ARMS LIMITATION—THE PREREQUISITE OF JUSTICE

(Remarks of John Cardinal Krol)

I speak in the name of the episcopal conference of the United States. The opening synodal report dealing with justice in the world mentions many instances of injustice. It explains the Church's role in the struggle to right them and suggests radical means of self-defense which the natural law allows. Warning that progress will come only through sacrifice and suffering it notes that the word of hope is more than purely descriptive. It is provocative and is not heard or followed without some danger.

While speaking of all this, that report omits explicit reference to a serious cause of injustice, namely the stockpiling of arms that grows year by year. Precisely why this is omitted is not clear since conciliar and papal documents and the synodal *lineamenta de justitia in mundo* deals with the present state of affairs in whch immense sums of money are spent to initiate or repel the hostilities of war, while much smaller amounