetic substitutes—Products used to treat hormonal deficiencies, inflammations, diabetes, and thyroid conditions.

Local anesthetics—Preparations used for relieving pain on body surfaces, joints, and mucous membranes.

Oxytocics—Products used to control or induce uterine contractions.

Radioactive agents—Radioactive products used most frequently as diagnostic agents or tracers.

Serums, toxoids, and vaccines—Naturally occurring substances generally used to treat or prevent infection and to treat certain types of poison.

Skin and mucous membrane preparations—Products used to treat infections, inflammations, and itching of the skin.

Spasmolytics—Products which act largely on smooth muscle tissue in treating asthma and occasionally in treating gastrointestinal disorders.

Vitamins—Products used to supplement body enzymes.

Unclassified therapeutic agents—Products of naturally occurring substances which are not classified elsewhere.

INTERVIEW OF ADM. THOMAS H. MOORER

Mr. ALLEN. Mr. President, since the business now before the Senate is the military procurement bill, I invite attention to an interview published in the Christian Science Monitor of Thursday, September 9, between staff correspondent George W. Ashworth and Adm. Thomas H. Moorer, America's top military leader.

This interview, I feel, will be of great interest to other Senators and to the public. I ask unanimous consent that it be printed in the RECORD.

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

AN INTERVIEW WITH ADM. THOMAS H. MOORER

(By George W. Ashworth)

Q. Admiral Moorer, as you look at the long-range strategic picture, are you concerned particularly more than you were last year, or are things turning out pretty much as you thought they would?

A. Well, let's put it this way, there's nothing happened to lessen my concern; and there's no question about the fact, as I testified in Congress, that the Soviets are going ahead with a momentum leading to a significant expansion of their strategic forces.

This is true not only in land-base forces, but also in their nuclear-powered missile-firing submarine program in which they are building about eight a year.

I never have been one to look at naval forces in terms of balance on the basis of 1 for 1. Just because we have 41 missile submarines, there is no reason why the Soviets must have exactly 41. One should look at these forces in the context of what else you have, and what the overall system can do.

But, nevertheless, eight per year is the current building rate. In the next two or three years, they certainly could equal our current inventory, and there's nothing to indicate that they would even stop at that point.

They will build whatever is necessary to meet what *they* consider to be their requirements, not what *we* consider to be their requirements.

Q. There seems to be interest now in moving ahead with EXPO, the extended-range Poseidon missile submarine, at the expense

of ULMS, the new generation of submarines being thought of to eventually supplant Poseidon. Is this shift just for reasons of economy?

A. Well, EXPO is nothing more than a conversion using the basic Polaris submarine. It envisions a missile with substantially more capability than the Poseidon. Consequently, it would be an interim improvement, whereas the ULMS is a modernization—the long-range program to ultimately replace the Polaris basic launching platform.

Q. As you look down the road, sir, and see the prospect of going to ULMS and going to a new bomber possibly and building other new systems, is your concern one of largely replacing equipment that will become obsolete or of meeting a bigger threat? Do we need a bomber, in your view, because we're falling short in one strategic area, or do we just need it because the B–52's are getting very old and may start falling apart?

A. I think the answer to several of those questions is yes. I think that the B–52 is getting old and I think it would be imprudent not to move ahead with the development of the new bomber because I think that certainly one cannot by edict stop technical advancements. There are going to be these developments in every category of technology and the Soviets, of course, apparently feel the same way; they're building a new swing-wing bomber.

I just think that the lead time in these various fields is so long and it's so difficult to start from scratch, that unless we maintain this modernization effort we're apt to get caught with what I call a technological surprise. Then we'll be in real difficulty.

Q. Where are we going now in terms of strategic forces? Are we going to end up with a greater share of them based at sea?

A. I think that there's no question about it that the sea-based system is relatively invulnerable and for this reason provides a stability to the deterrence, because it's impossible to pretarget and destroy.

Going back to your term of first strike, there's no such thing as a first strike against a sea-based system because it's practically impossible to target all the submarines and knock them all out instantaneously. Consequently, this makes them a deterrent force in the mind of the other side. No matter what preemptive action the enemy might choose to take, he's going to suffer a very heavy attack.

Now, at the same time, I think this business of deterrence in avoiding nuclear war is so important that there must be redundancy, you might say, in the systems and that's when you come to the TRIAD concept of having a mixed strategic force of land- and sea-based systems.

In addition to that, so far as the B–1 bomber is concerned, a country such as the United States simply *must* maintain a first-class heavy bomber, in my opinion. Because there are, of course, many, many uses for it in addition to the ones normally thought of, namely the delivery of nuclear weapons.

Q. Do you see impact already among our Asian allies and friends of the administration's latest China move—there seems to be some concern in Southeast Asia, Australia, New Zealand, and elsewhere.

A. I haven't noted any specifically expressed concern. Naturally, there are questions raised in the minds of the Chinese Nationalists which are understandable. I think that you are witnessing in the 1970's worldwide changes.

The Chinese Communists, for instance, are moving out in the development of heavy industry. They now can build more airplanes than they have in the past; they're building ships and submarines that they didn't build in the past; they have satellites airborne; and they are working, naturally, on their nuclear capability.

So they're no longer dependent on the Soviets for production of sophisticated equipment. This throws a little different light on the subject.

In addition to China you see changes throughout the world, changes with respect to what the Soviets are doing, for instance, in terms of establishing a worldwide presence by expanding their Navy and their merchant marine.

So, I think—and I've said this many times previously—the decade of the '70's is going to witness some very significant changes throughout the world . . . in economic and political terms as well as from a military point of view.

President Nixon has moved out with the Nixon doctrine; the effort here is to achieve peace through negotiation from strength and through partnership, and I think that we have more negotiations going now than we've had for some time.

If you take a look, you will note activity with respect to China, the law of the sea discussions, balanced mutual force reductions, strategic arms-limitation talks, the Middle East, Berlin, etc. You will see that all these things are alive that were dormant two or three years ago. This is why I say there are bound to be changes coming out of these discussions.

Q. In a military sense, where will it all lead us by the end of the decade? Will we need our military as much then as now?

A. Well . . . certainly our record speaks for itself in terms of what we have done to provide aid of all types, even to our enemies, subsequent to a war. The effort we've made throughout the world to conduct humanitarian-type operations are monumental. Anytime there is a flood or a fire, or a famine you will find the United States right on the spot.

The nations of the world look up to the United States. We are certainly a world leader. Consequently, the only way one can maintain peace, in my view, is to maintain strength. I don't think you can have what some people call diplomatic credibility when you start negotiations if you don't have strength. In other words, the way to have peace is to have strength.

Look at this century. Look what happened in World War I. Look what happened just before World War II, when we passed the draft law by only one vote. This was noted by the Japanese. It was one of the factors which they used to measure this national will I was telling you about.

And we had, as I recall, an Army exercise down in Louisiana where the soldiers were using wooden guns. And I was shot down in an airplane, myself, in February, 1942, that was far inferior to those our allies as well as our enemies were flying. It was a cheap and simple airplane and it was a death trap.

That experience is the reason I react a bit when I hear so often: "Why don't you buy something cheap and simple?" Well, when that happens, I take my questioner over here and show him this ship (a model in his office).

It is cheap and simple. It has two catapults using human hair and 14-pound rocks. The crewmen stood up on the foretop and they had these little clay containers full of poison snakes that they heaved over the side when the other ships came along. Then out of the very bow there, they installed Greek fire and the ship was propelled by a hundred oarsmen. That's cheap and simple.

I was telling someone the other day—if you want to get a simple and cheap ship, there it is, right there. All you've got to do is sign for it.

But this goes back to what I was telling you about modernization and continuing technological progress because that way you really get taken, you know. It has happened with the tank, for instance, in World War I. The Japanese Zero was partially a technological surprise when we first got into World War II. You can't play catch up ball after the war starts, particularly in 1975 technology.

Q. Should there be particular concentrations of efforts with budgets becoming tighter? There must be hard decisions for things you care about more than other things. Forced into making some choices, what do you care about most as you look ahead?

A. Well, I think first and foremost is the objective to deter a nuclear war—that happens to be the No. 1 objective. However, the situation is becoming such that nuclear war is becoming more and more unlikely, although this may change in the future when other countries choose to build a nuclear capability.

Consequently, if conflicts occur they are most likely to be of the conventional variety so far as the United States is concerned.

You've also got to bear in mind that we have a manpower problem. The cost of manpower is going up in our country—not just military manpower but all manpower. This means we must have mobile forces, ready forces, and we've got to exploit technology to provide more firepower per man—and this will be expensive.

If you're going to go for the cheap and the simple then you can only compensate by great hordes of manpower. But we can't afford to do that, and we mustn't try. Therefore, and this is my personal view, we must press ahead technologically so that we can have maximum firepower and maximum mobility.

There are many aspects to this. . . . There are many things you can do to save manpower in terms of a simple thing like maintenance of radars and equipment. We can make these systems much simpler to maintain. Where it has taken three or four men, we can design equipment so it only takes one. There are many other things we can do. Saving manpower by better designs is just one approach.

Q. Will we get so sophisticated that a small force will maintain a great military establishment?

A. I think that we're taking advantage of the great technical competence in this country. We certainly can build and maintain a ready force with adequate capability to move around—be mobile enough to protect the interests of the United States.

Q. How much will this cost—about what the budget is now with inflation or will it have to cost more than we're spending now?

A. Well, I think it wouldn't cost any less I won't hold out any hope for it to be cheap. One of the problems we're facing right now is that because during the peak of the Vietnam war in '68 and '69 we were to buy for attrition and not for modernization. Those were the instructions. The net effect of that has been to slow down modernization—this has been particularly tight on the Air Force and Navy.

Q. Do you have a final thought on this? Is there something you would have liked to have said and passed by?

A. The point I try to make all the time is that the most important ingredient in the security of this country is the will of the American people. They must want security, they must want to compete, they must want to be No. 1, if we are going to continue to contribute to the well-being of our fellowman as we have in the past—and at the same time discharge the responsibilities we have as a great and democratic nation.

It disturbes me to see people shy away from this because it is a tendency that is developing and it is contrary to the principles on which we've built this country. I worry about this with respect to the young people. In many cases their tendency is to

avoid competition. I think that is bad in any field. I'm not just talking about in the military. We must maintain a burning desire to excel.

IDAHO NEWSPAPERS PRAISE LEN B. JORDAN

Mr. CHURCH. Mr. President, 3 weeks ago my colleague from Idaho, LEN JORDAN, announced that at the end of his present term he will retire from the Senate. The announcement sent shockwaves through the Idaho political world, for many had expected Senator JORDAN to seek reelection to another term.

My own reaction was one of regret, as I said at the time. Although we belong to different parties, partisan differences have never come between our friendship or determination to work together for the good of Idaho. LEN JORDAN is all one could ask for in a colleague, and although I understand and respect his decision to retire, it saddens me nonetheless.

Mr. President, it is a recognition of LEN JORDAN'S integrity that even those who differ with him on the issues accord to him the respect he deserves. Bill Hall, an editor of the Lewiston Morning Tribune—an outspokenly liberal newspaper—summed this up well in an editorial the day following Senator JORDAN'S announcement of retirement:

It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions . . . perhaps part of the reason it is true with JORDAN is that men of character and fairness also bring out the best in their critics.

Mr. President, I ask unanimous consent that a representative sampling of the editorial tribute paid to Senator JORDAN since his announcement be printed in the RECORD.

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

[From the Lewiston (Idaho) Morning Tribune, Aug. 25, 1971]

JORDAN WILL NOT SEEK ANOTHER SENATE TERM

BOISE, IDAHO.—Sen. Len B. Jordan, R-Idaho, announced Tuesday he will not seek another term in 1972.

His announcement touched off a flood of speculation regarding potential candidates for his seat.

Jordan, 72, a 10-year veteran of the Senate and former Idaho governor, told a news conference he believes "it is a good time to step down when one has a fair chance for one more term. I believe I am still electable."

He said he had given his decision "careful thought."

"I believe there is no greater legislative challenge in the world than service in the United States Senate," he said. "All I have ever wanted in politics is to be a good public servant."

SUCCEEDED DWORSHAK

He was governor from 1951–1955 and was appointed senator in August, 1962, filling the vacancy caused by the death of Sen. Henry C. Dworshak, also a Republican.

The following November, Jordan was elected to the four years remaining of Dworshak's term and then was re-elected to a six-year term in 1966.

"Up to now," Jordan said, "I have said that an incumbent should be considered a candidate for re-election until he states otherwise.

"The 1972 election is a little more than 14 months away. In fairness to some aspirants who may have been waiting for a decision from me, I now declare that I will not be a candidate for re-election to the Senate in 1971."

Asked if he had any thoughts as to his successor, Jordan replied, "Oh, my, no."

He added, "All residents of Idaho who are over 30 years of age are eligible."

Roland Wilber of Lewiston, Republican state chairman, said Jordan's announcement came as "a genuine surprise."

In a statement, Wilber said there are a number of prospective Republican candidates to succeed Jordan, adding:

"I am sure the entire Republican party will unite behind whomever is the party's nominee."

Rep. James A. McClure, R-Idaho, serving his third term from the 1st Congressional District, said he is "definitely interested" in the job.

But he said he will talk with party leaders "before I begin to arrive at any sort of conclusion."

McClure, who was in Alaska, added in a statement released by his Boise office that the Republican party "must avoid the kind of bloodletting in the primary that would make the nomination itself meaningless."

SMYLIE PRESENT

Robert E. Smylie, who served three four-year terms as governor, was present at Jordan's news conference.

He said he has "no plans at all" at the moment, but added he was "certainly" interested in seeking the seat.

Other Republicans considered potential candidates include former congressman George Hansen, State Sen. Wayne Kidwell of Boise, former state legislator F. W. Bergeson of Pocatello, Robert V. Hansberger, president of Boise Cascade Corp.; former legislator W. D. Eberle, now a New York business executive, and former Gov. Don W. Samuelson.

Lt. Gov. Jack Murphy said that although his future political plans are not certain "the possibility of running for the United States Senate has not been excluded."

Bergeson, whose backers had lined up a campaign organization several weeks ago, commented "for a long time I've had expressions of support prior to Sen. Jordan's announcement. I think his announcement is somewhat of a surprise and since he'd been a dedicated servant to the state, all would have been reluctant to oppose him."

"Now that he has made the announcement to retire," Bergeson added, "it remains to be seen as to the alignment of support to various potential candidates."

WILLIAMS INTERESTED

Edward V. Williams, a former state legislator who is administrative assistant to Gov. Cecil D. Andrus, acknowledged he is a potential aspirant but said "I'll have to give it some thought" before making a decision.

Both State Rep. Vernon Ravenscroft of Tuttle and Lloyd Walker of Twin Falls, unsuccessful candidate for governor last year, are regarded as possible Democratic aspirants for the senate seat. Former congressman Compton I. White also is a possibility.

Sen. Frank Church, Democrat colleague of Jordan throughout the latter's service, said, "I regret very much his decision to retire."

"As a colleague," Church said, "Sen. Jordan has been all a man could ask for. He and I have consistently worked as a team without regard to partisanship in promoting Idaho's best interests in the Senate."

[From the Lewiston (Idaho) Morning Tribune, Aug. 25, 1971]

JORDAN LIVED UP TO HIS SLOGAN

Idaho Sen. Len B. Jordan became secretly outraged at the style and quality of Gov. Don Samuelson's brief administration, so he may never forgive us for the following comment. Just the same, the most honest way to sum up the marvelous metamorphosis of Governor Jordan into Citizen Jordan into Senator Jordan is to say it's quite a bit like hearing 20 years from now that Samuelson is retiring from the Senate amid the general belief that he has been a distinguished, able and progressive standout in that office.

It is nearly as remarkable that Jordan is stepping down from the Senate amid the widespread and bipartisan belief that he is among the best half dozen men Idaho has ever sent to the greatest legislative body in the world.

Jordan was one of the most narrow, parochial and backward governors in this century. His passion for false economy damaged several operations of the state government, not the least of which was the most important—education.

So it seemed ludicrous to many when, in his first campaign for the Senate, his billboards boasted that he would "stand tall in Washington."

Oddly enough, the grandiose claim came true—not in the sense that he became a presidential contender, but in the most important way of all: Len B. Jordan of Idaho has become one of the most respected members of the most respected legislative body in the world. He is regarded by his colleagues—most especially including his fellow Idahoan, Democratic Sen. Frank Church—as one of the most devoted, independent, morally courageous and honest members of that body. Principle looms larger than party. Generally conservative, he is not blindly conservative. He does not give his word lightly and keeps it once he does. He respects honest differences of opinion and never, never questions the patriotism of those who disagree, as some of his colleagues are inclined to do. He uses his mind instead of his label to decide which way his vote will go.

It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions. That is not true of all members of the Senate, and perhaps part of the reason it is true with Jordan is that men of character and fairness also bring out the best in their critics.

The two rashest slogans ever made in an Idaho Senate campaign were young Church's first billboard bragging that Idaho would be proud of him in the U.S. Senate and Jordan's then-silly claim that he would stand tall.

Jordan's decision to retire and break up the best Senate team in this state's history is all the more regrettable because both boasts came true.—B.H.

[From the Idaho Falls Post-Register, Sept. 1, 1971]

JORDAN REFLECTS ON RETIREMENT

(By Chris Carlson)

WASHINGTON.—Sen. Len B. Jordan, R.-Idaho, is first and foremost a competitor. Paradoxical as it seems, Jordan's competitive sense played a prominent role in his recent decision to retire from the Senate in 1972, though he easily could have been re-elected.

"I like a good scrap. I've never run from anything," Jordan said in a recent interview, and immediately began talking about the Middle Snake. Almost lost among the speculation of who is going to succeed Jordan, was a statement made on the same day in Boise about the Middle Snake.

In the statement, Jordan tore into Sen. Bob Packwood, R.-Ore., Snake National River Bill on which hearings will be held Sept. 16 and 17 before the Senate Interior Committee. Jordan acknowledged that announcing his retirement frees him to concentrate on getting the Snake River moratorium passed.

In short, Jordan's statement of renewed support for the Snake River moratorium was tantamount to a polite declaration of hostility against Packwood and his bill, and for the next 14 months, Jordan will concentrate

all of his considerable energies on this one last "scrap."

Another factor in Jordan's decision to retire was the example of Sen. John Williams, R.-Del., who retired in 1970. Williams was one of Jordan's closest friends, but the crusty Delaware senator has always been an advocate of senators retiring when they reached their 70's. Despite having been in the Senate since 1946, Williams stuck to his words.

"I truly tried to talk him out of retiring because the Senate needs men like him," Jordan said. "The time to step aside is when you're on top, and John Williams is the example" Jordan added.

GIVES VIEWS

"I've never crowded my credit to its limits, and I've never wanted to crowd my political fortune to the point where a next term was likely to be the last," the former governor said, and pointed out that such crowding can make one a "lame duck" for six years.

Even this factor, though, is an aspect of Jordan's competitive spirit. "I've been independent since I was 16 and I've always been a competitor even when I was in high school," Jordan graduated in 1915 from the Enterprise (Ore.) high school, and after serving in World War I as a 2nd Lt. at the age of 19, he enrolled at the University of Oregon, where, despite working and playing football, he graduated Phi Beta Kappa in 1923.

Competitors who excel, as Jordan has, always do want to go out while still ahead.

Two other factors which Jordan did not reveal at his press conference, were his desire to do something else, and the long-term best interests of his constituents.

FUTURE PLANS

There's much I still want to do without the 10 to 12 hours a day demand the Senate places on my time," Jordan said. He wouldn't elaborate, but he hinted his future plans might include a book—on the Middle Snake, of course.

Jordan also said he had been looking at the future from his constituents' point of view. "No one knows what the future holds. My constituents are entitled to full efficiency, and while I've never felt that I was impaired in any way, I recognized the possibility something could happen."

Though there were numerous factors in Jordan's almost unprecedented (for Idaho) decision, the dominant factor appears to be his strong feelings on the Middle Snake, the months ahead should see Jordan at his peak, in the midst of a fight for what he thinks is best for the Snake, and best for Idaho.

[From the Idaho Statesman, Aug. 29, 1971]

IN OUR OPINION—JORDAN HAS EARNED RIGHT TO RETIRE

Len B. Jordan has chosen to retire from the Senate at a time when his effectiveness and his stature are at a peak. Had he chosen to run, he would richly deserve re-election and would have undoubtedly won it.

After a career of public service that has spanned more than two decades, including 10 years of hard work in the Senate, he has earned the right to make such a choice. Idaho will lose an exceptional senator, but it would be unfair to second-guess his decision.

Few office holders bow out in such circumstances. Senator Jordan will apparently be the first senator in Idaho history to do so. It's something like the boxing champion who retires undefeated.

While he was a capable governor, his service in that office is overshadowed by his performance in the Senate. He has grown with the years.

Jordan has teamed with Sen. Frank Church on resource issues to give Idaho an extremely effective combination. The 10-year moratorium on studies of Northwest water diversion is one good example of their achievements.

As governor Jordan proposed the closing of teacher colleges at Albion and Lewiston, on grounds the state couldn't afford them. He weathered the political storm that followed.

In the Senate he has demonstrated the same courage and independence. Despite intense pressure from the administration, he voted his convictions on the Haynsworth nomination to the Supreme Court. He opposed the supersonic transport.

Jordan has been basically but not blindly conservative. A western senator concerned with western resources, he has been sympathetic to urban problems. He responded to the tide of concern about environmental degradation.

He is the kind of man that people like and respect, even when they disagree. Jordan has an abundance of friends in both political parties.

In a speech to a graduating class at Twin Falls last spring Jordan spoke of the threats "of an unwise and destructive war, of domestic violence, of poverty, of pollution and of overpopulation." He asked his young audience to rekindle traditional values, "compassion and understanding; tolerance and justice; faith and truth. And, yes, peace." He told them that a person cannot save himself, but only give himself. And he concluded with a quotation from Thomas Wolfe:

"To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America."

The gentleman from the Hells Canyon country made good on his opportunities, and has given the people of Idaho exceptional service.

[From The Idaho Falls Post-Register, Aug. 29, 1971]

THE EDITOR'S NOTEBOOK—SENATOR JORDAN'S CALM BALANCE

Senator Len B. Jordan of Idaho is a dedicated public servant who has grown in his decision-making stature with each plateau of responsibility. His decision not to seek another term leaves a political vacuum which will be difficult to fill in the way this balanced Senator has met his Congressional deliberations.

While he has supported the Republican administration consistently, his flexibility and independence on key issues is reflected in some of his opposition to administration-espoused programs—like the SST. He was loyal party supporter but reserved his own sanctuary of judgment where his own attitude and research saw things differently.

Senator Jordan was probably among a half dozen in the entire Congress who brought a penetrating experience to water development programs. He served on the United States-Canadian commission which adjudicated and blueprinted water development policies for the two nations in connection with the Columbia and related rivers of the Northwest and southwest Canada. He was a rancher who used water, knew the soil, and had intimate contact throughout his life with water problems. This kind of experience motivated his support of the seven-year moratorium on the Middle Snake River. The one option he particularly wanted to leave open was the eventual potential of a staircase series of irrigation dams in that river which could provide water to a vast area in Southwest Idaho. While the engineering feasibility of this plan has not yet been completely examined, the Senator felt it was sufficiently potential to warrant any foreclosure against its eventuality by a single purpose hydroelectric dam on the Middle Snake. The moratorium, in our opinion, has other values as well.

He was also a dogged supporter of atomic energy development and stepped aside from an appointment to the Joint Congressional Committee on Atomic Energy so that his junior colleague in the House, Cong. Orval Hansen, could assume that pivotal seat. Congressman Hansen had for some time as well, pursued an intensive interest in atomic energy.

He opposed those conservationists who had been obstructing atomic power development and called upon conservationists in Idaho to persuade the downstream atomic power dissidents "with the facts."

While not labeled a sensitive environmentalist, he supported environmental programs nationally. In his own state, he went along with a Congressional delegation agreement on advancing a park or a wilderness as well as NRA in the Sawtooth country, in last year's delegation proposal. Conservationists would like to have seen him more active in siding with with them on wilderness issues. Some he did and some he didn't.

As a lifetime rancher, prior to his political days, he addressed himself to agricultural problems and brought a special knowledge to Congressional deliberations.

He was a close collaborator with Senator Frank Church in programs which he felt was in the best interests of his state and nation . . . in fact a consistent number of programs. Because of his party faithfulness, he spoke on behalf of Sen. Church's opponents in the last term which Sen. Church won handily—but those close to him were convinced that this was done half-heartedly at best.

He was an astute researcher in government financing matters and could accept the "big picture" on the impact of international diplomacy on import tariffs. But, essentially, Sen. Jordan was a constituent-senator. He listened to Idaho's many voices assiduously . . . although, in rare cases, he departed from what might have been a majority posture at home if he felt he had more and better information in his office.

As a member of the nation's Public Land Law Review Commission, he helped formulate a sweeping new prescription for management of the public lands. The "dominant use" theory which became a hallmark of the commission's final report, had its critics, including this newspaper, but there is much in the report which will bring vitally needed changes in public land management practices. His selection for the commission profiles the land-specialist stature he enjoyed in the Congress.

Sen. Jordan was a big and broad man . . . broad enough to sense and absorb the changing times and yet traditional enough to preserve what he felt was precious in the American heritage. Like few do, he learned and grew in the respect and acceptance of his colleagues as well as his fellow Idahoans.

[From the Emmett (Idaho) Messenger-Index, Aug. 26, 1971]

WITH GREAT AFFECTION

Sen. Len Jordan was typically in character this week when he announced that he will not be a candidate for re-election next year, especially so since it had been assumed within both political parties that he would be a candidate.

Always thoughtful and considerate of the people and dedicated to the best for his state, Senator Jordan by his timely and forthright announcement provides the most favorable climate for full consideration of a successor. There of course will be a mad scramble and much political jockeying for the U.S. Senate seat, but Senator Jordan is giving the people of Idaho a full 14 months to make a wise decision.

Jordan is secure in the affection and respect of the people of his state; but before the scramble for his seat becomes too hectic, It is appropriate to reflect on the quality of

his character through four years as Governor and what will be 10 years in the U.S. Senate.

For the character of his service is noteworthy. It is constant, predictable, and straightforward.

Jordan will never be tagged as a brilliant politician. He is seldom blessed with that rare insight which permits a few men to see clearly far into the future. The case work of his Washington office in responding to the individual concerns of his constituents has never been outstanding.

But Jordan has applied his own impeccable character as a thorough gentleman to a public service career that never has permitted a question of integrity, and which is both adequate and constructive. At the same time he has remained flexible enough to recognize the validity of such new concerns as the increasing degradation of the human environment.

As a "lame-duck" Senator through the rest of this year and all of next year, he will be as constant and as effective as he has been in the past.

Senator Jordan was 72 years old last May 15. With great affection Idaho wishes him long life and continued good health.

[From the Lewiston (Idaho) Morning Tribune, Aug. 28, 1971]

THE POLITICAL SCENE—WHY JORDAN WON'T RUN AGAIN

(By Bill Hall)

Why would Sen. Len B. Jordan—apparently in good health for his age and facing easy and almost certain re-election next year—announce that he is quitting the Senate after this term?

And why especially when, until a couple of months ago—if the signs were accurate—the senator had virtually decided to go for another six years in the Senate? Why the sudden change of heart?

I'm convinced it was a change of heart, Jordan was undoubtedly sincere in his oft-repeated statement that he would cross the re-election bridge when he came to it. So he had kept his mind somewhat open all along. But every indication the past six months was that—barring the unexpected—he was intent upon announcing for re-election.

STANDARD

First, there was his standard answer to reporters in the spring and summer. He counseled the press that unless an incumbent says he won't run for re-election, you should assume that he will. As the clincher, he would add that he hadn't said he wouldn't seek re-election.

It amounted to his informal declaration of candidacy—his signal to supporters and potential opponents alike—that they should be prepared for a Jordan campaign. The official declaration of candidacy awaited only the dispatching of the obligatory press release and new photograph to reporters around the state.

The behind-the-scenes signs also pointed to a re-election effort. Sources close to the senator said last spring that his Washington office was beginning to map out a campaign.

There were other indications. During an early summer visit to north Idaho, an admirer of the senator—concerned at one of Jordan's weak points with the electorate in this region—took him aside and suggested a tactic that would heal an old wound with some of the north Idaho voters.

TACTIC

The senator said he agreed with the tactic and would use it in the campaign.

Jordan is usually a direct, rather than a coy, politician. He either keeps his peace or says what he means. So it is doubtful that all the indications of another try for six years were cute diversionary tactics designed to throw everyone off.

Besides, cute tactics are normally used to keep the press and people guessing about a campaign that has definitely been decided upon—not to obscure a decision to retire. A retiring senator has no need for tactics; he is pulling out of the wars and need not concern himself any longer with feinting and plotting.

So everything points to a last-minute change of mind. But what caused it?

Perhaps we shall never know. But conversations this past week with Jordan friends and with long-term Jordan watchers have provided a few hints:

ANOTHER ORDEAL

While it is probable that the senator had virtually decided to seek re-election some months ago, his heart wasn't fully in the enterprise. The seeds of reversing the decision were present throughout the early weeks when he was beginning to put together still another effort.

First, there was an arduous campaign to dread. As a virtual shoo-in, he would not have to work as hard as most. But it would be characteristic of Jordan to feel obliged to knock himself out. He believes deeply in our system. That means a belief in the adversary process—in sending two candidates of opposing views before the people as a way of helping the people decide for themselves which path to follow. A non-campaign between a lead-pipe cinch and an also-ran would not fulfill that obligation to the people and to their system.

Jordan no longer had the strength to wage a vigorous campaign. The last one almost did him in.

Election campaigns are difficult for any major contender, but they are so much worse for members of Congress. A campaign lasts a year or more. It means spending most weekends on an airplane between Washington and distant Idaho, on top of the ordeal when you get there.

Jordan does not travel well. Trans-continental travel can be tiring to anyone, but he could never seem to get his time clock readjusted. During the 1966 campaign, he would wake up at 4 a.m. Idaho time and wander around the hotel until the hands that needed shaking were out of bed. And he was expected to remain in contact with those hands until midnight.

He looked gray and exhausted and terrible during that campaign. His staff—and presumably his family—were worried about him. Six years older it could only be worse.

And even if he did opt for the pillow fight—for the minimum campaign against an easy opponent—the minimum is plenty. Even those who are not in hot pursuit of an office must keep up appearances. That means dozens of fund-raising dinners with occasional rodeos and county fairs thrown in.

So one explanation is that Jordan is physically tired and dreaded the inevitable exhaustion of the year ahead. He said in his announcement last week that health was not his reason for retiring. But concern over what campaign would do to his health was probably instrumental in the decision.

There are also indications that Jordan has become emotionally tired.

SADDENED

First, he has been saddened by the course of events in this country. One friend reported that the senator walked among the participants in one Washington anti-war demonstration and saw, not the expected gathering of freaks, but mostly older middle-class straights with whom he could identify. Coupled with his own misgivings on the war and social concerns, the sight was shocking. It took some of the heart out of him.

At another point he declined further service on a Senate committee that had some responsibility for the space program. Three astronauts, practicing on a launchpad, died in a swift and horrible fire. He said he couldn't sleep nights worrying about what would happen to the nation's morale if the astronauts then scheduled to be first on the moon died up there through some technical oversight. The thought of the deaths of those "fine young men" and what it could do to America preyed on him.

He left the committee.

Another friend and long-term observer of the senator noted that Jordan now finds criticism more painful, that he has—critics might say—become too thin-skinned.

"He's a sensitive and proud man," said the friend, "and he suffers the back-biting with less patience than most."

That may be because of the unaccustomed source of some criticism in recent years—the right wing of his own party.

INDEPENDENT

Jordan became increasingly independent of labels and ancient alliances as he hit his stride as a senator and began to feel more keenly the responsibilities of his office. His widening, youthful conscience came to dominate his voting. The results frequently disappointed and angered those who felt he was straying too often from natural factional ties.

So they attacked him, more viciously in private communications than they dared to in public. And, as any tired old liberal—attacked and doubted these past few years by the New Left—can tell you, criticism hurts more deeply when dished out by your own kind.

A conservative Republican senator can almost relish the assaults of liberal and Democratic critics. But when his brothers turn on him—especially when they fail to understand that he is trying to make them proud by rising above the mundane moves of the common, partisan herd—well that is the unkindest cut of all.

Everything combined—the fatigue, the hurt and the confusion over the troubled soul of America that all old warriors feel today during lonely attacks of nostalgia—probably went into the decision.

NOT ALONE

Significantly, the decision was not Jordan's alone. He left it with those who love him most—his proud family. And, into their decision he injected one final element—his concern that he himself had been very unsuccessfully attacked by a mugger and that Mrs. Jordan was afraid to venture alone into the street outside their home.

Mrs. Jordan, still willing to stand by him, is reported to have abstained from the decision by the family.

But the senator said the consensus was "that Dad should retire."

And so he shall.

Though he is the first in Idaho history to voluntarily leave the Senate, the choice was rather simple.

He could continue to run for the Senate until he became one of those stumbling, mumbling, pathetic old creatures who usually just exist, sometimes stifle, but rarely contribute.

Or he could retire at the zenith, the recognized, thoroughly respected and unbeaten champ.

And the second course offered him a chance to advance one rung higher in his career—to become a full-time grandfather living in, rather than merely representing, a wondrous place called Idaho.

MAINTAIN THE IMPORT SURCHARGE

Mr. FANNIN. Mr. President, President Nixon's bold attack on the great problems in international trade already has achieved one of its most important ob-

jectives. It has shaken the major trading nations of the world, forcing them to face the realities of the 1970's.

For more than a decade the currencies of certain major trading partners have been undervalued and in the last few years the deterioration of American competitiveness has accelerated. The American Government, without success, had been putting strong pressure on our trading partners to reform the international monetary system and to appreciate their currency as a move toward economic parity. Hence, the action by the President to suspend gold payments and let the dollar find its proper exchange rate in the money markets will force our trading partners to devise a new world financial system capable of meeting the present day requirements of international trade. Further, the imposition of an indefinite 10 percent or more import surcharge should provide the impetus to encourage our trading partners to revise or supplant certain unfair provisions of the General Agreement on Tariffs and Trade—GATT.

The import surcharge should be maintained until our major trading partners halt unfair practices which have allowed them to flood the U.S. market while keeping American products out of their home markets.

As presently constituted, the GATT is not a guide to fair trade. Many of its rules are inequitable and outdated. It was written at a time when the United States held a virtual monopoly over production and trade and when the rest of the world suffered from an acute shortage of dollars. Today, trade is increasingly becoming a movement of goods within an international business complex. The drafters of GATT obviously did not foresee the postwar economic and structural changes. World conditions have changed sufficiently to mandate a new look at GATT.

Mr. President, I have heard unenlightened quotations that the import surcharge is a throwback to Smoot-Hawley, that it will cause a trade war, that our trading partners will retaliate, and as our exports are only just over 4 percent of the gross national product, we should not be concerned with import regulations of other nations.

As I have stated before, a trade war is not coming—it is here and we have been losing it along with the loss of hundreds of thousands of jobs. Further, the suggestion of retaliation obviously ignores the existing situation. Our trading partners do not need to retaliate—their current trade practices are all they need to win the battle of international trade.

The final argument regarding the small proportion of exports to gross national product is precisely why our major trading partners must finally agree to work out an equitable system to conduct foreign trade. Their ratio of exports to GNP is significantly higher than ours and it is in their economic self-interest to institute a program whereby we can begin to receive some semblance of reciprocity.

Mr. President, there have also been curious expressions of concern over the "buy American" provision of the proposal to reinstate the investment credit. Under this proposal, American companies will get an investment tax credit for refurbishing their plants with new capital equipment, but they will get no tax break if they use imported equipment.

This seems fair enough to me, especially when considering the policies of our major trading partners regarding some types of heavy equipment manufactured in their countries. For example, let us look at the situation involving heavy electrical equipment, through the use of discriminatory pricing, foreign manufacturers have obtained a substantial volume of U.S. public and private contracts. In contrast to the U.S. industry, most foreign manufacturers currently enjoy home markets which are insulated from foreign competition. A typical contract abroad would involve a Government agency or Government controlled entity which purchases exclusively from domestic manufacturers.

This policy, eliminating foreign competition, enables their manufacturers to maintain a high home market price and sell their excess capacity abroad at sharply reduced prices which in many instances violates our domestic grade laws. Thus, Mr. President, we should have little symphathy for those spokesmen who are objecting to our "buy American" proposals which merely attempt to reach partial reciprocity.

The principles of GATT and the so-called liberal trade policy have been violated many times over by other countries while the United States, by and large, has adhered to most-favored-nation treatment and the reciprocity principle. The import surcharge should assist us in regaining control of access to the U.S. market. This can be accomplished by making access to our markets conditional on adherence in practice to the above principles by other countries. The President has moved dramatically and we must not lose this leverage and initiative to solve the outstanding problems in the field of international trade.

Let us examine these problems. The variable levy system of the common market is more protective than a quota system, and is more restrictive than the individual country protection was before the formation of the common markets' agricultural policy. The United States attempted in the GATT negotiations conducted pursuant to authority of the Trade Expension Act of 1962 to secure modifications of the community's reference price—levy system of protection for its agriculture.

Reference prices, levies, and export subsidies are a combination of devices which can be used to exclude imports from outside countries and to protect price levels within the domestic market by dumping on the world markets supplies in excess of that which can be consumed by the home market. The use of such a policy is a strangling of foreign trade; this policy creates and perpetuates inefficient industries within the country using such devices.

The most basic GATT principle is that of most favored nation—(MFN). This is the idea that each member should apply to the products of all other members a duty no higher than it applies against the same goods from the most favored nation. The rule also requires that any concession granted the merchandise of one nation must also unconditionally be granted to like products from all nations. The United States generally observes the MFN but GATT permits so many exceptions and our trading partners ignore the remaining principle. Unless the most favored nation principle can be firmly reestablished, the entire structure of the fair trade rules established by GATT will be further, and perhaps fatally, undermined. If our trading partners wish continued access to the U.S. markets, then they must permit U.S. products to enter their market without discrimination.

Another major area of trade discrimination concerns the GATT provisions on subsidies and border taxes adjustments, generally, the GATT provisions on subsidies and border taxes have permitted a rebate of indirect taxes on exports and the imposition of such taxes on imports while denying equivalent treatment for direct taxes such as income taxes, the border tax adjustment theory is based on the assumption that indirect taxes are always and wholly shifted forward into the final price of a product and that direct taxes are always and wholly shifted backward to the factors of production.

Thus, GATT assumes that corporate income taxes are borne by the shareowners, and sales or value-added taxes are passed on to the consumers; consequently, GATT permits countries to impose value-added taxes on imports and to make rebates on exports. In contrast, direct taxes may not be adjusted at the countries' borders, this may have been economic orthodoxy in 1947, but it is archaic today.

Mr. President, it has been fashionable to describe the Kennedy round of trade negotiations as a great success, the finest example of the initiative of the United States in liberializing world trade, regrettably, the Kennedy round was, in fact, a failure, instead of significantly enlarged market opportunities for U.S. exports, we find that the harmonization of the value-added tax and the related adjustment of the border taxes imposed by the common market countries is a major roadblock to fair competition.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a table prepared by the conference board in a publication entitled "Border Taxes and International Economic Competition."

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

TABLE 19—COMPARISON OF COST OF ENTRY ENCOUNTERED BY UNITED STATES PRODUCTS SHIPPED TO GERMANY BEFORE AND AFTER ADOPTION OF KENNEDY ROUND TARIFF REDUCTIONS AND TAX ON VALUE ADDED

	Percentage increase in U.S. price due to cost of entry	
	Before Kennedy Round [1]	After Kennedy Round [2]
Aluminum ingot	14.3	21.5
Electric grade wirebar	14.1	21.4
Alloy billet	18.4	24.6

Footnotes at end of table.

TABLE 19—COMPARISON OF COST OF ENTRY ENCOUNTERED BY UNITED STATES PRODUCTS SHIPPED TO GERMANY BEFORE AND AFTER ADOPTION OF KENNEDY ROUND TARIFF REDUCTIONS AND TAX ON VALUE ADDED—Con.

	Percentage increase in U.S. price due to cost of entry	
	Before Kennedy Round [1]	After Kennedy Round [2]
Foundry alloy ingot	19.0	25.1
Alloy flat sheet	30.3	36.2
Toaster	28.2	34.0
Vacuum cleaner	22.8	27.4
Rotisserie	29.9	36.8
Compressor	15.1	23.1
Centrifugal pump—type 1	17.3	27.5
Centrifugal pump—type 2	16.4	25.8
Control valve	26.1	37.1
Steam turbine	15.9	21.4
Carbon plates	36.5	38.7
Do	37.8	39.9
Hot-rolled sheet	35.5	35.8
Do	36.7	37.0
Cold-rolled sheet	35.3	36.2
Do	38.5	39.4
Wire rods	37.9	40.2
Carbon hot-rolled steel bars	32.6	33.6
Carbon bars	33.6	35.1
High-impact polystyrene	70.3	50.6

[1] From questionnaires submitted by cooperating companies.
[2] Reflects ⅔ of Kennedy round reduction and 11 percent TVA effective July 1, 1968.

Mr. FANNIN. Mr. President, from this table it can be observed that the net effect of the Kennedy round and the adoption of a value-added tax system at an 11-percent rate was to raise the cost of entry for American products entering Germany, in fact, only one of the 23 representative products shown had a lower cost of entry after July 1, 1968. Mr. President, if we project these figures for the entire EEC and raise the rate to a uniform 15 percent, to which the EEC appears to be moving, we can readily see that a 10-percent import surcharge on our behalf does not begin to make our exports competitive, even if we ignore all the other inequities we face in foreign trade.

In early trade negotiations our representatives were willing to incorporate existing commercial practices on border tax adjustments into the GATT agreement, the United States had a $10 billion trade surplus in 1947 and there were much larger problems in international trade than border tax adjustments which at that time were low and limited to a small portion of goods traded.

This failure to appreciate the long-term consequences of excluding indirect tax rebates from the general prohibition against subsidies while including a prohibition against the rebate of direct tax was a mistake of major proportion.

Mr. President, if this Nation is ever to regain reciprocity in world trade, we must now seize the opportunity brought about by the import surcharge to encourage the Japanese to compete fairly in the world markets, currently Japan maintains a closed market to many products, engages in market penetration tactics known as dumping, subsidizes its exports and maintains a close industry-government cooperation.

In order to support her invasion of the U.S. market with the use of extremely low pricing policies, Japan has maintained a closed market to imports and has fixed and kept domestic prices at artificially high levels.

Mr. President, it has long been a well recognized principle in our law that the practice of dumping goods into the United States at prices far less than they are sold for in home or other markets is unfair and illegal. The reason behind this principle is obvious. Dumping is simply selling the same commodities at different prices in different markets. For example, dumping occurs when merchandise is imported into the United States and sold for less than the price for which the merchandise is sold in Japan, taking into consideration the conditions and expense of sale.

It is an undesirable method of competition because the resulting cheapness is not due to basic superiority in production efficiency in Japan. In the area of Japanese Government export subsidies and incentives, there is good reason to believe that the Japanese Government provides many subsidies beginning with the remission of a commodity tax and including such things as exports credits, accelerated depreciation, and a variety of other tax advantages. These bounties and grants are effectively summarized in a State Department memorandum entitled "Japan's Export Promotion Techniques."

In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is struck by the great difficulty in discerning where Japanese business ends and the Government begins. This is why the Japanese Government-industrial combination has been called "Japan, Inc." In many cases the Government has fostered business enterprises as Government functions and private business firms were then formed to take them over. It has been suggested this may explain what still remains as an usually close working relationship between Japanese Government and business.

Mr. President, it was reported recently that the Japanese are in the process of removing certain of the quotas on hundreds of commodities. This so-called liberalization is more mythical than real when we analyze what the Japanese import.

Over 70 percent of our exports to Japan are raw materials or agricultural products with a low labor content while over 90 percent of Japan's exports to the United States are manufactured products with a high labor content. Thus, it is obvious that the working man in this country is the actual victim of these trade practices.

Mr. President, until such time as we can eliminate the abuses and inequities in foreign trade, this country will need a comprehensive trade legislation to effectively regulate our markets from unfair competition.

In the past we have seen legislation introduced to liberalize the escape clause and adjustment assistance provisions of our tariff laws. This is not the solution to our complex foreign trade problems. Such programs as adjustment assistance to workers and firms cost the American taxpayers and are in no way charged to the damage-causing imports and practices. At the heart of the problem is the displacement of workers, and I do not believe the answers to our problems lie in making it easier for such individuals to get relief.

In the area of new legislation, it is important that limits be set on the time given for the Treasury Department to act on dumping and countervailing duty matters. Further, these statutes should be amended to set forth certain specific substantive guidelines. In addition, any trade legislation should provide the President with new authority and direction to act against import restrictions or other acts of foreign countries which unreasonably burden or discriminate against U.S. commerce.

Mr. President, this country, by the forward-looking action of the President in imposing an import surcharge, has been presented with a golden opportunity to reform an archaic system of trade, to remove the surcharge merely because a currency of one or more of our trading partners floats higher would indeed be a shortsighted and improvident move.

The surcharge should not be lifted until we have corrected all of the current inequities in the foreign trade system.

SOCIAL SECURITY INFORMATION FOR YOUNG FAMILIES

Mr. CHURCH. Mr. President, 36 years ago our Nation made a commitment to help older Americans to live a life of dignity and self respect in retirement.

Today, approximately 27 million persons receive social security payments. Without these benefits, 19 out of 20 beneficiaries would not even achieve a moderate standard of living.

But, social security is much more than protection against loss of wages because of retirement. This is often overlooked by many young people. Social security is also family security. It provides protection for today's workers and their families against death and disability. With this protection, the financial burden during a crisis can be greatly eased.

It may also enable the family to remain together. With this protection, a child may still be able to attend college, although the head of the family has been dead for several years. Or, a disabled worker may receive important supportive and rehabilitative services which can lead to gainful employment again.

These are just a few of the benefits for the young, as well as the old. And these are just a few of the reasons why today's workers have an important stake in an effective and sound social security program.

A recent publication—entitled "Social Security Information for Young Families"—provides an excellent discussion of this valuable program for persons who may not be aware of its importance for them now or in the future.

Mr. President, I commend this booklet to my colleagues and ask unanimous consent that the first four pages of this publication be printed in the RECORD at the conclusion of my remarks.

For persons who wish to obtain the complete booklet, copies may be obtained by writing to: Superintendent of Documents, Government Printing Office, Washington, D.C.

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

SOCIAL SECURITY INFORMATION FOR YOUNG FAMILIES

WHAT SOCIAL SECURITY IS TO YOU

How much do you earn? . . . $3,000 a year . . . $6,000 a year? . . . as much as $10,000? What will you have earned by the time you are ready to retire . . . $250,000 . . . $300,000, or even more? But, wait a minute. What would happen if your income was cut drastically, or even stopped altogether because you became disabled or if you should die? What then? Where would your family turn?

There's an answer to this question—one you might not realize exists—social security. Chances are that when you think about social security you think mostly about older people and retirement and Medicare. But that's not the whole social security story, not by a long shot. Social security can also mean a lot to younger people; it can mean monthly cash benefits to disabled workers and their families; it can mean monthly checks to widowed mothers and their children.

Suppose a young father of two small children, both under 5, is killed in an accident. His average earnings covered by social security were $450 a month. His widow and children would receive nearly $390 each month in social security, about $4,680 each year. By the time the oldest child reaches 18, this family could have received $60,000 or more. And this would not be all—the widow could receive monthly benefits when she reaches 60. And the children could receive benefit payments until they reach 22 if they stay in school.

Under the present law, a worker can have average monthly earnings covered by social security of as much as $750 in years to come. This can mean benefits of $517 a month for a family.

Take a minute to think about it. How would your family get along if you became disabled or died?

If you've worked long enough under social security—and most workers have—you could count on a continuing cash income for yourself and your family if you become disabled . . . and your survivors would receive monthly cash benefits if you should die. And, of course, you are also earning retirement protection while you work.

Social security survivors and disability cash benefits can mean that the financial burden will be greatly eased . . . that the family can stay together . . . that children can complete their education . . . that disabled children, including those who are severely mentally retarded, can receive a lifetime income . . . that a disabled worker and his family can be sure of an income that will continue as long as he is unable to work. A disabled person may also receive rehabilitation services to help him return to productive work. These services may be paid for by social security.

That's what this booklet is about—the protection social security has for younger people, about how a worker earns his protection, about the benefits that can be paid. It also contains other information about social security of interest to younger workers.

Over 26 million men, women, and children were receiving monthly cash social security benefits early in 1971. This total included about 1.5 million disabled workers and nearly 1.2 million of their dependents. Nearly 2.7 million children of deceased workers were receiving benefits at that time, and about one-half million widowed mothers were receiving benefits because they were caring for children entitled to benefits. Over 3 million older widows and dependent widowers were receiving benefits.

THE BASIC IDEA

The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in three special funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid from these funds to replace part of the earnings the family has lost.

Part of the contributions go into a hospital insurance fund; and when workers and their dependents reach 65, money from this fund helps pay their hospital bills.

Voluntary medical insurance, also available to people 65 or over, helps pay doctor bills and other medical expenses. Money to pay medical insurance benefits comes from a fourth special fund. Half of the money in this fund comes from the premiums paid by people who have signed up for medical insurance, and the other half is paid by the Federal Government.

PROTECTION STAYS WITH YOU

The social security protection you earn stays with you when you change jobs; when you move from city to city when you move to another State.

More than 9 of every 10 working people in the United States are building protection for themselves and their families under the social security system. Almost all other people are either covered by another Federal, State, or local government retirement system or are protected under social security as dependents of other workers.

Nearly any job you take is covered by social security; your earnings from any business you go into are covered, too; and you earn protection under social security while you serve in the armed forces. Through 1967, only your military basic pay counted toward social security benefits. Beginning with January 1968, additional earnings credits, generally amounting to $100, are counted for each month of active duty. No additional deductions are made from your pay for these additional credits.

The average earnings of workers in the United States today are such that many young people can expect to receive maximum or near maximum payments under social security when they retire. A husband and wife can expect to receive as much as $443.10 each month after retirement in years to come based on average monthly earnings of $750 a month. A worker whose average earnings covered by social security are $650 and his wife will receive $413.70 per month at 65; a man and wife will receive $360.50 monthly at 65 based on average earnings of $550 a month; with average earnings of $450 a month, and a man and wife will receive $313.20 a month at 65; with average earnings of $350 a month, a couple will receive $266.60 a month; with average earnings of $250 a month, a couple will receive $218.40 each month at 65. And these benefits will be paid regardless of retirement income received from other sources.

Social security benefits are not subject to Federal income tax.

If you are interested in more information about health insurance (Medicare) for people 65 and over, retirement payments, or about benefits to older dependents, ask for a copy of Booklet No. 35 at your social security office.

KEEPING UP WITH CHANGES IN SOCIAL SECURITY

In order to get the full idea of the value of social security to you and your family, you will find it helpful to keep abreast of the changes made in the social security law. Since the social security program began in 1935, it has been changed and improved many times. Benefit amounts have been increased, new kinds of benefits have been added, and the eligibility requirements for many kinds of benefits have been changed to make more people eligible.

The young family of today can expect that benefits will be increased in the future to keep pace with rising prices. In fact, as wage levels rise in the future, benefits can be increased without any increase in social security contribution rates. This is because as wages rise, income to the program increases more than the corresponding benefit liabilities.

By keeping up with changes made in the social security law, you will be able to see fully the role that the social security protection you are earning plays in your plans for the future. Good planning requires that responsible members of the family understand in advance when benefits would be payable and have some idea of what the amount of the benefits would be and how to apply for them.

DEMOCRATIC POLICY COUNCIL COMMITTEE ADVISORY REPORT ON NIXON ECONOMIC PROGRAM

Mr. CRANSTON. Mr. President, the Democratic Policy Council—an arm of the Democratic National Committee—has released an advisory report on the economic program proposed by the President in recent weeks to restore a healthy economy. Those who participated in drafting the report include some of the Nation's most knowledgeable experts in the field of economics: Gardiner Ackley, Walter W. Heller, Francis M. Bator, Stanley S. Surrey, Robert R. Nathan, and David Ginsburg. I believe this report would be most helpful to all Members of the Senate as the so-called Nixon economic program is examined in the weeks and months ahead. I ask unanimous consent that it be printed in the RECORD.

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

PRESIDENT NIXON'S "NEW ECONOMIC POLICY"

After 2½ years of wishful rhetoric and inaction, President Nixon finally recognized the seriousness of the economic situation that his Administration had permitted to develop, and on August 15 dramatically abandoned his previous economic game plan. This long overdue action has at last given the nation an opportunity to deal with its pressing economic problems.

However, these problems will not be solved without major changes in the President's program. In the following analysis, we set forth our concerns—constructively, candidly, and, where necessary, critically—as a contribution toward achieving the objectives on which all of us agree: a stable, prosperous, and growing economy serving the needs and interests of all citizens.

I. THE CONTROL OF INFLATION

Having waited so long to take any effective action to slow down the spiraling of costs and prices, the Administration's resort to a freeze was an inevitable first step that should at least temporarily halt the rise of prices. Nevertheless, the freeze has also created serious inequities and distortions that would become intolerable if it were extended beyond 90 days. Since no one can believe that the problem of inflation can be solved in three months, a more flexible and viable system is urgently required that will effectively curb inflation yet avoid the present inequities and distortions of the freeze. Among other things, wage rates must be allowed to resume their normal increase relative to prices, in order to distribute fairly the gains of our growing productivity. The Administration bears a heavy responsibility to provide the leadership needed to develop and secure agreement on such a system.

The hardship associated with stopping inflation must not all fall on one part of society. Labor feels that the freeze will be more effective against wage increases than against price increases, because the latter tend to be

less easily visible. It is surely the responsibility of businesses, consumers, and the Administration to see to it that the freeze is as fully effective on prices as on wages. It is even more important to assure that the new program of restraints that will replace the freeze after 90 days does not bear unequally on wages, prices, salaries, and other forms of compensation. (Moreover, the Administration's biased fiscal program needs to be altered significantly in ways indicated below.)

An important aim of the phase-two anti-inflation program must be to assure that profit incomes do not increase relative to wage incomes through a looser rein on prices than on wage rates. To be sure, as the economy expands, aggregate profits will rise, just as will aggregate payrolls. And, just as profits have been more curtailed by recession and stagnation than has total wage income, so aggregate profits will rise proportionately faster than aggregate wages as we return toward full employment. If this happens, it will not, in itself, demonstrate that the new restraints are any less effective on prices than on wages. Participation of all groups in our society in shaping the phase-two restraint program can help to assure that the new program is truly as effective on prices as on wages, and that the interests of consumers, business, labor and all other groups are protected.

In contrast with profits, interest rates and interest incomes remained abnormally and regrettably high, even long after the economy became depressed. While interest rates, too, could have been frozen, the even more important requirement is for effective action to keep them well below their high levels of mid-August. We call on the Federal Reserve to accept its clear responsibility under present circumstances to assure lower interest rates and to avoid any emergence of tight money.

The belated action taken on August 15 was but the first step in a long process of restoring price stability. Whether the Administration's program will succeed in this objective depends not on what has so far been done but on what is to come. The Administration now finally recognizes that the problem of inflation will not just go away, and that creating high unemployment is not only a cruel but also a completely ineffective way to stabilize the price level. It must therefore proceed at once to the task of developing the new mechanisms and procedures—other than widespread compulsory controls—necessary to deal with the inflationary pressures that will continue to exist in a high-employment, prosperous economy. These longer-run arrangements must be fully developed and ready to take over as the freeze ends.

The Administration may prefer some other name for these new arrangements, but economists usually describe them as an "incomes policy"—a concerted public policy to assure that major price and wage decisions are consistent with reasonable stability of the overall price level. Such a policy will require a continuing organization possessing limited legal powers; but it must rely for its success primarily on widespread voluntary support and acceptance. There is no need for a far-flung bureaucracy.

Unfortunately, President Nixon has made it more difficult to obtain support and acceptance by repeatedly—and as recently as in his press conference of August 4—misrepresenting what an incomes policy is and can accomplish. He has repeatedly argued that "voluntary methods" of inflation control cannot work, will not work, have never worked; and he has invariably implied that our choice is only between ineffective exhortation and a stifling system of permanent, comprehensive controls enforced by criminal penalties. Unlike the President, we believe that, with adequate leadership, the American public and its great economic interest groups will support an effective incomes policy—one that is fair and equitable, and one that is developed with full participation of all segments of the public. In order to build the basis for the public support needed to make an incomes policy work, the President and members of his Administration must devote their efforts not to accentuating divisions in our society but to bridging them.

II. FISCAL POLICY FOR FULL EMPLOYMENT

Unfortunately, the second promised objective of the President's program, namely to create jobs, is largely rhetoric.

If inflation is effectively curbed, that in itself could have marginally favorable effects on aggregate demand and thus on production and jobs. But the principal reliance of any program to expand employment must be on fiscal changes. The President has proposed the wrong fiscal program:

It will not create the jobs we need;

It is inequitable, inefficient, and not in accord with the priorities of the American people; and

It unnecessarily and permanently impairs the ability of our Federal tax system to raise the revenue we will need to finance high priority programs when our economy returns to full employment.

There is compelling need to create in the neighborhood of 4 million extra civilian jobs over the next year: to provide jobs for those now unemployed and those who become unemployed as they are released from the armed forces; to provide jobs for new entrants to the labor force; and to provide jobs for those who have dropped out of the labor force or failed to enter it because jobs were unavailable. Even 4 million new jobs would not reduce the unemployment rate in the next year from its 6 percent rate of the first 8 months of 1971 to close to the 4 percent goal.

The economy shows no promise of creating these jobs without strong new stimulus to aggregate demand. Recent evidence confirms the weakness of the economy, and the contrast between the Administration's wishful rhetoric and reality. Clearly, 1971 is not a "good year" for the economy, and 1972 will not be a "very good year" under policies past or proposed. Industrial production in July was almost 1½ percent below the same month a year earlier—when we were in a declared recession. Total output (GNP in constant prices) in the second quarter was only 2 percent above a year earlier, which the Administration agrees is less than half of the rate of expansion needed just to hold even with the normal growth of the labor force and its productivity. And the 6.2 percent unemployment rate of August confirms that no real recovery has yet begun.

Could the Administration's new fiscal program create 4 million new jobs within a year? So far as we can tell, it gives only moderately more stimulus to aggregate demand than its earlier fiscal programs that allowed the economy to slip into recession and for total output to remain $70 billion a year below our potential. To be sure the President proposes tax cuts to stimulate private demand. But he proposes to reduce Federal spending by nearly as much as private spending is likely to be stimulated. Moreover, when more than a quarter of factory capacity is idle, tax cuts to spur investment are less effective than tax cuts that go to consumers. The President's program might transfer some production from public to private use; but it is unlikely to stimulate sufficient additional output of goods and services and thereby to create the new jobs we need.

The program is not only inadequate in creating jobs—it is also wrong in terms of achieving valid national priorities and equity in the distribution of rewards and sacrifices. The Administration's package would give $5 billion a year of tax relief to business via the 10 percent investment credit, on top of its $4 billion a year depreciation "reform" earlier this year. The Administration also contemplates a further tax cut for business through its DISC (Domestic International Sales Corporation) proposal. It would give the general taxpayer a one-time $2.5 billion of tax benefit through the speeding up of income tax cuts. Another $2.5 billion of auto excise tax reductions would go only to those taxpayers who buy new cars. Moreover, the budget cuts—especially the postponement of badly needed welfare reforms—would be in large part at the expense of the most needy members of the population. Vital government programs to eliminate poverty, to halt and reverse the deterioration of urban life, to improve education and health care, and to restore and preserve our environment, would be starved. To the extent that the President and the Congress were prepared to increase rather than to decrease appropriations for these purposes, and insofar as these programs could be expanded with sufficient speed, we would prefer that a significant part of our idle productive resources be put to work meeting these high priority public needs.

Equitable tax reductions are also a powerful weapon to spur aggregate demand. They allow idle workers and surplus productive capacity to be put to work to satisfy private rather than public wants and needs. But once full employment returns, we will need rapidly growing tax revenues to finance high-priority government expenditures without generating new inflationary pressures. Thus it is imperative that, so far as possible, tax cuts to spur demand should not permanently impair the revenue-producing capacity of our tax system. The President's program fails this test.

We support a vigorous fiscal program to create jobs—indeed, a considerably more stimulative program than the President proposes. But that program should serve, not undercut, our basic social and economic goals. And it can be accomplished with far less erosion of future tax revenues. Specifically:

(1) We agree with the President's proposal to advance to January 1, 1972, the date of the higher Federal income tax exemption and the higher standard deduction legislated for January 1, 1973.

(2) We strongly urge that, in addition, the increases in Social Security payroll taxes now scheduled or proposed for January 1, 1972, be delayed to a more appropriate time.

(3) Provided that it is substituted for the Administration's earlier depreciation "reform," we support reenactment of an investment tax credit. To provide both forms of tax reduction for business violates every concept of equity. The tax credit would surely be a more effective stimulus to investment than the depreciation change; thus we prefer the tax credit to the liberalized depreciation. However, when 27 percent of our existing factory capacity is idle, the main stimulus to investment can only come from an expansion of other components of aggregate demand.

(4) We strongly oppose the Administration's DISC proposal, that would virtually exempt U.S. export business from the Federal income tax. Congressional sources estimate that this tax incentive for exports would involve close to $1 billion a year in revenue loss. It would not only provide a windfall for existing export trade, but is unlikely to expand exports materially. It goes well beyond what any foreign country provides. Whatever merit it may have had before the dollar was cut loose from gold has now disappeared.

(5) Elimination of the automobile excise tax should be considered only if the Congress is unwilling to provide sufficient fiscal stimulus through other, more socially desirable measures, and ones that do not permanently reduce the tax base.

(6) The President's proposals to cut Federal employment by 5 percent and foreign aid by 10 percent, and to delay revenue sharing

for 3 months and welfare reform for a year would surely negate much of any stimulus given by the tax cuts. Moreover, they are bad public policy, and Congress should reject them. In particular, we urge the Congress under no circumstances to delay welfare reform and, if possible, to accelerate it. Although the Administration's proposals for welfare reform are far from perfect, they do represent a major forward step—indeed, in our view, the Administration's single most constructive initiative in the domestic field.

(7) Instead of cutting Federal expenditures, they need to be increased. A number of constructive proposals for added spending have been made by Democratic members of the Congress. Any of several combinations of these could be shaped into a fiscal program adequate to quickly create 4 million new jobs (taking account of whatever is done on the side of taxes). These proposals include: the further flexible liberalization of unemployment insurance benefits; some form of temporary grants to State and local governments to make up for their loss of tax revenues as a result of the stagnant national economy; higher appropriations (or the release of impounded funds) for such urgent social programs as education, health care, and environmental protection; or further expansion of the Democratic program for public service employment.

III. INTERNATIONAL MONETARY ARRANGEMENTS

We are pleased that the President has cut the dollar loose from gold, even though the weakness of the dollar that forced him to move reflected in part the failure of the Administration's own previous game plan (and *not* primarily the activities of "speculators" or the "unfair" policies of other countries). Clearly the action on gold and the floating of the dollar are only first steps. They must lead to the establishment of new and more realistic exchange rates between the dollar and a number of other currencies. Such changes in exchange rates are long overdue. We recognize that the breakdown of the former system might have been at least postponed if certain other countries had acted differently than they did. But the U.S. government has also made mistakes of policy and exhibited more than a trace of intransigence. The Administration must negotiate without rancor or arrogance, and seek to encourage this same spirit in the other participating countries.

International negotiation and agreement on the new parities should be completed with reasonable speed. Once that is accomplished, the 10 percent surcharge must be promptly removed. In the meantime, no one, at home or abroad, must be allowed to think of it as other than a temporary measure, and it must not be allowed to be interpreted as or to become a weapon in an international trade war.

The initial readjustment of exchange rates needs to be followed by further improvements in the monetary system. Negotiations for this purpose will obviously take some time, and we should not be in a hurry to reach an agreement for agreement's sake. We propose that, in negotiating new monetary arrangements, the following general principles should guide the U.S. position:

(1) The new system should be conducive to small, smooth, and gradual realignments of exchange rates. Thus, it would help to avoid periodic crises of instability—unlike the earlier systems that seemed to provide complete stability of exchange rates, but at the cost of allowing cumulative imbalances to develop, that sooner or later guaranteed the emergency of crises.

(2) The new monetary arrangements should continue and indeed speed up the process, already well under way, of reducing the role of gold in the international monetary system. Consistent with this, the dollar should not be relinked to gold. SDR's should increasingly provide the necessary increments of world reserves.

(3) To the maximum possible extent, the new arrangements should avoid the use or encouragement of direct controls or other barriers to trade and payments—on the contrary, the fundamental purpose of such arrangements must be to facilitate an increasingly free system of trade and payments.

In conclusion, no one can disagree with the basic objectives of the President's new economic program—the halting of inflation, the restoration of full employment, and the creation of a more viable international financial system. But his program is seriously defective in a number of respects. And it is, at best, only a beginning—the crucial tests of the program are still to come. We have made what we hope are constructive suggestions for its improvement. Like all Americans, we will hopefully watch the way it continues to develop, and will not hesitate to criticize or propose alternatives—nor to give our support where we believe the Administration is right.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Is there any further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 8687, an act to authorize appropriations during the fiscal year 1972 for military procurement.

The pending question is amendment No. 418, on which there is a time limitation of 1 hour, to be equally divided between both sides.

The Senate resumed the consideration of the bill.

Mr. NELSON. Mr. President, time after time, Congress has authorized or appropriated funds for Federal projects without complying with the National Environmental Policy Act of 1969.

The pending amendment which I have introduced is directed to yet another instance of this failure to comply, involving three aircraft projects in the military procurement authorization bill now before us. In addition to the procedural questions involved, these three aircraft pose many of the same environmental concerns as has the SST and also brings up once more the unresolved questions over sonic boom damage in this country.

Procedurally, under the Environmental Policy Act, Federal agencies are directed to file environmental impact statements with their legislative proposals and other proposed actions, in order that the public, Congress and the President's Council on Environmental Quality can consider the environmental implications of these proposals before decisions are made.

In section 102(2)(c), the act says the agencies shall "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official" on the environmental impact of the proposed action, possible alternatives, irretrievable commitments of resources, and other environmental concerns.

Further, before finalizing these statements, the responsible Federal official is directed by the act to "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved."

Yet, bills are coming to the Senate floor containing projects in the tens and even hundreds of millions of dollars that have had only the most preliminary environmental investigation, if they have had any at all.

If the Environmental Policy Act, which is aimed at making the Federal Government an environmental trustee instead of an accomplice in ecological destruction, is not to be eroded into so many meaningless words, we must firmly establish now the principle that Congress will require completed, comprehensive environmental impact studies before it will authorize or appropriate moneys for Federal projects posing significant environmental impact.

To start getting enforcement of this act, I intend to raise this question on every measure that comes to the floor with projects not in compliance, and to request rollcall votes on every such project.

As the first such step, I introduced and a rollcall vote was taken on an amendment July 31 which would have withheld funds on five Corps of Engineers and Tennessee Valley Authority projects in the public works appropriations bill because their environmental impact statements were either not complete or not adequate.

A week later, I introduced another amendment and a rollcall vote was taken regarding nine projects in the military construction authorization bill that were not in compliance with the Environmental Policy Act because final environmental impact statements on them had not been completed.

In reviewing other legislation, we have found that the military procurement authorization bill now before the Senate contains projects not in compliance with the Environmental Policy Act.

The amendment today is the first of several I will introduce to the military procurement bill regarding environmental compliance. The remainder of these amendments—one or more of which will concern the Navy's Project Sanguine in my own State of Wisconsin, and the other of which will concern the failure of the Army's Safeguard ABM and the Air Force's high energy laser program to have final environmental statements—will be taken up at a later point in the debate on the procurement bill.

The present amendment would withhold funds on the Air Force's B–1 strategic manned bomber and F–15 fighter and the Navy's F–14 fighter until their environmental impact statements are completed as required by the National Environmental Policy Act and are reviewed by the President's Council on Environmental Quality.

Mr. President, let me point out as an aside, that the Navy's F–14 final environmental draft statement was filed on Saturday. I was informed of that fact only 30 minutes ago. So, there is no one in Congress who has read it yet, unless one of the members of the Armed Services Committee has, perhaps the distinguished Senator from New Hampshire (Mr. McINTYRE). But, the principle is the same. The final statement on one of the projects was filed only Saturday and not more than one or two, if any, Senators have read it. Still, we are to vote on the procurement bill prior to the final reading of the statements. The other two have not been filed as yet.

The procurement bill would authorize $370.3 million for three prototypes for the Air Force's planned B–1 strategic manned bomber; $414.5 million for research and development on the Air Force's planned F–15 fighter; and a total of $929.6 million for purchase of 48 of the Navy's new F–14 fighters and further research and development on a new fighter engine.

For all three of these projects, my amendment is aimed not only at obtaining technical compliance with the Environmental Policy Act, but at achieving compliance with its intent by requiring the Department of Defense and other Federal agencies concerned to fully address and take account of the enormous environmental implications involved.

Not only are the final environmental impact statements required by law lacking for each of these three projects, but all of these proposed supersonic military aircraft raise the same globally important and as yet unresolved questions about pollution of the atmosphere as did the SST whose assistance program we debated and halted such a short time ago.

Furthermore, each of these planes will produce sonic booms, which from other military aircraft are even now causing considerable archeological and natural damage in some of our national parks in addition to posing still unresolved concerns about their impact on developed areas and on humans.

First, I will discuss the failure of these three projects to meet the specific requirements of the National Environmental Policy Act, then the atmospheric pollution concerns, then the matter of sonic boom effects.

While preliminary, draft environmental impact statements were filed on each of these projects months ago—March 25 for the Air Force's B–1 bomber and for its F–15 fighter, and May 14 for the Navy's F–14 fighter—the final environmental impact statements, including, as required by law, the environmental comments of other Federal agencies, are still not completed.

Yet, as pointed out earlier in this statement, the National Environmental Policy Act specifically requires that these detailed environmental statements plus the comments of other Federal agencies shall be included with legislative proposals to Congress.

To implement this requirement, the guidelines of the President's Council on Environmental Quality state: "With respect to recommendations or reports on proposals for legislation to which section 102(2)(c) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report." And in checking with officials of the President's Council, my office has confirmed that it is the clear intention of the Council's guidelines as they interpret them that Federal agencies must have final environmental impact statements on their projects filed with the Council and publicly available in any event before House or Senate floor action.

The directive of the Department of Defense issued in August 1970, for the act stated that—

> Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals . . ."

The directive of the Air Force last October acknowledged the specific requirements of the Environmental Policy Act and said:

> An environmental assessment will be a routine part of all actions taken or contemplated by the Air Force.

The directive of the Department of the Navy last October cited in its second paragraph that the act requires—

> That there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment, a detailed five-point statement on the environmental impact of the intended action.

The directive of the Department of the Army last September also specifically cited the act's requirement for environmental impact statements to accompany legislative proposals.

There is no possible excuse for continued delay by these or any other Federal agencies in getting completed, comprehensive environmental impact statements to Congress, to the President's Council and to the public in compliance with the law. The directives cited above were all issued almost a year ago, or more. The act was signed into law nearly two years ago, and it is time that all Federal agencies started complying with it in full.

The pending legislation—the military procurement bill—was transmitted to Congress by the Department of Defense on February 4 of this year. In the letter of transmittal, the Department said:

> Applicable statements related to environmental impact covered by Section 102(2)(c) of Public Law 91–190 will be submitted as required at the earliest possible date.

That was 7 months ago, and as I have pointed out, we still do not have the final statements or the environmental comments of other Federal agencies on these and other projects in the bill.

On these grounds alone, there is ample justification for the Senate to withhold funds on these three aircraft projects until they comply with the Environmental Policy Act, as my amendment would do.

Furthermore, in a new set of guidelines issued by the Defense Department just a month ago, August 9, the Department directs its agencies to withhold the circulation of even preliminary, "draft" environmental studies to other agencies and to the public until their legislative requests have actually been forwarded to Congress, which would further shorten the time available to Congress, the public and the rest of the executive branch to review the environmental factors involved in massive weapons projects, and would make it even more unlikely that final statements will be completed in time for congressional action.

Further narrowing the chances for any meaningful public review, the same recent directive requires high level "advice" before environmental studies with potentially controversial questions are even let outside the Department. The directive says:

> The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications.

Regarding this bill, I would also raise the question why a total of only six projects, including the three aircraft which are the concern of my amendment today, were selected by the Department of Defense as needing the environmental impact statements, when the bill involves hundreds of military projects of all kinds and more than $21 billion.

The concern of my amendment goes far beyond these important procedural questions, however. The draft environmental impact statements that the Air Force and the Navy have prepared on the proposed B–1 bomber and the F–15 and F–14 fighters treat in only the most superficial fashion the grave questions about pollution of the atmosphere by highflying supersonic aircraft and the resulting dangers to man.

Developments since the SST debate last spring have shown more than ever the grave environmental uncertainties posed by high-level, supersonic operations by military and civilian aircraft.

Just last month, Science magazine published the disturbing new findings on this matter by one of the world's most distinguished atmospheric scientists, Dr. Harold Johnston of the University of California at Berkeley.

Dr. Johnston has for the last 20 years been studying the effects of nitric oxide on ozone, which in the stratosphere shields this planet's life from fatal radiation from the sun's rays. Nitric oxide is one of the substances that will break down ozone, converting it to oxygen which does not serve ozone's unique, global protection function in the stratosphere.

Dr. Johnston's latest calculations, published in the Science article, were that large scale operation of supersonic aircraft high in the atmosphere would produce enough nitric oxide to drastically reduce the planet's life-protecting ozone layer.

As the Science article itself is rather heavily interspersed with mathematical equations, I ask unanimous consent just to have printed in the RECORD at the end of these remarks an excellent article by

Claire Sterling in the Washington Post discussing Dr. Johnston's findings and the stir they have caused in the scientific community.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, as the article notes, scientists meeting in Stockholm this summer to study man's potential impact on the atmosphere challenged Dr. Johnston's findings because they were based on experiments in a laboratory rather than on atmospheric tests.

The one conclusion everybody does seem to agree on is that we simply do not know whether SST's and other similar aircraft will pollute the atmosphere or not, whether their operations will cut vital links in the chain supporting the planet's life or not.

Even the scientists who question Dr. Johnston's findings say that we must do the atmospheric monitoring and research work necessary to resolve these grave questions before we proceed with massive, high-level operations of supersonic aircraft.

In a highly regarded report, the 1970 Study of Critical Environmental Problems—SCEP—at the Massachusetts Institute of Technology specifically recommended that "uncertainties about SST contamination and its effects be resolved before large-scale operation of SST's begins." It urged a program to monitor the atmosphere for water vapor, cloudiness, oxides of nitrogen and sulphur, hydrocarbons, and particles and to estimate the actual changes that would be brought by high-level supersonic aircraft operations.

During the SST debate last year, there was no question, even by the administration, of the necessity for the studies of atmospheric effects. Before an SST fleet were allowed, all of the environmental questions must be answered, said EPA Administrator William Ruckelshaus in congressional testimony. He said:

> If the environmental impact proves to be adverse, then the technology must not be used.

During the debate, I urged that a study to answer these questions be undertaken, that the monitoring program be started, and I introduced legislation, S. 1881, to establish a high-level, independent scientific commission and to give it the money to get the job done. This measure is still pending and I plan to request hearings on it.

Yet, to my knowledge, no comprehensive effort to monitor the atmosphere and project the changes posed by high level supersonic flight is being undertaken by this or any other country, even though, as noted by atmospheric scientists at a conference in Stockholm last summer, such a study could be done for something like $20 million, just about one twentieth of the sum we are proposing to spend in the military procurement bill for the F–15 fighter.

Meanwhile, the French and Russian commercial SST's are about to become operational, posing the beginning of the worldwide fights.

Then, according to a recent newspaper report, Russia is designing a new supersonic bomber which appears to include the same engine as that country's SST.

Now, in this military procurement bill, we are proposing to push along three new supersonic aircraft, all with high-level flight capabilities, all with engines that will produce the oxides of nitrogen, the hydrocarbons and other contaminants, all of which have caused such grave concern for the ecological balance of the atmosphere.

The preliminary environmental impact studies on these three aircraft attempt to minimize the dangers, citing some technical improvements, actual or envisioned, then concluding, as the F–14 statement does, that the planes will cause "no additional adverse environmental effects, as compared to present systems." In effect, they are saying that based on the environmental standards and attitudes of the past, these planes will be no worse polluters than previous ones.

The draft statement on the B–1 bomber, an aircraft which apparently will have a mission and design very similar to that of the planned new Russian bomber, says the Air Force will "plan to support programs which will provide stratosphere water vapor measurements; monitor particular concentrations in the regions where high-altitude aircraft are currently operating as compared to regions where no such flights occur; and which will provide benchmark measurements of other constituents of the stratosphere to measure future changes against."

The key word is "support." The Air Force will "support" such a program. But who is actually going to do the program? We still do not know. We still do not have the answer from the Air Force, the President's Council on Environmental Quality, or from any other agency.

We still do not have any assurances that the serious upper atmospheric pollution questions with worldwide implications are going to be answered before we or any other country launch additional supersonic, high flying aircraft into the fragile environment of the atmosphere.

Once again, we are putting the cart before the horse with our new technology. Once again, we are forging ahead with hardware development without anything other than rhetorical gestures to the environmental consequences which may result from the development of the program.

When are we going to learn that the environmental considerations cannot be an afterthought for a successful Federal program? They must be built in at the very beginning of the process, which is exactly what the section 102 requirements of the National Environmental Policy Act are designed to achieve, and which is a major purpose of my amendment today.

Finally, there is the continuing problem of sonic booms generated by military aircraft in this country. In addition to the long standing questions about the sonic booms' impact on urban areas, and on the well-being of people, there is the question of their effects on the natural environment itself.

Recently, George Hartzog, Director of the National Park Service, pointed out in a congressional statement that from January 1967 through March 1971 more than 5,000 sonic booms have been recorded over national park system areas from Everglades National Park in Florida to Olympic National Park in the northwest part of Washington State.

In Canyon de Chelly National Monument in Arizona, overhanging rock which dislodged after sonic shock waves hit the area demolished an ancient Indian ruin. Military airplanes broke the sound barrier over the monument 83 times in a 4-month period.

In the area of the Mesa Verde Indian cliff dwellings in New Mexico, the face of a cliff slid away shortly after military plane sonic booms had hit the area. In Chaco Canyon National Monument south of Mesa Verde, containing perhaps the greatest concentration of Indian ruins of the pueblo type in the Southwest, 485 booms have been recorded during the last 4 years.

And Death Valley National Monument has been bombarded with hundreds of sonic booms as military aircraft "buzz" the area flying below sea level, only 100 or so feet above the ground.

I ask unanimous consent that a National Park Service statement to Congress reporting the damages to national parks from the sonic booms be printed in the RECORD at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NELSON. Mr. President, investigations by my staff indicate that no environmental impact studies have been conducted to measure the effect of these sonic booms on our national parks and to find ways to eliminate the threat of damage to priceless archeological and natural resources, despite years of protests to the Air Force by the National Park Service.

All three planes which are the subject of this amendment will generate sonic booms, and the two Air Force planes particularly will probably be generating them in the same areas of the country as current and past Air Force flights.

Yet there is no indication from the draft environmental impact statements that any environmental studies on sonic boom damage to the parks are being conducted or that the Air Force has any intention of taking steps to alleviate this problem.

Congress should use this opportunity to insist that an environmental impact study on this problem be started immediately and that the Air Force be required to take into account the results.

In sum, it is time we acted to make Federal agencies comply with both the letter and the spirit of the National Environmental Policy Act. It is a historic law, that could serve as one of the most effective tools we have in restoring and protecting the quality of the environment in this country.

But for the act to have a meaningful influence on the course of the environmental policies of the Nation, it must be enforced. And if we do not require compliance with the act at this key decisionmaking point, the vote on the Senate

or House floor, there is no guarantee that it will be done anywhere else.

By requiring compliance now, we will be carrying out the spirit of the act, which is to assure that the enormous potential of Federal programs to affect the environment is going to be used to protect it, not to help destroy it.

Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. NELSON. I ask unanimous concent to have printed in the RECORD an article dealing with this subject published in the New York Times.

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

SORRY, BUT THERE'S STILL MORE TO SAY ON THE SST

Oxygen—O_2—is a colorless gas whose presence on the surface of the earth sustains human life. The addition of a single atom of oxygen creates ozone, a faintly bluish gas whose presence in the stratosphere protects all forms of life from the lethal ultraviolet rays of the sun. There has been new concern of late that this ozone barrier might be seriously eroded by a new technological development—the supersonic transport

One of the early arguments of those opposed to the SST's, which must fly in this region to be economically viable, was that nitric oxide from their exhaust would set in motion a series of chemical reactions that would deplete the ozone layer of the stratosphere.

With less ozone to absorb the damaging wavelengths of solar ultraviolet, it was said, enough of that radiation would reach the earth to increase the incidence of skin cancer.

ESTIMATES CALLED WRONG

Specialists in atmospheric chemistry dismissed this problem on the ground that the nitric oxide effect would be of minor importance. Last month, however, a leading authority in the field, Dr. Harold Johnston of the University of California at Berkeley, reported privately to the White House that these estimates were in error.

Dr. Johnston, who is credited with being the first (1950) to measure the rate at which nitric oxide breaks down ozone, estimated that a fleet of 500 SST's, operating an average of seven hours a day (which had been predicted by 1985), could reduce the ozone content of the atmosphere by half within less than a year. As a result, he says, "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime."

This would occur, according to his analysis, even for those who never looked up. The reason is that from laboratory experiments it is known that atmospheric molecules strongly deflect, or scatter, ultraviolet rays, which during daylight would therefore strike the eyes from all directions.

Some of his associates at Berkeley believe the searing ultraviolet would also kill all plants except those under water. Without land plants it would be difficult for land animals, including man, to survive.

When news of Dr. Johnston's estimates became known, Senator Edmund S. Muskie of Maine, in a speech at the United Nations on May 21, urged that no other nation fly the SST's until their effect on the ozone layer could be determined by some international group. "We cannot afford to let one nation decide for all mankind," he said. He spoke at the opening of a privately organized conference on environmental protection that took place shortly after the Senate, for the second time, had voted down funds for the American SST.

The issue was highlighted last week as the new Soviet and Anglo-French SST's both flew over Paris as part of the Air Show there. The Soviet craft reportedly was quieter and produced less smoke than the Anglo-French Concorde. However, nitric oxide is expected to be an inevitable product of SST fuel burning. It is estimated that each SST would dump one ton of nitric oxide per hour into the stratosphere.

One of the arguments that has been raised against Dr. Johnston's calculations is that they do not take sufficiently into account the possibility that some nitric oxide, produced by automobiles, industry and aircraft at lower levels, is already "leaking" into the stratosphere. If this has occurred without any noticeable effect on the ozone layer, it is argued, then the Johnston calculations must be revised. It was apparently because of such criticism that publication of his report on this subject in the journal Science has been delayed.

Dr. Johnston answers his critics by saying that his calculations have taken such considerations into account, using a "full range" of possible stratospheric conditions, in terms of temperature and various concentrations of oxygen atoms and nitrogen oxides. He found the role of nitric oxide in breaking down ozone to be "a major one at virtually all of these variables."

The stratosphere is largely isolated from the lower atmosphere, or "troposphere," because of the presence of ozone. As the ozone absorbs solar ultraviolet, it is heated, making the stratosphere warmer than the layers of air below it. When hot air lies below cold air, the warmer air tends to rise into the cooler layer. However, when the reverse situation exists—a so-called temperature inversion—the cold air cannot push up through the warmer layer, which serves as a lid.

For this reason the stratosphere is protected from the turbulence below—except when giant thunderheads break through the barrier. Thus stratospheric air makes for smooth flying and is very dry.

The SST's, to be efficient, must fly at a height of 12 or 13 miles, where thin air offers little resistance. At present only a few planes, such as the SR–71 reconnaissance craft, fly that high. The jet airliners now in operation do not fly at this height because they are most efficient at altitudes of from five to seven miles.

Ozone exists primarily in the lower stratosphere, from 10 to 30 miles aloft, because of a series of chemical reactions that are continuously creating and destroying the substance. It is the delicate balance of these reactions that accounts for the continued presence of this vital gas.

As ultraviolet light penetrates the highest part of the stratosphere from 30 to 75 miles above the earth, the rays of shortest wavelengths are absorbed by oxygen gas. In this process the oxygen molecules are split into individual oxygen atoms.

The surviving ultraviolet then penetrates the region between 10 and 30 miles up, where ozone absorbs the remaining lethal wavelengths. In this process the three-atom ozone molecules are split into oxygen gas molecules and individual oxygen atoms.

The ozone is replenished by a reverse reaction in which single oxygen atoms merge with the two-atom oxygen molecules to form ozone. The process requires the presence of some other atom or molecule to act as a catalyst.

Nitric oxide would rob ozone of one oxygen atom, converting it into oxygen gas, which cannot serve as a complete ultraviolet shield. In this reaction the nitric oxide becomes nitrogen dioxide, with two oxygen atoms, but another reaction quickly converts it back into nitric oxide, and thus it is ready to attack another ozone molecule.

END OF OZONE

In this way, Dr. Johnston believes, SST exhaust would first wipe out virtually all ozone in the lower stratosphere, where the planes would operate. The nitric oxide then would slowly diffuse up through the rest of the ozone region, continuing to deplete it even if an alarmed world suddenly called a halt to SST flights.

Predictions of what would happen if the ozone were sharply depleted are made more uncertain by the role of ozone itself in heating the stratosphere and thus keeping it isolated from the turbulence below. It would be difficult to assess the effect on whether, climate, and rates of ozone production if this heating broke down and a great deal of stormy weather reached into that region.

Another difficulty in assessing the danger lies in using laboratory findings to determine what would happen in the stratosphere, whose conditions are difficult to reproduce—and not fully known. In any case the argument is a reminder that some of the factors that make the world habitable for all higher forms of life are fragile. Their care and sustenance must be mastered before we endanger their survival—and our own.

EXHIBIT 1

WILL THE WORLD'S SST'S DRIVE US ALL UNDERGROUND?

(By Claire Sterling)

ROME.—Now that Science magazine (in its August issue) has finally decided to publish one expert's chilling view of the matter—he believes all living creatures may have to go underground or be blinded once supersonic transport really gets going, in about 15 years—it might help to know what others think.

The expert, rated among the best, is Dr. Harold Johnston of the University of California at Berkeley. He was challenged sharply at an international Study of Man's Impact on the Climate (SMIC) in Stockholm this summer, by 30 of the world's most distinguished scientists.

Dr. Johnston has been studying the effects of nitric oxide on ozone on and off for 20 years. His report, presented privately to the White House and leaked to The New York Times last spring while the editors of Science were trying to make up their minds about printing it, appears to have surprised if not stunned the scientific community. If he is right, the hydrogen bomb would have nothing on the British-French Concorde and Russian Tupolev-144 as a fast way to finish off the planet.

Ozone is what makes the sky blue and saves us from fatal radiation. If it were not for this kindly gas absorbing the sun's ultraviolet rays from 10 to 30 miles above our heads we would be done for. Already, white people are increasingly vulnerable to skin cancer as they near the Equator, where the sun's rays are more direct. A mere drop of one per cent in the atmosphere's ozone content would increase radiation eight times as much on the earth's surface, and ozone itself is so "excitable" that it can go to pieces on exposure even to five parts per billion of some substances.

Nitric oxide is one of those substances. The air is full of it already, from factory smokestocks and the exhausts of cars and planes. But that kind simply goes into the subsonic troposphere, where it may drift away in days or weeks. Supersonic aircraft are the first to put nitric oxide directly into the more rarified stratosphere, where it could linger for years. Furthermore, these aircraft cruise at about a 12-mile altitude, just where the ozone layer is thickest. By latest estimates, a single commercial stratoliner will emit a ton an hour of nitric oxide in flight, each would fly four to seven hours daily, and even if Congress has killed off the American Boeing version for good, there

might be a global fleet of 500 to 1,000 SSTs aloft by 1985, or soon after. In other words, SSTs would be dumping up to 7,000 tons a day of nitric oxide into the stratosphere, where five parts per billion in volume are theoretically enough to upset the ozone equilibrium within a year, and even half of one part per billion could do it in a decade.

Dr. Johnston, the first to measure this breakdown process in the laboratory, calculates that 500 SSTs flying an average 7 hours in every 24 could cut the atmosphere's ozone content by half in less than 12 months. What's more, the same nitric oxide could reform after demolishing an ozone molecule and go on demolishing them one after another in an irreversible process. By then it would hardly matter though, since Dr. Johnston predicts that with even half the ozone gone "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime." Some of his associates at Berkeley believe practically all plant life would die off too.

To a man, scientists at last July's elite Stockholm conference refused to accept this. Most of them had attended a conference almost as illustrious on environmental pollution (SCEP) the previous summer, where Dr. Johnston had refused to accept their conclusion that SSTs would cause such small ozone changes as to be "not relevant in considerations of man's impact on climate." In the intervening year, they concluded at Stockholm with a pointed snub for their now absent colleague, "no new information has been developed to appreciably alter the SCEP judgment."

In fact, some tantalizing information has turned up that seemingly confirms it. Inasmuch as pollutant gases like nitric oxide are known to "leak" eventually from troposphere to stratosphere, they should presumably be breaking down the ozone right now. But a large majority of the world's weather stations report that ozone has actually been increasing in the stratosphere over the last decade. Nobody knows whether the causes are natural or man-made; as SMIC experts observed, we had better find out. Nevertheless, the phenomenon could scarcely be said to bear out Dr. Johnston's theory.

The trouble with his findings, according to SMIC scientists, was that all his work was done in the laboratory. Neither he nor anybody else has done any sampling in the stratosphere. Our knowledge of conditions there is, accordingly, meager: how much of what substances are to be found, how fast they act on each other chemically, and above all, what forces carry them where, at what speed, under which conditions. Until we can be sure of this transport pattern especially, we can be sure of nothing. In effect, explained a SMIC expert, the Berkeley experiment might be described as a test of carefully measured gases in a perfectly sealed box; the reality would be more like a slatted vegetable crate in which the gases might be moved up, down, sideways—or out—by the air blowing through it.

To anybody standing above this particular fray, what leaps to mind is not so much one scientist's capacity for error as a kind of neo-neanderthal ignorance on the subject in general. Who would have thought it possible, in this age of research and devolpment with billions of dollars already invested in supersonic transport and both the Concorde and Tupolev very nearly operational, that not a single American, British, French or Russian scientist has yet gotten off his laboratory stool and gone out to do some relevant sampling in the stratosphere? Military SSTs have been flying in and out of it for some time after all; and the cost of adequate testing would be almost laughable compared with the amount spent on the SSTs themselves. SMIC delegates think it should not run to much more than $20 million.

Though any scientist will tell you how urgent such research is—those in Stockholm considered it indispensable before SSTs start flying commercially—none of the aircraft industries involved, or their sponsoring governments, has yet made a move to put up the money. Before we find ourselves groping sightlessly around a lifeless planet, it would be nice to think that at least one of them might.

EXHIBIT 2

THE PROBLEM OF SONIC BOOMS IN THE NATIONAL PARK SYSTEM

Sonic booms caused by military aircraft have been a matter of grave concern to the National Park Service since 1966. In the summer and fall of that year, severe damage was inflicted upon prehistoric Indian ruins and geologic formations in National Park areas located in the Southwest region of the country.

In Canyon de Chelly National Monument, Arizona, overhanging rock, dislodged after sonic boom shock waves in August and October of 1966, demolished an ancient Indian ruin in Canyon del Muerto. Military airplanes broke the sound barrier over the Monument 83 times between August 11 and December 22, 1966.

At Bryce Canyon National Park, Utah, on October 12, 1966, some 15 tons of dirt was found to have fallen from a geological formation near the bottom of Navajo Loop Trail following three sharp sonic booms.

Sonic boom incidents have not, however, been restricted to the Southwest area of the United States. From January, 1967, through March, 1971, more than 5,000 sonic booms have been recorded over National Park System areas ranging from Everglades National Park, Florida, to Olympic National Park, in the northwest section of the State of Washington.

One of the Park areas most heavily bombarded by sonic booms is Death Valley National Monument, California-Nevada, which has recorded over 900 such incidents over the past four years. As recently as February 17, 1971, a sonic boom broke 21 windows at Furnace Inn, and five windows at Stove Pipe Wells Village. When the concessioner called a nearby Air Force Base to complain, he was told to supply the number of the plane. Park rangers at the Monument recorded 11 sonic booms between 8:30 a.m. and 3:30 p.m. on that date.

In addition to sonic booms, Death Valley National Monument has been plagued for several years by low-flying military aircraft operating below sea-level in the Furnace Creek area. In April, 1969, for example, rangers reported 10 incidents of military aircraft flying 100 to 800 feet above the ground. Between 500 and 700 such below sea-level "buzzing" incidents has occurred during the past three years at Death Valley.

On numerous occasions, NPS personnel have reported these incidents to near-by Air Force bases, either by phone or letter in an effort to trace the source of the sonic booms, or the low-flying planes. In most instances this has been an exercise in futility because military officials have required positive identification by numbers, of individual planes before taking any action. Such identification of planes—by the numbers has usually been impossible due either to the speed of the low-flying aircraft or the high altitude of planes producing sonic booms. There is no question, however, that they are military planes because civilian aircraft do not have supersonic capacity.

Reports from Mesa Verde National Park state that sonic booms strong enough to shake buildings and rattle windows have been occurring on an average of four to six times a month during the past few years. In one three-month period in the latter part of 1967 some 15 sonic booms were recorded. Because of the great concentration of prehistoric Indian cliff dwellings in Mesa Verde, we are greatly concerned that the continuation of sonic booms of such intensity will damage these fragile prehistoric structures.

Chaco Canyon National Monument, south of Mesa Verde in New Mexico, contains perhaps the greatest concentration of Indian ruins of the pueblo type in the Southwest. A total of 485 sonic booms have been recorded at this Monument during the period 1967–71.

The Superintendent of Chaco Canyon reported that "on January 25, 1971, the Monument experienced the loudest and most severe sonic booms I've ever heard. It shook windows for several seconds and sounded like a dynamite blast." No dramatic example of severe structural damage was noted. However, with continued sonic boom bombardment of this nature occurring in Mesa Verde, Canyon de Chelly, Chaco Canyon and other Park areas in the vicinity, we believe that the fragile walls of Indian ruins are being steadily weakened.

While there has been no documented damage to Mesa Verde Indian cliff dwellings directly attributable to a single sonic boom incident, extensive damage was caused to the face of a cliff in the Park on February 21, 1968, by a rock slide that followed two severe sonic booms in the Park. The sonic booms were noted at 11:30 a.m. and 3:30 p.m., followed by the rock slide at 4:15 p.m., which closed Point Lookout Road and cost some $45,000 to repair.

Following the documented damage at Bryce Canyon and Canyon de Chelly in 1966, the Department of the Interior expressed its concern to the Secretary of the Air Force. The Air Force response suggested that the matter be submitted to the Federal Aviation Agency.

In subsequent letters from the Secretary of the Interior and from Superintendents of National Park areas to Commanding Officers of military bases, we have renewed our expressions of concern and our requests that steps be taken to reduce the impact of sonic booms upon National Park resources.

The effectiveness of these efforts has been diminished, however, by the insistence of the military that positive identification be established on individual aircraft, linking them to specific sonic booms, and/or low-level, high-speed flights.

Low level, high-speed flights by military aircraft also constitute a continuing safety hazard to visitors and facilities at some recreation areas. Lake Mead National Recreation Area, Nevada-Arizona, for example, experiences some 150 to 200 such flights per year. Since 1958, at Lake Mead, there have been several incidents involving military aircraft including one fatal crash, two totally demolished aircraft, the cutting of high voltage power lines over Lake Mohave and two forced landings of helicopters in visitor parking lots.

Sonic booms also are a problem in natural areas of the National Park System. At Grand Teton National Park, for example, 30 sonic boom incidents were recorded during the period May 25, 1970, to May 25, 1971. Windows in the Park headquarters building at Moose, have been broken on several occasions by sonic boom shock waves. Park officials report that sonic booms have increased in numbers and intensity since February, 1971. Coincident with this pattern has been an increase in the number of avalanches.

Officials at Grand Teton and Yellowstone National Parks also are concerned about the potential for harm to birds and wildlife from the repeated breaking of the sound barrier above nesting areas and the range habitat. More than 100 sonic booms were recorded at Yellowstone National Park during 1967–68.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, under the proposed amendment No. 418, none of the funds authorized by the fiscal year 1972 Military Procurement Authorization Act may be obligated or expended in connection with the Navy F–14 aircraft program and the Air Force F–15 and B–1 aircraft programs until after a final environmental impact statement has been made with respect to section 102 (2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality.

I would like to state my strong opposition to this amendment, not because I am not in full and complete accord with the purpose and objectives of the Environmental Policy Act of 1969. On the contrary, I was among its strongest supporters, I voted for it, and I have consistently supported legislation on this subject. However, I am convinced that the Department of Defense has acted diligently in implementing that act, as I will explain in detail, and that they have complied with the intent of this act as it has been interpreted by the Council on Environmental Quality and promulgated by the Office of Management and Budget. Moreover, this amendment, if adopted, would seriously interfere with all of these programs, which are among our highest priority defense programs. They are all underway and involve numerous contracts that are already in effect. In fact, this amendment would force contract termination actions to be taken with disastrous results to these programs.

Mr. President, the broad issue involved in the amendment proposed by my able colleague from Wisconsin is not new. It is one that was raised last year by Senator PROXMIRE when he proposed Amendment No. 808 to the fiscal 1971 military procurement authorization bill—and was defeated. It was raised recently by Senator NELSON when the Senate considered the fiscal year 1972 Military Construction Authorization Act, and it was defeated by almost a 2-to-1 majority.

Prior to the vote on the amendment to the military construction bill, Senator NELSON stated his intent on every appropriation and authorization bill, in which an environmental impact statement was required by law, to offer an amendment to provide that moneys may not be spent on such projects until such time as impact statements are filed in compliance with the law. He stated also that he intended to request a rollcall vote in each case where there is no compliance with the law.

It is my understanding, Mr. President, that there will be several additional amendments introduced by my distinguished colleague on this same matter covering other specific programs which are subject to the Environmental Act. I believe, therefore, that an effort should be made at this time to come to grips with the overall problem and, if possible, dispose of it once and for all. This would save the valuable, limited time of the Senate which is being hard pressed to act on a large body of important legislation which still faces this first session of the 92d Congress.

For this reason, Mr. President, I propose to treat this issue in depth and will undertake at this time to address every aspect of the problem, not only as it applies to the three aircraft systems that have been identified in the amendment, but also to three other programs which I understand will be the subject of separate amendments. These latter programs are the Army Safeguard program, the Navy Sanguine program, and the Air Force high-energy laser program. My discussion will address the history of the National Environmental Policy Act of 1969, which I will refer to as NEPA, from the time of its enactment, through the various actions which have been taken by the responsible agencies of the Government who are charged with its implementation, and as it affects the Department of Defense.

These environmental statements are very complex documents. They require in many instances great amounts of scientific and technical study and review. They cannot be prepared in a matter of days, weeks, or, in some cases, even months. This should be kept in mind as we review the history of the statements in question.

I hold in my hand a copy of one draft statement to demonstrate the amount of work which was done on Project Sanguine in compliance with the act. This volume contains almost 550 single-spaced pages. What better evidence is there of the seriousness and thoroughness of the efforts of the Department of Defense on this problem?

To fully understand the issues involved, it is necessary to review the history of the NEPA and its implementation within the executive branch, particularly with respect to legislative items.

NEPA was signed by the President on the first of January 1970. The act established a Council on Environmental Quality. It also contained a section 102(2)(c), which is the one involved in the pending amendment, but required environmental statements on certain types of Federal actions. That section of the law requires the responsible Federal official to include in every recommendation or report on proposals for legislation, and other major Federal actions significantly affecting the quality of the human environment, a detailed statement relating to the environmental impacts that would result from the actions. He is required to consult with and obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact of the action prior to making the environmental statement. This section of the law is the basic requirement for the environmental statements with which we are concerned. I should emphasize that, while the law requires the filing of a statement, it makes no distinction between a draft statement and a final statement.

Executive Order 11514 of March 4, 1970, provided for the implementation of NEPA within the executive branch. The Executive order assigned the responsibility for guidance on the preparation of environmental statements to the Council on Environmental Quality. I ask unanimous consent that, at this point, the text of this Executive order be printed in the RECORD.

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

EXECUTIVE ORDER 11514—PROTECTION OF ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law 91–190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2)(C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. *Amendments of E.O. 11472.* [Omitted, See 711:0111 for E.O. 11472 as amended.]

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

Mr. McINTYRE. The Council on Environmental Quality published interim guidelines for the preparation of environmental statements on April 30, 1970. I ask unanimous consent that, at this point, the content of these guidelines be printed in the RECORD.

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

EXECUTIVE OFFICE
OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C.

To: The heads of executive departments and establishments.

Subject: Statements on proposed Federal actions affecting the environment.

1. *Purpose.* This memorandum provides interim guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act (P.L. 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 *Fed. Reg.* 4247) of March 5, 1970 that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to the nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB Procedures.* (a) Pursuant to Section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970 its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for their statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal Agencies Included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in Section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Sec. 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions Included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) recommendations or reports relating to legislation and appropriations;

(ii) projects and continuing activities—

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes *major* action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of *significant effect.* The Act also indicates that adverse *significant effects* include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial Significant adverse effects on the quality of the *human environment* include both those that directly affect human beings and those that *indirectly* affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under Section 102(2)(C) of the Act.

6. *Recommendations or Reports on Proposals for Legislation.* The requirement for following the Section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement). The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in

which the Section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of Environmental Statement*

(a) The following points are to be covered:

(i) the probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set forth in Section 101(b) of P.L. 91–190.

(iii) alternatives to the proposed action (Sec. 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal Agencies to be Consulted in Connection with Preparation of Environmental Statement.* The Federal agencies to be consulted in connection with preparation of environmental statement are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture;
Department of Commerce;
Department of Defense;
Department of Health, Education and Welfare;
Department of Housing and Urban Development;
Department of the Interior;
Department of Transportation; and
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority; and
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in Section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and Local Review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by States and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register* (with a copy of environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of Statements in Agency Review Processes; Distribution to Council on Environmental Quality.*

(a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ *significantly* from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of Section 102(2)(C) Procedure to Existing Projects and Programs.* To the fullest extent possible the Section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91–190 on January 1 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of Environmental Statements and Comments to Public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

13. *Review of Existing Authority, Policies and Procedures in Light of National Environmental Policy Act.* Pursuant to Section 103 of the Act and Section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970 the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary Guidelines; Evaluation of Procedures.*

(a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the Section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

Mr. McINTYRE. The fact that these guidelines were interim is in itself very significant. This was recognized as a new program with many major broad and complex implications. It also contained terms such as "major Federal action" and "significantly affecting the quality of the human environment" that required definition. It was impossible in the interim guidelines to precisely outline all of the types of Federal actions that would require statements. This could only be worked out through experience with the operation of the law. It might be said that the interim guidelines of the Council on Environmental Quality represented but a first step. Subsequent steps would be built on experience, as we made our way. It should be noted that these interim guidelines were not explicit as to what type of statement would be submitted with legislative proposals; that is, whether a draft or final statement would be needed.

One of the matters addressed to the interim guidelines was that of continuing Federal actions which were started prior to the act. The Council determined that Federal acts which were already underway should be reviewed to determine if environmental statements should be prepared. Certainly, it was clear that it was not intended that all Federal action would cease until an environmental review could be made. Logically, the Federal agencies would review their acts with a view toward improving the quality of the human environment and file environmental statements where there appeared to be the possibility of a significant impact on the environment. They would not cease all continuing major Federal actions pending this review.

The interim guidelines of the Council on Environmental Quality stated that the Office of Management and Budget would provide guidance concerning environmental statements on legislative items. This guidance was published by the Office of Management and Budget on August 31, 1970. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 31, 1970.

To: The heads of executive departments and establishments.

Subject: Proposed Federal actions affecting the environment.

1. *Purpose.* This Bulletin establishes interim procedures to be followed by Federal agencies in taking or proposing certain actions coming within the scope of Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190). Section 102(2)(C) requires that, in connection with recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, Federal agencies shall prepare detailed statements concerning aspects of the environmental impact of the actions. Such statements are to be prepared after consultation with, and receipt of comments from, appropriate Federal, State, and local agencies. The Council on Environmental Quality has issued interim guidelines to agencies for implementation of this statutory requirement (35 F.R. 7390-7393). The guidelines provide detailed instructions for the preparation and content of environmental impact statements. The interim guidelines also refer to the issuance of these instructions by the Office of Management and Budget to provide for the utilization of existing review mechanisms for certain kinds of actions.

Based on the experience gained from the use of this Bulletin, Office of Management and Budget directives may be revised as appropriate.

2. *Requirements.*

a. *Legislation.* Each agency is responsible for identifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the statements and receipt of the comments required under Section 102(2)(C). When there is doubt as to which is the principal agency concerned, agencies shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed Section 102(2)(C) statements and the required documents shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. At the same time, copies of this material shall be furnished directly to the Council on Environmental Quality for its information. As part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate Federal agencies, and will consult with the Council on Environmental Quality. In certain cases, the clearance process may disclose the need for a Section 102(2)(C) statement where none has been prepared; in this event, the Office of Management and Budget staff will request the appropriate agency to develop and submit such a statement.

After differences with other agencies over the legislative proposal or report have been resolved, and after the legislative proposal or report has been cleared by the Office of Management and Budget, the originating agency shall put the Section 102(2)(C) statement in final form (including such comments and views of the appropriate Federal, State, and local agencies as are pertinent). The final statement and comments shall accompany the proposal or report to the Congress as supporting material. Copies of this final material shall be furnished directly to the Council on Environmental Quality.

b. *Annual budget estimates.* For those agencies having major program actions with significant impact on the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs. In the case of programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment, special summary statements shall include relevant information about general environmental impact and alternatives, and, to the extent possible, important environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include, in the form illustrated in Exhibit 1, the following information by appropriation or fund account:

Column A—*Action, project, or activity.* Identify the agency actions and individual projects and activities, and the amounts of funds involved, that are considered subject to Section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to Section 102(2)(C) and the amount involved.

Column B—*Final statement completed.* Check the appropriate category. If there are significant unresolved issues with other agencies, include a copy of the statement with the submission to the Office of Management and Budget.

Column C—*Statement being prepared.* Gives the status (e.g., awaiting signature of the Secretary) and estimated completion date.

Agencies that prepare Section 102(2)(C) statements for annual authorizing legislation shall submit the proposed Section 102(2)(C) statements in lieu of a special summary statement required by paragraph 2b above, except that the information required for the special summary exhibit shall be submitted along with the proposed Section 102(2)(C) statement. Copies of the special summary statement or proposed Section 102(2)(C) statement (accompanied by information for the special summary exhibit) shall be furnished directly to the Council on Environmental Quality.

c. *Water resource project reports.* Project reports reviewed by the Office of Management and Budget pursuant to Executive Orders Nos. 9384 and 10654 often involve proposed actions that may require application of the Section 102(2)(C) procedures.

In such cases, the Section 102(2)(C) statement shall accompany the project report when the latter is referred for comments to interested Federal, State, and local agencies. The statement and the comments thereon shall accompany the project report when submitted to the Office of Management and Budget for review.

If planning on current projects is so far advanced that conforming with standard procedures in connection with Section 102(2)(C) would cause major problems, the agencies shall consult with the Natural Resources Programs Division to determine whether appropriate modifications of the procedures should be arranged.

All project reports on projects that are considered subject to Section 102(2)(C) procedures received after adjournment of the present session of the Congress will be returned to the proposing agency if the Section 102(2)(C) procedures have not been completed at the time of submission.

3. *Review of Federal actions by State and local governments.* As a part of the preparation of environmental impact statements, Section 102(2)(C) requires agencies to include the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards. The interim guidelines issued by the Council on Environmental Quality (35 F.R. 7390-7393) establish the procedures to be followed in obtaining Federal, State, and local review of proposed actions subject to Section 102(2)(C). In certain cases in obtaining State and local review of major Federal actions having impact on a specific locality, it will be appropriate for agencies to follow the procedures established in the Office of Management and Budget Circular No. A-95.

Pursuant to Part I of Circular No. A-95, a network of State, metropolitan and regional (non-metropolitan) clearinghouses has been established. These clearinghouses serve as review agencies for proposed Federal and Federally supported development projects (including the acquisition, use and disposal of Federal real property) and applications for Federal assistance under a wide variety of Federal programs. These reviews are concerned with the consistency of proposed projects with State, regional, and local plans and programs; with consideration of certain other factors, including development and conservation of natural resources, protection of areas of unique natural beauty, historical, or scientific interest; and with maintenance of high standards of design.

In the case of direct Federal development

projects and projects assisted under programs listed in Attachment D of Office of Management and Budget Circular No. A-95, Federal agencies will utilize these clearinghouses in obtaining the views of State and local agencies required under Section 102 (2) (C) procedures. In most cases the agency operating the clearinghouse function will not itself have the environmental responsibilities but will be utilized to obtain the required information from appropriate State or local agencies.

GEORGE P. SHULTZ,
Director.

EXHIBIT 1

STATUS OF SECTION 102(2) (C) STATEMENTS

DEPARTMENT OF GOVERNMENT APPROPRIATION OR FUND ACCOUNT (ACCOUNT IDENTIFICATION CODE)

Column A. Action, Project or Activity.

Column B. Final Statement Completed (Check one Column); Unresolved Issues—. No Unresolved Issues—.

Column C. Statement being prepared—.

Mr. McINTYRE. The directive required Federal agencies to review their authorizing legislation from the environmental standpoint. It also stated that when an environmental statement was required, it would be forwarded with the authorizing legislation. However, here again, no distinction was made between a draft statement and a final statement.

The Secretary of Defense signed a memorandum on September 25, 1970, which was less than a month after the Office and Management on Budget guidance came out, that required the military departments to review the items that they proposed for inclusion in their authorizing legislation for fiscal year 1972, and to identify those items which might have a significant impact on the quality of the human environment. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

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

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., September 25, 1971.

Memorandum for: Secretaries of the Military Departments; Chairman of the Joint Chiefs of Staff; Director of Defense Research and Engineering; Assistant Secretaries of Defense; General Counsel; Assistants to the Secretary of Defense; and Directors of the Defense Agencies.

Subject: Additional Instructions for Preparation and Submission of FY 1971 Revised and FY 1972 Budget Estimates—Environmental Quality Reports.

References:

(a) OMB Bulletin 71-3, August 31, 1970, "Proposed Federal Actions Effecting the Environment"

(b) DASD(C) memorandum, August 28, 1970, "Preparation and Submission of FY 1971 Revised and FY 1972 Budget Estimates"

(c) Deputy Secretary of Defense memorandum, August 8, 1970, "Interim Guidelines on Environmental Statements"

(d) ASD(C) memorandum, July 10, 1970, "Military Construction, Family Housing and Homeowners Assistance Budget Estimates, FY 1972"

This memorandum implements paragraph 2.b. of reference (a) which requires that the annual budget estimates be accompanied by a special summary statement explaining generally the environmental impact expected to result from activities and programs of the submitting agency together with an "Exhibit 1," entitled "Status of Section 102(2) (C) Statements." Accordingly, each DoD Component having major program actions with significant impact on human environment will submit twenty (20) copies of these statements and exhibits. Every effort should be made to submit these items along with the budget estimates which are due September 30, 1970 pursuant to reference (b). If this is not possible the due date for these items may be extended to October 15, 1970.

Instructions for preparation of the special summary statements and the exhibit are set forth in reference (a). Individual actions and projects to be shown on Exhibit 1, "Status of Section 102 (2) (c) Statements," will include all actions and projects proposed for financing from budget year appropriations which require Section 102 (2) (C) Statements pursuant to PL 91-190. The listing will be arranged by appropriation and budget activity.

Reference (c) provides the guidance for determining those actions and projects which require Section 102 (2) (C) Statements. In addition, reference (d) requires that the DD Form 1391 for all military construction and family housing projects include a statement which will indicate whether an environmental impact statement is required. It is intended that the listing one the "Exhibit 1," received from DoD Components will constitute a complete inventory of all FY 1972 DoD actions and projects requiring Section 102 (2) (C) Statements.

T. D. MORAN, Jr.,
Deputy Comptroller for Program/Budget

Mr. McINTYRE. I should point out that at that time, the annual process for formulating the request for authorizing legislation for fiscal year 1972 was well along the way toward completion, so that insufficient time was available to comply with the law as to the time of filing. In addition, environmental statements were still a new matter within the executive branch, and the procedures needed to produce these were still being developed. For these reasons, the Department of Defense could not complete even draft statements in time to meet the January 1971 submission of the legislative proposals.

The Department of Defense published interim guidelines on August 8, 1970, to implement the guidelines of the Council on Environmental Quality. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., August 8, 1970.

Memorandum for: Secretaries of the Military Departments; Chairman of the Joint Chiefs of Staff; Director of Defense Research and Engineering; Assistant Secretaries of Defense; Assistants to the Secretary of Defense; and Directors of Defense Agencies.

Subject: Interim Guidelines on Environmental Statements.

1. *Purpose.* Pending the publication of a DoD Directive on the National Environmental Policy, this memorandum provides interim guidance with regard to the general policies and procedures required by Section 102(2) (C) of Public Law 91-190, the National Environmental Policy Act of 1969 (NEPA); Executive Order 11514; and the Interim Guidelines for Statements on Major Federal Actions Affecting the Environment published by the Council on Environmental Quality (CEQ). This memorandum will amplify these documents by (a) identifying actions requiring environmental statements; (b) clarifying procedures for obtaining the information and reviews required for their preparation; (c) designating officials responsible for the preparation, review and disposition of environmental statements; (d) insuring proper coordination of such actions, including consultation with appropriate Federal, State and local agencies; and (e) explaining requirements for providing timely public information on proposals for legislation and other major actions having potential significant adverse effects on the natural environment.

2. *Background Information.*

Section 101 of the NEPA has established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2) (C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes.

The CEQ has provided Interim Guidelines herewith attached to assist Federal departments, agencies and establishments to implement the NEPA.

3. *Policy.*

a. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of Defense, the Office of the Secretary of Defense, Military Departments, Organization of the Joint Chiefs of Staff, and Department of Defense Agencies (hereafter referred to as DoD components) shall make an assessment of the probable ecological and environmental impacts of that action.

b. In the continuation of an existing program which was initiated prior to the passage of the NEPA, DoD components will similarly assess the environmental impact of the proposed continuing action.

c. If these appraisals indicate that (1) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (2) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this memorandum.

4. *Actions Requiring Environmental Statements.*

a. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the DoD component, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wildlife, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statements is required. To assure that the requirements of the NEPA are met, DoD components will interpret broadly the scope of the term "significant adverse environmental effect."

b. Activities or actions of the following types, in particular, should be assessed care-

fully for the necessity of preparing an environmental statement:

(1) Real estate acquisitions, outleases of land, and developments of new installations;

(2) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;

(3) Initiation of the development of new weapon systems whose noncombat use may adversely affect the environment;

(4) Programs for weapons testing;

(5) Large-scale training operations;

(6) Programs for utilization of pesticides and herbicides;

(7) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

c. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

(1) Improvement projects for the abatement of air and water pollution;

(2) Routine training operations;

(3) Combat operations;

(4) Transportation of munitions;

(5) Activities or actions in foreign countries. (However, the requirements of Section V, I of DoD Directive 5100.50 are to be complied with.)

d. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Department of Defense.

e. *Projects or Programs Initiated Before January 1, 1970.* Consistent with the above guidelines, an environmental statement shall be filed on actions significantly adversely affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on January 1, 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

f. In cases where the DoD component has any doubt about the necessity of preparing an environmental statement for a particular proposed action, the Office of the Assistant Secretary of Defense (Health and Environment) (OASD (H&E)) should be consulted.

5. *Preparation of an Environmental Statement.* An environmental statement shall be prepared by the DoD component which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include the following information:

a. Predictions of the probable *total impact of the proposed action on the environment.* This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

b. A statement of any *adverse environmental effects which cannot be avoided should the proposal be implemented.* This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

c. A list of carefully developed *alternatives to the proposed action* that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

d. Exposition of the *relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.* For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

e. *An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented.* This section should identify the extent to which the action curtails beneficial uses of the environment.

6. *Processing Environmental Statement Originated by a DoD Component.*

a. *Submission of Draft Statement to the OASD(H&E).* The cognizant DoD component shall prepare a *draft* environmental statement in accordance with paragraph 5 above and submit 3 copies to the OASD(H&E). This submission will be accomplished prior to any formal review outside the DoD.

b. *Review of Draft Statement by the OASD(H&E)* shall review the draft statement and obtain comments from other appropriate elements of OSD. The OASD(H&E) shall then communicate with the originating DoD component, indicating concurrence or recommending changes.

c. *Submission of Draft Statement to the CEQ.* Following receipt of the OASD(H&E) review and concurrence, the originating DoD component shall submit 10 copies of the *draft* or revised *draft* statement to the CEQ. A copy of *revised* draft statements shall be sent to the OASD(H&E).

d. *Review of Draft Statement by Other Federal Agencies.* Immediately after submission of the *draft* statement to the CEQ, the originating DoD component shall solicit the views of other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action in accordance with paragraph 8 of the attached CEQ guidelines.

e. *Review of Draft Statement by State and Local Agencies.* Concurrently with solicitation of the views of other Federal agencies, the originating DoD component shall solicit comments from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. A significant degree of public interest in the proposed action or similar previous actions would be one indication of the pertinence of the issue to State and local agencies. Also, the need for State or local authorizations to enforce environmental standards would necessitate solicitation of their remarks. Comments on the *draft* environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register.* The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

f. *Submission of the Final Statement to the CEQ.* After concluding the review process with other Federal, State and local agencies, 10 copies of the *final* environmental statement including 10 copies of all comments received shall be forwarded to the CEQ. When appropriate, a presentation of the problems and objections raised by other agencies in the review process and the disposition of those issues should be included with the *final* environmental statement. Concurrently, a copy of the *final* submission will be provided to the OASD(H&E) by the originating DoD component.

7. *Processing Environmental Statements Originated by Other Federal Agencies.*

a. When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD (H&E), the following procedure shall be followed:

(1) The OASD(H&E) shall determine which DoD components or elements within DoD should review the environmental statement. This determination shall be based upon the nature of the environmental impact involved and the DoD expertise available.

(2) The appropriate DoD components or elements will be requested to review environmental statements and shall provide OASD (H&E) with comments.

(3) The OASD(H&E) shall prepare a consolidated review report or designate the DoD component or element with primary interest to prepare such a report. The consolidated review report shall be forwarded to the requesting Federal agency by the OASD(H&E).

b. Should a request for review and comment on an environmental statement from another Federal agency be received directly by a DoD component, these procedures shall be followed. If the DoD component:

(1) Concurs with or without comment—reply directly to the requester and provide the OASD(H&E) with an information copy;

(2) Nonconcurs—send the proposed comments to the OASD(H&E).

c. If it is determined that more than one DoD component has been requested to review and comment on environmental statement prepared by a Federal agency, the reply shall be forwarded through the OASD(H&E) for preparation of a consolidated response.

8. *Processing of Legislative Actions.* Pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DoD legislative proposals and in comments prepared by DoD components on legislation prepared by other Federal agencies or introduced by members of Congress and of primary concern to the DoD.

9. *Availability of Environmental Impact Statements and Comments to Public.* The DoD component which has prepared an environmental statement is responsible for making its statement and all comments pertinent to it available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

10. *Implementing Actions.* DoD components shall comply with the provisions of this memorandum and shall:

a. Designate an individual who will act as liaison with the OASD(H&E) with respect to environmental impact statements.

b. Identify new and continuing actions and advise the OASD(H&E) no later than 60 days from the date of this memorandum of all environmental statements pending preparation or submission.

c. Submit 2 copies of implementing instructions to OASD(H&E) within 60 days of date of this memorandum.

d. Provide OASD(H&E) with recommended changes in the policies and procedures delineated in this memorandum within 90 days of the date of this memorandum.

DAVID PACKARD.

Mr. McINTYRE. These guidelines were, as were those of the Council on Environmental Quality, a first step. Under the Department's policy, all draft environmental statements prepared by the military departments would be reviewed by the Department of Defense before release for comment outside of the Department. The purpose of this requirement was to insure coordination of the content of the statements prepared within the Department of Defense.

In response to the guidelines of the Department of Defense, each of the military departments published their own implementing guidelines during September and October 1970. I ask unanimous consent that, at this point, the text of

these documents be printed in the RECORD.

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

INTERIM GUIDELINES ON ENVIRONMENTAL STATEMENTS, RCS OSD-(OT)-1570

(See distribution.)

1. References:

(a) AR 11-21, Army Programs, Environmental Pollution Abatement, dated 3 November 1967 with 2 changes thereto.

(b) PL 91-190, 91st Congress, 1 January 1970, entitled "The National Environmental Policy Act."

(c) PL 91-224, 91st Congress, 3 April 1970, entitled "The Environmental Quality Improvement Act of 1970."

(d) Council on Environmental Quality (CEQ) Interim Guidelines.

2. The National Environmental Policy Act of 1969 (NEPA) established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2)(C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes. The Council on Environmental Quality has provided Interim Guidelines to assist the Federal departments, agencies and establishments to implement the National Environmental Policy Act. A copy of the Interim Guidelines is attached as inclosure 1.

3. The purpose of this letter is to provide Interim Guidance to concerned commands and agencies pending publication of DOD directives and revisions to AR 11-21 relating to requirements for impact statements.

4. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of the Army, the Army proponent agency shall make an assessment of the probable ecological and environmental impacts of that action. In the continuation of an existing program which was initiated prior to the passage of the NEPA, the proponent will similarly assess the environmental impact of the proposed continuing action.

5. If the appraisals indicate that (a) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (b) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this letter.

6. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the proponent agency, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statement is required. To assure that the requirements of the NEPA are met, proponent agencies will interpret broadly the scope of the term "significant adverse environmental effect."

7. Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

(a) Real estate acquisitions, outleases of land, and developments of new installations;

(b) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;

(c) Initiation of the development of new weapon systems whose noncombat use may adversely affect the environment;

(d) Programs for weapons testing;

(e) Large scale training operations;

(f) Programs for utilization of pesticides and herbicides;

(g) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

8. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

(a) Improvement projects for the abatement of aid and water pollution;

(b) Routine training operations;

(c) Combat operations;

(d) Transportation of munitions; (except lethal chemical).

(e) Activities or actions in foreign countries.

9. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Army.

10. Consistent with the above guidelines, an environmental statement shall be filed on actions significantly adversely affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on 1 January 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

11. In cases where the proponent agency has any doubt about the necessity of preparing an environmnetal statement for a particular proposed action, Headquarters, Department of the Army (DCSLOG) should be consulted.

12. An environmental statement shall be prepared by the agency which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include the following information:

(a) Predictions of the probable total impact of the proposed action on the environment. This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

(b) A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

(c) A list of carefully developed alternatives to the proposed action that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

(d) Exposition of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

(e) An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented. This section should identify the extent to which the action curtails beneficial uses of the environment.

13. The cognizant Army component shall prepare a draft environmental statement in accordance with paragraph 12 above and submit 7 copies to the DA. This submission will be accomplished prior to any formal review outside the Army. The draft statement shall be submitted through normal command channels for the type of action which requires the statement. The statement will be reviewed by DA and if no modifications are considered necessary it will be submitted to OSD.

14. Subsequent to review and approval of the statement, Headquarters, DA will request publication of a summary notice in the Federal Register. This notice will specify that comments of the relevant State and local Agencies must be submitted within 60 days of publication of the notice.

15. It is requested addressees comply with the provisions of this letter, identify new and continuing actions, and advise Headquarters, DA (DCSLOG) no later than 30 September 1970 of all environmental statements pending preparation or submission.

By order of the Secretary of the Army:

KENNETH G. WICKERSHAM,
Major General, USA,
The Adjutant General.

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US Army War College.

[From Chief of Naval Operations, OPNAV Instruction 6240.2]

ENVIRONMENTAL IMPACT STATEMENTS; POLICY REGARDING AND ASSIGNMENT OF RESPONSIBILITIES FOR

Reference: (a) SECNAVINST 6240.6 (current series).

Enclosure: (1) Procedures for Processing Environmental Impact Statement.

* * * * *

5. *Environmental Impact Statements.* In accordance with the above DoD policy, an environmental statement is required if the program or action will cause significant adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or; will result in substantial controversy with other Federal agencies and/or State and local agencies and communities. Offices, Commands and/or Shore (Field) Activities involved will give the broadest interpretation to the intent of the above terms to assure that the Navy meets the requirements of the National Environmental Policy Act of 1969.

(a) Actions to be assessed carefully for the necessity of preparing an environmental statement include:

(1) Real estate acquisitions, outleases of land, and the planning and programming of new installations.

(2) Construction of a facilitiy or facilities at an installation which will result in a significant impact on the surrounding communities or natural resources.

(3) Major mission changes, or changes in base loadings which will result in a significant impact as above.

(4) Initiation of the development of new weapon systems or modernization of existing systems whose use in peacetime may adversely affect the environment.

(5) Programs for weapons testing.

(6) Large scale training operations.

(7) Programs for the transportation and disposal of chemical munitions.

(8) Programs for utilization of pesticides and herbicides.

(9) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradation of the environment, forecast changes in the use of land, or alter population concentrations.

(b) Activities or actions which normally will not require submission of an environmental statement include:

(1) Improvement facilities projects for the abatement of air and water pollution.

(2) Routine training operations.

(3) Combat operations.

(4) Routine transportation of munitions, excluding chemicals. (see para 5. b. (7) above)

(5) Activities or actions in foreign countries (however, the requirements of Section V, 1. of DoD Directive 5100.50 are to be complied with).

6. *Preparation and Composition.* An environmental impact statement shall be prepared by the Office, Command, or Shore (Field) Activity which is primarily responsible for the intended action or legislation. The statement shall include:

(a) Predictions of the probable total impact of the proposed action on the environment. This shall include commentary of the direct impact on some part of the environment such as the clearing of the forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing eco-systems. Indirect or secondary significant consequences for the environment should be included for the analysis. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

(b) A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

(c) A list of carefully developed alternatives to the proposed action that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

(d) A detailed description of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

(e) An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented. This section should identify the extent to which the action curtails beneficial uses of the environment.

7. *Responsibilities:*

(a) The Deputy Chief of Naval Operations (Logistics) (OP–04) is responsible for developing and promulgating policy and guidelines with regard to Environmental Impact Statements, and for:

(1) Assuring effective coordination with the President's Council of Environmental Quality, the Assistant Secretary of Defense (Health and Environment) and other DoD Components and Federal Agencies.

(2) Maintaining coordination with the Chief of Information for the release to the public, of environmental statements and all comments pertinent thereto pursuant to provisions of the Freedom of Information Act (5 USC Sec. 552).

(3) Providing a point of contact to assist commands having doubt about the necessity of preparing impact statements for proposed or continual actions.

(b) Addresses shall maintain a continued surveillance of planned or current actions under their cognizance, and when assessments so indicate, prepare/submit draft environmental impact statements in accordance with this instruction. Procedures for processing impact statements within the Navy are outlined in enclosure (1).

R. L. SHIFLEY,
Deputy Chief of Naval Operations (Logistics.)

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PROCEDURES FOR PROCESSING ENVIRONMENTAL IMPACT STATEMENTS

1. Environmental impact statements originated within the Department of the Navy are to be processed as follows:

(a) The cognizant Office, Command, or Activity prepares a draft environmental statement in accordance with paragraph 6. of the basic instruction and submits 6 copies to CNO via the chain of command. If the statement concerns real estate acquisition the statement will be forwarded to CNO via the chain of command and the Naval Facilities Engineering Command (NAVFAC). If the statement concerns reports on proposals for legislation or favorable reports on bills, the Chief of Legislative Affairs shall be furnished a copy of the statement and copies of all subsequent correspondence relating thereto.

(b) CNO coordinates the draft statement with other appropriate Navy components and advises originator of concurrence or nonconcurrence.

(c) If concurrence applies, CNO submits copies of the statement to OASD(H&E).

(d) If CNO does not concur with the statement, the draft together with recommended changes, will be returned to originator.

(e) The OASD(H&E), after review and coordination of the statement with other DOD components, advises CNO of concurrence, or recommends changes.

(f) Following receipt of OASD(H&E) concurrence or recommendations for revision, CNO directs the originator to resubmit 13 copies of the draft or revised draft statement to CNO. To expedite, the originator, unless otherwise directed, may forward copies directly to CNO with copies to the chain of command.

(g) Upon receipt of the draft statements by CNO, actions set forth in either subparagraphs (1) or (2) below are taken:

(1) If the environmental statements are to accompany legislative proposals or reports on bills, CNO submits a copy of the draft statement to the Chief of Legislative Affairs and 10 copies to the Council on Environmental Quality. CNO will concurrently request originator to solicit comments from state and local agencies when the environmental impact of the proposed action is pertinent to those agencies. When CNO is advised by the Chief of Legislative Affairs that the legislative proposal or report has been cleared by the Office of Management and Budget and after review of comments received from state and local authorities, the originator shall forward 10 copies of the final environmental statement, including 10 copies of all comments received during the review process, to CNO for review and forwarding to Chief of Legislative Affairs (1 copy), Council on Environmental Quality (10 copies) and OASD(H&E) (1 copy).

(2) If the environmental statements are not to accompany legislative proposals or reports on bills, CNO submits 10 copies of the draft statement to the Council on Environmental Quality. CNO will concurrently request the originator to solicit the views of other federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action, and to solicit comments from the state and local agencies when the environmental impact of the proposed action is pertinent to those agencies.

After review of the comments and views received from federal, state and local agencies, the originator shall forward 10 copies of the final environmental statement, including 10 copies of all comments received during the review process, to CNO for review and forwarding to the Council on Environmental Quality, and concurrently one copy of same to OASD(H&E).

2. Environmental impact statements orig-

inated by other federal agencies are processed as follows:

(a) The federal agency originating the impact statement submits the statement to OASD(H&E).

(b) OASD(H&E) refers statements of concern or interest to the Department of the Navy to CNO for review.

(c) CNO, after independent review, or after referring the statement to the Command or Activity with the expertise for detailed review and return comments, advises OASD (H&E) of concurrence/non-concurrence with the statement for the Department of the Navy.

AIR FORCE INTERIM GUIDELINES FOR ENVIRONMENTAL ASSESSMENTS AND STATEMENTS

To: ACIC, ADC, AFCS, AFLC, AFRES, USAFA, AFSC, AU, AAC, MAC, ATC, TAC, CIN CPACAF, CINCUSAFE, CINCSAC, USA FSS, HQ COMD USAF, and USAFSO. (Commander.)

1. The National Environmental Policy Act (1 Jan 70) and the implementing Presidential Executive Order 11514 (5 Mar 70) require that all major actions of Federal agencies be assessed for potential impact on the human environment. When such actions are judged to significantly affect the quality of the human environment, then detailed statements must be filed with the President's Council on Environmental Quality. These requirements basically apply to the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. However, formal statements may also be required in certain overseas areas where controversy arises.

2. All current and future Air Force actions must be assessed for potential environmental impact. Each commander must insure that due consideration is given to protect the environment (air quality, water quality, sound control, land resources, fish, and wildlife). Basically, an environmental assessment requires that two questions be considered:

(a) Will the action have a significant adverse impact on the environment?

(b) Will the impact on the environment be controversial? If the answer is "yes" to either question, then a detailed environmental statement must be prepared in accordance with the attached guidelines.

3. The definition of "significant adverse environmental impact" cannot be given in precise, quantifiable terms, nor can the degree of controversy which requires an environmental statement be defined universally. Therefore, to preclude unnecessary effort, HQ USAF will closely monitor the preparation of environmental statements. If the requirement for an environmental statement is in doubt, the case should be referred to HQ USAF, Environmental Protection Group, Directorate of Civil Engineering (AF/PREV) for a decision. However, in certain cases it will be obvious to the command that an environmental statement is required. To conserve time, commands should then proceed immediately with the preparation of an environmental statement and advise this headquarters.

4. In implementing these new procedures the Air Force has been directed to make a one-time assessment of all current continuing actions for environmental impact and to complete formal environmental statements where required. Command Environmetal Coordinators have provided HQ USAF (PREV) with an initial listing of actions which may require an environmental statement. Commanders are requested to review these submittals to determine if there are additional actions which it is felt may require environmental statements and notify HQ USAF (PREV) of any additions to the initial listings by 1 December 1970. You will be advised of further action required.

S. F. MARTIN,
Major General, USAF, Assistant Deputy Chief of Staff, Programs and Resources.

AIR FORCE INTERIM GUIDELINES FOR ENVIRONMENTAL ASSESSMENTS AND STATEMENTS

1. *Purpose:* To provide guidance to all Air Force Commands for making environmental assessments and for preparing detailed environmental statements. These actions are required by the National Environmental Pollution Act (NEPA) and Executive Order 11514 dated March 5, 1970. These guidelines implement the provisions of OSD memorandum, August 8, 1970, Subject: Interim Guidelines on Environmental Statements.

2. *Policy:*

(a) At the inception of every action, all Air Force Commands shall make an assessment of the probable ecological and environmental aspects of that action.

(b) For continuing Air Force actions or programs which were initiated prior to January 1, 1970, Commands shall also assess the environmental impact of the proposed continuing action.

(c) If these assessments indicate that (1) a significant adverse environmental effect will result from a proposed action or (2) a proposed action is likely to be controversial with respect to environmental effects, then an environmental statement must be prepared.

(d) A significant adverse environmental effect is one that alters the ecological energy flow, nutrient cycling, or population self-regulation or one which will physically affect a potential population. The proposed action becomes controversial when there are two or more groups of people who actively advocate a difference of opinion as to whether the proposed action will have an adverse environmental effect and the controversy cannot be resolved by the command.

(e) It is not the intent of this policy to attempt to prevent change. Change is the essence of nature. It is the purpose of this policy to foster a partnership with the balance of nature in the management of our resources and our wastes.

3. *Environmental Assessment:* An environmental assessment will be a routine part of all actions taken or contemplated by the Air Force. For example, a change in the mission of a base, a change in aircraft traffic patterns or operational intensity, construction of engine runup and test facilities, extension of base boundaries, development of a new missile or aircraft, construction of a hospital, increased RDT&E activities, or for that matter, any major construction project, should be related to possible environmental effects. The basic environmental factors to be considered are changes in surroundings which affect man, land use, wildlife, plants, fish, or marine life. Some effects to be considered are:

(a) Local flooding and erosion which could result from changes in drainage patterns.
(b) Pollution of watersheds from wastes,
(c) Pollution of lakes and streams by:
(1) Sedimentation,
(2) Introduction of chemical or organic substances, or
(3) Changing the temperature.
(d) Generation of noise by:
(1) Aircraft on the ground and in the air (including sonic boom).
(2) Industrial operations.
(3) RDT&E activities.
(e) Pollution of the atmosphere by:
(1) Aircraft engine emissions,
(2) Vehicle engine emissions,
(3) Heating and power plant emissions,
(4) Open burning, or
(5) Incinerators.
(f) Depletion of natural resources such as:
(1) Soil,
(2) Ground water,
(3) Vegetation, or
(4) Animal life.
(g) Aesthetic values.

All of these must be considered in view of their biological and physical effects on Air Force bases and on the surrounding community.

4. *Actions Which may Require Environmental Statements:* Air Force Commands should interpret broadly the scope of the term "significant adverse environmental effects." Activities or actions of the following types should be assessed carefully:

(a) Real estate acquisitions which:
(1) Increase the area of the base,
(2) Are near residential areas, or
(3) Include land valued for aesthetics, recreation, or wildlife.
(b) Outleases of lands which change the land use (for example, converting forests or idle land to cultivation).
(c) Planning and programming major new facilities such as:
(1) Airfield pavements,
(2) Aircraft maintenance facilities,
(3) Heating plants,
(4) Power plants,
(5) R&D facilities, and
(6) Medical facilities.
(d) Development of new installations.
(e) Major construction activities (construction noise, dust, traffic, contractor plants, pollution of watersheds, trash, etc.).
(f) Major mission changes which:
(1) Increase the number of personnel significantly,
(2) Increase in tempo of aircraft operation,
(3) Require major construction,
(4) Significantly increase the amount of industrial wastes, or
(5) Introduce new types of industrial wastes.
(g) Weapons testing activities which:
(1) Affect large areas of land,
(2) Will introduce significant additional air traffic near populated areas, or
(3) May deny future access to the area for an extended period of time.
(h) Development of new weapons systems which:
(1) Utilize materials or fuels which could adversely affect the environment (ultimate phaseout and disposal should also be considered),
(2) Could affect the ecological balance of the earth's atmosphere,
(3) Would require extensive basing systems.
(i) Programs for widespread use of pesticides and herbicides.
(j) Major alteration of the flow of ground traffic on and in the vicinity of an air base.

5. *Actions Which Normally do not Require Environmental Statements:* Activities or actions which normally would not require an environmental statement include the following:

(a) Improvement projects for abatement of air and water pollution,
(b) Minor alteration of existing structures,
(c) Combat operations,
(d) Routine training operations,
(e) Routine transportation of munitions.

6. *Environmental Statements:* If the environmental assessment indicates (1) a significant adverse environmental effect or (2) controversy with respect to environmental effects, then the command must forward a draft environmental statement to HQ USAF (PREV). The environmental statement must include the following information:

(a) Predictions of the probable *total impact of the proposed action on the environment.*

(b) A statement of any *adverse environmental effects which cannot be avoided* should the action be implemented.

(c) A list of *alternatives to the proposed* action that might avoid some or all of the adverse environmental effects.

(d) An evaluation of the *relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity* (cumulative effect).

(e) *An inventory of all irreversible and irretrievable commitments of natural resources*

which would be involved if the proposed action should be implemented.

(f) *Details of any unresolved controversy* regarding the action. A suggested format for the preparation of an environmental statement is included as Appendix A.

7. *Assistance in Peforming Environmental Assessments and Preparing Environmental Statements:* In cases where the command has any doubt about the necessity of preparing an environmental statement for a particular action, or when additional guidance is needed, this HQ USAF (PREV) should be contacted. Specialized assistance in performing environmental assessments and preparing environmental statements is also available from AFLC, AFSC, and MAC, as detailed in AFR 161-22.

8. *Relations with the Public:* Commanders are encouraged to establish rapport with local and State officials concerning environmental quality. If deemed appropriate, they may be contacted informally at any stage in the development of the statement. However, the release of an environmental statement in its entirety or any related information will be accomplished only in accordance with established procedures governing the security review process and release of information to the public. In addition, release of the environmental statement in its entirety will require approval of HQ USAF (PREV). The Information Officer will provide public affairs counsel to the commander during the preparation of environmental statements. Anticipated public reaction to environmental actions must be carefully considered throughout the preparation process.

DEPARTMENT OF THE AIR FORCE, AIR FORCE COMMAND

ENVIRONMENTAL STATEMENT, AIR FORCE BASE

Date prepared

Prepared by:———

Approved by:———

(Base Commander)

Approved by:———

(Commander, Air Force Command (or his designee))

(Other approvals may be required by the Commander of the Command, or equivalent level agency.)

CONTENTS

1. Total Impact of the Proposed Action on the Environment.
(a) Description of action which has environmental impact.
(b) Summary of impact:
(1) Air Quality (if applicable).
(2) Water Quality (if applicable).
(3) Sound Control (if applicable).
(4) Land Use (if applicable).
(5) Fish and Wildlife (if applicable).
2. Adverse Environmental Effects Which Cannot be Avoided.
(a) ——
(b) ——
3. Alternatives to the Proposed Action.
(a) ——
(b) ——
4. Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity.
(a) ——
(b) ——
5. Inventory of all Irreversible and Irretrievable Commitments of Natural Resources.
(a) ——
(b) ——
6. Details of any Unresolved Controversy.
(a) ——
(b) ——
Appendix I:
A. Supporting documentation of Air Quality evaluation (if applicable).
B. Supporting documentation of Water Quality evaluation (if applicable).
C. Supporting documentation of Sound Control evaluation (if applicable).
D. Supporting documentation of Land Use evaluation (if applicable).
E. Supporting documentation of Fish and Wildlife evaluation (if applicable).
Appendix II—Comments by State and Local Agencies:
A. Summary.
B. Comments from ———.
C. Comments from ———.
(Comments will be solicited from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. *HQ USAF (PREV) will accomplish this* after receipt of the environmental statement from the command by publishing a summary notice in the *Federal Register*, soliciting comments within 60 days.)
Appendix III—Comments from other Federal Agencies:
A. Summary.
B. Comments from ———.
C. Comments from ———.
(Comments will be solicited from other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action. *HQ USAF (PREV) will accomplish this* after receipt of the environmental statement from the command by direct solicitation from those Federal agencies concerned.

Mr. McINTYRE. It should be noted that the guidance relating to environmental statements for legislative items was being acted upon within the military departments, even before they had had an opportunity to publish their own guidelines for the preparation of such statements.

During the months of September and October 1970, the military departments reviewed all items contained in their requests for authorizing legislation. They identified a total of 46 projects that they considered required closer scrutiny. These projects were then carefully reviewed by a group of representatives from the military departments and from the Office of the Secretary of Defense. These representatives decided that only 15 of the projects were candidates for environmental statements. In every instance, it was determined that the project would not significantly affect the quality of human environment. Let me repeat that. It was determined in every instance that none of the 15 projects would significantly affect the quality of human environment. Nevertheless, it was recognized that it either was or might become a controversial project in the minds of others outside the Department of Defense. The identification of these projects was a clear reflection of the intention of the military departments to fully comply with the spirit of NEPA as implemented by the Council on Environmental Quality.

I request unanimous consent that, at this point, this list of 15 projects be printed in the RECORD. I should point out that only six of these are involved in the Military Procurement Authorization Act now under consideration, and these are appropriately identified on the list.

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

PROJECTS RELATING TO THE FISCAL YEAR 1972 MILITARY PROCUREMENT AUTHORIZATION BILL AND THE FISCAL YEAR 1972 MILITARY CONSTRUCTION BILL THAT HAVE BEEN IDENTIFIED FOR ENVIRONMENTAL STATEMENTS

1. Sanguine—Navy.[1]
2. F-14 Aircraft—Navy.[1]
3. B-1 Aircraft—Air Force.[1]
4. F-15 Aircraft—Air Force.[1]
5. High Energy Laser Program—Air Force.[1]
6. Safeguard—Army.[1]
7. Airfield Complex, Phase I, Fort Campbell, Kentucky—Army.
8. Western Medical Institute of Research, Phase II, San Francisco, California—Army.
9. Relocation of Harry Diamond Laboratories, Phase II, Montgomery County, Maryland—Army.
10. New Walter Reed General Hospital, Washington, D.C.—Army.
11. Land Acquisition, Norfolk, Virginia—Navy.
12. Defense Office Building, Bolling Air Force Base—Navy.
13. Land Acquisition, Homestead, Florida—Navy.
14. Land Acquisition, New London, Connecticut—Navy.
15. Land Acquisition, Lemoore, California—Navy.

Mr. McINTYRE. Following this determination, the military departments prepared statements for the 15 projects identified. The statements were reviewed and coordinated in the Department of Defense, a number of recommendations were made on the statements, and the statements were returned to the military departments for revision and release to other agencies for comment. All 15 statements, at least in draft form, have been filed with the Council on Environmental Quality.

I will now address only the six projects which are involved in the bill under consideration. One of the statements, the F-14, already has been finalized and forwarded to the Council on Environmental Quality. Four others are scheduled for finalization by the end of October 1971. The sixth, Project Sanguine, is undergoing review at this time and the determination regarding this program, including the date of filing the final statement will be decided shortly. No significant environmental impact has been documented on any of these projects.

The projects concerned are all ongoing programs, and have been in existence for several years. Let me repeat a point I made earlier. It would have been extremely disruptive to have stopped all actions on these projects until the administrative problems regarding environmental statements were resolved. As I mentioned before, such actions would require contract terminations with the serious waste of time and money that would result. In fact, substantial amounts of fiscal 1972 funds already have been obligated on the F-15 and B-1 programs under continuing authority.

The Department of Defense is vitally concerned about the quality of the environment. This concern did not commence with NEPA, but preceded it. The Department of Defense has had a high level committee for pollution control for

[1] These are the six projects which involve the Fiscal Year 1972 Military Procurement Authorization Bill.

a number of years. This committee has in the past recommended environmental policy for the Department of Defense. The military departments have implemented that policy.

When NEPA was enacted, the Department of Defense increased its organization for environmental control. On June 23, 1970, the Secretary of Defense established the Office of the Assistant Secretary of Defense—Health and Environment—and outlined its responsibilities and functions in the Department of Defense Directive 5136.1.

I request unanimous consent that, at this point, a copy of this directive be printed in the RECORD. This directive assigned the new Assistant Secretary the responsibility of policy adviser and coordinator for the Secretary of Defense for environmental quality matters. The new office included a Deputy Assistant Secretary of Defense for Environmental Quality and staff assistants.

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

DEPARTMENT OF DEFENSE DIRECTIVE No. 5136.1, JUNE 23, 1970

I. GENERAL

Pursuant to the authority vested in the Secretary of Defense and the provisions of Title 10, United States Code, section 136(b) as amended, one of the positions of Assistant Secretary authorized by law is hereby designated the Assistant Secretary of Defense (Health and Environment) with responsibilities, functions and authorities as prescribed herein.

II. RESPONSIBILITIES

The Assistant Secretary of Defense (Health and Environment) is the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients, preventive medicine, clinical investigations, hospitals and related health facilities, medical material, nutrition, and health personnel and the procurement, education and training, and retention of such personnel. He is also the principal adviser and coordinator for the Secretary of Defense for environmental quality matters.

III. FUNCTIONS

Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) shall perform the following functions within his assigned responsibilities:

A. Recommend policies and guidance governing DoD planning and program development.

B. Develop systems and standards for the administration and management of approved plans and programs.

C. Review and evaluate programs of DoD components for carrying out approved policies and standards.

D. Establish requirements for DoD research and development programs in relevant fields to be carried out by the Director of Defense Research and Engineering, and keep abreast of technical developments to provide their orderly transition to operational status.

E. Recommend appropriate steps which will provide for more effective, efficient and economical administration and operation in the Department of Defense including the elimination, transfer, reassignment, and consolidation of functions.

F. Promote close cooperation and mutual understanding between the Department of Defense, other Federal agencies, and the civil health and medical professions.

G. Provide specific policy and guidance for the procurement, professional development, and retention of medical and dental personnel, as well as such other personnel as may be required to discharge DoD health and environmental quality responsibilities.

H. Insure the identification of environmental quality problems associated with the development, production, and use of new materials and provide for their abatement and control. Where inadequate data exists concerning the effects and control of these materials, conduct studies to develop environmental control policy in consultation with appropriate heads of other agencies.

I. Consult with responsible officials in other Federal agencies at the earliest feasible stage in the planning of new activities to ensure that insofar as practical, the latest antipollution techniques and methods are used in the protection and enhancement of the environment.

J. Such other functions as the Secretary of Defense assigns.

IV. RELATIONSHIPS

A. In the performance of his functions, the Assistant Secretary of Defense (Health and Environment) shall:

1. Coordinate actions, as appropriate, with DoD components having collateral or related functions.

2. Maintain active liaison for the exchange of information and advice with DoD components, other Federal agencies, and professional groups (e.g., American Hospital Association and American Medical Association).

3. Make full use of established facilities in the Office of the Secretary of Defense, and other elements of the DoD rather than unnecessarily duplicating such facilities.

B. The heads of DoD components and their staffs shall fully cooperate with the Assistant Secretary of Defense (Health and Environment) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. AUTHORITIES

A. The Assistant Secretary of Defense (Health and Environment), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees. Instructions to unified and specified commands will be issued through the Joint Chiefs of Staff.

2. Obtain and provide such information, advice and assistance from DoD components as he deems necessary.

3. Communicate directly with heads of DoD components, including the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and the commanders of the unified and specified commands. Communications of the Assistant Secretary of Defense (Health and Environment) to the commanders of unified and specified commands shall be coordinated with the Joint Chiefs of Staff.

4. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Environment) will be referenced in an enclosure to this Directive.

VI. EFFECTIVE DATE

This Directive is effective immediately.

MELVIN R. LAIRD,
Secretary of Defense.

Mr. McINTYRE. Each of the military departments has created an office at departmental level to deal with environmental matters. The location within the headquarters and the staffing of the office varies somewhat according to the organization of the respective military department. Subsequent to the establishment of these offices, the requirements, staffing, and workload have been reviewed and additions to the staffs have been made as necessary. The Department of Defense is organized and geared to meet the requirements of the law.

On April 23, 1971, the Council on Environmental Quality revised its guidelines for the preparation of environmental statements. I request unanimous consent that, at this point, a copy of these revised guidelines be printed in the RECORD.

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

GUIDELINES FOR FEDERAL AGENCIES UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

(Issued by the Council on Environmental Quality April 23, 1971)

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (34 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of section (102)(2) of the Act and of these guidelines is to build into the agency decision making process an appropriation and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or recommendation as a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality not later than June 1, 1970 (and by July 1, 1971, with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971.

its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to section 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85. For agency procedures subject to OMB Circular No. A-85 a 30-day extension in the July 1, 1971, deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

6. *Content of environmental statement.* (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iv) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an

action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory; Council on Historic Preservation.
Department of Agriculture.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. *Interim EPA procedures for implementation of section 309 of the Clean Air Act, as amended.* (a) Section 309 of the Clean Air Act, as amended, provides:

SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the FEDERAL REGISTER. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. *State and local review.* Where no public hearings has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national programs and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects the view of Federal, State, and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to section 102 (2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when propared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with

relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in sections 6–9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to section 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air quality and air pollution control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental aspects of electric energy generation and transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural gas energy development, transmission and generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and handling of hazardous materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal areas: wetlands, estuaries, waterfowl refuges, and beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and archeological sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development (urban areas).

Flood plains and watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.

Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral land reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, forests, and outdoor recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and plant life, sedimentation, erosion and hydrologic conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise control and abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical contamination of food products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food additives and food sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues.)
Department of Agriculture—
Consumer Marketing Service (meat and poultry products.)

Microbiological contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and radiological health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines.)

Sanitation and waste systems

Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes.)
Bureau of Land Management (solid wastes on public lands.)
Office of Saline Water (demineralization of liquid wastes.)

Shellfish sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects.)
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Airless quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions.)

Waterless quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring.)
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in urban areas, housing and building displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—Bureau of Outdoor Recreation.

Environmental effects with special impact in low-income neighborhoods

Department of the Interior—National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—Urban Mass Transportation Administration.

Rodent control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban planning

Department of Transportation — Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—Economic Development Administration.

WATER

Water quality and water pollution control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—Coast Guard (oil spills, ship sanitation).
Department of Commerce — National Oceanic and Atmospheric Administration.

Marine pollution

Department of Commerce — National Oceanic and Atmospheric Administration.
Department of Transportation — Coast Guard.
Department of Defense—Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and canal regulation and stream channelization

Department of Agriculture—Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

Mr. McINTYRE. It is important that I read a specific provision which is included in this document. Paragraph 10(c) states:

With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. *In cases where scheduling of congressional hearings* on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress *does not allow adequate time for the completion of a final text* of an environmental statement (together with comments), *a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.*

This is now language, which for the first time recognized the need to distinguish between a draft statement and a final statement with respect to the time for submission of recommendations for legislation. In so doing, it clearly recognizes that final statements may not be available at the time that such legislation is being considered by the Congress. The proposed amendment does not face up to this reality. It ignores the transitory nature of the problems for fiscal year 1972 since it is more restrictive than the revised guidelines published by the Council on Environmental Quality.

The Department of Defense has complied with these revised Council guidelines, and implemented this change by publishing Department of Defense Directive 6050.1 on August 9, 1971. I request unanimous consent that, at this point, a copy of this directive be printed in the RECORD.

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

[Department of Defense Directive, No. 6050.1, Aug. 9, 1971]

ENVIRONMENTAL CONSIDERATIONS IN DOD ACTIONS

References (a) through (q) are listed in Enclosure 3.

I. PURPOSE AND SCOPE

This Directive establishes Department of Defense policy, assigns responsibilities, and provides guidance for the implementation of Section 102(2) of reference (a) and references (b) through (k) insofar as those references require the inclusion of environmental considerations in the decisionmaking process.

II. CANCELLATION

Reference (q) is hereby cancelled.

III. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, Unified and Specified Commands, and Defense Agencies (hereafter referred to collectively as "DOD Components").

IV. POLICY

A. At the earliest practicable stage in the planning process and in all instances prior to decision, the environmental consequences of any proposed action shall be assessed.

B. Actions that were initiated prior to the enactment of P.L. 91–190 (reference (a)) and for which the environmental consequences have not been assessed should be reviewed to ensure that any remaining action is consistent with the provisions of this Directive.

C. Insofar as practicable, and with appropriate consideration of assigned missions and of economic and technical factors, programs and actions of all DoD Components shall be planned, initiated, and carried out in a manner to avoid adverse effects on the quality of the human environment. When this is not feasible, all reasonable measures shall be taken to neutralize or mitigate any adverse environmental impact of the actions.

D. Whenever an environmental assessment of a recommendation or report on a proposal for legislation or of a proposed or continuing major action indicates under the criteria in enclosure 1 that that resulting action may significantly affect the quality of the human environment or may be highly controversial with regard to environmental impact, a detailed environmental statement shall be prepared and processed pursuant to the guidance contained in "Statements on Major Federal Actions Affecting the Environment" (reference (f)) and in enclosure 2. The Secretary of the Army may prescribe separate criteria and procedures for determining the need for and the processing of environmental statements with respect to civil functions of the Corps of Engineers.

V. RESPONSIBILITIES

A. The Assistant Secretary of Defense (Health and Environment) shall:

1. Provide assistance and advice relative to environmental statements.

2. Review draft environmental statements submitted by other DoD Components, solicit comments concerning such statements within the Office of the Secretary of Defense and from other appropriate DoD Components, and provide consolidated comments to the DoD Component that submitted the draft statement.

3. Review all directives and instructions of the Office of the Secretary of Defense to determine if environmental statements are required.

4. Maintain liaison with the Council on Environmental Quality (CEQ), the Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB) with respect to the environmental policies affecting the entire Department of Defense.

5. Revise and supplement the enclosures and attachment to this Directive or add additional enclosures or attachments as may be required to implement more effectively the policies set forth in this Directive.

6. Retain a copy of each draft and final environmental statement prepared within the Office of the Secretary of Defense for review by members of the public when such review is requested.

B. The Director of Defense Research and Engineering, Assistant Secretaries of Defense, and Assistants to the Secretary of Defense shall:

1. Monitor the application of policies contained in this Directive with respect to the environmental aspects of continuing and proposed programs and projects within their functional responsibilities.

2. Insure that environmental statements required for actions within their respective offices are prepared and processed.

3. Coordinate as appropriate with other elements of the Department of Defense to preclude duplication or inconsistencies in the preparation of environmental statements for programs or projects within their respective functional responsibilities.

4. Designate a single point of contact within their offices for matters pertaining to this Directive.

5. Assist ASD(H&E) in the review of environmental statesments.

6. Coordinate proposed directives and instructions that have environmental implications with ASD(H&E).

C. The Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Directors of Defense Agencies for operations under their jurisdiction, shall:

1. Establish procedures for assessing environmental consequences of continuing and proposed programs and actions, in accordance with the policies contained in this Directive and for the preparation and processing of environmental statements required for actions within their respective DoD Components.

2. Establish procedures to insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication of issuances until compliance with Section 102(2)(C) of P.L. 91—190 (reference (a)) has been accomplished.

3. Review environmental statements in their areas of expertise in accordance with reference (f).

4. Designate a single point of contact for matters pertaining to this Directive.

5. Designate, in implementing directives, an official responsible for making draft and final environmental staements available to the public.

VI. REPORT CONTROL SYMBOL

Reporting requirements contained herein have been assigned Reports Control Symbol DD–H&E(AR) 1068.

VII. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Three (3) copies of the implementing documents will be forwarded to the ASD(H&E) within 60 days.

DAVID PACKARD,
Deputy Secretary of Defense.

3 Enclosures:

1. Determinations of Requirements for Environmental Statements.

2. Preparation and Processing of Environmental Statements.

3. List of References.

DETERMINATIONS OF REQUIREMENT FOR ENVIRONMENTAL STATEMENTS

I. GENERAL

A. Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190) (reference (a)) requires that a detailed environmental statement be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

B. Executive Order 11514, March 7, 1970 (reference (d)) directs the Council on Environmental Quality to issue guidelines to Federal agencies for the preparation of the environmental statements required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (reference (a)).

C. On April 23, 1971, the Council on Environmental Quality published guidelines for the preparation of environmental statements (Statements on Major Federal Actions Affecting the Environment, 36 Fed. Reg. 79, 7724 1971) (reference (f)). These guidelines contain general guidance for determining when an environmental statement is required.

D. This enclosure interprets and amplifies the general guidelines of the Council on Environmental Quality for Department of Defense actions.

II. GEOGRAPHICAL LOCATION OF ACTIONS

A. Environmental statements are required for actions described in paragraphs III and IV below conducted anywhere in the world, except when conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the United States. In these latter cases, the DOD Component responsible for the action shall provide to the ASD (H&E) full particulars, a recommendation as to whether or not a statement should be prepared, reasons for the recommendation, and an assessment of the effect of a statement on U.S. foreign relations. The ASD (H&E) shall coordinate these latter cases as appropriate, and shall furnish procedural instructions to the responsible DOD Component.

B. Environmental statements are not required for multi-national activities (such as NATO) when the DOD Component involved does not have primary decision-making authority, or for combat or combat-related activities in a combat zone. (See paragraph IV.C.5.)

C. The DoD Component shall comply with applicable environmental laws and policies, even though an environmental statement is not required. In countries or areas not under U.S. control or administration, projects or activities are subject to the environmental laws, regulations and stipulations of the foreign government concerned.

III. ACTIONS INCLUDED

A. The legislative history of the National Environmental Policy Act of 1969 (reference (a)) and the guidelines of the Council on

Environmental Quality define major actions as including, but not limited to, the following:

1. Recommendations or favorable reports relating to legislation, including that for appropriations.

2. Policies, regulations, and procedures-making.

3. Projects and continuing activities:

a. Directly undertaken by Federal agencies;

b. Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

c. Involving a Federal lease, permit, license, certificate, or other entitlement for use.

B. Each of the above categories of actions requires somewhat different considerations in determining whether an environmental statement is required.

IV. EVALUATION OF REQUIREMENT FOR ENVIRONMENTAL STATEMENT

A. Proposals for legislation, annual authorization requests, and favorable reports on legislation:

1. Proposals for legislation (other than requests for inclusion in annual authorization requests). Prior to preparing a legislative proposal, the DoD Component shall assess the environmental consequences of the proposal using the factors in attachment 1. If it is determined that the proposal would significantly affect the environment, an environmental statement is required and shall be submitted with the proposal.

2. Annual authorization requests.

a. Prior to submitting authorizing legislation requests pursuant to Section 412, Public Law 86–149, as amended, (reference (1)) or the annual Military Construction Authorization Bill, the environmental consequences of each item requested for inclusion shall be assessed by the DoD Component making the requests using the factors in attachment 1. Further, the Component is required to prepare an environmental statement for each item that will significantly affect the environment unless the item is part of a continuing project or program for which an environmental statement has previously been processed, and the environmental consequences of the item are not expected to deviate significantly from those identified in the prior statement.

b. Three copies of each required draft statement shall be submitted with the requests (see Section III of enclosure 2).

3. Favorable reports on legislation:

a. If the Department of Defense is not the Federal agency that has primary responsibility for the subject matter involved in the legislative item, no environmental statement is required from the Department of Defense. If it is not clear from the legislative item whether the Department of Defense is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from the General Counsel, Department of Defense.

b. If the Department of Defense is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the DoD Component responsible for preparing the DoD report on the item shall assess the environmental consequences of the proposal, using the factors in attachment 1 to this enclosure. If the assessment indicates that the proposal would significantly affect the quality of the human environment, an environmental statement is required and should accompany the report.

B. Policy, Regulations, and Procedure Making.

1. This shall be construed to apply to publications including, but not limited to, directives, instructions, regulations, manuals, or major policy statements of all DoD Components.

2. The DoD Component shall assess the environmental consequences, using the factors in attachment 1 to this enclosure, for each proposed publication. If it is determined that actions generated by the publication will significantly affect the environment, an environmental statement is required unless the publication is an implementation of a publication from another DoD Component and the environmental consequences will not deviate significantly from those of the basic publication. In these latter cases, the DoD Component responsible for the basic publication has the responsibility for assessing the environmental consequences of its publication and preparing an environmental statement.

3. If a proposed publication of a DoD Component is to be published for the purpose of implementing a Federal law or a publication of an agency outside of the Department of Defense, and actions resulting from the law or publication will significantly affect the quality of the environment, an environmental statement is required unless an environmental statement which covers the environmental impact of the DoD Component's publication was submitted in connection with adoption of the law or the other agency's publication.

C. Projects and Continuing Activities.

1. This category includes the majority of the operations and activities of DoD Components. The Components are encouraged to develop plans, programs, and procedures for routine rpojects and continuing activities having an impact on the environment. Environmental statements should be prepared for these plans, programs, and procedures rather than for particular or individual actions taken pursuant to these plans, programs, or procedures. Only when a particular proposed action involves a potential impact on the environment not considered in the environmental statement for the applicable plan, program, or procedure, will it be considered necessary to prepare an impact statement on that individual or particular proposed action.

2. Each proposed project or activity shall be assessed for environmental consequences, using the factors in attachment 1, and:

a. If it is determined that the action will not significantly affect the environment, any written assessment of the environmental aspects of an anticipated action shall be retained by the Component making the assessment until the action is completed. (See paragraph D of attachment 1 to this enclosure.)

b. If it is determined that the action will have a significant effect on the environment, a statement is required, unless it is excepted by paragraphs 3, 4, or 5 below.

3. If an environmental statement was submitted for a project or activity in accordance with paragraph IV.A. of this enclosure, no additional environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from the project or activity that were not covered by the environmental statement.

4. If a project or activity is being carried out pursuant to a publication for which an environmental statement was submitted in accordance with paragraph IV.B. of this enclosure, no environmental statement is required for that project or activity unless it appears that there will be a significant adverse environmental consequences from that project or activity that were not covered by the environmental statement.

5. Combat or combat-related activities in a combat zone, riot control activities, and other emergency activities do not require environmental statements. However, the intentional disposal of hazardous substances or of other materials in the oceans shall not be construed to be combat or combat-related activities.

6. On occasion, laws other than the National Environmental policy Act (reference (a)), such as those in reference (c), require the Department of Defense to gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an environmental statement if the proposed action is a major action that would significantly affect the quality of the human environment. However, insofar as practicable, the draft environmental statement format should be used in complying with other laws to minimize duplication of efforts.

Attachment 1: Major Action Significantly Affecting the Quality of the Human Environment.

MAJOR ACTION SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT

A. It is impossible to list categorically all DoD projects or activities that are "major Federal actions significantly affecting the quality of the human environment". In making a judgment in a particular case, it will be necessary for the proponent of the action of action be assessed, whether those effects of the action in conjunction with the intent of the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality (CEQ). It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action will be beneficial.

B. DoD Components shall insure that a decision is not made until the environmental consequences of the decision have been assessed. If the assessment indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect on a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their views. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons.

1. If a DoD Component or a major military command intends to take an action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, the action is probably a MASAQHE even though a single subactivity may not be in that category. For example, a limited maneuver or training exercise by small elements of a Military Department might not be a major action nor would it normally affect the environment significantly. However, if a Military Department intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the DoD Component for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus, the regulation should be construed to be a MASAQHE.

2. An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity conducted by a DoD Component near a residential area, where the resulting noise might seriously affect the comfort of residents of the

area. In keeping with the intent of NEPA, no decision should be made to take any action until those residents have been given an opportunity to present their views, and their views have been carefully considered.

C. Just as it is impossible to categorize all actions, so is it impossible to list in advance all of the environmental factors to be considered. The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems on an immediate, short-range or long-range basis. Examples of factors to be considered are:

1. Effect on water.

a. Will the action:

(1) Introduce toxic or hazardous substances or significant amounts of chemicals, organic substances or solid wastes into bodies of water,

(2) Significantly increase sedimentation in a body of water, or

(3) Significantly alter the temperature of a body of water?

b. Will the action improve the quality of a body of water?

2. Effect on atmosphere.

a. Will the action result in emissions into the atmosphere of toxic or hazardous substances or significant amounts of other pollutants?

b. Will the action result in the creation of excessive noise, considering the proximity of and the likely effects of the noise on humans or wildlife?

c. Will the action tend to reduce the amount of pollution in the atmosphere?

3. Effect on natural resources.

a. Will the action result in significant destruction of vegetation, wildlife or marine life?

b. Will the action enhance the quality of vegetation, wildlife or marine life?

c. Will the action significantly affect soil quality?

d. Will the action result in contamination or deterioration of food or food sources?

4. Other values.

a. Will the action significantly affect, beneficially or adversely, the health or welfare of man, including aesthetic considerations?

b. Will the action significantly affect, beneficially or adversely, other forms of life or ecosystems of which they are a part?

D. Certain types of actions require close environmental scrutiny because of the possibility that they may either affect the quality of the environment or create environmental controversy. It may be desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For these reasons, consideration shall be given to assessing the environmental effects of the following types of actions in writing even though a detailed assessment indicates that the action is not a MASAQHE.

1. Development or purchase of a new type of aircraft, ship or vehicle, or of a substantially modified propulsion system for any aircraft, ship or vehicle.

2. Development or purchase of a new weapon system.

3. Real estate acquisitions or outleases of land.

4. Construction projects.

5. New installations (bases, posts, etc.).

6. Disposal of biological or chemical munitions, pesticides or herbicides other than in the manner in which they are intended to be used.

7. Intentional disposal of any substances in a significant quantity or on a continuing or periodic basis.

8. Mission changes which increase the number of personnel in an area to a degree that will tax the environmental capability of the local civilian community.

9. Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely by the public.

E. Even though a written assessment supports the conclusion that an action is not a MASAQHE, an environmental impact statement should be written on a proposed action which becomes highly controversial because of environmental aspects. The environmental statement may be based on the information contained in the assessment.

PREPARATION AND PROCESSING OF ENVIRONMENTAL STATEMENTS

I. GENERAL

Preparation of environmental statements shall be based on considerations discussed in the guidelines of the Council on Environmental Quality (CEQ) and the following guidance. These directions are intended to assure consistency of effort in preparing statements.

A. A careful, objective detailing of environmental impacts, alternatives, and implications of proposed projects and activities should give reviewers both within and outside the Department of Defense insight into the particulars associated with the action. The general public, environmental action groups, special interest associations, governmental agencies, and Congressional Committees will expect the statements to be a valid source of information on proposed actions, as well as a reflection of how the DoD Component views environmental factors and seeks to accommodate them. Since the statements must whenever possible be made available to the public, it must be assumed that they will receive careful scrutiny. The statements should be systematic presentations of environmental impacts.

B. A statement should describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. It should be simple and concise, yet should include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

C. A statement should not be limited to ultimate conclusions, but should contain in support of such conclusions a thorough evaluation of all factors affecting the potential environmental impact of the proposal.

D. Rather than serving as a means for assisting or supporting project justification, a statement should include a complete and objective appraisal of the environmental effects, beneficial and adverse, and of available alternatives. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

E. In developing and obtaining the necessary information to prepare a statement, consulting with other Federal, State, and local agencies is encouraged.

II. CONTENT OF STATEMENT

The body of an environmental statement shall contain the following separate sections with the length of each being adequate to identify and develop the required information.

A. *Project description.* Describe the proposal by name and specific location and summarize its objectives and activities which will ensue if it is adopted. Provide technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

B. *The probable environmental impact of the proposed action.*

1. Identify the probable direct and secondary environmental consequences of the proposed action. This shall include commentary on the direct impact on man's health and welfare and his surroundings through such media as air, water, or food. Threats to other forms of life and their ecosystems shall be included. Examples of primary and secondary environmental consequences that should be identified are the primary noise impact on a community from proposed military aircraft operations and the secondary impact on future land use which may result from such operations.

2. Discuss both the beneficial and detrimental aspects of the environmental changes, placing some relative value on the impacts described.

3. Identify remedial and protective measures which could be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project shall be discussed in this section. The adverse effects which cannot be satisfactorily dealt with shall be considered in greater detail along with their abatement and mitigation measures in the following section.

C. *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* Discuss the unavoidable adverse effects and the implications thereof, and identify the abatement measures proposed to rectify these and an estimation of their effectiveness. In addition to an evaluation of damage to the natural environment, this would include an evaluation of the extent to which human health or safety, aesthetically or culturally valuable surroundings, standards of living, and other aspects of life will be sacrificed or endangered.

D. Alternatives to the proposed action. Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. Include with these alternatives economic, technical, and operational considerations, as well as their environmental impact. Discuss any other pertinent points not previously mentioned such as requirements of statutes or DoD Directives that influence or limit alternatives.

E. The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity. Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or post long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosures of future options or needs.

F. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in ecosystems, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented.

G. Summary sheet. The environmental statement shall be accompanied by a summary sheet which must provide the following information.

1. Indicate whether the statement is *draft* or *final.*

2. Give the name of the action and indicate whether it is an *administrative* or *legislative* action.

3. Provide a brief description of the action and indicate what geographical region (States and counties) is particularly affected.

4. Summarize the environmental impact and adverse environmental effects.

5. List alternatives considered.

6. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

7. Provide the dates the draft statement and final statement were made available to the CEQ and the public.

III. DRAFT STATEMENT

A. Draft statements are those statements that have been prepared in accordance with the guidance of this enclosure and for which review comments will be requested from other DoD Components, the CEQ, and appropriate Federal, State, and local agencies.

1. Three (3) copies of draft statements relating to Section 412, Public Law 86–149, as amended (reference (l)), or the annual Military Construction Bill must accompany the recommendation through agency review procedures. Distribution to other agencies and to the public for comments shall be withheld until the legislative request has been forwarded to the Congress. At that time, statements relating to specific items included in the proposals shall be distributed, by the DoD Component, as appropriate, for comment.

2. In other cases where premature release would be contrary to existing administrative procedures or otherwise be inappropriate, distribution to other agencies and to the public for comments shall be made at the earliest appropriate time.

3. Normally it should not be necessary for a DoD Component to obtain OSAD(H&E) approval prior to distributing the draft environmental statement outside the Department of Defense. This procedure does not alter any requirement that may exist to coordinate the action itself within OSD prior to public release or to follow appropriate security review procedures.

4. The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications. The official designated by a DoD Component to make determinations regarding release of draft environmental statements outside of the Department of Defense should consult with Public Affairs' officers to familiarize himself with the subject matter they consider to be newsworthy and to advise them of all requests from the news media.

B. Subject to the requirements of references (m) and (n) pertaining to the identification, safeguarding, and dissemination of classified information and to reference (o) pertaining to security review for public release approval, distribution of the draft statement shall be as follows:

1. Three (3) copies of OASD (H&E). (These copies are in addition to those required by paragraph III.A.1. above.)

2. Ten (10) copies to the CEQ.

3. Five (5) copies to the EPA.

4. Two (2) copies to appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. (Appendix II of the CEQ Guidelines.)

5. Two (2) copies to State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency review. The clearinghouses are listed in the Directory of State, Metropolitan, and Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971 (reference (k)).

6. At such time as the draft statement is forwarded to the CEQ, other Federal, State and local agencies, it shall be made available to the public (to any organization or individual upon request) in accordance with reference (p). In appropriate cases, the DoD Component shall solicit the views of public organizations and hold public hearings on the proposed action. Views of public organizations and public hearings are appropriate in the following situations:

a. Where the proposed action by the agency will have a direct or peculiar impact on the people residing in a particular geographical area.

b. Where public organization or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

c. Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which there is evidence of wide public interest. No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearing in connection with Congressional consideration of the bill. Public hearings shall be conducted informally and need not be prolonged beyond a reasonable time necessary to obtain a representative view of the various segments of public interest.

7. The DoD Component seeking review comments may establish time limits of not less than 30 days for reply except that whenever an action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency is involved, a period of 45 days shall be allowed for review. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a request for a specified extension of time has been made. DoD Components should endeavor to comply with request for extensions of time up to 15 days.

IV. FINAL STATEMENT

A. Final statements are prepared after receipt of review comments provided by other agencies. In many cases the final statements can be prepared by making minor revisions to the draft statement and attaching the review comments received from other sources. In other cases, it may be necessary to make major revisions to the draft statement. In either case, it may be appropriate to provide a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion should be attached to the final text of the environmental statement.

B. Subject to the requirements of references (m) and (n) pertaining to the identification, safeguarding and dissemination of classified information and of reference (o) pertaining to security review for public release approval, distribution of the final statement shall be as follows:

1. One (1) copy to OASD(H&E).

2. Ten, (10) copies to the CEQ.

3. Five (5) copies of final statements relating to Section 412, Public Law 86–149, as amended (reference (l)), or the Annual Military Construction Authorization Bill to the appropriate Congressional Committees of the Senate and of the House of Representatives.

4. The final statement also shall be made available to the public in accordance with reference (p).

V. WAITING PERIOD BEFORE AN ACTION CAN BE TAKEN

A. It is important that draft environmental statements be prepared and circulated for comment and furnished to the CEQ early enough in the review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after a draft environmental statement has been circulated for comment and furnished to the CEQ, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Neither shall such administrative action be taken sooner than 30 days after the final text of the environmental statement (together with comments) has been made available to the CEQ and the public. Consequently, the minimum waiting period after submission of the draft statement is 90 days because the 30-day period and 90-day period may run concurrently to the extent that they overlap.

B. When it is not practical for a DoD Component to comply with the time requirements contained in paragraph V.A., above, the DoD Component shall request the Council on Environmental Quality to waive a portion of the time requirement for that specific action. If negotiations in this regard are not successful, the DoD Component shall advise ASD (H&E).

C. If it is impossible for an agency to comply with the time requirements of paragraph III.B., above, the DoD Component shall forward the draft environmental statement with an explanation of the facts and circumstances that preclude adherence to the time requirements to AED(H&E), who shall attempt to resolve the issues involved. The proposed action shall not be initiated until the time problem has been satisfactorily resolved unless such action is authorized by the Secretary or Deputy Secretary of Defense.

VI. CLASSIFIED ENVIRONMENTAL STATEMENTS

The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the requirements of this Directive. Environmental statements, both draft and final, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information (references (m) and (n)). When feasible, these statements shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

VII. PROCESSING ENVIRONMENTAL STATEMENTS ORIGINATED BY OTHER FEDERAL AGENCIES

A. Environmental statements will be referred to the Department of Defense by other Federal agencies for two reasons:

1. Where a proposed action may affect matters over which Department of Defense has jurisdiction by law.

2. Where a proposed action may have environmental effects in an area where a DoD Component has been designated in Appendix II of the CEQ Guidelines as possessing special expertise.

B. Comments of a DoD Component on an environmental statement prepared by another Federal agency should normally be restricted to the aspect of the action for which the statement was referred.

C. When a request for review and comment on an environmental statement prepared by Federal agency is received by OASD (H&E), it shall determine which DoD Components should review the environmental statement.

1. When it has been determined that a single DoD Component should be responsible for the review, OASD (H&E) shall request that the DoD Component reply directly to the agency involved. The DoD Component shall

provide one (1) copy of the reply to OASD (H&E) and ten (10) copies to the CEQ.

2. When it has been determined that more than one DoD Component should review the statement, the OASD (H&E) shall prepare a consolidated review report or designate the DoD Component with primary interest to prepare such a report. The OASD (H&E) shall forward the consolidated report to the requesting agency and provide ten (10) copies to the CEQ.

D. When a request for review and comment on an environmental statement from another Federal agency is received directly by a DoD Component, that DoD Component shall reply directly to the requesting agency. Also, that Component shall forward one (1) copy of the reply to OASD (H&E) and ten (10) copies to the CEQ.

REFERENCES

(a) Public Law 91–190, "National Environmental Policy Act of 1969", January 1, 1970.

(b) Public Law 91–604, "Clean Air Amendments of 1970", December 31, 1970.

(c) Section 409 of Public Law 91–121, "Armed Forces Appropriation Authorization, 1970", November 19, 1969, as amended by Section 506 of Public Law 91–441, "Armed Forces Appropriation Authorization, 1971", October 7, 1970.

(d) Executive Order 11514, "Protection and Enhancement of Environmental Quality", March 7, 1970 (35 Fed Reg 46, 4247 (1970)).

(e) Executive Order 11507, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities", February 5, 1970 (35 Fed Reg 25, 2573 (1970)).

(f) Executive Office of the President, Council on Environmental Quality, "Statements on Major Federal Actions Affecting the Environment", April 23, 1971 (36 Fed Reg 79, 7724 (1971)).

(g) Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment", Bulletin No. 71–3, August 31, 1970.

(h) DoD Directive 5100.50, "Protection and Enhancement of Environmental Quality", June 23, 1970.

(i) DoD Directive 5500.5, "Natural Resources—Conservation and Management", May 24, 1965.

(j) Executive Office of the President, Office of Management and Budget, Circular No. A–95 (Revised), February 9, 1971 (Parts I and II).

(k) "Directory of State, Metropolitan and Regional Clearinghouses", under OMB Circular No. A–95 (Revised), April 19, 1971.

(l) Public Law 86–149, "To Authorize Certain Construction at Military Installations and for Other Purposes", August 10, 1959.

(m) DoD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the U.S.", July 10, 1968.

(n) DoD Instruction 5210.47, "Security Classification of Official Information", December 31, 1964.

(o) DoD Directive 5230.9, "Clearance of DoD Public Information", December 24, 1966.

(p) DoD Directive 5400.7, "Availability to the Public of DoD Information", June 23, 1967.

(q) DEPSECDEF Memorandum, "Interim Guidelines on Environmetnal Statements", August 8, 1970. (hereby cancelled)

Mr. McINTYRE. This directive contains specific instructions for the processing of environmental statements relating to authorizing legislation. The military departments are currently in the process of revising their regulations to be consistent with the new Department of Defense directive.

In summary, Mr. President, there is no doubt that the Department of Defense has complied with the environmental law as implemented by the President's Council on Environmental Quality; that the procedures which have been established to implement the law are consistent with the intent of that law; and that there is no danger that any program proposed by the Department of Defense which could adversely affect the environment would be authorized. Having set aside this major concern, I am convinced that the amendment proposed by the Senator is not justified, is not needed, and would paralyze these critically important Defense Department programs.

I might suggest that if, in the future, the distinguished Senator from Wisconsin feels that there is a need to change the language of NEPA to clarify or refine its provisions, since this act affects about every agency of the Government and a large number of authorization and appropriation acts, he propose such actions as amendments to the basic Environmental Act, Public Law 91–190. This would bring the matter before the appropriate committees of the House and the Senate which are charged with the responsibility for legislation dealing with the environment. Their considerations would include the important broader implications of such actions as they would apply uniformly throughout the Government.

I conclude now by asking my colleagues to join with me in opposing this amendment.

Now I yield the floor.

Mr. NELSON. I just want to ask a question. The distinguished Senator from New Hampshire says that the F–14 final statement was filed on Saturday.

Mr. McINTYRE. I want to differ with the Senator. I said on Friday; the Senator said on Saturday.

Mr. NELSON. Does the Senator expect that the Senate, acting today, will have any opportunity to take into consideration what is in that impact statement before we vote on the bill?

Mr. McINTYRE. First of all, I think we will not be acting on the F–14 today. It will be quite a while before we get to the final vote, whether it is on the F–14; the military authorization bill probably will not be acted on before October 1. Also, there is a promise that if there is anything that is dangerous to the environment, the Senator will have an opportunity——

Mr. NELSON. The Senator agrees that we will have an opportunity to look at the F–14 environmental final statement prior to the voting early in October. Would he agree that if the final statements are not ready on the other two projects——

Mr. McINTYRE. Well, the whole text of what I have tried to say is that the Senator is rushing the matter too much and that the Department of Defense has done its very best to comply with the Environmental Quality Act. Here is a report of 550 pages. If the Senator will give us time, for next year we will have them in final form. Right now the law does not provide that it has to be in final form. We are filing a draft statement. With the law as passed, we think we are complying with the intent of the law.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield myself 5 minutes.

Mr. President, I would like to point out that the purpose of the act is to provide the Congress, the public, interested citizens, environmentalists, and scientists with an environmental impact statement respecting the impact of the proposed project on the environment. The purpose of having it in an adequate time before the vote is so there is an opportunity to evaluate the impact statement and the environmental considerations involved, and an opportunity, if there is a serious environmental issue involved, to debate it.

The position taken by the Senator from New Hampshire simply makes a fraud out of the bill. We may as well repeal it. We are having projects offered day after day after day, without Congress having in its hands environmental impact statements.

There is not anything unclear about what the Congress passed. The law provides, under (c):

> That it shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official.

If it has any purpose at all, the purpose is that it shall be available a long enough time in advance so that the issues raised, if there are any, may be debated. It has no other purpose.

The Department of Defense, the Army and the Navy, appear to want to change their guidelines so the whole thing will be meaningless. If we permit them to present projects without impact statements and then we authorize them, and then appropriate money to launch the projects without anybody having an opportunity to study the environmental impact statements the law becomes meaningless.

The distinguished Senator from New Hampshire read another guideline from the Council on Environmental Quality:

> In cases where scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

My staff checked with the staff of the President's Council, and they stated that they expected, of course, that before there were votes on the issue, the final statements would be in. The record should be clear on that.

The position being taken by the DOD and the Senator from New Hampshire is that this law really does not mean very much and if we have important programs we want, we pay no attention to the law. We know what that means. We know, for example, that for 15 years, and for $50 million, we proceeded with an irrational project of digging a ditch across the State of Florida. Finally, it was terminated by an injunction in court in Florida, and then by endorsement of

the President, after spending tens of millions of dollars, on the ground that the environment might be irreversibly damaged.

That is what this issue is all about.

The Senator refers to the report on the Sanguine project. I requested a report on the Sanguine project in 1968, before there was any law. As soon as they spent $150,000, the Hazeltine Laboratories——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

How much time is left on each side?

The PRESIDING OFFICER. There are 10 minutes left to the opponents and 12 minutes left to the proponents.

Mr. STENNIS. Mr. President, if the Senator from Wisconsin will yield to me, I ask unanimous consent that there be an additional 10 minutes on each side for discussion of this amendment. There was some confusion as to how much time was available. I hope this request will be agreeable.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. I thank the Chair and the Senator from Wisconsin.

Mr. NELSON. Mr. President, the Navy started this environmental report based on my request in 1968, and after some studies done by the Hazeltine Laboratory, the study showed there might be grave environmental implications as a consequence of having a 6,000-mile-long electrified grid 6 feet under the ground for a worldwide communication system. Now they have expanded that study substantially, but in this bill they are putting the money in it for the Sanguine project, without yet having completed the environmental studies. So tomorrow or the next day, at the appropriate time, there will be an amendment on the floor to knock out the money for that Sanguine project, to hold it up until such time as final environmental studies are filed.

That is what this act is all about. If it is not that, why not stand up and confess that this is all a bunch of eyewash, that we are going to continue to engage in massive technological projects without having the environmental studies made, and without giving the scientists, the public, Congress, or anyone else the opportunity to evaluate, discuss, and debate the issue?

If that is the posture of this administration, and if that is the posture of the Armed Services Committee and the Department of Defense, the public ought to know it, and we ought to have some debates, nationwide, on this issue.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, as the Senator from Wisconsin will remember, when earlier this year he introduced a similar amendment to the military construction bill designed to delay construction of several specific sites pending the filing of a final report on the environmental impact of said construction, I stated that, although in sympathy with the thinking behind the Senator's amendment, to accept said amendment would seriously interfere with the current construction program; and this delay could result in heavy additional cost to the American taxpayer.

The same line of reasoning is applicable to the amendment now pending, one which would prohibit the obligation or expenditure of funds for various weapons systems—some of which I believe are not needed but others without question are badly needed—until a final environmental impact statement has been filed.

To delay, and thus stretch out, these on-going programs in this manner would surely increase what are already recognized as costly procurement items.

For this reason I must oppose this amendment as against the best interest of the country.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine statement.

I yield 4 minutes, now, to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise in opposition to this amendment. I think it is very unwise that we begin tampering with our own engine program, especially when it is in such bad shape today. I know it is difficult for Members of this body to believe it, but the United States has not made great progress in the development of new engines, while the French and the Russians have made remarkable progress.

Mr. President, what we are talking about here are the engines for the F–14, the F–15, and the B–1. I suggest, Mr. President, that we are already flying engines comparable to those. Mach III is attained every day. This is not designed for either the F–14, the F–15, or the B–1. There has been no proof so far that any environmental damage is done by either the C–5, the F–4, or the SR–71, all of which are supersonic aircraft, capable of flying at great altitudes.

Mr. President, having had this experience, having learned and knowing of thousands and thousands of flights by airlines across this country—over 600,000 supersonic flights by Air Force aircraft have been cataloged, with no report of any environmental damage—to me that evidence is far more important than waiting for a report from some committee when, No. 1, until these engines can be put in the air on an airframe, there is no way in the world they can be checked for environmental impact.

I go over to England and France and watch what they have done with their supersonic transport, an airplane shot down here by much the same kind of argument. They have recorded no environmental damage from countless flights of their Concorde. The Russians represented to me, in answer to a direct question I put to their air force, that they have experienced no environmental damage, none at all; and this same report was made by the English and the French.

Mr. President, I can say this categorically, because I have lived through these engine developments: The engine developed for the SST—which will, of course, never be used on the SST until we figure out a way to build it—was an engine that gave off absolutely no pollution from the tailpipe. It was much quieter than any engine we use today. In fact, the large engines on the new Douglas 10 are much quieter, on decibelic measure, than any engines we are using today. While we are not making new developments as fast as I think we should be making them, nevertheless the aircraft industry is well aware of the possible threat to our environment from these engines, and they are constantly trying to make them better.

The distinguished Senator, in offering his amendment, says that it raises "the same globally important and as yet unresolved questions about pollution of the stratosphere as has the SST." Mr. President, the only place in the world these questions have been raised is right here on the Senate floor. They were not raised by the aircraft industry, or by the public. They were not raised in England, France, or Russia, where they have developed an airplane. Those countries have proven that there is no impact upon the atmosphere by the flights of these aircraft.

Further, the Senator says—

> Each of the planes will produce sonic booms, which from other military aircraft are causing considerable archeological and natural damage in some of our national parks.

Mr. President, I have heard this charge made. I happen to live in a State that has more national parks and national monuments than any other three or four States put together. I have a deep and lifelong interest in the archeology and the natural beauties in my State, which reportedly would be affected by the sonic boom.

Let me relate a little survey I conducted myself about 5 years ago, in my last trip to the Grand Canyon.

I called on the radio one night to the commander of the Luke Air Force Base and asked that he send an F–100 over my position the next day, and go through mach 1. He not only sent one, he sent five; and if you have ever been on the bottom of the Grand Canyon when someone has broken the sonic barrier 5 miles above you, you will realize what a loud noise that can be.

I had witnesses watching the talus slope; I had witnesses watching for cracked walls; I had witnesses watching every conceivable piece of nature that could be damaged by such a vibration; and, Mr. President, nothing happened.

I do not stand here and say that aircraft flying through mach 1 directly at an object maybe half a mile away are not going to cause damage. But we are not talking about that. We are talking about sonic booms occurring thousands of feet above the earth's surface; and they are not doing the damage people like to report they are.

I oppose this amendment. I think it is unwise. I think we in this body have done enough damage already to our military aircraft and the general defensive position of the United States and its defensive capabilities, particularly when our number one enemy in this world is growing stronger and we are growing weaker.

Mr. NELSON. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. Surely.

Mr. NELSON. The Senator from Arizona commented that he had no knowledge of damage from sonic booms. Is the Senator from Arizona aware that George Hartzog, Director of the National Park Service, recently pointed out in a congressional statement that from January 1967 through March 1971—this is on my own time—more than 5,000 sonic booms have been recorded over national park system areas, and so on, and then he gets to Arizona:

In Canyon de Chelly National Monument in Arizona, overhanging rock which dislodged after sonic shock waves hit the area demolished an ancient Indian ruin. Military airplanes broke the sound barrier over the monument 83 times in a 4 month period.

Mr. GOLDWATER. I am familiar with the facts.

Mr. NELSON. I have quoted what the director of the National Park Service stated. Is the Senator aware of that statement?

Mr. GOLDWATER. I am very familiar with that. This is Canyon de Chelly. I checked into the matter immediately after that report came out. Nobody can say what caused that rock to drop. I visited the area, and no one could say what caused the rock to fall on that day. The rock fell, as rock has been falling in these canyons for millions and millions of years. Many ancient ruins have been destroyed by cloudbursts, by rock falling. That is how our canyons are made. They have been that way for the last 50 million years. We have been 50 million years watching God build them, and rock falls all the time. This is not unusual. It has yet to be proved that sonic booms have ever caused one of them.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining.

Mr. NELSON. Mr. President, the distinguished Senator from Arizona says that nowhere, so far as he knows, has the question of danger to the upper atmosphere been raised except on the floor of the Senate. Of course, that is not the fact. "The Assessment and Recommendations for Action: Man's Impact on the Global Environment," a report of a study of critical environmental problems sponsored by the Massachusetts Institute of Technology last year, commented on page 107 respecting this problem:

A feeling of genuine concern has emerged as a result of these facts and conclusions concerning the SST operations, we perceive that man's activities as he flies the projected 500 SSTs can have a clearly measurable effect in large regions of the world where they will fly, and quite possibly on a global scale.

Mr. President, I ask unanimous consent that the rest of that statement from this scientific study be printed at this point in the RECORD.

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

RECOMMENDATIONS

A feeling of genuine concern has emerged as a result of these facts and conclusions concerning the SST operations; we perceive that man's activities as he flies the projected 500 SST's can have a clearly measurable effect in large regions of the world where they will fly, and quite possibly on a global scale. The effects will be most pronounced in the stratosphere, but we cannot exclude the possibility of significant effects at the surface. We must emphasize that, due to the uncertainties in the available information and its interpretation, we cannot be certain about the magnitude of the various effects.

Therefore, we recommend that uncertainties about SST contamination and its effects be resolved before large-scale operation of SSTs is implemented.

Specifically, we recommend the following program of action:

1. Begin now to monitor the lower stratosphere for water vapor, cloudiness, oxides of nitrogen and sulfur, hydrocarbons, and particles (including the latter's composition and size distribution).

2. Determine whether additional cloudiness or persistent contrails will occur in the stratosphere as a result of SST operations particularly in cold areas, *and* the consequences of such changes.

3. Obtain better estimates of contaminant emissions, especially those leading to particles, under simulated flight conditions and under real flight conditions, at the earliest opportunity.

4. Using the data obtained in carrying out these recommendations, estimate the change in particle concentration in the stratosphere attributable to future SSTs and its impact on weather and climate.

Mr. NELSON. I think it should be emphasized here time and time again that distinguished scientists all over the world have raised questions about the seriousness of introducting pollutants into the stratosphere. The question is, Will it create serious damage in the stratosphere? Will it have an effect on the climate? Scientists say they do not know, but they are concerned; and if pollutants would have a significant impact, it will have global implications.

What I do not understand is why Congress has not been prepared to appropriate the money to make the atmospheric pollution studies. Congress has refused to make the studies even though distinguished scientists have repeatedly stated that there is a serious possibility of global damage from flying in the stratosphere.

I have been arguing here since last year, that we should make the study. If the administration had advised the Senate that we have an independent study made, outside the Government, of the possible environmental effects of introducing pollutants into the stratosphere, I would have voted for additional appropriations for the SST and it would probably have passed, but they refused to do it. That issue is much more important than people around here seem to want to concede.

I point out that, whereas Congress has refused to appropriate moneys for a study, the Department of Transportation now is working on a program. It has not yet been announced. But they are so concerned about the possible global effects that they are going to set aside—if the program is finally approved—$4.2 million to make the stratospheric study on the implications of the introduction of pollutants into the environment.

At least somebody within this Government has the commonsense to recognize that something ought to be done about it, and I hope the Bureau of the Budget does not stop the Department of Transportation from proceeding with that study.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senate should reject amendment No. 418 to the fiscal year 1972 Military Procurement Authorization Act.

The importance of the F–14, F–15, and B–1 weapon systems to the future defense of the United States cannot be too strongly emphasized.

In a very real sense the development and deployment of the Navy F–14 carrier-based fighter aircraft is at the very heart of the modernization program on which the Navy has embarked.

The F–15 will provide the Air Force with an air-superiority fighter which will be more than a match for any known aircraft that the Soviet Union can fly.

The B–1 is an essential leg in the triad of land-based, sea-based, and airborne weapon systems which together make up our nuclear deterrent. The aging B–52 fleet will be no match for Soviet bomber defenses in the 1980's and beyond.

The Department of Defense is proceeding with the development of the F–15 and B–1 aircraft and the production of the F–14 in an orderly and expeditious manner. Although some problems have been encountered in developing the Navy F–14 aircraft, we all should hope that these will be solved and that our forces will be equipped with this sorely needed and highly effective weapon system.

The amendment by the distinguished Senator from Wisconsin (Mr. NELSON) would throw these vital programs into confusion and result in serious delays.

Further, there is no evidence that the Defense Department is ignoring the environmental questions which concern the author of this amendment.

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

Mr. THURMOND. Mr. President, I will be pleased to yield on the Senator's time, not mine, when I complete my statement. My time is very limited at this moment.

In proceeding with these three programs the Department of Defense has complied with the requirements of the Environmental Policy Act. The Department of Defense has advised that draft statements have been filed for two of these systems, the F–15 and B–1, and that the final statements on these are planned to be forwarded to the Council on Environmental Quality as required—by October 15, 1971. The final statement on the F–14 was filed last Friday, September 10, 1971. Also, the Department of Defense advises that none of the comments received from other agencies of the Government contained any statements which would require the Department of Defense to delay these programs.

Mr. President, I would also like to make it clear that I am a strong believer in protecting our environment. Whenever there is a clearly determined risk to our environment in the development of any system, military or otherwise, it should be studied and examined in depth. Then the pros and cons must be weighed to determine how our national interests would be best served. A balance must be struck.

Regarding this amendment, however, there is no evidence of any threat to the environment. The Defense Department is meeting the requirements of the Environmental Policy Act.

Mr. President, an examination of the Environmental Protection Act will show that its authors recognized there may be issues such as the one proposed in this amendment.

Thus, we find in the act words which require that implementation of the act must be "consistent with other essential considerations of national policy."

Further, neither the Department of Defense nor any of the agencies it consulted found any likely violations. Therefore, there is no real evidence to show that the three weapon systems cited in the amendment would pollute the environment.

Mr. President, I urge my colleagues to reject this amendment on the grounds cited in my remarks.

Mr. NELSON. Mr. President——

Mr. STENNIS. Mr. President, I yield the Senator from South Carolina 1 additional minute.

Mr. THURMOND. I have finished. I thank the Senator.

If the distinguished Senator from Wisconsin wishes to propound an inquiry, I shall be pleased to answer, on his time.

Mr. NELSON. I yield myself 5 minutes.

Has the distinguished Senator from South Carolina read the environmental impact studies that have been filed?

Mr. THURMOND. Mr. President, I have had a report on these. I have not read them in detail.

Mr. NELSON. Has the Senator read the F–14 report that was filed Saturday?

Mr. THURMOND. Mr. President, I have not read that report, and I am informed that no Senator, including the distinguished Senator from Wisconsin (Mr. NELSON), has read it since it was filed only Friday. However, I have reports from the Defense Department on all these matters, as I just said in my statement, which clearly show that the Senator's amendment is not necessary. The Environmental Act provides for a balance in these matters, anyway. In fact, it says that decisions under the act must be consistent with other essential considerations of national policy; and if it is the national policy of this country to keep this Nation prepared, if it is our national policy to provide for our survival, then whatever steps are necessary to provide for that survival must be taken, even if there should be some pollution. However, there is no evidence here that there will be pollution to any extent that will impair the environment.

Mr. NELSON. I thank the distinguished Senator.

I think it is worth noting at this point in the RECORD, however, that the Senator from South Carolina said in his statement that no environmental problem was involved in any of these draft statements. He states that he has not read the draft statements. He has not read the final report on the F–14, but he is taking the word of the Defense Department. The record should show that.

I think it should be noted, too, that probably no Member of the Senate has looked at any of the draft reports except the Senator from Wisconsin—maybe the Senator from New Hampshire, maybe the Senator from Mississippi. I do not know. But if three Senators have looked at it, that constitutes three out of 100. Yet we are being asked to legislate here without anyone's having read the report, and now the Senator from South Carolina says my amendment would throw confusion into the whole program, and delay an important military project, when the amendment simply provides that money may not be spent on them until such time as the final reports are filed and we are advised by the DOD that the final reports will be filed by October 15.

Well then, what is wrong with being sure that they are filed prior to any action being taken?

We are voting on authorizations. This is an authorization not an appropriation bill for these three airplanes. The amendment simply provides that funds authorized by this bill may not be spent until impact statements are filed. It does not in any way hold up any funds if the final statements are filed. Where we have a law to comply with, the law should be honored. All these pious statements by people in the administration and Congress that they are great defenders of the environment, do not mean much when it gets to the real crunch. Just read the rollcall.

There is no sense at all in not requiring compliance with this law, if this is an authorization bill and the reports are to be filed by October 15. I believe that we should have the opportunity to read the final reports and debate the issues involved, if there are important issues involved. That is all that is at stake here. As I said previously, there will be rollcall votes on every single project of this kind coming from any agency of the Federal Government every time it comes to the floor unless there is a final environmental impact statement already on file and made public with adequate time to study it.

Mr. STENNIS. Mr. President, I yield myself 1 minute. How much time do I have remaining?

The PRESIDING OFFICER (Mr. FULBRIGHT). Nine minutes.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I quote briefly a statement from the Senator from New Hampshire (Mr. MCINTYRE), who summed up this whole matter very well. He is well versed in this field, as are others on the committee. He made this statement and I stand with him on it.

In summary, he said there is no doubt that the Department of Defense has complied with the environmental law as implemented by the President's Council on Environmental Quality, that the procedures which have been established to implement the law are consistent with the intent of the law, and that there is no danger any program proposed by the DOD which could adversely affect the environment would be authorized.

Having set aside this major concern, I am convinced that the amendment proposed by the Senator is not justified, is not needed, and would paralyze these critically important DOD programs.

Mr. President, we are not talking about small items here. This concerns the Navy's F–14 fighter, a new plane, the Air Force F–15, a new plane, and the B–1, the advanced new bomber. These are major weapons for the future and cannot be lightly or casually considered. It cannot be considered a matter that can be laid aside and put on the shelf. There are so many of these environmental reports coming in, by the way, from all the departments of Government, that they cannot all be decided on at once at the top—that is, the top people making their final decisions. I do not think it was ever contemplated in this bill that the weaponry systems for all our military that had a possibility of affecting the environment in some way would be stopped in their tracks, and that public works projects throughout the entire 50 States that might possibly have some adverse effects on the environment in someone's opinion would be stopped in their tracks.

As I have said before, we have to interpret these things with grains of practical common sense. I am willing to rest the case, and do rest the committee's case on this question, upon what has been said here by other Senators, the Senator from Missouri included, in which he has made special preparation on matters involving military construction, as well as his vital interest and special knowledge with reference to weaponry. Accordingly, I rest the whole case upon their presentations.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. Five minutes.

Mr. STENNIS. Now, Mr. President, I am glad to yield to the Senator from New Hampshire my remaining 5 minutes, now, or whenever he may care to use it.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes. Does the Senator from Wisconsin wish the floor now?

Mr. NELSON. Yes, Mr. President. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, everyone here, as I look around the Chamber as a group, seems to be an opponent of the pending amendment. Several times the statement has been made, by the Senator from Mississippi, the Senator from South Carolina, and others, that if my amendment prevails, somehow or other, it will interrupt an important and ongoing program.

Well, if anyone who is an opponent of the amendment would get up on the floor right now and tell me how the amendment, which provides simply that there may not be an appropriation, or an authorization, or an expenditure of any moneys on these three projects until the final impacted statement is filed on the three airplanes involved in the procurement bill, which is an authorization bill, and on which the DOD says it will have

all the final statements filed by October 15, I wish the Senator from New Hampshire or the Senator from South Carolina or the Senator from Mississippi would get up right now and tell me how adoption of the pending amendment would be a massive intervention with an ongoing program. This is an authorization bill and the final statements will be available for us to look at by October 15.

Is any Senator willing to answer that? And on my time?

Mr. McINTYRE. If I understand the Senator's question, he is indicating that the Senator means there will be no time available for a study of the final statements; is that correct?

Mr. NELSON. No. It has been asserted here that my amendment would provide that no expenditures could be made on any ongoing programs until the final environmental reports have been filed on October 15, and that the amendment will somehow delay or interrupt these ongoing programs. I say, how can this interrupt any ongoing program when the final statements will be filed by October 15?

Mr. McINTYRE. All the programs that are embraced in the Senator's amendment, so far as I know, are ongoing programs. The F–14, the B–1, and the F–15 are all in process. If we should suddenly today pass the amendment, indicating that they will be terminated, it would be extremely disruptive to the programs.

Mr. NELSON. There is nothing in the amendment that says they will be terminated. Senator, only that funds authorized by this bill may not be spent until the law is complied with.

Mr. McINTYRE. Any time we restrict obligations for a program or a contract in progress so that they will be subject to a stop order, it certainly raises havoc with the whole process.

Mr. President, my remarks here should be made on my time.

Since the enactment of the National Environmental Policy Act, the DOD has moved with good speed, under difficult circumstances, and has prepared and has on file now all of the statements. We would call it a draft statement in two cases, but in the case of the F–14 it is a final statement on environment.

We feel, No. 1, that the law does not call for a final statement as the law is written. I have suggested to the Senator from Wisconsin that the appropriate place to bring this issue up is in an amendment to the National Environmental Policy Act that could call for a final statement.

I want to say that I think the committee is faced with the practicalities of this. First of all we have the DOD saying that it lives up to the spirit of the law and the intent of the law. Then we are saying that the National Environmental Policy Act sets forth in section 101(b) that in order to carry out the policy set forth in this act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may be aware of and be protected in its environment.

I would simply state in answer to the question as to whether agreement to this amendment would be very seriously disruptive to ongoing programs that there are already on file, for the benefit of the Senator and his staff, substantial statements as to the effect these programs have on the national policy.

Mr. NELSON. Mr. President, the matter speaks for itself. I simply point out that it does not stop a single penny from being expended for these programs. This is an authorization bill, and until it has been passed and an appropriations bill has been passed, there will be no money used from this bill for these three airplanes. The fact that the amendment says that no money will be spent on these programs until a statement is filed does not interfere one bit with this ongoing program.

Senators are making statements that are not correct in evaluating the impact of this amendment.

It seems to me that all of those who are going to vote against the amendment are publicly conceding they do not believe in the Environmental Protection Act and do not believe in its being enforced.

That is exactly what they are saying when they oppose the pending amendment. There is no interference here with any ongoing program in this authorization bill. Let us have that straight for the record. That argument does not hold any water whatsoever.

All we are doing every time we do this is saying:

> Here is a nice piece of legislation which says that there will be environmental evaluations of the impact of Federal activities on the environment and that they will be filed and that Congress can evaluate the impact, but any time we want to ignore the law we will.

What we are really saying is that this law is all eyewash and does not mean anything because we do not intend that the law be complied with. The intent of this law is to provide that, with respect to technological decisionmaking in this country, we must grind into that decisionmaking an environmental consideration so that at the time a decision is made the environmental problems will have been evaluated. And if we do not do that, the statute means absolutely nothing.

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. McINTYRE. Mr. President, to be more specific in responding to the question of the Senator from Wisconsin, I am informed that under the continuing authority provided by Public Law 92–71, signed August 9, 1971, as of July 31, 1971, $363 million of fiscal year 1972 funds have been obligated through contracts on the F–14; $341 million as of July 31, 1971 has been obligated under the B–1; and the F–14 as of September 13, 1971, has obligated to it $143.5 million, making a total of over three-fourths of a billion dollars that is obligated under the continuing authority against our fiscal year 1972 appropriations. That is where the adoption of this amendment would raise havoc with the system of procurement.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I doubt whether anyone will be persuaded to a position of rationality by any further statement by me. So, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN) the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from Michigan (Mr. HART) are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. TUNNEY), and the Senator from Michigan (Mr. HART) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois, (Mr. PERCY) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Iowa (Mr. MILLER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 21, nays 55, as follows:

[No. 221 Leg.]

YEAS—21

Anderson	Cranston	Moss
Bayh	Fulbright	Nelson
Brooke	Gravel	Packwood
Burdick	Mansfield	Proxmire
Byrd, W. Va.	Mathias	Ribicoff
Case	McGee	Schweiker
Church	Metcalf	Spong

NAYS—55

Aiken	Ellender	Pearson
Allen	Ervin	Randolph
Allott	Fannin	Roth
Baker	Fong	Saxbe
Beall	Gambrell	Scott
Bellmon	Goldwater	Smith
Bennett	Griffin	Sparkman
Bible	Gurney	Stennis
Boggs	Hansen	Stevens
Brock	Hollings	Stevenson
Buckley	Hruska	Symington
Byrd, Va.	Humphrey	Taft
Cannon	Inouye	Talmadge
Cook	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Tower
Dole	McClellan	Weicker
Dominick	McIntyre	Young
Eagleton	Montoya	
Eastland	Pastore	

NOT VOTING—23

Bentsen	Hughes	Mondale
Chiles	Jackson	Mundt
Cooper	Javits	Muskie
Cotton	Kennedy	Pell
Harris	Long	Percy
Hart	Magnuson	Tunney
Hartke	McGovern	Williams
Hatfield	Miller	

So Mr. NELSON'S amendment (No. 418) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

PROGRAM—ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to repeat, with some additions, what the joint leadership agreed to earlier today.

Tomorrow, the Senate will come in at 10 o'clock, and in that connection I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes after the distinguished Senator from South Carolina (Mr. HOLLINGS) has completed his 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The Senate will go out of session at 1 o'clock, so that Members of the Senate may go to the Georgetown Presbyterian Church to pay their respects to our late departed colleague, the junior Senator from Vermont, Mr. PROUTY.

On Wednesday, the Senate will come in early. There will be no votes on that day, but we anticipate there will be a good deal of discussion. The reason there will be no votes that day primarily is that many of our Members will be in Vermont, attending the last rites for Senator PROUTY.

On Thursday it is my understanding at the moment that there is a possibility a motion to table the conference report may be made. I do not know whether or not it will be, but I think the Senate should be on notice of that possibility.

I thank the Chair.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now proceed to consider the conference report on H.R. 6531.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The conference report on H.R. 6531.

Mr. STENNIS. Mr. President, I understand we are not operating under controlled time.

The PRESIDING OFFICER. There is no controlled time.

Mr. STENNIS. Mr. President, I asked for the floor for the purpose of addressing the Senate, but not at length at this time. While Senators are present, may I refresh their recollection that this conference report stayed in conference for 5 consecutive weeks. It was an active conference, in which several major, far-reaching policy questions were involved, as well as many other major points, and the matter was finally reported back after those 5 active weeks of conference with all those points resolved in some way, and it was discussed on the floor somewhat before the recess. We were not able to get a vote at that time. It comes up now for consideration and, I certainly trust, final adoption.

On my own responsibility, I can say to the membership that I do not think there has ever been a bill any more thoroughly considered than this one. Preparations started on it more than 12 months ago. Hearings were held on it beginning in early February, for several weeks. It was very carefully marked up, and all the questions presented in the hearings were thoroughly debated around the table of the committee, and a recommendation was made to the Senate. It came here on the floor, then, with 7 consecutive weeks of very thorough and exhaustive debate in which there were at least 50 or 60 rollcall votes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and be quiet, so that we may hear the Senator from Mississippi.

The Senator may proceed.

Mr. STENNIS. Mr. President, I thank the Chair. I was saying there were some 50 or 60 rollcall votes here on major matters, and the bill was passed, then, with only 16 recorded votes against it. I think there were 67 in favor; I know there were just 16 against. At the conference, many of the major points had the most thorough and exhaustive consideration that I have ever seen.

It is late in the calendar year. It is late in the session. The fiscal year has already started. I submit this report for the committee on conference with the belief that it is a balanced, fair, equitable bill, as much so as it is possible to get this year on this subject.

I want to say one special word about the Mansfield amendment with reference to the termination of the war. I know that that matter was considered with the utmost concern. There was an absolute unyielding refusal on the part of the House of Representatives to yield to the Mansfield amendment, and just as firm and determined a stand by the Senate conferees.

It is not often that the termination of a war can be settled by an amendment from the floor of one of the Houses, where the other House has already voted to the contrary. I say it is not often; I do not think it has ever been done. I think we did about as much with it this time as could be done. I know it was as much as could be done under the circumstances, and I believe it is as much as can be done on that subject by these two committees, the Armed Services Committees of the House of Representatives and the Senate.

There may be others who understand the subject better, or who are wiser. I would not pass on that. But it is my opinion that we went as far as these two committees can go; and, frankly, I was very proud, Mr. President, that we were able to bring back as much of the Mansfield amendment as we did. I took very seriously the Senate's position on it. We did bring back enough of that amendment to state a policy and a principle, and it is the first time a real legislative principle and policy on that subject has been stated formally by Congress. If the Senate agrees to this report, it will have a definite, positive statement. There are no dates in it, but it is a definite, posi-

tive statement as to policy, and it will be the first legislative voice to be heard on the subject.

It is not as strong as some wanted, of course. Many, on the other hand, did not want anything. But it is certainly a step forward on the question, and it may pave the way for something further. I do not know; I am not predicting it will. But its rejection here now will certainly be killing off the only step forward that has been made in the legislative branch of the Government on this important and very vital subject.

I speak with great deference to everyone, but I hear suggestions that there be a motion to table this conference report. I want to warn Senators now that if the matter is tabled or rejected, it will put us right back at the same place we were on this bill when the final rollcall was announced on the passage of the bill. There would have to be new appointments; the House conferees have already been discharged. There would have to be appointment of conferees by the House and appointment of conferees by the Senate, and when we went back into conference, everything would be at stake again. Everything would be opened up, following, as I say, 5 weeks of the most exhaustive consideration of all these subjects that could be given. We will not have anything on the books with reference to the draft law, and I warn now, we would be racing toward a military manpower crisis if this conference report is rejected.

I do not know whether we would get another bill at all this year in this field. I think it is highly uncertain. But I do know, in spite of some figures that have been developed here about volunteers, that they are seasonal figures. I warn now that in spite of that, we would be facing here, within a few months, a military manpower crisis out in the field, out in our Polaris submarines, out in our ICBM silos, in the Navy, wherever the Navy is, and in the Air Force, wherever the Air Force is. I shall give further details, as will others, with reference to that manpower, and the same is true with reference to the other services.

I wish things were different, but the facts of life are that there has been no real plan or preparation made for this 2-year period to get enough of the necessary, dedicated manpower, except through the Selective Service Act.

I want to say, too, to those who favored the volunteer concept for all of the services so very strongly, that there is enough inducement in this bill—money, quarters allowances, and other inducements—to give that plan a fair trial, and see how well it can be worked out if given a little time. There are already in this conference report many of the major points, the major considerations that were wanted for that program, in fact almost all of them, and this will be a trial run under the most favorable circumstances if this conference report is passed.

For example, we retained this enlistment bonus concept for enlistment, something I was not particularly in favor of, but we put it in the bill of the committee. We considered it here on the floor, and we got it into the conference report, which is a remarkable departure, with our idea of trying to give every facet of this volunteer services concept a chance to operate.

Again I urge the membership of this body, do not go off on a tangent and just say, "Well, we will give it another trial; we will send it back." I say now, everything that can be done in this field, in my opinion, has already been done, and I do not believe we would be able to bring back a bill as favorable and as balanced as this measure is now. I know a lot of time would be lost and uncertainty built up.

If you just do not want any military services or any military program of any consequence, Senators should vote to kill the conference report. If they do not want a draft law at all, under any circumstances, they should vote to kill it.

I point out that all Senators in this Chamber except 16 have voted for the primary concept of this bill, and that is an extension of the Selective Service Act for only 2 years.

But if Senators want to have some margin of assurance that we will have the manpower—and it is not mandatory that anyone be drafted—if they want to have some margin of assurance that we will not lack for the necessary manpower and that they can be had in time to give them the necessary training, the vote should be in favor of the conference report.

Let us permit the Department of Defense to get on with this big job—and it is a big job—of bringing in the necessary manpower, not for the purpose of fighting the war in Vietnam, but for our protection, and get along then with the program of a so-called volunteer service for all the services. There will be plenty of tools and plenty of arsenal material to carry on that battle, there will be plenty of problems, and time will be required to make those corrections.

So, from any viewpoint, I have no doubt that this is the soundest and best balanced bill we can get for this year to fill the needs of this country in this category. The volunteer concept is going to have a chance under this bill, a very favorable chance. The Mansfield amendment idea is moving forward and is having an impact upon the thinking of this Nation, in my opinion—very much so. Of course, the conference report does not close the door on expressions in that field in other places.

Mr. President, I yield the floor now, so that others may speak. Other members of the committee and other Senators will want to be heard later.

Mr. GRAVEL. Mr. President, I will speak briefly, and then yield the floor to the Senator from Colorado.

Let me just say that I think the Senator from Mississippi is much too humble in his assessment of what he could do with a new and fortified conference committee. The last conference committee did not have one Member from the Senate who had voted for the Mansfield amendment. So, obviously, the reconstituting of the committee would certainly be in order. This could take place within this body, to reject or vote for tabling.

I would hope that this body would do so, so that we could appoint another conference committee. The Senator from Mississippi certainly could chair the conference from the Senate side; but I think that propriety and fairness would dictate that more Members from the Senate who had voted for the Mansfield amendment should be appointed to the conference committee. The fact that the House has been intransigent should not be the overriding question.

With respect to a manpower crisis, I think this is highly exaggerated, highly inflated. In fact, the Department of Defense revealed today that accessions, the number of people volunteering and enlisting in the services, are far above expectations; and as they project it today, they will not have to draft more than a small fraction of those they had contemplated drafting.

I submit that, if we do not permit the draft to be reinstated, we will find, to our great consternation, that we will not have to draft anybody this year, that enough people will have volunteered. The volunteering that is going on at this time is without the pay increases that were approved by this body and were projected by the Gates Commission, which indicated that the draft would not be necessary at all. So the manpower crisis of which he has spoken contains highly inflated and exaggerated figures.

When we talk about our defense posture, we should bear in mind that our strategic defense is manned by 134,000 Americans. We have 2,700,000 under arms today, but 134,000 of them are involved in our strategic defense. That involves our submarines, our missiles of all kinds, and our Air Force offense and defense strategy. Compare that to the fact that the Gates Commission indicated in its studies that we had 97,000 men in the armed services doing nothing but mowing lawns, policing butts, and waiting on officers' clubs. We have almost 100,000 people in the armed services doing no more than intelligence work—spying on us, spying on each other, monitoring the activities of the people.

I could go on at greater length, but I think the case is amply made by the fact that we have been without the draft for 2½ months and we have not been subjected to invasion. We are not under any threat of a great emergency, and this country has done very well in the interim, which, to my mind, proves the case that we simply do not need the draft, and that is the full case in itself.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Colorado wish to be recognized?

Mr. ALLOTT. Mr. President, 98 days ago the Senate voted 51 to 27 to raise military pay in accordance with the recommendations of the President's Commission on an all-volunteer armed force—the Gates Commission. This vote was an historic step toward equitable

treatment for the military, and toward ending the draft.

The very fact that 98 days have passed, and that more will pass before this bill becomes law, is now of great significance. The fact that new pay rates will not become effective until much later than originally expected removes the only reason anyone had for opposing more generous, equitable, and efficient pay rates.

And, Mr. President, because of the wage-price "freeze," it is doubtful that any new pay increase can or should become effective before mid-November. This is very significant, for the following reason:

When the last conference arrived at its "compromise," it decided the pay rates it favored become effective October 1. The fiscal year 1972 cost of the compromise—October through June—would have been $1.8 billion. But the compromise I will suggest today would promote the basic goals of the original Allott amendment, and would cost less—only approximately $1.7 billion from mid-November 1971, through June 30, 1972. Thus, the next conference can adopt the more equitable pay rates I am proposing; it can take a giant step toward ending the draft; and it can do this without spending any more money that it agreed to spend just a few weeks ago.

I am inclined to suggest that the new conference have the new, more equitable pay rates go into effect in mid-November. This will avoid any conflict with the letter and spirit of the current wage-price freeze.

The fact that we are voting on military pay raises during a wage-price freeze is both significant and insignificant and, in either case, should cause Senators to ponder past policies regarding military pay.

It is significant in the sense that this freeze, although necessary, is unfair to many people. It is unfair to persons who are in an unfair economic position when the freeze is imposed; such persons are frozen into their disadvantaged positions. The case of men and women in lower ranks in the military is a poignant illustration of the unavoidable unfairness of a freeze. And the unfairness they are suffering should spur us on to the completion of the task we began 98 days ago—the task of ending the unfairness inherent in current pay policies. We should be powerfully moved by the reminder that the unfairness the military experiences during the freeze is ancillary to, and derivative from, the unfairness which we in the legislative branch have inflicted on them through more than two decades of unfair pay policies.

The fact that we are in a wage-price freeze is insignificant as regards the question of whether we should insist on a truly equitable and efficient pay raise. Obviously there will be some pay raise involved in the draft extension bill, at some time, regardless of what we do with the conference report. The administration proposed a pay raise; the House of Representatives voted a pay raise; the Senate voted a pay raise; the conference improvised its own version of a pay raise. There is no doubt that the final version of this bill will contain a pay raise. It is up to us to see that it is sensible.

I know there is some dispute concerning the status of a legislated pay raise under the President's wage-price freeze. There are those who argue that the freeze does not affect a raise that is incorporated in a law passed subsequent to the imposition of the freeze. There are others who argue that any pay raise legislated during the freeze will be frozen until the end of the freeze. I am an agnostic on this question; I am content to abide by whatever ruling the appropriate authorities make. The important thing is not the exact date on which more equitable pay provisions become effective; the important thing is that equitable pay provisions become law, and cease to be a cruelly elusive dream.

THE STAKES IN THIS DISPUTE

Mr. President, in establishing a sense of the issues and stakes in the dispute about military pay, it is useful to consider this question. After two decades of neglect of the men in the lower ranks; with morale in the lower ranks suffering; with the public urgently and properly anxious to make the transition to an all-volunteer armed force—with these conditions obtaining, is it reasonable to believe that today generals deserve larger pay raises than privates?

Those who think that is reasonable, and who oppose the opposite view which the Senate endorsed by a 51-to-27 vote, can support the conference report on the draft extension bill. Those who do not think it is reasonable can join me in opposing the report.

Mr. President, after many weeks of debate about the draft extension bill and the scores of amendments thereto, we sent our version to conference. After many more weeks we are now confronted with a product that is less than acceptable. As regards one important particular—the pay provisions—this version just returned to us is needlessly inferior to the Senate version.

I share with many Senators a keen sense of disappointment about this unexpected and altogether unnecessary inadequacy. I would very much like to dispose of this bill on which we have lavished so much energy and far too much time. But the facts dictate that we fight another round.

Mr. President, I hope the conference report will be defeated so that we can ask for another conference. At that next conference it is my hope that the conferees from both bodies will adopt a more equitable compromise on the pay provisions, a compromise that I will detail in these remarks.

The conference committee has produced a pay package that is not a proper compromise at all; it reflects the will of neither body; it does special violence to the will of the Senate; and it does not achieve anything remotely resembling an intermediate position between the differing versions of the bill in the House and Senate.

I want to note one matter in passing. Prior to accepting the Allott amendment, the Senate rejected a pay package offered by the distinguished junior Senator from Iowa. It was a substitute for the pay package in the bill. The following week, this body replaced the pay package in the bill with the Allott amendment, which we designed to implement the Gates Commission recommendations. In fact, throughout the debate the issue of military pay was treated as a package. We did not specifically consider quarters allowance, dependents assistance, subsistence and basic pay as separate items—we treated the question of military compensation as just that—military compensation in toto. We discussed, amended and voted a pay package. Yet the conference committee saw fit to treat each item specially, without its effect on the others. It was in this way that the compromise comes out with such an unfortunate result. The technical definitions of each category of benefit was considered separately in conference, in spite of the fact that the Senate had considered a number of specific items as a pay package and the effect we wanted to create by it. This point is not pivotal, to be sure. It nevertheless indicates damage done to our intent in the Senate. This matter was examined briefly in an interesting column written by Prof. Milton Friedman in the September 6 Newsweek. Mr. President, so that all Senators can examine this column, I ask unanimous consent for it to be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLOTT. Mr. President, so that all Senators may have before them the relevant facts about the various proposals, including the compromise I will suggest for consideration, I ask unanimous consent to have printed in the RECORD at this point the following tables:

First. A comparison of the total costs of the administration, House, Senate conferees agreement, and the compromise I will suggest.

Second, basic pay comparisons between the Senate bill, the compromise I will suggest, the House bill, present pay rates, and the number of persons affected in each pay grade.

Third, comparison of average regular military compensation under the present rates, House and Senate bills, the conferees agreement, and the compromise I will suggest.

Fourth, comparison of the House and Senate bills, and the compromise I will suggest, as regards drill pay for reservists and National Guardsmen.

Fifth, comparison of BAQ rates under the conference agreement and the compromise I will suggest.

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

TABLE 1.—CONFEREES AGREEMENT ON PAY IN H.R. 6531

[Based on 2,553,000 average force as stipulated by the Senate and as accepted in Conference]

	Administration	House (annual total)	Senate (annual total)	Conferees agreement (annual total)	Conferees agreement (cost from Oct. 1)	Suggested compromise		
						Annual cost	Cost from Oct. 1	Cost from mid-November
Basic pay	900.9	1,811.2	2,646.2	1,811.2	1,358.4	2,171.8	1,628.9	1,357.4
Dependents assistance act	78.4	182.7	78.4	105.1	[1] 105.1	123.8	92.9	77.4
Basic allowance for quarters	0	635.1	0	406.6	305.0	408.4	306.3	255.2
Basic allowance for subsistence	0	37.5	0	0	0	0	0	0
Enlistment bonus	40.0	0	40.0	20.0	[1] 20.0	20.0	[1] 20.0	12.4
Recruiter expenses	2.9	2.9	2.9	2.9	[1] 2.9	2.9	[1] 2.9	1.8
Optometrists	0	.5	.6	.6	.5	.6	.5	.4
DAA reservists	20.0	20.0	0	20.0	14.9	20.0	14.9	12.4
Totals	1,042.2	2,689.9	2,768.1	2,366.4	1,806.8	2,747.5	2,066.4	1,717.0

[1] Retroactive to July 1.

TABLE 2.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL (85 PERCENT FHA), HOUSE BILL, AND PRESENT RATES

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O–5, lieutenant colonel-commander:									
Senate bill	$941.40								
Suggested compromise	$922.20								
House bill	$834.60								
Present	$834.60								
Number	0								
O–4, major-lieutenant commander:									
Senate bill	$844.20	$886.80							
Suggested compromise	$825.00	$867.60							
House bill	$704.10	$856.50							
Present	$704.10	$856.50							
Number	0	0							
O–3, captain-lieutenant:									
Senate bill	$758.10	$791.70	$809.10						
Suggested compromise	$738.90	$772.50	$789.90						
House bill	$654.30	$731.10	$781.20						
Present	$654.30	$731.10	$781.20						
Number	781	2,343	15,253						
O–2, 1st lieutenant-lieutenant (jg.):									
Senate bill	$693.30	$726.00							
Suggested compromise	$674.10	$706.80							
House bill	$570.30	$622.80							
Present	$524.40	$622.80							
Number	13,726	26,103							
O–1, 2d lieutenant-ensign:									
Senate bill	$612.30	$648.90	$672.60						
Suggested compromise	$593.10	$629.70	$653.40						
House bill	$495.00	$515.40	$622.80						
Present	$450.60	$499.20	$622.80						
Number	33,511	2,821	2,828						
O–1E: O–1 with 4 years' previous enlisted service:									
Senate bill				$672.60	$698.40	$722.10	$743.70	$766.50	$790.50
Suggested compromise				$653.40	$679.20	$702.90	$724.50	$747.30	$773.10
House bill				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Present				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Number				9	121	193	162	274	293
W–2, chief warrant-commissioned warrant:									
Senate bill	$544.20	$576.60	$576.60						
Suggested compromise	$530.40	$573.60	$573.60						
House bill	$530.40	$573.60	$573.60						
Present	$530.40	$573.60	$573.60						
Number	21	924	851						
W–1, warrant officer:									
Senate bill	$484.80	$517.20	$517.20						
Suggested compromise	$465.60	$507.00	$507.00						
House bill	$441.90	$507.00	$507.00						
Present	$441.90	$507.00	$507.00						
Number	949	558	109						
E–7, sergeant 1st class, petty officer:									
Senate bill	$445.80								
Suggested compromise	$443.40								
House bill	$443.40								
Present	$399.00								
Number	5								
E–6, staff sergeant-petty officer, 1st class:									
Senate bill	$411.30	$431.70	$448.80	$463.20	$480.30	$497.40	$514.20		
Suggested compromise	$392.10	$417.90	$435.00	$453.00	$470.40	$487.50	$505.20		
House bill	$382.80	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Present	$344.10	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Number	180	911	1,051	6,813	17,358	24,347	30,821		
E–5, sergeant-petty officer, 2d class:									
Senate bill	$378.90	$397.80	$413.10	$429.00	$446.10	$462.90	$479.70	$496.80	$505.50
Suggested compromise	$359.70	$378.60	$393.90	$409.80	$426.90	$444.00	$461.70	$478.50	$487.50
House bill	$336.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Present	$297.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Number	38,331	63,262	74,315	79,211	50,229	28,368	24,214	15,497	57,706
E–4, corporal-petty officer, 3d class:									
Senate bill	$352.80	$370.50	$387.90	$405.30	$421.20	$430.20			
Suggested compromise	$333.60	$351.30	$368.70	$389.40	$405.00	$405.00			
House bill	$323.40	$341.40	$361.20	$389.40	$405.00	$405.00			
Present	$249.90	$312.90	$330.90	$356.70	$374.40	$374.40			
Number	243,071	174,196	118,420	27,785	8,910	8,700			
E–3, private 1st class, seaman:									
Senate bill	$336.90	$353.40	$367.80	$384.00	$392.40				
Suggested compromise	$320.10	$336.60	$351.00	$367.20	$367.20				
House bill	$311.10	$328.20	$341.10	$354.60	$354.60				
Present	$180.90	$252.30	$269.70	$287.40	$287.40				
Number	292,749	55,928	16,709	6,445	2,453				

TABLE 2.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL (85 PERCENT FHA), HOUSE BILL, AND PRESENT RATES—Continued

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
E–2, private-seaman apprentice:									
Senate bill	$320.70	$336.60	$353.70						
Suggested compromise	$306.90	$306.90	$306.90						
House bill	$299.10	$299.10	$299.10						
Present	$149.10	$208.80	$208.80						
Number	219,692	9,752	2,225						
E–1 (over 4), recruit-seaman recruit:									
Senate bill	$310.80	$326.40							
Suggested compromise	$291.00	$291.00							
House bill	$268.50	$268.50							
Present	$143.70	$191.10							
Number	40,083	3,300							
E–1 (under 4), recruit-seaman recruit:									
Senate bill	$301.50								
Suggested compromise	$291.00								
House bill	$268.50								
Present	$134.40								
Number	89,928								

TABLE 3.—COMPARISON OF AVERAGE REGULAR MILITARY COMPESNATION

Pay grade	House bill	Senate bill	Conferees agreement	Suggested compromise	Present (Jan. 1, 1971) rates	Pay grade	House bill	Senate bill	Conferees agreement	Suggested compromise	Present (Jan. 1, 1971) rates
O–10	$43,872	$40,827	$42,725	$42,725	$40,827	W–2	$12,299	$11,108	$11,859	$11,859	$11,104
O–9	39,169	36,319	38,107	38,107	36,319	W–1	10,138	9,195	9,738	9,782	9,033
O–8	35,772	33,042	34,751	34,751	33,042	E–9	14,919	13,417	14,392	14,392	13,417
O–7	31,654	29,065	30,689	30,689	29,065	E–8	12,812	11,571	12,334	12,334	11,571
O–6	27,197	24,850	26,389	26,389	24,850	E–7	11,063	9,980	10,634	10,634	9,980
O–5	21,821	19,796	21,122	21,122	19,796	E–6	9,550	8,647	9,160	9,160	8,611
O–4	18,234	16,527	17,630	17,630	16,527	E–5	7,691	7,248	7,356	7,445	6,889
O–3	15,025	13,591	14,501	14,536	13,516	E–4	6,457	6,329	6,189	6,363	5,253
O–2	11,474	11,138	11,045	11,754	10,166	E–3	5,893	5,831	5,663	5,850	3,931
O–1	8,985	9,611	8,659	9,782	7,087	E–2	5,484	5,530	5,311	5,488	3,345
W–4	17,653	16,088	17,074	17,074	16,088	E–1	5,036	5,320	4,872	5,150	3,165
W–3	14,537	13,097	14,023	14,023	13,097						

[1] Regular military compensation is defined as basic pay, basic allowances for quarters, basic allowances for subsistence and the tax advantage which accrues because the allowances are no subject to Federal income tax.

TABLE 4.—EFFECT OF PAY PROPOSALS ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN

[Comparison of 3 proposals]

Pay grade	Longevity	Present drill pay for 1 weekend drill (MUTA–4)	House bill	Senate bill	Suggested compromise	Pay grade	Longevity	Present drill pay for 1 weekend drill (MUTA–4)	House bill	Senate bill	Suggested compromise
O–3	Under 2 years	$87.24	$87.24	$101.08	$98.52	E–4	Under 2 years	$33.32	$43.12	$47.04	$44.48
O–2	do	69.92	76.04	92.44	89.88	E–3	do	24.12	41.48	44.92	42.68
O–1	do	60.08	66.00	81.64	79.08	E–2	do	19.88	39.88	42.76	40.92
E–7	do	53.20	59.12	59.44	59.12	E–1	do	19.16	35.80	41.44	38.88
E–6	do	45.88	51.04	54.84	52.28	E–1	Under 4 months	17.92	35.80	40.20	38.88
E–5	do	39.64	44.84	50.52	47.96						

TABLE 5.—COMPARISON OF BAQ RATES CONFERENCE AGREEMENT AND SUGGESTED COMPROMISE

Pay grade	Without dependents		With dependents		Pay grade	Without dependents		With dependents	
	Conference agreement	Suggested compromise	Conference agreement	Suggested compromise		Conference agreement	Suggested compromise	Conference agreement	Suggested compromise
O–10	$230.40	$230.40	$288.00	$288.00	W–2	$137.10	$137.10	$173.70	$173.70
O–9	230.40	230.40	288.00	288.00	W–1	123.90	123.90	160.80	160.80
O–8	230.40	230.40	288.00	288.00	E–9	130.80	130.80	184.20	184.20
O–7	230.40	230.40	288.00	288.00	E–8	122.10	122.10	172.20	172.20
O–6	211.80	211.80	258.30	258.30	E–7	104.70	104.70	161.40	161.40
O–5	198.30	198.30	238.80	238.80	E–6	95.70	95.70	150.00	150.00
O–4	178.80	178.80	215.40	215.40	E–5	92.70	92.70	138.60	138.60
O–3	158.40	158.40	195.60	195.60	E–4	81.60	86.10	121.50	126.90
O–2	138.60	138.60	175.80	175.80	E–3	72.30	76.20	105.00	114.00
O–1	108.90	108.90	141.60	141.60	E–2	63.90	70.20	105.00	105.00
W–4	172.50	172.50	207.90	207.90	E–1	60.00	60.00	105.00	105.00
W–3	155.40	155.40	191.70	191.70					

Mr. ALLOTT. Mr. President, for those who find large tables somewhat overwhelming, I particularly call attention to table 3 entitled "Comparison of Average Regular Military Compensation." If Senators will examine that table, under Pay Grade, under O–1 and O–2, and E–1, E–2, E–3, and E–4, they will find there the specic figures which show that these particular grades would get less under the conference bill than they would have gotten under either the House or Senate bills.

I will allow these figures basically to speak for the compromise I will suggest when this conference report has been rejected. For now, suffice it to note two things. First, the compromise I will suggest was prepared at my request by professionals in the Department of Defense. This guarantees that the compensation schedules are internally valid—that is, they avoid "inversions." Second, the fundamental achievement of the compromise I am suggesting is that it restores the $300 million cut by the conference, and it restores it to those from whom it was taken—the first termers. I should add parenthetically that I am not suggesting that the fact that I secured the technological data from the Department of Defense in any sense means that this suggestion or compro-

mise represents the opinion or the position of the Department of Defense or the administration.

THE SUBSTANCE OF THE NEW PAY PROVISIONS

Mr. President, the purpose of a conference is to arrive at an equitable compromise between differing versions of a bill. According to my dictionary, a compromise is "a thing intermediate between, or blending qualities of, two different things."

Mr. President, I regretfully must conclude that, where pay provisions are concerned, the work of the conference is no compromise at all.

When I say no compromise at all, I should qualify that by saying no compromise at all with respect to the two versions of the bill.

This conference compromise has three major faults.

First, it does not involve enough money. Both bodies voted decisively to spend at a rate in excess of $2.7 billion annually. This conference compromise falls more than $300 million short.

Second, the money involved in the conference compromise is not going to be spent so as to have maximum visibility for the potential recruit. One of the virtues of the pay proposal passed by the Senate is that it puts the money into basic pay.

Third, and most important, the conference compromise distributes the benefits in a way that reinforces traditional injustices, and in a way that is perfectly designed to discourage progress toward an all-volunteer armed force.

Mr. President, the second of these failings is the least objectionable. I think we all realize that some compromise with the approach adopted by the House version of the bill was inevitable in the legislative process. The House chose to put more money into increases for dependents' assistance, and allowances for quarters and subsistence. While I disagree with this approach, I recognize this is a matter about which honorable men of good will can and do easily disagree.

But the first and third failings are substantial, unnecessary, and unacceptable.

First, consider the matter of fixing a spending total lower than either body considered.

One Congressman has described the work of the conferees in this way:

> What they have done is taken orders for either chocolate or vanilla and couldn't agree on either so they brought back strawberry instead.

Mr. President, I would describe the matter somewhat differently. I think they took orders for a certain amount of ice cream, and have given us a cheaper dish of yogurt. Yogurt may please some people. But we did not order it.

We—both bodies—ordered spending for military pay increases at an annual rate in excess of $2.7 billion. The conference does not like that idea, which the Senate resoundingly endorsed with a 51–27 vote. So both the House and the Senate are losers; evidently we are expected to eat what the waiters chose to serve us.

This should be of special concern to the Senate because the waiters did at least a little better by the House version.

As regards the basic pay component of the House bill, the conference committee was a model of deference. In compromising the basic pay differences between the House and Senate versions, the conference committee took the low House figure and did not give the Senate a single dollar.

An even more astonishing fact is revealed when we consider the average regular military compensation that will result for the various pay grades as a result of the compromise reached by the conference committee. As the following chart reveals, E–1's, E–2's, E–3's, E–4's, O–1's and O–2's will receive less total compensation than they would have under either the House or the Senate version.

Mr. President, tabulation 5 sets out specifically the differences I discussed earlier and shows that the four lower grades of enlisted men and the two lower grades of officers receive less than they would have under either the House or Senate bill.

I ask unanimous consent that this tabulation be printed in the RECORD.

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

TABLE 5.—COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Conference compromise
O–10	$43, 872	$40, 827	$42, 725
O–9	39, 169	36, 319	38, 107
O–8	35, 772	33, 042	34, 751
O–7	31, 654	29, 065	30, 689
O–6	27, 197	24, 850	26, 389
O–5	21, 821	19, 796	21, 122
O–4	18, 234	16, 527	17, 630
O–3	15, 025	13, 591	14, 501
O–2	11, 474	11, 138	[1] 11, 045
O–1	8, 985	9, 611	[1] 8, 659
W–4	17, 653	16, 088	17, 074
W–3	14, 537	13, 097	14, 023
W–2	12, 299	11, 108	11, 859
W–1	10, 138	9, 195	9, 738
E–9	14, 919	13, 417	14, 392
E–8	12, 812	11, 571	12, 334
E–7	11, 063	9, 980	10, 634
E–6	9, 550	8, 647	9, 160
E–5	7, 691	7, 248	7, 356
E–4	6, 457	6, 329	[1] 6, 189
E–3	5, 893	5, 831	[1] 5, 663
E–2	5, 484	5, 530	[1] 5, 311
E–1	5, 036	5, 320	[1] 4, 872

[1] Conference compromise falls below both House and Senate versions.

Mr. ALLOTT. One hardly need belabor the significance of this.

The privates and corporals, and sergeants and lieutenants—those who have been shortchanged again and again and again in pay raises dating back to World War II—are to be shortchanged again. And this is how we propose to improve the morale of the military.

A private first class will be entitled to less of a raise than a one- or two-star general. And this is how we will encourage volunteers and eliminate the draft.

As we can see by table 1, the compromise would spend over $300 million less on an annualized basis than either House voted. This is particularly important to note because this $300 million came from only one place—the pockets of our first termers. Only the E–1's through E–4's, and O–1's and O–2's, received less in average regular military compensation than either the House or Senate passed. It is these men, and these men alone, who suffer from the conference compromise. The restoration of that $300 million, as proposed by the compromise I will suggest, returns to them the compensation they have lost since the bill left the floor of the Senate.

Mr. President, there is no mystery about why the conference committee did the kind of economizing it did. All economizing is an attempt to save money. That is a noble objective—and it is one for which I have fought many times—until it leads us to consistently take the savings out of the pocketbooks of those who can least afford it.

The injustice of this kind of economizing has been thoroughly documented over the past few months.

What is most striking now is how utterly unnecessary this type of economizing is.

As I noted during the debate on the Allott amendment, there is something—to put it politely—counterintuitive about the notion that our Nation, with its trillion-dollar economy, cannot afford to pay our military men adequately.

But one need not rely on intuition. One can consult the facts as they stand today, after much delay, and in the middle of a wage-price freeze.

Remember that the Department of Defense has planned all along to spend $2.7 billion in pay increases, but over a 2-year period.

Remember that the spending for the remainder of fiscal year 1972 should be the focus of our interest because DOD's announced intention is to reach the $2.7 billion level of pay increases in a two-step period, the second step coming in fiscal year 1973.

Remember that one of the central reasons for making the $2.7 billion increase in one step was to give us a more decisive, dramatic and informative test of the usefulness of decent pay as an incentive for volunteers.

Remember that the "savings" exacted from the pay checks of the lowest ranks almost certainly will be false savings, because they will have costs—economic and otherwise—which stem from delay in achieving the more efficient volunteer armed force.

Remember that the administration budgeters originally planned for the administration's proposed $1.049 billion increase to become effective May 1. Thus there has been an unanticipated windfall for the Government involving at least 5 months' savings and, if military pay increases do not become effective until—say—November 15, there will be a 6½-month windfall saving.

Remember these facts. And then consider the following five points, which all demonstrate that we can afford the compromise that I will suggest. All of the points dramatize the fact that the compromise I will suggest will require spending less than both bodies originally wanted to spend this fiscal year, and less than the annualized cost of the conference compromise. And if the effective date of legislated military pay raises

should be November 15, then the cost of the compromise I am suggesting would be no more than the amount of money which the conference report calls upon us to spend.

First, As I noted above, one thing is certain: there will be pay raises voted for the military this year. If these raises were to become effective October 1—and, to repeat, I do not favor this—the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—would be $300 million less than the annual cost of the conferees agreement.

Second, If pay raises become effective October 1, the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—would be $701.7 million less than the amount—$2,768.1 million—that the Senate voted to spend on military pay increases in this fiscal year.

Third, When the Senate voted its version of the pay proposals, some persons were alarmed at the prospect of spending $1.7 billion more than the $1,049.9 million which the administration proposed to spend on military pay increases in fiscal year 1972. But if the compromise I will suggest should prevail, with an October 1 enacting date, the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—will only be $1,016.5 million more than the administration proposed to spend—a drop of $701.7 million under the sum which the Senate, on June 8, voted as an increase over the administration pay proposal.

Fourth, the pay package originally voted by the House of Representatives totaled $2,710.8 million, or $57.3 million less than the Senate pay package. But if the compromise I will suggest should prevail and become effective October 1, then the fiscal year 1972 cost of the pay increase will be fully $644.4 million less than the lowest version—that of the House of Representatives—which the last Conference had before it.

Fifth, The most important point is this. The pay compromise improvised by the conference committee, and scheduled by them to become effective October 1, would have cost $1,807 million in fiscal year 1972. The fiscal year 1972 cost of the compromise I will suggest, if it cannot become effective until November 15, will be approximately $1,717 million. In short, the compromise I will suggest would cost $89.8 million less than the conference committee has called upon us to spend.

Mr. President, there is one additional matter about costs. I note that the conference report attempts to justify its action by referring to the 7.9 percent cost-of-living increase granted last January, and to 7.4 percent cost-of-living increase that is planned for January 1, 1972. Evidently the conferees would have us believe the cost-of-living increases, tacked on to an unfair pay schedule, are an adequate substitute for a more equitable pay schedule.

Mr. President, when you talk about raising inequitable pay schedules by percentages we can only refer to that old, old song that the rich get richer because it perpetuates an inequity upon an inequity.

I thought we had adequately disposed of this line of argument during the debate on the Allott amendment. But I see that I must impose upon the patience of Senators long enough to dispose of this argument again.

The point is that cost-of-living increases are not relevant but extraneous to our consideration here and it is important to understand why they are extraneous.

They are irrelevant because the President has already deemed it necessary to eliminate the fiscal year 1972 cost-of-living increase.

And all cost-of-living increases are irrelevant because the objective of such increases is entirely extraneous to the objectives of the kind of pay raise the Senate clearly desires.

The objective of cost-of-living increases is to maintain pay for Federal employees in whatever relation exists at a given time with regard to rising pay in the private sector during a period in which the cost of living is rising. But this mechanism for maintaining the status quo does nothing to close the deplorable gap between military pay and pay for similar skills and employment in the private sector.

The cost-of-living increases are necessary to prevent a further deterioration of existing deplorable conditions. The purpose of my amendment is to improve the conditions. It is obvious that the cost-of-living increases are mere holding actions on behalf of hard-pressed people.

If anyone doubts that cost-of-living increases are an inadequate solution to military pay problems, they should consider some relevant history—and some stunning facts—cited by Congressman WILLIAM A. STEIGER, in the House of Representatives on August 2, before cancellation of the upcoming cost-of-living increase. Congressman STEIGER, who has done magnificent work on behalf of efficient and equitable pay policies, said this:

> I would make two points, regarding the automatic increases. First, the scheduling of these raises was known well before consideration began on the draft bill. Due to the wisdom and foresight of the late chairman of the Armed Services Committee, Mr. Rivers, military pay was tied to civil service pay in 1967. The "Rivers amendment" assured that military personnel would be given the same percentage increase as Federal civil servants in adjustment of wage rates. On December 31, 1970, over a month before the draft hearings began, Congress approved the Federal employee pay comparability system, which mandated comparability adjustments on January 1, 1971, and January 1, 1972.
>
> Second, I would point out that the automatic increases were designed as a temporary measure, pending complete reform of the military compensation system. Servicemen, particularly in the lower grades, have lagged far behind their civilian counterparts, and the automatic across-the-board raises were merely designed to keep the disparity from growing. These increases, however, have had little impact on the first-termer. For example, the January 1971 increase raised the recruit by only $9.90, while the colonel received a hike of $132 a month. Thus, the colonel's hike was nearly equal to the recruit's total monthly pay of $134.40. Likewise, if the January 1972 formula is 7.4 percent as expected, under the conference bill the major general will get a $204.71 raise, the colonel will get a $133.42 hike, but the recruit would only receive an increase of $19.83 in his monthly pay.
>
> I am not opposed to comparability increases for our careerists, but since the comparative advantage for the first-termer is so small, it is not clear why the automatic increases would justify delaying enactment of a pay bill that was designed to aid the first-termer. I see, in fact, no justification for postponing the correction of a long-term inequity in the pay of junior enlisted men, simply because of a forthcoming across-the-board pay raise.

I think those three figures—$204.71, $133.42, $19.83—refute the notion that cost-of-living increases are the answer to military pay problems.

Mr. President, there were 28 points of difference between the House and Senate versions. These were the pay provision, the Mansfield amendment, and 26 others. In resolving these differences the conference committee did not make any changes that significantly increased costs. Thus, it is remarkable that the conferees felt a desire to improvise economies.

Let us face facts.

For years we have gone along refusing to give the average GI the pay he deserved. Now the conferees would have us compound the sins of the past with a fresh sin. They would have us acquiesce in a broken promise. When both Houses of the Congress agreed that spending for military pay should be increased by $2.7 billion this fiscal year, this constituted an implicit promise to the men and women in uniform. Now the conferees would have us reverse our field, break our promise, and again disappoint the hopes of the GI's.

For too long we have inflicted unjust pay policies on the conscripts and enlisted men in the lower ranks. If the Congress as a whole tolerates this latest attempt to economize at the expense of those who can least afford to sacrifice, then we can expect two kinds of bad consequences. Morale in the military will suffer another unnecessary blow. And young men who are considering volunteering for service—and perhaps for a military career—lose interest. After all, who wants to join the Armed Forces if the Congress does not respect those forces enough to pay them decently?

In short, Mr. President, young men in the military, and young men considering the military, are watching what we do with this bill.

In a speech on July 27 Secretary of Defense, Mr. Laird, said the following:

> We believe we can move away from selective service to zero draft calls and an all-volunteer armed force. The most important thing which we must do in the period of the nineteen seventies and beyond is to see that the military service is recognized by all sections of society as a contribution which is being made by men and women to the peace forces of this nation and the peace forces throughout the world so that the mistakes of the seventies, the mistakes of the fifties and the mistakes of the sixties are not repeated again.

Mr. President, I agree with the Secretary of Defense. I agree that the key to achieving an all-volunteer armed force is regaining for the military the respect which properly is owed it by this Nation. And I agree with the Secretary

that we can only help the military if we avoid past mistakes.

That is precisely why I am so deeply opposed to what has been done to the pay proposals passed by the Senate. The conference compromise before us is a classic example of, and a totally unnecessary repetition of, the worst mistakes committed against the military in the past two decades.

Consider the following report by Air Force Times editor Bob Schweitz in the February 3, 1971, issue:

> From 1952 to 1965 there were no pay raises for enlisted men with fewer than two years of service. The raises for all other grades since 1952 have more than doubled those for the "under two's."
>
> Overall, the military force has received a cumulative pay hike of 154.3 percent since 1952, while the junior enlisted men have received only 86%, including the raise effective January 1, 1970. . . .

A few months ago it would have been hard to imagine how the Congress could worsen its deplorable record of callous negligence with regard to military compensation. Alas, now it appears that a way has been formed to do this. The only thing more damaging to morale than years of unjust pay is for each body to vote substantial money for military pay, and then have that money repealed.

Mr. President, before leaving the subject of the substance of the pay provisions, we should note the extraordinary interest and dissatisfaction which this action has generated in the public at large. For example, when the drift of this compromise became apparent, the New York Times, July 3, denounced it with proper vigor. The Times said:

> A Presidential commission has pointed out that current pay scales for the lower ranks are substantially below comparable civilian wages and amount, in effect, to a discriminatory tax on servicemen. If more funds are needed for other items in the defense budget, which we doubt, they should be raised from the general taxpaying public and not taken out of the pockets of men who are being asked to lay down their lives for their country.

Mr. President, I agree with the judgment of the Times in this matter. The action of the conference is an affront to the substantial majorities in both Houses who voted more than $2.7 billion. But, to repeat, it is a most keenly felt affront to the Senate because it does not win for the Senate a single dollar in basic pay. This has been done in the name of economy. It has been done in response to the altogether unconvincing argument that we cannot now afford to pay an equitable wage to our military men and women.

I think this contention was mercifully laid to rest during the debate on the Allott amendment. But that is not the point here. The point is that both bodies have spoken. They have clearly voted their desire to spend more than $2.7 billion for increases in military remuneration this year.

The fact that OMB, or DOD, or some other agency of the executive branch finds this inconvenient is unfortunate, but it is not relevant to the consideration of the conference committee.

These agencies were not parties to this conference. The conference should not have disregarded the unambiguous desires of both bodies with regard to enactment.

Mr. President, for a quarter of a century we have given the men in the lower ranks poor pay in order to promote economy in government. This practice is unjust. It is unconscionable in a nation like this.

The fact that the men in the lower ranks have had a lot of experience with injustice does not mean that they or their dependents are getting used to it.

In addition, the fact that neglect of the men in the lower ranks has become a conspicuous feature of the American military tradition does not mean that this neglect is harmless as regards the ability of the Armed Forces to attract high caliber young men and women as volunteers. In fact, not all our military traditions are equally venerable, and this tradition of neglect is downright unsavory.

We pledge millions of dollars to rescue ailing corporations from economic hardship. Yet by the terms of the conference compromise we are asked to inflict asceticism on the average GI—in the name of economy in government.

We spend billions of dollars on welfare. Yet by the terms of the conference compromise we are asked to impose near poverty conditions on military men—and in some instances poverty conditions—in the name of economy in government.

While Government largess expands in every direction, now, by the terms of the conference compromise, we are supposed to ask the men in the lower ranks to make sacrifices—sacrifices which neither the House nor the Senate asked them to make.

What is this, economics according to Lewis Carroll?

This is a through-the-looking-glass approach to ending the draft. According to the approach adopted by the conference, the best way to end the draft is by penalizing those whose career decisions will determine the feasibility of an all-volunteer armed force.

Mr. President, for reasons I have explained, it is necessary for us to fight another round in what sometimes seems like an interminable dance with this bill.

But as I have suggested, there is no reason why this round should not be short and uncomplicated. The compromise I will suggest, and which is detailed in tables 1–5 is ready at hand. But in the unlikely event that another conference cannot quickly be brought to see the light of right reason, perhaps we can take some solace from the fact that some good may come from whatever delay ensues. And the Nation's security can surely be made compatible with our need for time to legislate properly.

It is most implausible to suggest that, suddenly, the Armed Forces face a desperate need for conscripts, a desperate need that cannot be met without immediate passage today of this draft extension bill.

When the 1972 fiscal year began 5 weeks ago, the authorized strength of the armed services was approximately 2.7 million men. The strength is now in the process of declining to the authorized end strength of 2.407 million men by June 30, 1972. During the first 2 months of this fiscal year—July and August—the total draft calls were only 16,000. Clearly the draft is not carrying such a heavy load of our national security burden that we cannot tolerate any further delay at all in extending the draft.

The Secretary of Defense has stated that, unless the draft is resumed by September, the Armed Forces are going to face a manpower squeeze. But the Secretary also has said that personnel shortages will not show up until mid-1972. I am confident that by that time the U.S. role—if any—in Vietnam will be too minute to be affected by any such shortages. In addition, it should be possible to absorb short-term manpower shortfalls in military units stationed in the United States. Moreover, figures for true volunteers are up dramatically and gratifyingly, as a result of many factors—an increase in the number of recruiters and recruiting stations, a forceful advertising campaign, and, I hope, the evidence that Congress at long last is interested in decent pay for the military.

Frankly, I think a moderate period during which the Armed Forces were deprived of conscripts might dissipate a lot of myths about the relationship between conscripts and national security.

For example, is it not possible that, were conscripts, unavailable for awhile, those responsible for our current military manpower policies might find fresh incentive to review those policies? Is it not possible that a judicious but substantial hiatus in conscription would provoke a salutary reassessment of the uses to which we put conscripts, and the uses to which we could put civilian employees?

Dr. Johnson once noted that the imminence of execution concentrates the mind splendidly. I cannot but suspect that, as each day goes by without a draft bill, minds previously closed against the possibility of an all-volunteer armed force are beginning to open. And somewhere deep in the darkest recesses of the military bureaucracy, some minds are beginning to concentrate on new and more efficient policies of manpower allocation.

Mr. President, for those who doubt that there is room for improvement in our military manpower allocation, I want to call attention to a recent report from the General Accounting Office. It was released May 6 of this year. Its number is B–146890 and its title is "Improper Use of Enlisted Personnel." I urge all Senators to examine this report.

Nevertheless, it is possible that those who support the conference compromise may push for rapid—I should say precipitous—acceptance of it on the grounds that any additional delay in enacting a draft extension will jeopardize national security. I trust that no Senator will allow himself to be stampeded by this argument.

Let me make my position clear.

I hope and I pray that we can soon send a bill to the President. I do not think substantial additional delay is necessary. I do not favor, and will not support, any undue delay.

On the other hand, there is something

patently unconvincing about the notion that the security of this great and powerful Nation will be significantly impaired if we take the time to fashion a responsible bill. This great deliberative body never has time to waste. But by the same token, it always must take the time to do the job right.

We did the job right less than 2 months ago. We should not be immoderate; we should not insist that our will prevail absolutely. But we should have the responsible tenacity to see that at least a respectable portion of our wisdom prevails. This is especially vital because we are clearly advancing to our goal of zero draft quotas.

The Secretary of Defense has announced that draft calls for fiscal year 1972 will be reduced by one-third of the fiscal year 1971 total. The total draft call is expected to be approximately 100,000. Frankly, Mr. President, I think that estimate may be high. I think we may need to draft less than 100,000. There are two reasons for thinking this:

First, when we reject this compromise and when we get proper pay provisions, the pace of recruiting will quicken beyond the rate projected by the Secretary in making his estimate.

Second, the Secretary's projection is based on the conscription needs for an armed force of 2.5 million men. In fact, however, as my distinguished colleague from Colorado has demonstrated—I refer Senators to the supplemental view of Senator DOMINICK in the committee report on this bill—the end strength of the Armed Forces for fiscal year 1972 will be nearly 100,000 less than that, 2.407 million.

Mr. President, I do not want to suggest that there really will be no need for any draftees. We will just have to wait and see how many draftees are needed to meet transitional manpower needs as the Armed Forces manpower is phased down to the 2.407 figure by June 30, 1972.

But I do think it is safe to say this much: Our total draft needs may be significantly less than 100,000. It would certainly not be unprecedented for DOD to revise its draft estimates downward. In the 1970 calendar year 163,000 men were drafted. Earlier this year DOD estimated that 142,000 men would be drafted in the 1971 calendar year, but it now appears likely that, even without any delay in drafting occasioned by problems with this bill, only 130,000 men will be drafted.

If the Secretary's latest projection is correct, monthly draft calls will run at 8,300 per month, which would represent nearly a 2,000-man monthly reduction under the figure the Secretary predicted last April, which was that draft calls would run about 10,000 per month during all of 1971.

Whatever the transitional figures may be, clearly we are nearing the end of the draft. I have reluctantly recognized the need for a 2-year extension of the draft at this time. I do, however, believe that, barring some unforeseen deterioration of relations between nations, I do not expect the draft will need to be renewed 2 years from now.

In fact, I very much doubt that 2 years from now it will be possible to pass a draft extension bill. And if I am still serving in the Senate 2 years from now, it is most unlikely that I will vote for any draft extension.

Thus I and kindred spirits attach special importance to these pay provisions; to the question of simple decency and due respect for the military; and to all other matters which are vital to the prospects of an all-volunteer armed force.

Mr. President, I do not doubt that the conferees acted as they thought best. The distinguished Senator from Mississippi is chairman of the committee. Who could question their effort, their abilities, and their intent? They were struggling with a difficult bill containing many awkward points of contention. Nevertheless, the will of the Senate has not been properly respected by the conference compromise.

Therefore, I urge the Senate to reject this conference report, and to urgently request another conference to give renewed consideration to the equitable compromise that is outlined in the tables above.

EXHIBIT 1

MILTON FRIEDMAN ON THE DRAFT UNCOMPROMISE

The bill to extend the draft and pave the way for an all-volunteer armed force was tied up in a House-Senate conference for many weeks. The conference reported just before the Congressional recess. Its recommendations were accepted by the House but were not voted on in the Senate. This delay is fortunate because the conference report contains a "compromise" on armed-force pay scales that is a far greater threat to achievement of the bill's objectives than the much-publicized Mansfield amendment. Yet it might have been overlooked in the rush to adjourn.

2+2=3

The House bill provided a pay raise totaling $2.7 billion on a full-year basis; the Senate bill a pay raise totaling $2.8 billion; the conference a pay raise totaling $2.4 billion.

How can $2.4 billion be a compromise between $2.7 billion and $2.8 billion? The answer is easy—if you are an expert at parliamentary maneuvering. First, you note that the House $2.7 billion consisted of an increase of $1.8 billion in basic pay and of $0.9 billion in supplements (housing and subsistence allowances, etc.), while the Senate $2.8 billion consisted of $2.7 billion in basic pay and only $0.1 billion in supplements. You now take each part separately. You compromise between $1.8 billion and $2.7 billion in basic pay at $1.8 billion. You compromise between $0.9 billion and $0.1 billion in supplements at $0.5 billion. You add the compromise $1.8 billion to the compromise $0.5 billion and, presto chango, with the help of a bit of rounding off, you have $2.4 billion as a compromise between $2.7 billion and $2.8 billion.

This seemingly minor reduction is critical because, compared with the Senate bill, the reduction is entirely at the expense of first-term enlisted men and officers. Here are the House, Senate and conference proposed annual pay levels for the grades that are relevant for first-termers.

PROPOSED MILITARY COMPENSATION

Pay grade	House	Senate	Compromise
Enlisted men:			
E-1	$5,036	$5,320	$4,872
E-2	5,484	5,530	5,311
E-3	5,893	5,831	5,663
E-4	6,457	6,329	6,189
Officers:			
O-1	8,985	9,611	8,659
O-2	11,474	11,138	11,045

These are the grades for which the draft has provided recruits—either conscripts or "reluctant volunteers," i.e., men induced to enlist by the threat of being drafted. For higher career grades, the conference recommendation is between the amounts proposed by the House and Senate, though generally closer to the more generous House scale.

Because of the draft, first-termers have consistently been shortchanged. From 1952 to 1965 there were *no* pay raises at all for enlisted men in the first two years of service. As a result, first-term enlisted men now receive not much more than half the amount that they could earn as civilians. In sharp contrast, enlisted men with more service and officers above the first two grades receive as much as or more than they could earn. This was and is a glaring and completely unjustifiable inequity. It was and is a major obstacle to recruiting volunteers.

The Senate bill went farther than the House bill in removing this inequity by adopting the pay increases recommended by the Gates commisison as required to achieve an all-volunteer armed force. The conference proposal is worse than either in this crucial respect. Its adoption would seriously hamper the achievement of an all-volunteer force.

IT IS NOT TOO LATE

Senator Allott (Republican of Colorado), the author of the Senate pay amendment, plans to lead a fight in the Senate when it reconvenes to return the bill to the conference with the request that it submit a true compromise. There is every reason to expect that he will succeed. His amendment was adopted by a decisive majority—51 to 27—while an earlier amendment incorporating the House pay scale was decisively defeated. Clearly, the Senate wanted a pay raise concentrated on first-termers. Yet the conference proposal slights precisely this group.

Few matters are more important for the political, social and moral health of this country than ending compulsory military service and returning to this nation's long tradition of relying on the voluntary services of patriotic Americans to maintain a loyal and effective armed force. It will be a tragedy if legislative legerdemain is permitted to frustrate the achievement of this objective.

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

Mr. ALLOTT. I yield.

Mr. CRANSTON. I am deeply impressed by the statement made by the distinguished Senator from Colorado. He has thought very deeply and very wisely through this matter of the pay raises that are so badly needed by the Armed Forces. It was due to his leadership that we managed to get into the pending measure a very substantial and a very sound pay raise. Unfortunately, that was badly distorted and diluted in conference, as the Senator has pointed out. It seems to me that the compromise proposal made by the Senator is a very sound one that would do what is needed for our Armed Forces in terms of paving the way to a volunteer army.

It seems to me, also, that it is a very sound compromise, unlike the noncompromise that came from the conference committee.

Therefore, I want to express my support for what the Senator has proposed as a compromise. I think it is a very sound move, and I would like to be listed as a cosponsor of the proposal when it is submitted as an amendment.

Mr. ALLOTT. I thank the Senator. When that occasion comes, I will be very happy to do so. I thank the Senator for

his very generous remarks and his support of the position about the pay raise, which we all have an equal feeling is so important.

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

Mr. ALLOTT. I yield.

Mr. GRAVEL. I should like to join the distinguished Senator from California in paying tribute to the concept just enunciated by the distinguished Senator from Colorado. The Senator from Colorado has done excellent work in this regard, to bring equity to a system of pay and to right the unfortunate concept that this Nation has had; that is, for some unknown reason, because a person dons a military uniform, he is supposed to be employed and paid a wage different from that a person would get if he worked for the Government as a civilian. That concept is in the process of being righted under the leadership of the Senator from Colorado, and I certainly think it is noteworthy.

I compliment the Senator for his efforts in this regard, and I ask him, most humbly, that I, too, be listed as a cosponsor of his legislative endeavors when he feels that this should be presented as an amendment or as instructions.

Mr. ALLOTT. I thank the Senator very much, and I will be happy to do that at that time. I appreciate his remarks.

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

Mr. ALLOTT. I yield.

Mr. TAFT. I thank the Senator for yielding.

I supported the Senator's proposal for the increase in pay which passed the Senate some 90 days ago, and I expect to support in principle again the position he has taken.

I have, however, a question with which I think he might be helpful. Statements have been made to the effect that after the personal tax consequences to the men in our Armed Forces, the compromise version of the conference committee would, in most cases, be as favorable or more favorable, insofar as after tax income is concerned, than the provisions of the Senate bill as it went to conference. Could the Senator comment on that and clarify it?

Mr. ALLOTT. I realize that the Senator has not had an opportunity to examine the contents of all the tables I introduced in the course of my discourse. But if the Senator has a copy of it at hand, he will find on page 12, under table 3, a discussion of this. Note 1, at the bottom, says:

> Regular Military Compensation is defined as basic pay, Basic Allowances for Quarters, Basic Allowances for Subsistence and the tax advantage which accrues because the allowances are not subject to Federal Income Tax.

So that those figures do, as they are set out, involve the tax consequences of the pay raise or the compromise proposal of the conferees.

Mr. TAFT. I thank the Senator for his clarification.

Referring to that table, particularly with regard to the lower grades, the conferees' agreements, for example, in the E–1 pay grade, would indicate a regular military compensation of $5,320 in that category under the Senate bill, as compared with a $4,872 average regular military compensation under the conferees' agreement. Is my understanding correct?

Mr. ALLOTT. That is correct.

The Senator will note, also, that this is true for E–1, E–2, E–3, and E–4—that the conference agreement is less than either the House or the Senate bill, and it is also true for O–1 and O–2, above it.

Mr. TAFT. I thank the Senator for his clarification of that point.

Mr. ALLOTT. I thank the distinguished Senator very much for his assistance in this matter.

Mr. President, I had hoped that certain people would be on the floor at this time, but I want to take a few more moments to explain my situation.

I have said repeatedly that I do support a 2-year extension of the draft. Many of us are looking forward hopefully to the institution of an all-volunteer force. One of the main reasons why I have supported the position I have taken so forcefully is that I believe it is the only way we have any chance of making an all-volunteer force work.

I have just checked with a member of my staff, and find that prior to this bill we had more than 1,000 families in the military drawing welfare. Whether those men entered the service voluntarily or whether they were drafted or whether they entered voluntarily because they knew they were going to be drafted is not particularly significant, in my mind. But we cannot ask people to enter the military service and serve us when they have to subsist at a level which is below the poverty level set in the United States.

Prior to our adjournment, we debated this bill some 7 weeks. I must say that I think the debate has been carried on too far and too long and that this matter should be resolved. I think the country is looking at the Senate and expecting it to resolve the matter. I think the country is looking at us with a jaundiced eye with respect to what might be unnecessary debate.

I have no intention of trying to—nor have I ever in my time in the Senate, in the 17 years, tried to—foreclose debate on any subject. However, because I think we must get about this business and face it, a fair military pay is absolutely one of the essential ingredients of this bill, I am prepared and if necessary I will offer, sometime, not this afternoon, but I do not preclude tomorrow morning—and I hope that this message gets through to those who are interested—a motion to table the conference report.

Although it has been repeated to me that the House will not go to conference, I am a little bit tired, despite the valued efforts of our own conferees, of being told what we will and will not do.

I therefore wish to place the Senate on notice that I will, at such time as I think debate has gone on for a proper length of time, move to table the conference report.

I have discussed this twice with the majority leader and twice with the minority leader, and also with the majority whip and other Senators, so that they are fully aware of my intentions.

If I do not offer the motion, I am informed by several of my colleagues that it is their intention to make the same motion.

Mr. GRAVEL. If the Senator from Colorado will yield at that point, I would like to say that I personally am very happy that my colleague will make that motion. From the testings and the soundings I have been able to make, I think that the most auspicious time for my colleague to make that motion would probably be on Thursday morning. As evidenced by the attendance here today, it seems that the only Senators debating this issue are my colleague and myself. So that the Senator's notice today, to make such a motion to close off debate and vote on the issue, is not inappropriate. I think it would be in good taste.

Mr. ALLOTT. I appreciate my colleague's suggestion. However, as he is aware, the very sad death of our great colleague from Vermont, WINSTON L. PROUTY, will necessarily interfere with the regular meetings of the Senate.

The exact time that I will offer the motion to table will have to depend on developments and other circumstances.

Mr. President, I yield the floor.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BROCK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EVINS of Tennessee, Mr. BOLAND, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. SLACK, Mr. MAHON, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. ROBISON of New York, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the

enrolled joint resolution (H.J. Res. 850) authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

Subsequently, the President pro tempore signed the enrolled joint resolution.

TRIBUTE TO COACH "BEAR" BRYANT

Mr. ALLEN. Mr. President, I favor the adoption of the pending conference report on the extension of the draft. However, my remarks at this time will be nongermane to that subject. Before preparing to make these remarks, I cleared with the distinguished Senator from Mississippi (Mr. STENNIS), manager of the draft extension bill, the matter of speaking on a nongermane subject at this time. I told him that I wished to eulogize "Bear" Bryant, head football coach and athletic director at the University of Alabama who, last Saturday evening, had his 200th victory as a head football coach when the University of Alabama defeated the University of Southern California by a score of 17 to 10.

As to the propriety of speaking at this time on this subject, when I mentioned the matter to the distinguished Senator from Mississippi he said:

> Yes, go ahead, those red elephants of Alabama are tough.

He knows that to be a fact and so does the distinguished Senator from Tennessee (Mr. BROCK) who is now presiding over the Senate.

Before making these remarks, I also cleared them with the distinguished Senator from Alaska (Mr. GRAVEL) who plans later to make extended remarks in opposition to the adoption of the conference report.

Mr. President, on last Friday evening, Paul William "Bear" Bryant, the head coach and athletic director at the University of Alabama, moved into one of football's most elite groups when his Alabama Crimson Tide team presented him with his 200th victory as a head collegiate football coach by defeating the University of Southern California, 17 to 10. Coach Bryant thus becomes only the sixth coach in all-time collegiate history to win 200 or more games. I salute and congratulate Coach Bryant on reaching this rare and outstanding milestone.

Long recognized as one of the greatest college football coaches in history, Bear Bryant has more victories than any active coach today. Coach Bryant is starting his 27th season as a head football coach, the last 13 of which have been spent at his alma mater, the University of Alabama. In his 13 seasons at Alabama. Bear Bryant's win-loss record is 108–27–8, and he has directed the Crimson Tide to 12 consecutive postseason bowl games.

Coach Bryant won national championships at Alabama in 1961, 1964, and 1965, and the undefeated 1966 Crimson Tide possibly may have been his best club although it did not win the national title that year.

Paul Bryant is a native of Fordyce, Ark. He came to Alabama in 1931 and played right end for the Crimson Tide and was a member of the famous 1934 Alabama team which went undefeated and beat Stanford 29 to 13 in the Rose Bowl game of 1935. During his playing days at the University of Alabama, Coach Bryant was fondly known as the "other end" inasmuch as Alabama's left end at that time was the fabulous and legendary Don Hutson.

Bear Bryant's first job as a head coach was at the University of Maryland in 1945 after his discharge from the Navy where he attained the rank of lieutenant commander during World War II. That year Maryland won six games, lost two and tied one. In 1946 Coach Bryant went to the University of Kentucky, staying eight seasons and rolling up a 60–23–5 record, winning the southeastern conference title once and going to four postseason bowl games. Texas A. & M. was his next stop in 1954, and he promptly went from a 1–9 season his first year—the only time he has had a losing season—to an unbeaten season in 1956. In 4 years at Texas A. & M. he compiled a 25–14–2 win-loss record, including a southwestern conference title and a bowl bid.

In 1958, Coach Bryant answered the call from his alma mater, and his return to Alabama that year began a highly successful rejuvenation of 'Bama football, as he extricated the Crimson Tide from the morass of defeat and restored the pride and tradition of the great name of Alabama football teams.

Sixteen of Coach Bryant's Alabama players have been cited for all-American honors. He had five all-Americans at the University of Kentucky and four at Texas A&M, one of which, John David Crow, also won the coveted Heisman trophy.

Bryant was named coach of the year in the Nation in 1961, has been the Southeastern Conference coach of the year several times, is on the Board of the American Football Coaches Association and in general has been accorded virtually every honor possible in his profession. Just last week, Coach Bryant was cited by Sports Illustrated magazine as one of the eight outstanding college football coaches in the Nation.

The television networks clamor for the University of Alabama football teams, for they know national viewers will be provided with interesting, fast-paced, and hard-hitting action, which is the trademark of Bryant-coached football teams. The Crimson Tide has appeared on television 27 times in Bear Bryant's 13 previous seasons at Alabama.

Coach Bryant is married to the former Mary Harmon Black of Troy, Ala. They have a son and a daughter and four grandchildren.

Yes, Mr. President, we of Alabama are extremely proud of coach Bryant, his magnificent record and his many contributions to athletics, not only at the University of Alabama but throughout the Nation. No one has served the cause of intercollegiate football with greater devotion than coach Bryant. He has inspired the most profound respect, admiration and affection among his contemporaries, and the example of his accomplishments will indeed be an inspiring challenge to young coaches everywhere.

His great record as a coach and as a man and his ability to lead men have drawn to the college at which he has coached hundreds of the finest athletes in the Nation. The inspiration he has furnished to them and the lessons of sportsmanship, teamwork, training, hard work and drive and the will to win which he has instilled in them have made his teams the great teams that they have been and have better equipped these athletes to excel in the game of life after college days have ended. The adulation and respect that men he has coached have for him attests to his great work as a coach and to his qualities of leadership.

I am sure that in the years to come, coach Bryant will continue to enjoy success and make many, many more outstanding contributions to the cause of intercollegiate athletics.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. ALLEN. I am very happy to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to be associated with the remarks just made by the Senator from Alabama. I have known Coach "Bear" Bryant for a number of years.

I think he is one of the greatest coaches of all times. He is not only a great coach who has practiced clean sportsmanship and has instilled his players with like principles, but he is also a fine citizen.

I look upon him as a great American. I am very glad that the distinguished Senator from Alabama has made the remarks today that he has.

Mr. ALLEN. Mr. President, I thank the Senator from South Carolina for his kind and friendly remarks concerning Coach "Bear" Bryant. Coach Bryant also will appreciate the distinguished Senator's remarks.

Mr. President, I thank the distinguished Senator from South Carolina.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. GRAVEL. Mr. President, the efforts of the House-Senate conference on the extension and revision of the Draft Act were clearly unsatisfactory from the point of view of this body. Various provisions were adopted here by significant margins and then were severely emasculated or even ignored by the conference. Some areas of difference between

the two Houses, such as the extremely important Mansfield amendment, have received considerable attention as being significantly altered by the conference. Others have not been so noted. It is my purpose today to discuss most of the areas of difference in which the will of the Senate was ignored.

First of all, I personally am opposed to further extension of the authority to conscript young men to die in a senseless war in Southeast Asia. I shall vote, in any case, against extension.

But I am also determined that those improvements in the draft bill made by the Senate not be compromised away. The Senate, and I am proud of this, took some important steps toward improving the Selective Service System. Many of the vitally important provisions were gutted by the actions of the conferees.

I do not believe that this body should stand by and see its will trampled upon in such a manner. A new conference with the House is in order, one which will not reconcile the differences between the two Houses by ignoring the position of one House in favor of the other, but a conference which will work earnestly at embodying in the final bill the intentions of both Houses.

Thus, the conference should not dismiss out-of-hand legislation which passed this body, but which was not considered by the other body. How are the conferees to know how the House of Representatives would have voted if they had considered the measure? Surely, the Senate did not consider and pass a provision knowing that the House bill did not contain a similar provision, solely for the exercise. It intended that its wishes would be considered, and barring obvious conflict with the House, would be submitted to both houses in the conference report for final approval.

I, therefore, believe it important that a new conference be held to consider the following areas in which the Senate acted, only to find its will reversed.

THE MANSFIELD AMENDMENT

This landmark legislation passed the Senate by a considerable margin. The conference deleted its central provision, the 9-month withdrawal deadline. Further, the emphasis was shifted from one of national policymaking to one which vaguely expressed the sense of Congress. Such action clearly flies in the face of the will of the Senate. The reason this body passed the amendment was not to say what was on our minds, but to have a clear effect on the Nation's policy with regard to Southeast Asia. The Senate wished to assert its responsibility in this area, not with mealy-mouthed statements of hope, but with action which can bring results. The conference did not effect a compromise on this matter. It destroyed the amendment and the intention of the Senate beyond all recognition.

CONSCIENTIOUS OBJECTION

The conference rejected the Senate amendment prohibiting the induction of an individual who claims conscientious objector status after an induction order is received by him. Instead, the conference stressed that local draft boards could, in unusual cases and at its discretion offer the opportunity for a hearing to the registrant. The action of the conferees is counter to attempts aimed at achieving some measure of uniformity within the Selective Service System. We have seen and, on the basis of this decision, can expect to see, instances of identical cases in which one board grants a hearing, while another denies it. This only continues discriminatory and capricious treatment of registrants by the Selective Service System.

More important, at issue here is the belief of an individual, not the timing of his appeal. It is absurd to have a conscientious objector inducted denied his rights, and forced to act against his convictions, only because he filed an application later than others. Further, should the individual later be discharged from service under criteria which are the same in the Armed Forces as in selective service, the Government will have wasted time and money in training, housing, and paying him.

PAY PROVISIONS

The action of the conference in this area gives the word "compromise" a new and unique definition. Here, a higher dollar amount was passed by one House than the other for specific pay grades within the Armed Forces. The compromise was an amount lower than the two, not one in between.

In pay grades E–1 to E–4, the first termers, the House and the Senate had passed significant increases in regular military compensation—including basic pay, basic allowances for quarters and subsistence, and the tax advantage which is possible because the allowances are not subject to income tax. The conferees agreed to a lower amount than either House had passed. Generally, the Senate measure had been designed to provide increases throughout the lower pay grades of the Armed Forces, with the more significant increases among the first termers to encourage enlistments and to speed progress toward an all-volunteer force. Their increases largely followed the recommendations of the Gates Commission. The House version, on the other hand, was designed to supply sizable increases throughout all pay grades to provide equity with the more significant increases among the careerists to encourage them to remain in the Armed Forces.

What resulted from the conference were across-the-board increases which treated all pay grades to a basic increase. This, in effect, favors the careerists over the first termers, since it is the latter whose pay has not been on a competitive basis with civilian employment for some time.

I ask unanimous consent to have printed in the RECORD a table showing a comparison of average regular military compensation which provides a thorough picture of what the two Houses tried to do, and the conference results.

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

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	Present	House bill	House increase over present	Senate bill	Senate increase over present	Conference	Conference increase over present
0–10	$40,827	$43,827	$3,045	$40,827	----------	$42,725	$1,898
0–9	36,319	39,169	2,850	36,319	----------	39,107	1,788
0–8	33,042	35,772	2,730	33,042	----------	34,751	1,709
0–7	29,065	31,654	2,589	29,065	----------	30,689	1,624
0–6	24,850	27,197	2,347	24,850	----------	26,389	1,539
0–5	19,796	21,821	2,025	19,796	----------	21,122	1,326
0–4	16,527	18,234	1,707	16,527	----------	17,630	1,103
0–3	13,516	15,025	1,509	13,591	$75	14,501	985
0–2	10,166	11,474	1,308	11,138	972	11,045	879
0–1	7,807	8,985	1,178	9,611	1,804	8,659	852
W–4	16,088	17,653	1,565	16,088	----------	17,074	986
W–3	13,097	14,537	1,440	13,097	----------	14,023	926
W–2	$11,104	$12,299	$1,195	$11,108	$4	$11,859	$755
W–1	9,033	10,138	1,105	9,195	162	9,738	705
E–9	13,417	14,919	1,502	13,417	----------	14,392	975
E–8	11,571	12,812	1,241	11,571	----------	12,334	763
E–7	9,980	11,063	1,083	9,980	----------	10,634	654
E–6	8,611	9,550	939	8,647	36	9,160	549
E–5	6,889	7,691	802	7,248	359	7,356	467
E–4	5,253	6,457	1,204	6,329	1,076	6,189	936
E–3	3,931	5,893	1,962	5,831	1,900	5,663	1,732
E–2	3,345	5,484	2,139	5,530	2,185	5,311	1,966
E–1	3,165	5,036	1,871	5,520	2,155	4,872	1,707

Mr. GRAVEL. The chart demonstrates, for example, in pay grade E–1, the recruit, the present regular military compensation is $3,165. The House increased this by $1,871, to $5,036. The Senate increased it by $2,155 to $5,520. The conference raised it by an amount less than both Houses, $1,707 to $4,872. By contrast, in pay grade 0–10, the present regular military compensation is $40,827. The House raised this by $3,045 to $43,872. The Senate granted no increase, leaving it at its present level. The conference increased it by $1,898, to $42,725.

This shows that the conference report provides the first termers—who were the target of pay reform in the first place—with a lower rate of compensation than they would have received under either the House or the Senate bill. Only the careerists are given a compromise that comes close to splitting the difference between the two bills.

A compromise was possible on this matter, one which would not have redefined the term out of existence, but rather one which would have stayed within the overall dollar limits established by the House and the Senate. This real compromise would insure that no

pay grade would be given annual compensation lower than that passed by either House.

The Defense Department has prepared such a compromise at the request of Mr. WILLIAM A. STEIGER of Wisconsin. The Pentagon compromise would provide the E–1 pay grade, the recruit, with an increase to $5,150 in regular military compensation per year. This is $114 over the original House amount, $170 lower than the original Senate amount, and $278 above the conference amount. The same proportions hold true for the other first-term pay grades as well.

At the moment, there is some dispute about the effective date of these pay raises, which could be in violation of the President's wage and price freeze. Shortly after the freeze was imposed, the Department of Defense said that it would ask the Congress to delay the effective date until mid-November, immediately at the end of the 90-day freeze. This past week, Secretary Laird asked that the conference report not be changed, and that the October 1 effective date remain.

Secretary Laird's reasoning was that pay raises specifically mandated by Congress with knowledge of the freeze would supersede the President's authority in establishing the freeze. Surely such reasoning, while perhaps not violating the letter of the law, flies in the face of the wage-price freeze.

It is interesting to note where the October 1 effective date came from. It was not contained in either the House or Senate version of the draft bill. Both had set the same effective date, the first day of the first month following enactment. As part of their redefinition of compromise, the conferees arbitrarily set October 1. If as many hope, the draft bill is delayed in order to remedy other problems, this action by the conferees could make the pay raises retroactive. On the other hand, had the Senate acted promptly in approving the conference report, the conferees' action would have delayed the raises.

SURVIVING SONS

The House-passed version of the draft bill provided an exemption for sole-surviving sons to include all members of a family if a father or brother or sister had been killed in the line of duty, or is totally disabled as a result of injuries during service. The Senate version broadened the provision to those who have lost a member of their immediate family through service in the Armed Forces. It also said that this provision would be retroactive to pertain to those already in the Armed Forces.

The Senate language was adopted by the conference with two important changes which were without basis in the action of either House. First, the provision applies only to those whose family member died after January 1, 1960. Second, it specifies that deceased family member must be of "The Whole Blood."

These changes, particularly that of the effective date, destroy the intent of the Senate in attempting to provide broadened exemption for sons of fathers who were killed or wounded and subsequently died of those injuries incurred during the Second World War or Korean war. Under the conference version, the former sole-surviving son exemption applies in such cases. Thus, the exemption is available only to the sole remaining son in a family which has lost a father, brother, or sister.

COLLEGE REENTRY RIGHTS OF VETERANS

The conference removed the Senate amendment requiring colleges to readmit veterans who earlier had been inducted into the Armed Forces. Because of the section of this amendment dealing with counseling of veterans, the House conferees insisted that the total amendment was not germane to the legislation. While this may be true of the counseling provision, it is not true of the right of reentry into college. Section 9 of the military Selective Service Act deals extensively with redeployment. Certainly if the legislation can go to great lengths in guaranteeing that a veteran can return to his job, it can do the same to assure that he is readmitted to his educational institution.

SIMULTANEOUS REGISTRATION FOR THE DRAFT AND FRANCHISE

The Senate had passed an amendment providing for simultaneous registration to vote in Federal elections for 18-year-olds at the time they register with selective service. The conference deleted this provision on the advice of the director of selective service that it would create "severe administrative difficulties." The maximum burden here would fall not upon selective service but local election officials. In fact, a procedure could be established so that selective service officials would only need to supply a form and envelope to the registrant.

It is difficult to understand how the conference can act in such a cavalier manner in rejecting this decision of the Senate. It is not the duty of the Congress to guarantee the agencies of the Government that their tasks will be easy. Rather, it is their duty to carry out the will of this body. If that produces difficulty and the need for new procedures, that is their problem.

DRUGS AND ALCOHOL

On June 9, the Senate passed by 76 to 0 on a rollcall vote, an amendment which would require the military to accept responsibility of offering prevention and treatment services to members of the Armed Forces found to be dependent on drugs. The amendment outlined the obligation of each military service to locate and identify these individuals, and to encourage them to seek treatment and rehabilitation services without fear of criminal or administrative punishment for addiction itself.

The conference deleted the amendment, citing the administrative difficulties for the Department of Defense and the problems which medical confidentiality would cause the military services in establishing evidence for courts-martial. The conference instead agreed on a limited amendment which requires the Secretary of Defense to prescribe procedures of the identification, treatment, and rehabilitation of members of the Armed Forces who are drug or alcohol dependent, and to inform the Congress within 60 days of his plans and programs.

PROCEDURAL RIGHTS

While four points of this Senate amendment were accepted, the amendment was severely weakened by denying the right to counsel, on the grounds that it would "require an unacceptable increase in the workload of local boards," would require attorneys for each local board, and give advantage to those with economic status.

The Selective Service System is the only agency of the Federal Government which does not allow right to counsel before administrative hearings. This is ironic since it is the only agency empowered to place an individual in a position where he is denied most of his individual liberties, and may well be subject to loss of life and limb. The need for legal counsel is pointed out by the frequent errors in local board procedures and rulings. The simple fact is that thousands of draft registrants are denied due process of law because of erroneous action by local boards, which goes unchecked through lack of right to counsel.

Regarding the need for lawyers in the system, each board is now required to have a Government appeal agent, who is responsible to both the registrant and the board. Legal experts before the subcommittee on administrative practices and procedure of the Judiciary Committee pointed out in 1968 that this probably violated the Cannon of Ethics regarding the confidential relationship between client and lawyer. The appeal agent could be made solely responsible to the board. As to the charge that this would lend economic bias to the system, this is nonsense. Currently the affluent have an advantage in that they can engage private counsel to prepare the necessary materials for appearances and appeals, while the less affluent have no such access to the legal expertise needed to analyze this most complex legislation. However, granting the individual the right to counsel would in fact extend the privilege to rich and poor alike. In practice, existing legal aide and legal services facilities at the moment do not accept clients with draft problems because the law does not afford such clients the right to counsel. Only after criminal charges are leveled against the registrant do such organizations become involved. Granting the individual the right to counsel would have the effect of making available to him the services of lawyers at little or no cost.

As for the charge that it would bog down the system, the conferees are simply admitting that local boards are frequently acting without proper regard for the system's own rules and regulations, for if young men are properly inducted, there will be no case. The right to counsel does not after all, grant additional right to trial or appeal. It simply provides that someone trained in the law will be present to insure that the law is being followed.

STUDIES

Senate conferees receded on requiring a study of housing needs, and also modified a report on manpower requirements.

Conferees said military housing is "already the subject of a sufficient number of studies." This is, in a sense, true. There is a study of the variable housing allowance—which would provide additional benefits to families in high cost areas. There is a study of the "fair rent system"—which would pay to the married GI the difference between the value of his Government housing and the amount of his basic allowance for quarters, instead of having him forfeit the entire allowance.

There are also studies of the relative merits of having bachelors, at different ranks, living on or off bases. Similarly, consideration has been given to equalizing housing opportunities and payments to both married and single men.

In any case, there has been no attempt to integrate these studies, to put priorities on the projects, and to determine what mix of construction and allowances, what mix of on and off post living, is desirable. It is that integrated approach which is essential for swift movement to a volunteer force, which is now lacking in the military construction and military compensation systems. The report is essential for these reasons.

As for the manpower report, it is extremely important that the Congress know precisely what the effects of a 10-percent cut in manpower requirements would be. Throughout society today, there is considerable questioning of our military needs. The excuse that the Pentagon does not wish to study programs which are not those of the administration does not wash. All agencies of Government study alternative programs, either on their own initiative or at the insistence of Congress. Surely this matter is no different. One can only conclude that the real reason is motivated by the fear that evidence will be revealed by such a study confirming repeated charges of manpower waste and inefficiency.

HIGH SCHOOL COUNSELING

The Senate passed an amendment that selective service prepare materials suitable for use in high schools to provide guidance to young men about to register for the draft. In addition, it granted independent organizations and groups the right to provide alternate counseling in the high schools. The conference deleted the provision, reasoning that the Congress had no authority to compel high schools to follow these procedures. This is nonsense, for in fact, the final decision in both areas was left clearly in the hands of local school officials. Further, the good which this provision would do in providing assistance to young men faced with vitally important decisions surely is worth the test of whether the Congress has the authority to make such a law.

Mr. President, these areas are all of utmost importance if we are to have legislation which corrects the admitted faults of the Selective Service System. Acceptance of the conference report would reverse the trend toward those ends which were initiated this year in this body. Moreover, it would discard summarily, the weeks of debate and the work of many Senators in preparing legislation sorely needed if we are to function at all responsibly in conscripting young men to give up their lives and well-being.

We cannot say, "we tried and failed." We must say, "we will try again." Now is not the time to yield on this matter. We must have a further conference, one which will reconcile the differences between the two houses into a responsible piece of legislation which upholds the intent of both houses.

Mr. President, I ask unanimous consent that, without losing my right to the floor and without having my subsequent remarks count as a second speech, I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, when I yielded the floor before, I did so with the understanding that my subsequent remarks would not be counted as a second speech. Does that give me the floor automatically? If so, I yield the floor.

Mr. STENNIS. Mr. President, I had understood that the floor had been yielded unconditionally.

Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on adoption of the conference report.

Mr. STENNIS. Mr. President, anticipating taking up the conference report, I have some remarks that were prepared for the purpose of explaining the military pay provisions and other provisions of the conference report. The remarks on the pay provisions were prepared prior to the time the Senator from Colorado (Mr. ALLOTT) had spoken. I would propose to continue the original text of my explanation of the pay provisions and then, at a later time—but not at this time—make a direct response to the arguments of the Senator from Colorado.

Mr. President, the pay provisions of the conference report are rather involved; on first blush they are not easily understood. This matter of military pay is a complicated one. I found that out in 1957, I think it was, when I handled my first military pay bill and held hearings on it. That was the first time I became deeply involved in this subject. It is very complicated. That is one of the reasons why an amendment on pay should be worked out by someone fully competent in all the basic structure of this subject. I am not talking about a Senator but of someone working on it when the original bill was put together, one who really understands all the ramifications and where the different pieces fit in.

We have before us a conference report, one provision of which came in through the House bill that had full, overall preparation, and another one first recommended by the Gates Commission, which did not, in my humble opinion, give as balanced a consideration to the provisions of the pay scale as they could have. But, anyway, this is the only pay bill now before the Senate for the military this year. I think that the probabilities are, if this one is not passed, there will be no pay bill at all this year for the military. I am almost certain that there will not be one any more favorable to the military than the one before us now. It is a long, rugged road to travel to get to the final act of getting a complicated bill like this passed, carrying additional billions of dollars. This one has come to the last step along that road carrying well over $2 billion in increases, and if it is rejected now and does not become law, I think it leaves in jeopardy and in a high degree of uncertainty the question of when a military pay bill will be passed—whether one will be passed this year, if at all, and what the level of pay will be. I do not think it will be a higher level of pay than this one.

On the Senate floor, in the regular give and take of debate, we often talk about pay packages. We lump a number of pay components in tables headed "military compensation." In short, Mr. President, we deal in generalities.

Understandably, the press listens to us and deals in the same generalities. The public, exposed to the media reports, becomes generally familiar with the general questions involved in raising military pay.

At the conference table, however—inside the closed committee room—there is, as Senators know, a very different kind of debate. At issue are specific amendments—the separate components of military pay. Participants in this closed-door debate are often quite expert, and they are often committed, as a matter of principle, to one or another component of the pay structure.

In our long pay controversy, Mr. President, floor debate centered on such lump sums as $2.7 and $2.8 billion—the cost of the whole House and Senate pay packages. Inside the conference committee room, however, there were seven pay elements at issue when Senate conferees faced their House counterparts.

At least three of these elements were controversial, in and of themselves: Basic pay, quarters allowance, and the proposed enlistment bonus. All three were treated differently in Senate and House versions of the bill.

House conferees were particularly adamant, Mr. President, in defending their $1.8 billion basic pay provision. Very simply, they said they would not budge—and did not.

In the end, the House prevailed on the basic pay issue. However, the Senate prevailed on the yes-or-no issue of an enlistment bonus. I might add here that the enlistment bonus is a major and significant innovation in military pay which the House conferees finally acceded after vigorous opposition. That is a matter that I was familiar with. I did not particularly favor it on a personal basis. However, when I saw that the voluntary concept was going to be adopted to the degree that we were not going to have a draft bill extending be-

yond 2 years, I saw that something had to be done to see if this enlistment bonus could help make it work.

I thought that if we cut out this bonus for enlistment for the man who carries the rifle, we would be throwing away one of the items favored by the President of the United States and the Gates Commission. Senators on the floor favored it. When the matter was attacked on the floor, I defended the bonus measure. The matter was kept in the bill. I defended it and held out for it in the conference, as did others. We finally prevailed. The matter is here now as a part of the conference bill, solely as a Senate provision.

Mr. President, let us not think that that $20 million is a small program. That is just the very tip of the iceberg that shows above the water. If this system is to be used, all of the services are going to want it, and they are all going to want to use it. There will be raging competition among these services. And that is not to their discredit. It is just a reflection of human nature.

Those allowances can run into a billion dollars very quickly over the period of just a fairly short time. That could turn out to be a very large feature of this bill. I do not know what precise calculations have been made. I do not know how far those who say that the Senate yielded on everything have gone in calculating what the bonus enlistment could amount to in the years ahead.

On the question of quarters allowance, pressed by the House with almost equal vigor, a compromise was reached.

That is how the $2.8 billion package became a $2.4 billion package, lower than either House. Procedures and principles were involved, Mr. President, as well as dollars and cents. It was, as Senators who have participated will understand, the resolution of a number of separate but related controversies—not devious parliamentary maneuvering as suggested by a simplistic column in one of the news magazines.

Whatever else is said of the $2.4 billion package, Mr. President, it has apparently accomplished one thing. While all the congressional packages—Senate, House, and conference—are more than double President Nixon's original guidelines, the administration has accepted this fact.

I do not personally favor the high schedule. However, I was pleased to get a balanced package and one that I thought was sound and that fit in well with the military pay compensation and fringe benefits. That is what we finally agreed on.

It was really an incidental matter that this came out to be lower than either the Senate or the House version. I really did not know that until we had reached an agreement on these principles. Anyway, it ought not to have to be apologized for that conferees do not come back with the highest possible figure.

We throw figures around here recklessly at times. I think no one knows how the bill is going to be paid for.

They will have to be significantly over the budget on military pay and allowances, and we do not propose a new tax to pay for it. The budget deficit last year was more than $23 billion. We are faced with an anticipated budget for the current fiscal year that will be closer to $30 billion.

We spend money in this fashion and throw in billions of dollars. Now the proposal is that we reject this conference report because it will not include $300 million extra although no one knows how we will obtain the funds. Some future generations will have to pay for it. We will not have to pay for it ourselves.

I think it would be well to give very acceptable and favorable consideration to the conference report and certainly not reject it because it is not high enough.

The administration has now accepted this great increase that the Congress, the Senate and the House together, has put in, and the conferees have agreed on it and have recommended it. It has been accepted in the House of Representatives, and, as I say, by the White House.

It now gets down to the Senate and the essence of the proposal made by some is that we reject it because it is not enough. That is what it boils down to. It is said that we should turn it down because it is not enough.

Secretary Laird has now asked for prompt approval of the conference report. Considering the vital subject matter of the overall draft bill, there seems to be no doubt that the President would approve the conference version.

That, Mr. President, brings up another question of great importance which should be considered carefully by all Members of the Senate.

I do not want to leave any doubt here about the fact that the President is for the conference report.

Mr. Laird's letter states "the executive department." That means more than the Department of Defense is supporting the conference report.

I believe it is quite clear that, on August 15, when President Nixon ordered his wage-price freeze, conferees for the Senate and House had already agreed on a $2.4 billion military pay package, and, as I have said, it is equally clear that President Nixon—in freezing wages and prices—envisioned the military pay provisions included in the conference report—that is, the $2.4 billion package.

There has been speculation that the White House will act, one way or another, to defer any pay increases once Congress has written them into law. That, of course, is a matter for the President to decide. He could, if necessary, ask Congress to take further action later.

Now, however, with wages and prices frozen, and the President developing a follow-on program of wage and price restraints, it is proposed that the congressional conferees change signals and add an additional $300 million to the package in which President Nixon has, however reluctantly, acquiesced.

If ever there was a situation where we are coming and going at the same time, it would be in this attack, this onslaught on the pay provisions of the conference report. The President told the people—and I think he took a bold and laudable step—that our economy is imperiled, that our dollar is suffering abroad, that inflation is eating up the wages and earnings of the people and sweeping away their savings. He said that, therefore, we have to control the economy so that instead of an upward spiral we will hold in place or make some reductions.

If we were to take this action we would be freewheeling along in the face of the President's position. Most of us have said we thought he was right in freezing wages and prices except that he did not go far enough.

Now it is proposed that we go in a totally opposite direction, completely against what the President said. The Senate is urged to turn down the conference report because it does not increase those wages enough and there is an effort to put $300 million more, on a yearly basis, in the bill.

It the people stop to analyze our position and what we propose to do and what we say on the other side about supporting the freeze, we will not look good at all. I do not know how anyone can say that he backs the President in his effort to meet our economic situation and at the same time vote down the conference report because it is not high enough even though it would provide more than $2.4 billion in extra pay.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I will yield briefly to the Senator. When I have completed my remarks I will yield to him fully.

Mr. GRAVEL. I was curious about the item of pay for generals. The pay for generals now appears to amount to more than we as Senators make and in addition they have chauffeurs, quarters, and the like. Personally, I was very surprised that we are paying them more than we are paid.

I wonder if the Senator would comment on that.

Mr. STENNIS. Well, there is a very small amount involved in that part of the bill.

Mr. GRAVEL. I was not thinking of that.

Mr. STENNIS. It is something that does not have particular appeal to me but I think it is a very small matter.

Mr. GRAVEL. I was not thinking of the gross amount. I was thinking about the amount compared with the gross value. Maybe I am in error. Maybe generals are worth more in pay than we are as Senators. We make $42,500. If we take the pay of generals, together with the allowance for automobiles, housing, and other allowances, they are receiving $50,000 or $60,000 a year. It does not disturb me that we are paying them that, because I think we are underpaid. I am distressed—maybe the word would be jealous—that I am not making as much as the conferees think they should make.

Mr. STENNIS. It is such an infinitesimal part of the bill that the Senator can put to rest his fears and worries about it. Most of these generals live on the base in Government-owned buildings and do not draw the quarters allowance, which would increase a four-star general's total compensation to just over $42,500. Most of them who do draw a quarters allowance are off on some other

mission, sitting as commissioners, or something like that. We have too many of them in that category, but some of them are living in housing that is 150 years old down here in the city. The excess is not enough to count. If I were starting out to write a new pay scale, I would make it different in some places.

I think Senators should carefully ponder the implications of such an action. I know it will be argued that the House, in its initial deliberations, voted for a $2.7 billion package and the Senate approved benefits totaling $2.8 billion. Those actions, however, antedated the President's new economic program. They were prefreeze.

I think the repercussions will be very serious if Congress, now, after the freeze tosses another $300 million into the kitty. It will, for one thing, appear that while President Nixon is at work building an economic fence against inflation, Congress is ploughing through it with a $300 million bulldozer.

They say they have to have $300 million extra to take care of the volunteer army proposition. Who is the father of the volunteer army concept? It is President Nixon himself. He is the man who planned it and recommended it; but he said we have to have this draft bill for a minimum of another 2 years.

We want to see some of these pay increases, but we have gone far beyond the architecture and pay scale of the man who made the original recommendation. We pulled him up from $1 billion to this $2.4 billion. That figure was settled in conference before the freeze, but while the President is trying to hold down these matters we are going to take his program and up it another $300 million annually. How far can we go?

It will surely be said, Mr. President, if the conferees should now reconvene and approve a higher figure, that Congress had authorized another round of wage increases.

Think of that. After this message of the President, which was received by the Nation—and everyone has been applauding the President—Congress comes up here and before there is time to turn around we would revise the conference report and send it back to conference with the idea that we are going to add $300 million per year to it. That would be a good start for everyone else who wants another round of pay increases.

More importantly, this action by Congress, during the freeze, would set a precedent under which labor unions and other groups seeking exemptions from wage restraints will be able to cite Congress as the freeze-breaker in justifying their wage demands.

We can say, as often as we like, that we originally wanted $2.8 billion in wage benefits for the military. Spokesmen for other groups will reply by citing their own prefreeze goals.

May I remind Senators that many Americans have already bought new homes or cars this summer on the basis of wage increases, negotiated and final earlier in the year, which will not be available when the monthly home or auto payment bill comes due.

I suggest that each Senator give careful thought to this very important consideration which, as I have indicated, has implications which go far beyond the question of military pay and allowances.

I am speaking now to just two or three Members of the Senate, but I hope by this process to get these facts into the RECORD, so these facts can be read by more of the membership and more of their staff members. They will get the full implication of just what this proposal is—to reject the conference report and send it back to conference so that more money can be added to it. If the pay scales ever become a subject open for debate, I think we will have amendments to reduce what the conferees have done. If it ever becomes an open question again, I would not mind taking the lead to reduce these levels somewhat. If we are going to be honest with other people, and ask them to take reductions and forgo awards that they think they are entitled to, we make it an open issue again.

There has got to be some fairness somewhere about this freeze. If we open it up now and get it back here on the floor of the Senate for open debate, just as sure as we are standing here there is going to be another kind of thought, to the effect that this conference report now already is too high. I do not want to go back into that. That is why I warn here and now that this is a military pay bill that is right on the brink of being passed and being made law, and I do not know how long it will take to get another one that is this far along, with this much money in it—perhaps not this year.

MILITARY PAY AND MILITARY BUDGETS

Mr. President, I would like to comment, now, on the effect of present military pay scales on the defense budgets of recent years and the force levels which they have financed.

I want to repeat at this time some of the major points I have made before in regard to the serious problem of growing personnel costs: by the narrowest definition of pay costs—that is, cash payments to military and civilian personnel, plus food and clothing issued to them—pay in fiscal year 1972 will amount to about $39.5 billion, or over 52 percent of the defense budget as compared to only 43 percent in fiscal 1964. I have a chart here that provides a breakout of this $39.5 billion figure. If a reasonable estimate is included for indirect personnel costs, such as troop housing and training, then pay and personnel-related costs would be close to $50 billion—about two-thirds of the total defense budget.

I ask unanimous consent that at this point I may insert into the RECORD a summary of direct pay and allowances.

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

Summary of direct pay and allowances for fiscal year 1972

[Outlays, millions of dollars]

Military personnel, active forces:	
Basic pay	$13,481
Reenlistment bonus and continuation pay	407
Separation pay	414
Incentive pay, special pay, and proficiency pay	$885
Allowances (quarters, officer subsistence, clothing, etc.)	1,980
Subsistence of enlisted personnel	1,189
Permanent change of station travel	1,089
Other costs (death gratuities, and other)	95
Total, active forces	19,540
Reserve and Guard forces	1,349
Volunteer force	2,200
Retired military personnel	4,000
Family housing costs (excl. pay)[a]	578
Civilian payroll	11,851
Total, pay and allowances	39,518

[a] This is the cost of operation, maintenance, and construction of family housing, which housing is largely occupied by military personnel who then forfeit their quarters allowance.

Mr. STENNIS. Mr. President, no discussion of pay costs can be complete without also considering manpower changes and their impact on the budget. In this regard, it is significant to note that military strength in fiscal year 1972 is considerably below the prewar 1964 level—strength is down 278,000. With this in mind, I want to reemphasize that pay and related costs in fiscal year 1972 will have risen by $6.9 billion since fiscal 1968, while manpower has fallen by over 1.4 million. That is, since fiscal 1968, inflation—largely pay increases—has cost us $6.9 billion, plus 1.4 million jobs. Measured from 1964, the picture is even more startling. Pay and related costs have risen by $17.5 billion, while manpower has dropped by 285,000.

In force structure, the Army will have only 13⅓ divisions as compared to 16⅔ in fiscal 1964. The number of aircraft carriers will be 16 as compared to 24 in fiscal 1964. The number of Air Force attack squadrons will be 105 as compared to 119 in fiscal 1964. The number of commissioned ships will be 658 as compared to 932 in fiscal 1964. The number of fixed wing aircraft will be 20,000 as compared to 25,000 in fiscal 1964.

As you can see, Mr. President, the Department of Defense has not only been reduced significantly in manpower, but also in force structure and hardware.

The increase in costs of military retired pay is another significant element in the inflation picture. The cost of retired pay has more than tripled since preware 1964, from $1.2 billion to $4 billion in fiscal 1972. This growth is the result of increases in the retired population, at the rate of 50,000 per year; of pay increases—97 percent in basic pay since 1963—and of increases tied to growth in the cost of living since 1964—approximately 32 percent. These retired pay increases, from a budgetary viewpoint, are the same as regular military pay raises in that they involve payment of more dollars without adding to current forces or providing additional hardware. I might also add that if the economy continues to grow at its present rate, retired pay costs are expected to exceed $6.9 billion by fiscal 1980, and $16.4 billion by the year 2000.

Military pay increases constitute by far the largest element of the increased

personnel costs in the defense budget. For example, the average basic pay of military personnel, not including the conference report increases, in fiscal 1972 is 97 percent—almost double—the 1963 level. If we include the conference report pay increases it will be approximately 120 percent above the 1963 level. If we add the approximately $2.4 billion annual cost increases in military pay proposed by the conference report, we find that military pay has been increased by over $11 billion in just 8 short years since 1963.

Still, those who want to defeat this conference report say that is not enough. In the face of all these facts and in the face of the freeze against all others, they want to put $300 million per year into this bill—$300 million each year hereafter.

At the present time I am having the staff of the Armed Services Committee conduct a major review of military manpower requirements in the Department of Defense. It is my hope that we can achieve some reductions in manpower.

I have intentionally repeated some of these points. I have repeated them because I believe they are of signal importance.

I cannot emphasize enough, Mr. President, the fact that, along with military pay, we must concern ourselves with being able to provide the first-rate weapon systems for our man in uniform amid constant pressures to reduce the defense budget.

One of the strong points about continuing to go up so rapidly in all the costs of personnel is that that is bound to have its inroads into what is actually needed in the way of very expensive weapons that we cannot afford to neglect. I mean the newest and best weapons in the air, on the ground, and on the sea. There is a fierce battle going on now when we see it projected 5 and 10 years in advance. If these personnel costs continue to go up—and I do not want to leave them underpaid; I want to reduce the number of personnel.

But if these personnel costs continue to go up at the present rate, there is not going to be enough money to pay for the weaponry that is necessary. The military budget will rapidly rise to $100 billion a year, and very fast thereafter.

THE CONFERENCE REPORT

Mr. President, I would like now to explain why I think the conference pay provisions are an excellent compromise between the original Senate and House pay proposals.

The conference pay proposal is well balanced and comprehensive in that it provides for attraction of first-term personnel, as well as for retention of vitally needed career personnel.

That is one of the ways in which the House figure appealed to me as being sound. We should not put all our money on these first four lower grades as they are coming in; we should put some of this extra money on the noncommissioned officers, for example, because we want to have some inducement for those men who prove worthy during their first 2 years of service—those who prove worthy and may want to stay. In other words, we want to have a balanced pay increase, across the board, rather than one just for the recruit.

This conference proposal:

Is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service;

It provides for a badly needed housing allowance increase for all military personnel.

Housing allowances are one of the main items that confronts both the recruit and the sergeant, and their wives and families.

It raises military families above acceptable poverty guidelines.

Let me discuss for a moment each of these points in turn.

BALANCED PAY PROGRAM FOR ALL MILITARY PERSONNEL

The conference pay proposal provides a better balanced pay program for all our military personnel. While $1,573.8 million, or 86.2 percent, of the $1,825.4 million increase in basic pay under the conference agreement goes to personnel under 2 years of service, the careerist—the backbone of our military service—is not ignored. If all-volunteer forces do ever become a reality—assuming that they can—then it will be vitally important to keep the valuable and skilled personnel we already have in the service and not neglect them. They must be retained, because of the investment we have in them. There must be a balance between attraction and retention of qualified personnel if we are going to maintain proper capability in our military services.

With all deference to everyone, that amendment, drafted here in the Senate with only a few having the opportunity to really study it, put all the money on getting the man into uniform. That was the intention of those who proposed the amendment, to put all the emphasis on just getting him into uniform. The conference adopted a compromise scale that would put a great deal of money on getting men into uniform—double what the President requested—but part of the money was put on retaining them there, on keeping the men you want and giving them a chance to go on up the ladder.

The conference proposal is, indeed, very comprehensive. It provides pay increases for 80 percent of the active duty force. That is 134,000 more individuals receiving increases than provided by the Senate proposal. In fact, the only personnel not benefiting from the conference proposal are senior officers and senior enlisted personnel living in base housing.

CONFERENCE REPORT ELIMINATES INEQUITABLE TREATMENT OF UNDER 2 YEARS OF SERVICE PERSONNEL

Some have criticized the conference proposal for giving increases to officer personnel at the expense of the junior enlisted personnel. This could not be further from the truth. As a matter of fact, the conference proposal totally eliminates inequitable treatment for under 2 years personnel which had evolved since 1952. If we include the conference increases in basic pay, cumulative basic pay increases since 1952 for enlisted personnel with less than 2 years of service will amount to 189 percent, compared to 151 percent for those with over 2 years of service. Under the rates initially approved by the Senate the percentage increase would be 216 percent for the under two population compared to 161 percent for the over two group.

Mr. President, this may seem long and tedious, and it is tedious. I am just sorry that there was not a better chance to get over to the membership of this body just what the meaning of that amendment was, in all of its complexities and ramifications, when it was adopted during the debate on this bill. I believe if it had been fully explained and gotten over to the membership just what it meant, it never would have been passed by a majority vote, because I feel that the second thought of this body is not to put all the money on these lower four groups, just to get the man in uniform for the first year or two he is in without also having some funds for retention. This Senate amendment—and I speak with all deference to those who voted for it—did not give any consideration to anyone except those in the grade of corporal and below.

I think it is important here to lay to rest the notion that the conference report neglects first-termers by granting increases in housing allowances to officers. This is clearly not the case. From a dollar standpoint, the impact on the first-termer, that is, the economic loss as a result of providing needed housing increases for officers, is not significant. For example, if the cost of housing increases for flag and general officers was distributed evenly across the board in basic pay to personnel with grade E–4—corporal—and below, each would receive an increase of 25 cents per year. If the dollar cost of housing increases for all officers were distributed evenly in pay to E–4—corporal—and below, each would receive an increase of only $9.83 per month. As you can see, Mr. President, the economic disadvantage to the first-termers by providing housing increases to officer personnel is, indeed, relatively small.

The conference proposal will result in an average increase in basic pay for the first-termer of 68 percent, while the basic pay for the E–1 recruit will increase 100 percent, from $134 monthly to $268. Because of rapid promotions, the average individual can expect to attain the grade of E–4—corporal—within 2 years. In this pay grade the average married individual with under 2 years service will receive $6,316 in total annual regular military compensation—which is the sum of his basic pay, housing, and subsistence allowances and the tax advantage on these allowances.

Under the original Senate bill, the regular military compensation of a married E–4—corporal—with under 2 years of service would be $6,433—only $117, or $10 a month more than under the conference proposal. Why is this so? Because the conference proposal provided greater economic improvement for our military personnel than the $2.4 billion annual costs indicates. Although the conference proposal costs $2.4 billion, it provides an additional $287 million in economic improvement because it puts money into nontaxable allowances rather

than into totally taxable basic pay. In other words, for an expenditure of $2.4 billion under the conference proposal, military personnel will receive about $2.7 billion in economic gain. May I again note, Mr. President, that this economic gain does not do violence to the President's wage-price freeze.

CONFERENCE REPORT ELIMINATES HOUSING ALLOWANCE INEQUITY

As for increasing retention of vitally needed career personnel, the conference proposal takes a major step by eliminating the inequity, which now exists, between 1.6 million members living on post and 1 million who are required to secure their housing in the civilian economy. This is accomplished by significant increase in the housing allowance which has remained at 1963 levels while housing costs have soared. The rates proposed by the conference achieves 85 percent of the Federal Housing Authority standard for housing expenses on a national basis. Without these increases, members living on the economy are required to divert significant portions of their basic pay to meet their housing needs. The housing increases under the conference report are substantial; for example, a married E–4—corporal—would have his housing allowance increased from $90.60 to $121.50; a married E–6—staff sergeant—from $110.10 to $150; a married O–3—captain—from $130.05 to $195.60.

Mr. President, none of the increases in quarters allowances which I have enumerated were in the Senate amendment. It did not increase quarters allowances at all. These increases are to take care of and help keep and support properly some of the most vital men in the Army or the other comparable services: the corporals, the line sergeants, the staff sergeants, the lieutenants, and the captains. Anyone who knows letter A about the military services—and we all are acquainted with them to a degree—knows that even though other parts are necessary in the personnel, the vital parts, the essential parts, the basic parts of military personnel are within the groups about which I have talked.

The Senate amendment did not increase their allowance scales one bit. So in the settlement by compromise of the good features of the House bill and the good features of the Senate bill, the Senate, for obvious reasons, yielded to the House demands in the field I have just described.

CONFERENCE REPORT VIRTUALLY ELIMINATES MILITARY PERSONNEL FROM WELFARE

We have heard a great deal about military personnel being at the poverty level. We have heard the poverty plea. There were a few cases in which men with a number of children have been accepted into the services, in which higher-ranking men with numerous dependents have been reduced in grade for disciplinary reasons, or in which new men in the service have married, divorced mothers with a large number of chidren. In some of these cases the pay scales in existence then did not total as much as some scales of what is poverty. In any case, the pay scales that we adopted in this conference report will virtually wipe out the problem of this so-called military welfare group. The best estimate we could find earlier was that, under any circumstances, there could be no more than 90 to 95 military families of the types I mentioned that, by any stretch of the imagination, could be eligible for welfare payments under this conference report. I think it can be said that—however much there was to all those arguments—the problem has been totally wiped out, and the issue has been eliminated, as it should have been.

As I said, under the poverty guidelines or the President's proposed family assistance plan it was previously estimated that 95 military families would still be eligible to receive welfare payments under the Conference pay proposal. These would only be in pay grade E–1—recruit—with a family size 6 or more. I have had the Department of Defense explore this figure further and I would like to report now what the findings have been.

Of 133,000 men in pay grade E–1—recruit—it has now been determined that only 14 men with family size 6 or more would be eligible for assistance under the President's Family Assistance Plan. Of the 14, 5 were said to be E–1s because of a reduction in grade—in other words, due to misconduct. I think that this is a highly significant fact as there has been much said concerning the alleged numbers of military members on welfare rolls. I think it important to point out, even for those in pay grade E–1 with family size 6, that they would have to be in the pay grade for more than 8 months before their annual income would fall below the President's low standard of $5,190 for a member with family size 6. The conferees were very proud of the fact that with the conference pay proposal military members would be eliminated from the welfare rolls.

COMMENTS ON GATES COMMISSION STUDY

Before addressing myself, Mr. President, to a discussion of possible criticisms of the conference report, I would like to make a comment on the Gates Commission Study—the basis for the original Senate pay proposal.

I think that Mr. Gates is a very fine man, and I have nothing but high regard for him. I know the Commission acted in good faith. I know the President thought they acted in good faith when he rejected their proposals. It is no reflection on Mr. Gates that the committee of the Senate did not adopt his proposals, and no one understands that better than Mr. Gates.

The Gates Commission study is certainly not the first to recommend changes in the military compensation system. Some members will recall that the Hook Commission of 1948 and Cordiner committee of 1956 recommended changes in the military pay system. Although these studies made great contributions the Congress did not see fit to adopt all of their recommendations. That, of course, does not reflect on the studies themselves, but on the fact that military compensation is very complex and requires a good deal of analyses and study before changes are made. I think, when one makes an analysis of the Gates Commission recommendations, it will be clear that there is an overemphasis on the under 2 years of service personnel at the expense of careerists. Nothing could be clearer than that.

I mentioned the Cordiner committee of 1956. It was their recommendations that we had in the hearings of 1957, and that required a great deal of work by members of our committee. I had the privilege of being chairman of that subcommittee. Some of the recommendations of the Cordiner committee were accepted and some were not, and the matter moved on to a sound bill for its time.

The Gates Commission has made some very fine contributions, but we do not have to take—lock, stock, and barrel—everything they recommended when they were directing their attention solely to a way to eliminate the draft, as they saw it; the President determined that that recommendation had to be rejected because it could not be done so rapidly and the emphasis also had to be elsewhere.

POSSIBLE CRITICISMS OF CONFERENCE REPORT

Let me speak now to some possible criticisms of the conference report.

As I have noted, the first major criticism that has been directed toward the conference report is that its annual cost of $2.4 billion was at least $300 million less than either the House or the Senate bills provided. As I have indicated, the conferees did not and could not start from one particular dollar figure and work up the package. The conferees took each item in its turn. The House conferees were particularly adamant with regard to the basic pay matter. They felt that their basic pay proposal was the most reasonable in that it provided sizable increases for the first-termers while at the same time coinciding with the Department of Defense's fiscal year 1973 pay program. This was a planned program to make military pay in the lower grades correspond directly to those of the higher grades. On the other hand, the House conferees considered it a considerable concession by agreeing to the important enlistment bonus. To them, that was a big thing; and I say over and over again here that it is a big thing. It is larger than anyone knows, unless they have analyzed it to its depth.

I think that all will agree that the enlistment bonus is a major innovation in military pay and a very important step towards increasing the number of volunteers in the military service. Some of the House conferees had strong reservations on the enlistment bonus but eventually agreed to the Senate conferees' insistence on inclusion of this provision in the conference report. I point this out to indicate the give-and-take that took place on each of the items in the conference.

The Senate and House conferees compromised on the important question of housing allowance increases, which I have already mentioned. The House conferees thought it was particularly important to increase housing allowances for careerists in that these allowances had not been increased since 1963. They were reluctant to agree to an 85 percent compromise of their figures as this was approximately halfway toward what they had originally proposed. So in this matter

both House and Senate conferees compromised their original positions.

Another possible criticism to the conference report is that it takes away from the junior enlisted men and gives to the officers. I think an analysis of the facts will show that this is clearly not the case. As I pointed out, the under 2 years service personnel have had their pay increased by 189 percent since 1952, compared to 151 percent for the over 2 years service personnel if we include the conference pay increases. This is clearly not taking advantage of the under 2 years service personnel.

If the conferees had accepted the original pay proposal, the percentage increase for the under 2 population would be 216 percent, compared to 161 percent for the over 2 group. As you can see, Mr. President, this would have been clearly out of line. I must repeat that we cannot go overboard in increasing the pay of new enlisted personnel at the expense of our careerists.

COMPARISON OF CONFERENCE PAY PROPOSALS AND OPPORTUNITY EARNINGS FOR HIGH SCHOOL GRADUATES IN THE CIVILIAN ECONOMY

The conference report provides compensation for first-termers which compares very favorably with earnings for high school graduates in the civilian economy. For example, Census Bureau data, adjusted to October 1971, indicates that the average pay of a high school graduate under 20 years of age is $4,289. Under the conference report, average regular military compensation—basic pay, quarters and subsistence allowances and the tax advantage on these allowances—for an E–3—private first class—with 1-year service is $5,603.

Even if we take the Gates Commission estimates for civilian wages for high school graduates, after 1 year of employment—about $5,590, adjusted to October 1, 1971—the conference report's regular military compensation for an E–4—corporal—with 1 year of service exceeds it at $5,951. That is an important answer to those who said, "You did not increase it enough." We take the Gates Commission estimates for civilian wages of a high school graduate after 1 year of employment, $5,590, adjusted to October 1, 1971. The conference report would allow a man at E–4, who is a corporal, with 1 year service—that means the one that is going up—$5,951, almost $400 more. From this it is clear that the pay rates of the conference report compare very favorably with earnings for high school graduates in the civilian economy. Remember that a high school graduate in the military can also collect some significant fringe benefits, such as free medical and dental care, commissary and exchange privileges, and the like, which are not available to his civilian counterpart. Those who recently paid some bills such as those know what that means.

I do not point out the comparison between first-termers pay and earnings for high school graduates in the civilian economy because I feel that we are overpaying our first-term military personnel. What I want to emphasize, Mr. President, is simply that the conference report does a great deal, indeed, to correct the historical inequities in pay between first-termers and their civilian counterparts. I think this is a highly significant contribution of the conference report and should not be overlooked.

SUMMATION

In summary then, Mr. President, we have noted the serious problem of rising personnel costs in the Defense budget. We have seen that at least $1 out of every $2 of the Defense budget is directly related to personnel costs, and if we include indirect costs, about $2 out of every $3 of the Defense budget is personnel oriented.

I cannot emphasize enough my concern with being able to provide funds needed for first-rate weapons to support our men in uniform in view of the constant pressures to reduce the Defense budget.

I think I have clearly shown the conference report to be a most fair and equitable compromise between the original Senate and House pay proposals when all things are considered. The conference report not only dramatically increases the pay of first termers but also provides badly needed housing allowance increases for career personnel.

In addition, the conference report pay rates eliminates military families from acceptable poverty guidelines while also making the pay of first termers competitive with the earnings of their counterparts in the civilian economy. Mr. President, I think the conferees can be justifiably proud of the conference pay provisions. I sincerely feel that when this matter is fully analyzed, it will be seen that the conference report is the wisest and best apportionment of the significant $2.4 billion annual cost pay increase.

Mr. President, for these and other reasons, I urge the Senate to adopt the conference report and to vote for a fair military pay increase.

This idea that someone is being mistreated because we did not put in a higher figure for the pay bill in the compromise conference report, I submit, is an argument that will not stand up when analyzed, based on the hard facts and figures, when compared to civilian pay, or to any other standard. To the contrary, it shows a more balanced effort not only to attract men into the services but also to keep those that we want to keep.

We do not want to keep all of them. We will be taking in some men on this salary scale that we do not need. They do not turn out well. They do not take to the training. They do not like the discipline. Some of them do not have the dedication nor the aptitude. So we will be paying $5,000 plus per year, and a good deal more than that in the cost of training men that we do not want to keep.

In order to keep the best kind of men in the military services, we have to have some kind of ladder to climb up in the military services for men who take to the training, who are adaptable to the discipline, who have the dedication, the aptitude, and the talent. Those are the kind of men we want to keep.

The conference report provides a built-in pay raise for such men which will induce them to stay in the services. The Senate amendment, in all deference, did not put that ladder in above that lower level.

Now, Mr. President, I want further to review here just a few points about the conference report.

Those who are interested in providing adequate pay and who are also interested in having the safety that goes with the arming of our military services in a proper way should support the report. I am not talking about the Vietnam war. That war has very, very, very little to do with this conference report and this draft bill. The fact that we are still over there will make it somewhat harder to get volunteers; but so far as the men that will have to go there is concerned, in my opinion, that is really not the issue now.

The issue is, are we going to have enough of the right kind of men brought into the services who have the talent and the dedication to which I have referred, so that they can be properly trained to take care of our defenses, to man the submarine crews and the intercontinental ballistic missile sites, to man our bombers and our fighter planes, and all the other military hardware that we need on the ground, with all the intricate matters of radar, computers, and everything else that we now have to contend with? Are we going to have enough of those men to protect this country for the next 2 years?

That is the question here with the draft bill. We do not like to have to pass one. No one wants to do that, but, as I said before and repeat for emphasis, we are racing to the edge of the precipice, we are racing to a crisis in manpower unless we act now and put this bill on the books, so that the machinery of it can be put into operation and we can get enough of the right kind of men, before too many enlistments expire and we are left with a shortage of the necessary kinds of trained manpower that we need.

Now, Mr. President, the conference was hard fought. It was made more difficult because many of the amendments which were added by the Senate were not germane to the rules of the House, and some came under the jurisdiction of committees other than the House Armed Services Committee.

However, let me point out that on the principal issue that divided the conferees, the Mansfield amendment, the House had voted 219 to 176 to table an identical amendment. So that this was not a case where the Senate had sent over the Mansfield amendment as something the House had not acted on and we were merely up against the proposition to persuade them that it had merit and should be adopted. That was not the real story. The Mansfield amendment was sent over, under the wisdom of the Senate, to a House which had voted against an identical amendment, word for word, 219 to 176.

So that was a difficult and almost impossible situation. To send it back to conference will create exactly the same situation—only worse. Let no one tell any Senator there is nothing left of the Mansfield amendment. There is plenty left. The House conferees thought so and all the others that were opposed to that

amendment, wherever they were in government, in or out of the White House, on or off Capitol Hill, they thought there was a lot left in it.

When we went to the conference, there were two Members of the Senate who had voted for the Mansfield amendment. They never did sign the conference report because it was not adopted in full. They were the Senator from New Hampshire (Mr. McINTYRE), who spoke here today on another matter, and the Senator from Missouri (Mr. SYMINGTON).

So, it is an error—unintentional, of course—the statement that there was no one on the conference that supported the Mansfield amendment. It was vigorously supported in the conference by the two Senators I have just mentioned. And there were others on that conference who supported it, otherwise there would not have been anything happen except for it to have been thrown out. To go back now and try to get more of the Mansfield amendment adopted by the conferees on the bill, I just do not believe it will be possible under the present circumstances and the present situation. I could be mistaken about that.

However, I do know that this matter has had its day in court. After all, a war that could not be otherwise settled for the past 6 or 7 years is hardly going to be settled in a conference committee, a matter on which one House voted one way and the other House voted the other way on identical language, and to which there is opposition from other powerful interests besides those in the Congress.

Mr. President, finally I would like to review briefly several other issues in the conference report.

The conference was a hard-fought one and was made more difficult because many of the amendments which had been added by the Senate were not germane under the rules of the House, and some came under the jurisdiction of committees other than the House Armed Services Committee. Moreover, I have pointed out that on the principal issue that divided the conferees, the Mansfield amendment, the House had voted 219 to 176 to table an identical amendment.

As I have pointed out, I believe a good deal of the substance and philosophy of the Mansfield amendment was agreed to by the conferees.

For the first time Congress has approved a policy of withdrawal from Vietnam and a policy of negotiating this withdrawal in exchange for a release of U.S. prisoners of war. As I have pointed out recently, I believe any careful study of the words of the amendment as it was approved by the conferees will indicate the importance of this amendment.

I want to emphasize here some of the reforms and changes to the Selective Service and military manpower system which originated in the Senate and which are included in this report. For the first time a firm ceiling is placed on inductions—130,000 in fiscal year 1972 and 140,000 in 1973. These ceilings can be exceeded only by congressional authorization. The annual authorized strength for the Armed Forces for fiscal year 1972 was reduced by 56,000, a reduction which will mean a cut of approximately 100,000 men in end strength below that recommended by the administration. The administration opposed this cut and the House opposed it in conference, but it is included in the conference report.

The annual authorized strength of 2,553,409 men is a firm congressional ceiling. It can be exceeded only by act of Congress or by declaration of a national emergency in which the President calls up the Reserves or National Guard.

The Senate bill included six reforms, giving registrants improved procedural rights. Five of these were approved by the conference committee. They include: prepublication of Selective Service regulations; the opportunity to appear in person before an appeal board; the right to present witnesses before a local board; requirement of a quorum of a board during a registrant's appearance; and the requirement for a written report when a board renders a decision to a claim of a registrant.

Concern was expressed in the Senate over the President's announced intention to withdraw student deferments retroactively from those students who had received them after April 23, 1970. The House conferees strongly supported the view that the President should retain full discretion in this matter. Nevertheless the Senate provision prohibiting the retroactive withdrawal of these deferments was approved by the conferees.

Other Senate amendments which were approved in substance, some with minor modifications, include: a prohibition on collocation and consolidation of local draft boards without the Governor's approval; an expanded exemption for sole-surviving sons; the provision increasing minority group membership in local draft boards; a study of military use of civilian medical facilities; an expanded manpower report from the executive branch; prohibition of job discrimination against American citizens and their dependents in hiring on U.S. military bases; and several other reforms.

Some of the amendments proposed by the Senate were objected to by the House because they violated House rules of germaneness. These include: provisions relating to reentry rights into college for veterans who had earlier been inducted, and a counseling program for veterans in college. Other nongermane Senate amendments required a waiving of the House's rules.

As I understand it, the Mansfield amendment itself, under the House rules, was not germane. The House does have a rule of germaneness. During the course of the 5-week conference the conferees accepted part of the principles of the Mansfield amendment. However, they had to try to get, and were able to get, a waiver of the rule of germaneness for this purpose. Otherwise those provisions might have been voted down on the floor of the House which so strongly voted against the Mansfield amendment.

These are matters that those who have not served on conferences of this kind do not have a chance to know. They do not have a chance to know how involved and difficult they are, and they do not have a chance to appreciate what was done in trying to come back with a sound bill.

The House conferees also strongly opposed a provision permitting simultaneous registration to vote in Federal elections for men registering with the selective service.

Other differences were compromised by the conferees. For example, the conferees could not agree on changes regarding conscientious objectors. Each House had included two amendments to the conscientious objector section of the Selective Service Act, section 6(j), and these amendments pointed in diametrically opposite directions. Therefore it was agreed that no changes would be made in this section of the law with the exception of an administrative amendment proposed by the House to improve the efficiency of placing conscientious objectors in alternate service through use of the Director's office. The House also opposed many of the three sets of provisions in the Senate amendment which pertained to drug addiction and drug control. The conferees agreed upon a provision requiring a report from the Secretary of Defense within 60 days with respect to his plans, programs, and recommendations in this area.

Finally, Mr. President, I would like to say that I believe this bill, over the last 7 months, has had as much time, care, and attention devoted to it as any piece of legislation with which I am familiar. I do not believe the national interest would be served by our continuing to debate here any longer the question of whether one provision or another is slightly different from that which some of us would prefer. There are several provisions in this bill, as I am sure many Senators are quite aware, which I would like very much to see in a different form. But there comes a time when the Senate must either act on an urgent and timely matter of this kind or face the legitimate criticism that it is not acting responsibly.

There is one final point which I believe is the most important of all.

Mr. President, I think there has been a tendency, throughout this long debate, to treat the approval of this important bill as if it were somehow related—as an integral part—to the war in Vietnam. This is, quite clearly not so, Mr. President.

This bill has vital importance wholly apart from Vietnam, and failure to approve it could have serious implications on a worldwide basis and particularly here.

I would like to remind supporters of the volunteer Army concept—and it is not correct to say volunteer Army, because it involves volunteers for all services—that pay incentives to attract a career Army, Navy, Air Force, and Marine Corps, are included in this conference report. They must be enacted if the concept is to reach the point where it can be fully and fairly tested.

Meanwhile, the draft, as is well known, provides the kind of incentive that makes it possible to keep all the services, not just the Army, up to their strengths necessary to meet today's commitments around the world.

That means that this bill affects not only Vietnam, but also Korea, U.S. forces in Europe, the ships at sea, air bases around the world, and all the rest.

I emphasize, though, that the primary purpose of the bill, after all, is to get the right kind of personnel through the intervening 2 years and get them trained in time for them to be available to man our ships at sea, our planes in the skies, our submarines under the sea, our weapons and our armor on the ground.

As I have told the Senate before, 47 percent of our new enlistees in the Air Force and 42 percent of the new enlistees in the Navy are induced to enlist by the draft. Thus the draft is responsible for the men who need to man our aircraft carriers and submarines, our strategic bomber wings and Minuteman squadrons. And these men cannot be replaced overnight by an entirely new manpower system. It takes 61 weeks to train an aviation electronics technician, 70 weeks to train an aviation machinists mate.

As I pointed out on Friday, enlistment rates are always reasonably good during the summer months and Senators should not be deceived by the short-term phenomenon. I am telling the Senate that, if this bill is not approved, if no time is provided for a transition to a volunteer military, Congress will have taken the armed services to the brink of a serious and continuing manpower crisis. I hope all Senators will give very serious thought to that eventuality.

Mr. President, it will not be the President of the United States who takes us to the brink of that manpower crisis; insofar as this bill is concerned it will not be the House of Representatives, which has already acted upon this matter; but rather that responsibiltiy would rest right here in this body. I think we have never had a more important matter within our military legislation over the years than this matter that is before us now during these critical times. I have hopes that we are headed into some kind of more favorable years if we will not weaken now. But if Congress cannot pass a bill during a transition period from one system to another that will be effective, that, in itself, is proof that we have receded from the strong, firm determination to protect ourselves at home and elsewhere. It would be the first signal to those who are not our friends, and who really are our adversaries, that there is an internal weakness. Every Senator has to use his independent judgment, and with his independent judgment and with his willpower we can bridge this gap. We will prove we can go to a more perfect plan.

Mr. President, I am sure on this final point there has been no intention to mislead anyone. I refer to page 21972 of the RECORD of June 24, 1971, which shows the members of the conference committee on the part of the Senate. Those appointed included the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Missouri (Mr. SYMINGTON). On page 28410 of the RECORD of July 30, there is shown the list of those who signed the conference report. This page does not include the names of the Senator from New Hampshire and the Senator from Missouri. But it is clear they were on the conference. That is taken from the RECORD. They did not sign the report, and I state as a fact, as these Senators voted in our conference, that they could not sign because of the Mansfield amendment.

Mr. GRAVEL. They had voted for the Mansfield amendment. Is that correct?

Mr. STENNIS. They had voted for the Mansfield amendment.

Mr. GRAVEL. I thank the Senator for correcting the RECORD. I mentioned that earlier in the day.

Mr. STENNIS. I knew the Senator had gotten the wrong information.

I yield the floor.

Mr. GRAVEL. Mr. President, I will not delay this body any further this evening in making the major rebuttal to the statement of my distinguished colleague from Mississippi.

Let me emphasize there is no threat to this country; there is no real, serious problem within the military. In fact, it was reported by the Department of Defense that the accession rate, the number of people enlisting in the armed services, is far above their projections. We are told that this is some cyclical event that occurs as a result of summertime. If we were subject to such an event it would occur in June when students come out of school and not during the summer.

I think the reason for it is simply because of the economic woes we face and the fact that young people cannot find jobs. That is why they are enlisting in abundant numbers. It is proof of the fact we do not have a threat.

The issue of whether we need a draft very probably hinges on the number of people we need to defend the country. In 1948 when Congress was bamboozled and enacted the draft we were told by the military, at a time when we had 1.3 million under arms, that we needed 2 million men under arms to defend this country. That was before the missiles, the electronic battlefield, and the computerization of our military. Today, with the computerization of our military, missiles, the electronic battlefield, and all the new technology, we have 2.7 million men under arms. Obviously, there is no way of satiating the appetites of those who for one reason or another suffer from a paranoia, who feel that the present number of men under arms is not sufficient.

I have not heard my colleague address himself to the fact, and I bring it up now in this debate, that the administration, that Melvin Laird, Secretary of Defense, and Richard Nixon, President of the United States, are in disobedience of the law as it exists today.

That law is very simple: Congress authorized a little over 2 million men to be under arms and we have 2.7 million men under arms. We find this administration at variance with the law to the tune of some 600,000 men.

I have written a communication to the Secretary of Defense asking why we do not see a plan to conform with the law. Strange to say this administration has made no effort and intends to make no effort in this regard.

I think the case is made amply clear for all to see that the leadership of this administration is in disobedience of a law passed by Congress, a law that found as its rationale that we could ably defend this country, prior to the advance of greater time-saving technology and people-saving technology, with a little under 2 million men under arms.

I think this underscores the very simple case that is clearly made that we do not need the draft because we do not need the troop levels that are requisite because of the draft.

I think the case made by the distinguished Senator from Mississippi is not adequate and I hope the Senate will turn down the draft. I think he skirted the issue when he said that issue is not related to the war in Vietnam. It is directly related to the war in Vietnam. We have fueled this war with human beings and we have acquired those human beings through the process of the draft.

In 1963 we had zero draft calls; in 1965 we were drafting 40,000 young men a month to go to die at the front in Vietnam; and today most of the people serving under arms in Vietnam are draftees and not enlistees. That would be the case tomorrow.

Let me reiterate for myself—and I am sure others who feel this strongly—that if we had a crisis, if we had an emergency, if we had a threat of invasion, or were being invaded, we would be the first to institute the draft. But since we do not have this situation today, since we have, quite the contrary, supposedly a nation at peace and a nation in which there is and should be the spirit of voluntarism, let me underscore that the spirit of voluntarism embodies a country in which we do not have to put a gun at the back of young men to force them into service. This is not for the defense of this country, because there is no problem in getting young men to enlist and serve in the defense of this country; but there is a problem in getting youth to come forward and fight in a vicious, wrong, imperialistic war that we have been party to. We cannot get volunteers to fight it. We can only get young men by putting a gun to their heads.

This Nation was founded by people who came to these shores because they were being pressed into service by despots—princes, and kings. How ironic it is that we have come full circle to the day when our young men leave our shores to go to foreign lands because they are being unjustly pressed into service by despotic rulers. What a tragedy to come full circle in a nation that truly loves freedom and a government representing, supposedly, our freedom- and peace-loving people.

I hope the Senate will have the wisdom and that the American people will evince their resolve to the membership of this body to turn down—to radically and drastically turn down—this irrational and unjust conference report.

Mr. President, I yield the floor.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of Senators under the previous orders, there be a period for the

transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF CONFERENCE REPORT ON DRAFT EXTENSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the routine morning business on tomorrow, the Senate turn to the consideration of the pending conference report on H.R. 6531.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the privileged matter before the Senate at this time?

The PRESIDING OFFICER. The conference report on H.R. 6531, the extension and revision of the draft act and related laws.

Mr. BYRD of West Virginia. Mr. President, what is the unfinished business?

The PRESIDING OFFICER. H.R. 8687, providing for military procurement authorization.

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

WAIVER OF PRINTING OF CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the provision of the Legislative Reorganization Act with respect to printing of conference reports as Senate reports be waived in regard to the conference report on the draft extension bill, in view of the fact that the conference report was printed as a House report under the Rules of the House of Representatives, and I am informed that there are sufficient copies available for Senators, so as to make it unnecessary to have a printed Senate copy.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Immediately after the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Senators MANSFIELD, HOLLINGS, and PROXMIRE.

Following the recognition of Senators under the orders previously entered, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Upon the conclusion of the routine morning business, the Senate will return to the consideration of the privileged matter before the Senate, the conference report on the extension of the draft.

Under the order entered earlier today, the Senate will adjourn on tomorrow not later than 1 o'clock p.m. for the purpose of allowing Senators to attend the services which will be conducted for our late departed colleague, Senator WINSTON L. PROUTY. Those services will be held at the Georgetown Presbyterian Church, which is located at 3115 P Street NW. The services will be conducted at 2 o'clock p.m., with the Reverend Edward L. R. Elson, Senate Chaplain, officiating. The Senate delegation will depart from the Senate steps of the Capitol at 1:15 p.m.

On Wednesday, the Senate will resume consideration of the privileged matter before the Senate, the conference report on the extension of the draft.

As the distinguished majority leader stated earlier today, any votes that might normally occur on Wednesday will be put over until Thursday so as to assure Senators that there will be no rollcall votes on Wednesday, the day on which the interment of our late departed colleague, Senator PROUTY, will take place in his native State of Vermont.

ADJOURNMENT UNTIL 10 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, and, pursuant to Senate Resolution 165, as a further mark of respect to the memory of the late Senator WINSTON L. PROUTY, of Vermont, that the Senate now adjourn.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 14, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1971:

DEPARTMENT OF COMMERCE

Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce, vice William R. McLellan, resigned.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

Harry E. Halden, III — Stephen J. Herbert

To be surgeons

Louis A. Cancellaro — Bruce D. Tempest
Delbert H. Dayton — John A. Vaillancourt
Ernest J. Johnson

To be senior assistant surgeons

William V. Banks — Barry J. Hoffer
John A. Benvenuto, Jr. — Michael P. Hudgins
James R. Brown — Charles J. Hudson
Laurence M. Epstein — Michael J. Kinney
William T. Friedewald — John A. Knight, Jr.
John D. Gelin — Frederick P. Li
Richard T. Griffey — Daniel W. Nebert
Marjorie E. Harwood — Ruth T. Takeshita

To be dental surgeons

Tullio F. Albertini — William R. Hall
James N. Bogden

To be senior assistant dental surgeons

Stanley S. Andrews — Gregg S. Hyman
Kent L. Angerbauer — Douglas C. Larson
Michael C. Beck — Rollin C. Mead, II
Donald G. Burks — Franklin N. Quillian, Jr.
Donald P. Butler — David C. Schrupp
John P. Clark — Conrad A. Schwalm
Peter J. Coccaro, Jr. — Channing D. Smith
Charles W. Edwards — Kenneth L. Stasun
Robert C. Fielder — David H. Wands
Stephen R. Fred — Ronald M. Weitz
Albert D. Guckes
Daniel A. Hixon

To be nurse officers

Rita Chow — Carol M. Larson
Pawnee L. Creson — Helen M. Mangan
Marcella H. Dwyer — Margaret M. Resnick

To be senior assistant nurse officers

Ann J. Eades — Morris J. Smith
Max K. Gearhart — William J. Young
Richard A. Morris

To be sanitary engineer

Lawrence P. Gazda

To be senior assistant sanitary engineers

Ronald K. Anderson — Jack W. Hoffbuhr
Thomas A. Bartholomew — Joseph W. Janick
Philip J. Bierbaum — Michael E. Jensen
Virgil E. Carr — John N. Leo
Keith E. Enders — Steven J. Levy
Roy B. Evans — William A. Mullin, III
Kenneth W. Grimley, Jr. — Leonard W. Nowak
John L. Hankinson — Billy F. Pearson
Grady T. Helms, Jr. — John A. Ruf
James H. Southerland

To be assistant sanitary engineers

Herbert Caudill, Jr. — David C. Sanchez
Ted W. Fowler — Gale A. Wright
Joseph F. Harrison — Gary D. Young

To be senior scientist

Frank D. Arnold

To be scientists

Robert K. Bergman — J. Richard Gorham
Arnold K. Fowler — Michael A. Oxman

To be senior assistant scientists

Bobby J. Gunter — Jerry M. Rice
Donald L. Lodmell — Phillip J. Walsh

To be sanitarians

Harry A. Doutt — Matthew C. Lynch
Sidney D. Helders-dorf — Eugene R. Meyer
James H. Hensley — David S. Reid
Donald L. Lambdin — Philip H. Shoultz

To be senior assistant sanitarians

Ronald K. Ament — Walter L. McPartlin
Wayne A. Bliss — Michael A. Randolph
Gordon Denipah, Jr. — Leo H. Snyder
Orin O. Evans — Stephen R. Wassersug
Curtis A. Golden — Richard D. Wise
Frank N. Kanatani — Webster Young, Jr.
Floyd L. Lashly, Jr.

To be assistant sanitarians

Royce L. Gragg — Calvin E. Nowack
Thomas J. Hartrich, Jr.

To be senior assistant pharmacists

Edgar H. Adams — Ronald A. Gomes
David R. Anderson — Arthur H. Holmes, Jr.
Richard J. Bertin — Ronald W. Horloff

Donglas D. Kapaun
Richard M. King
Jimmy R. Mitchell
Ivan L. Orr
Timothy F. Svoboda

To be assistant pharmacists

George D. Armstrong
Tillman H. Hughes
William C. Robinson, Jr.
Joseph C. Whitaker

To be veterinary officers

Don C. Gibson
Donald K. Hinkle
Robert W. Thomassen
Richard A. Tjalma

To be senior assistant veterinary officers

James W. Ebert
Joseph E. Pierce
Francis W. Chandler, Jr.

To be dietitian

Mary R. Emerson

To be senior assistant dietitians

Marcia A. Broxton
Barbara H. Dennis

To be assistant dietitians

Virginia E. Spangler
Sara E. Stooksbury

To be senior assistant therapist

Arthur J. Plumstead

To be assistant therapists

Robert E. Mansell
Gerald L. Rogers

To be health services officers

Richard H. Gaulke
Dwight W. Glenn
Jonathan Roberts
Walker C. Williams

To be senior assistant health services officers

Harold A. Bond
Joel Bostrom
Joseph A. Brennan, Jr.
Alfred H. Campbell
Troy W. Cole
David L. Duncan
James B. Gill
Thomas O. Harris
Matthew L. Henk
James T. Kelly
Ronald J. Lechnyr
Carl G. Leukefeld
James D. Lutz
Edwin A. Miller
Earl A. Pearson
John H. Peterson
George L. Raspa
Ellery D. Savage
John D. Sexton
Joseph G. Sirmons
Hugh S. Sloan, Jr.
Charles P. Warr, Jr.
John L. Young, Jr.

To be assistant health services officers

Joseph E. Brantley, Jr.
George B. Elder
Robert J. Garrison
William J. Gregory, Jr.
Joan E. P. Holloway
Cary N. Mack
William H. Oates, Jr.
Ralph W. Olsen
James J. Polkabla
Richard A. Tell
David T. Tingey
Peter K. Vaslow

IN THE ARMY

1. Col. Edwin Howell Smith, Jr., [redacted] Dental Corps, U.S. Army, for appointment as Assistant Surgeon General, U.S. Army, as major general, Dental Corps, Regular Army of the United States, and as major general in the Army of the United States, under the provisions of title 10, United States Code, sections 3036, 3040, 3442, and 3447.

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Dental Corps

Col. Surindar Nath Bhaskar, [redacted], Dental Corps, U.S. Army.

Col. Jack Paden Pollock, [redacted] Dental Corps, U.S. Army.

IN THE NAVY

Read Adm. Frederick J. Harlfinger II, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named Reserve officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

Line

Gayle T. Martin
Alban Weber
Frederick A. Wiggin
John B. Johnson
Michael Lorenzo

Medical Corps

Allan D. Callow.
Eugene P. Cronkite.

Supply Corps

Frank E. Raab, Jr.
Harland E. Holman.

Civil Engineer Corps

George Reider.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abbott, William Benjamin, III
Adams, Robert Lee, Jr.
Aldern, Donald Deane
Alexander, Marvin Gillen
Alexich, Milton Pivar
Allen, Douglas Arnold
Allen, Richard Charles
Altwegg, David Mattson
Anderle, Charles Kenneth
Anderson, Forrest Prentice
Anderson, Paul Leland
Argiro, Vincent James
Arn, Robert Warren
Arnold, John Elwin
Asmus, Paul Allen
Avallone, Eugene Michael
Avrit, Richard Calvin
Baciocco, Albert Joseph, Jr.
Backman, Fred Myron
Badgett, John Jefferson
Baker, James Ellis, Jr.
Baker, James Gilbert
Barnes, Clifford Paul
Barrett, Gardner Stewart
Beck, Donald Ancell
Beech, Wayne L.
Beecher, John Dennis
Bell, Clyde Roberts
Bell, Gerald Robert
Bibby, Lowe Haydn, III
Bird, Charles Scudder
Bos, Roger Charles
Bradford, Gerald Reese
Brady, Allen Colby
Brandel, William John, Jr.
Bress, Allyn Virginius
Brewer, Glenn Milton
Bridge, Daniel Thomas
Brooks, Walter Allen
Brown, Charles Howard
Brown, Larry James
Buck, John Addison
Burkhardt, Lawrence, III
Burnett, James Andrew
Busey, James Buchanan
Butler, Charles Arnow
Byrd, Paul Richard
Cahill, William Anthony, Jr.
Califf, Toxey Haas
Campbell, Ronald Alistair
Carlin, Robert Joseph
Cassani, Henry Louis
Caswell, Frederic Chester, Jr.
Chambers, Lawrence Cleveland
Chasse, Robert Leon
Cherrier, Herbert Alvado
Chertavian, Armen
Childers, Donald Johnson
Chisum, Oscar Clarke
Clare, James Stuart
Clarke, Walter Lewis, Jr.
Clausner, Edward, Jr.
Coiner, John Alfred
Collins, Ferdinand I., Jr.
Collins, Frank Charles, Jr.
Combs, Robert Ebell
Connally, Robert Franklin, III
Connell, Lewis Edward
Connelly, Robert Bailey
Conrad, Peter Corteau
Cornwell, James William
Creighton, Bert Haddow, Jr.
Criner, James Ellis
Cruden, David Selby
Cullins, Peter Kendall
Cunningham, Melville Dexter
Cunningham, Richard Burton
Dallaire, Richard Paul
Dallamura, Richard Anthony
Damico, Richard James
Darrell, Charles George
Davey, John Roderick, Jr.
Davis, Jack William
Davis, Paul Harrison, Jr.
Deaton, Paul
Decook, David Walpole
Demun, Taylor Kent
Dietrich, Henry Thornton, Jr.
Donnelly, Raymond Daniel, Jr.
Drew, Russell Cooper
Drummond, Scott Edward, Jr.
Dudley, Calvin Chester
Eakle, Burke Eldridge
Ebbert, Edwin Leigh
Ekman, Roger Edgar
Engquist, Gordon Wendell
Enos, Ralph Lindsay
Eshman, John Robert
Etchison, Frank Leslie, Jr.
Falconer, Alastair Stewart
Farley, James Walsh
Felt, Donald Linn
Fisher, William Gooding, Jr.
Fletcher, Charles Douglass
Fontaine, Richard Kern
Fowler, John Wesley
Fox, Kenneth
Francis, Thomas Aquinas
Franke, Richard Dean
Gahafer, Joseph Gorman
Fair, Bruce Otto
Galing, Searcy Garlits
Gallotta, Albert Armond, Jr.
Gardner, Ruel Eugene
Gatje, George Carlisle
Gibbins, Gareth William
Gillcrist, Paul Thomas
Glancy, Thomas Joseph, Jr.
Glunt, David Latta, Jr.
Goetschius, Forrest Dale
Grandfield, Francis Joseph, Jr.
Granum, Bradford Simley
Greff, Clarence Henry, Jr.
Grimm, William Francis
Groehn, Gerhard Curt
Hale, William Todd
Hamilton, Leo Langford
Hansen, Merle Charles
Hansen, Ronald Ralph
Hantz, Francis Anthony
Hardisty, Huntington
Hart, Richard Leland
Hawkins, Phil R.
Hayes, Morris Lee
Hays, Estel Wilbur
Hedges, Ralph Richard
Heenan, Richard Dennis
Heffernan, George Aubin
Hetu, Herbert Edmond
Hinkley, Harold Lewis
Hoganson, John Henry
Holgren, Marvin Aubrey
Hollick, Frederick Basil
Hopper, Richard Sabin
Horan, Robert Athanasius
Horne, Charles Francis, III
Hughes, Wayne Philo, Jr.
Hukill, Henry Durbin, Jr.
Hull, George Thomas
Hume, Robert John
Hunt, Albert Monroe
Hunter, Charles Bryan
Ingley, Edmund Wesley
Jaburg, Conrad John
Jackson, Dempster McKee
Jackson, Thomas Lee
James, Charlie Negus, Jr.
Jarvis, Donald Homer

Jayne, Gordon Howland
Jewell, Thomas Allen
Johnson, Arne Christian
Johnson, Guy David
Johnston, Maurice Milton, Jr.
Johnstone, Richard Alastair
Jones, Samuel Oather, Jr.
Karvala, Curtis Arnold
Kauderer, Bernard Marvin
Keane, James Philip
Kelley, Frederick Warren
Kemble, Richard Ellis
Kennedy, Robert Correll
Kennedy, Ronald Willard
Kennedy, Walter Julius
Kersch, Roger Neil
King, William Richard
Kirschke, Ernest James
Knutson, Donald Wayne
Knutson, Wilbert Duane
Kraft, Leroy Marks
Kuhn, Edwin Allan
Kully, Sheldon David
Kurzenhauser, Alfred
Lake, Charles Marshall, Jr.
Lamb, Derwin Taylor
Larocque, George Norwood
Layman, Lawrence
Leahy, John Patrick
Lenox, Glen Walter
Lewis, James Thomas
Lidel, Carl John
Lighter, Elbert Donald
Lloyd, Theodore Leighton, Jr.
Logner, Robert Louis
Loposer, Avery Kenneth, Jr.
Luckett, Thomas William
Lukas, Thomas Edward
Lunt, Vernon Shirley
Lyons, James Aloysius, Jr.
Macfie, Richard Boyden
Mack, Chester Michael
Mackercher, John Cameron
MacPherson, John Joseph
Mahoney, Wilbur James
Malone, Roy Wilson
Manara, Vincent Joseph, Jr.
Manring, Charles David
Marin, William Thomas
Martin, William Raymond
Massimi, Robert Francis
Masterson, Kleber Sanlin, Jr.
Mayberry, Thomas Alfred, Jr.
Maynard Donald James
McCanna, Marvin George, Jr.
McDaniel, Clarence Leonard
McGaughy, Richard Wayne
McGrath, Harold Albert
McIntyre, John Joseph
McKechnie, Russell Roland
McWey, Russell Bartholomew
Meek, Kenneth Leland
Meeks, Thomas Leland
Mehl, James Patrick
Meltzer, Melvin
Meserve, Charles Lemuel
Milius, Paul Lloyd
Miller, Floyd Harry, Jr.
Mills, Joseph Erval
Mischke, Gayland Julius
Mitchell, John Robert Cumming
Mitchell, Leland Gayle
Moffitt, Russell Louis
Mooney, John Bradford, Jr.
Moore, Charles Julian
Moore, Ernest Melvin, Jr.
Moore, Loren Irving
Moore, Virgil Wayne, Jr.
Moreau, Arthur Stanley, Jr.
Morris, Marion Eugene
Mueller, George Edward
Mullin, James
Mulloy, Paul Joseph
Murphy, Gilbert Franklin, Jr.
Murphy, Ray Douglas
Myers, Carroll Eugene
Myers, William Stewart
Nation, William Clarence
Naugle, James Orin
Naylor, Charles Kenneth
Neel, William Charles
Nelson, Eric Abraham, Jr.
Nelson, Jack Herman
Nevius, William Blauvelt
Newsome, James Walton
Nicholson, John Lewis, Jr.
O'Brien, Jerome Leo
Oder, Howard Wayne
Ogara, Patrick Eugene
Olson, Norman Hugo
Organ, James William
Orrik, Frederick John, Jr.
Orvis, Peter Hill
Orzalli, John Benton
Overdorf, Thomas Rogers
Padgett, Harry Elroy
Palmer, Wallace Chester
Pappas, George Theodore
Patch, Irwin Jr.
Patten, Michael Allison
Pauly, Donald Erasmus
Phillips, Charles Alfred
Pierce, Ray Edward
Piper, Harold Leroy
Pollak, Charles Duane
Portnoy, Howard Robert
Powell, William Vogt
Powers, Trent Richard
Pray, Robert Edgar
Prindle, Charles O'Brien
Pringle, Donald Bruce
Quarg, William Frederick
Quinn, Robert Thomas
Rabun, Floyd Kelley
Ramsey, David Goggin
Redfield, John Morgan
Reed, Charles Arthur
Reed, William Howard
Rice, James Orville
Rigsbee, Clifford Marshall
Rivers, Wendell Burke
Roane, Donald Patterson
Roberts, William Eugene
Rodgers, Frederick Alan
Rueff, Eugene Carl
Rumble, Maurice William
Rush, Thornwell Frank
Rushing, Charles Franklin
Saunders, William Hodnett, III
Saylor, Eugene Harrington
Schultz, Ford Joel Elmer
Schutz, Walter Joseph
Scott, John Harold, Jr.
Scull, John Duncan
Seeger, Charles Edward
Service, James Edward
Shafer, Lawrence
Shaid, Robert Allen
Shanahan, Thomas Leo
Shellman, Curtis Barnett, Jr.
Sherar, Robert Cody
Sierer, Payson Dwight, Jr.
Sigsworth, David Eugene
Sinclair, Alexander Malcolm
Skube, Edward Anthony
Smith, Hugh Thornber
Smith, Kenneth Godfrey
Smith, St. Clair
Smith, William Frank
Solterer, Carl Frederick
Sorenson, Curtis Alvin
Span, William Francis
Sprunk, William, Jr.
Stader, John Francis
Stalder, Roy Frederick, Jr.
Stark, Peter Amy, Jr.
Stein, George Daniel, Jr.
Stewart, Rodney Lee
Stierman, Joseph William, Jr.
St. Lawrence, William P., Jr.
Stoehr, Leonard Arthur
Stout, Edward Norton
Stovall, Walter Wayne
Streightiff, Charles William
Strohm, James Joseph
Strunk, Arthur Adolph
Sugg, Ross Edgar
Sullivan, Robert Hayes
Sutherlin, Benjamin Thomas
Tate, Charles Gordon
Taylor, Clinton Wagner
Taylor, Edmund Battelle, Jr.
Taylor, James Dewey, Jr.
Tetrick, Claude Jackson
Thiel, Louis Harry Carl, Jr.
Thomas, Kenneth Glenmore
Thomas, Richard Terry
Thomas, Robert James
Thompson, George Irwin
Thompson, William Summers
Thunman, Nils Ronald
Till, Ernest Anton
Tillerson, Leonard Earl
Treadwell, Lawrence P., Jr.
Treiber, Arthur Edgar
Trimble, Richard Wallace
Troffer, George John, Jr.
Troutman, Burl Abraham, Jr.
Turnage, Robert Lake
Tuzo, Paul Benjamin, III
Valade, Larry Gale
Vanarsdol, Robert Allan
Varley, James Francis
Victor, Francis Ward
Vines, Thomas Edward
Wadsworth, Francis Laughlin
Walden, John Warren
Walker, George Dale
Walker, Henry McDonald
Warren, Thomas Carroll
Webb, James Irwin
Webster, Edward Walter Vincen
Wellman, Harold Nixon
Whelan, Edward Charles, Jr.
Whelchel, Henry Cowan, Jr.
Whistler, Ralph Nelson, Jr.
White, Maurice Gene
White, Paul Geltmacher, Jr.
Whorton, William Robert
Wilde, Stanford Richard
Williams, Charles Dean
Williams, John Thomas
Williams, Ross Norman
Wilson, Jack Leonard
Wilson, James Edgar, Jr.
Wilson, Richard Vincent, Jr.
Wimberly, Tommy Charles
Winkel, Raymond Norman
Winkler, Richard Charles
Withers, Christopher
Wolff, Kenneth Eugene
Wood, Ralph Edwin
Woodbury, John Leland, Jr.
Wright, Richard Taliaferro
Wright, Sidney Victor, Jr.
Wunderlich, Robert
Yamnicky, John David
Yetman, William Raymond
Young, Harold Lawrence
Yount, Tim Buffington

The following named women officers of the U.S. Navy for permanent promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Gore, Mary Augusta
McKee, Fran

IN THE MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of colonel:

Lewis H. Abrams	Alfred J. Croft, Jr.
Donald W. Anderson	Wiliam M. Cryan
Harry E. Atkinson	Thomas J. Culkin
David B. Barker	Jack E. Dausman
William G. Bates	Francis L. Delaney
William R. Beeler	Frank Dicillo, Jr.
James L. Black, Jr.	Haig Donabedian
Vincente T. Blaz	William C. Drumright
Billy D. Bouldin	John E. Fahey
Bruce G. Brown	Thomas C. Fields
Carl E. Buchmann	Charles Fimian
Hugh R. Bumpas, Jr.	Herbert G. Fisher
Duncan D. Chaplin III	William E. Fitch III
Harlan C. Chase	George H. Gentry, Jr.
Charles C. Chisholm, Jr.	Walter F. Glowicki
Donald K. Cliff	Joseph P. Goodson
James P. Connolly II	Edward Z. Grabowski
	John J. Grace

Alfred M. Gray, Jr.
Robert E. Haebel
Elvyn E. Hagedorn
Richard S. Hartman
William H. Heintz
Emil W. Herich
Peter L. Hilgartner
Clarence E. Hogan
Harry H. Holmberg
Eugene R. Howard, Jr.
Robert W. Howland
William E. Hutchison
Gerald H. Hyndman
Raymond B. Ingrando
Richard P. Johnson
Thomas M. Kauffman
Charles J. Keever
Thomas R. Kelly
William R. Kephart
Lavern W. Larson
William A. Lawrence
Charles G. Little
Gordon M. Livingston
John R. Love
Frederick F. Mallard
Richard C. Marsh
Val R. McClure
Max McQuown
John G. Metz
Marc A. Moore
Samuel M. Morrow
Roy E. Moss
Frank J. Murray
Neil A. Nelson
Donald E. Newton
Stephen G. Olmstead
Eric B. Parker
John J. Peeler
Edward F. Penico
Charles R. Poppe, Jr.
Francis X. Quinn
James R. Quisenberry
Stanly H. Rauh
Brooke F. Read, Jr.
John J. Reddy
Lee C. Reece
Robert C. Rice
William H. Rice
William R. Rice
Charles D. Roberts, Jr.
Rodger E. Rourke
Jack D. Rowley
William A. Scott, Jr.
Donald L. Sellers
Dale E. Shatzer
Paul L. Siegmund
Eugene A. Silverthorn
William C. Simanikas
Benjamin B. Skinner
Louis Z. Slawter, Jr.
Richard W. Smith
Michael E. Spiro
Broman C. Stinemetz
Richard C. Stockton
Thomas R. Stuart
Lawrence F. Sullivan
Richard B. Taber
Gerald C. Thomas, Jr.
Ralph Thuesen
Frank D. Topley
Bernard E. Trainor
Richard B. Twohey
John J. Unterkofler
Morgan W. West
Peter A. Wickwire
Bobby R. Wilkinson
Charles T. Williamson
Theodore J. Willis
Leonard E. Wood
Tullis J. Woodham, Jr.
Richard E. Wray, III
Gary L. Yundt

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 1971:

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of general, under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph R. Holzapple, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of general, under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. David C. Jones [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. William V. McBride, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gerald W. Johnson, [redacted] FR, Regular Air Force, to be assigned to a position of importance and responsibiltiy designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. George Vernon Underwood, Jr., [redacted] Army of the United States (major general, U.S. Army).

IN THE NAVY

Vice Adm. John A. Tyree, Jr., U.S. Navy, and Vice Adm. James W. O'Grady, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

In the Army

The nominations beginning Howard T. Prince, to be captain, and ending John A. Reid, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 5, 1971.

In the Navy

The nominations beginning James A. Kasica, to be ensign, and ending Valentine D. Galasyn, to be permanent lieutenant and a temporary lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 5, 1971.

HOUSE OF REPRESENTATIVES—*Monday, September 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now, O God, strengthen Thou my hands.—Nehemiah 6: 9.

Most merciful and gracious God, help us to begin this new week with a greater devotion to Thee and with a genuine determination to meet the experiences of these days with courage, to manage them with confidence, and to master them with a creative faith which will lead us and our Nation to the heights of truth, righteousness, and good will. So we come to Thee this morning praying that Thy strength may sustain us as we endeavor to walk the true and living way.

"Just as we are, strong and free,
To be the best that we can be
For truth and righteousness and Thee,
Lord of our lives, we come."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Winston L. Prouty, late a Senator from the State of Vermont.

Resolved, That a committee of Senators be appointed by the President of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 850. Joint resolution authorizing the Honorable Carl Albert, Speaker of the House of Representatives, to accept and wear The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 942. An act to establish a Commission on Security and Safety of Cargo; and

S. 2007. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

THE LATE HONORABLE WINSTON L. PROUTY

Mr. STAFFORD. Mr. Speaker, I regret to have to announce to my colleagues in the House the tragic death of the junior Senator from Vermont, WINSTON L. PROUTY, who was a Member of this body for four terms. Senator PROUTY passed away on Friday, September 10, 1971.

He was a most distinguished American and Vermonter and a personal friend of mine.

Mr. Speaker, after an agreement with you and consistent with similar activities in the other body later today, may I make note of the time for memorial services for Senator PROUTY and invite the Members of the House who knew him to join in those services.

APPOINTMENT OF CONFEREES ON H.R. 10090, PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972.

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10090) making appropriations for Public Works for Water and Power Development and the Atomic Energy Commission for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. EVINS of Tennessee, BOLAND, WHITTEN, ANDREWS of Alabama, SLACK, MAHON, RHODES, DAVIS of Wisconsin, ROBISON of New York, and BOW.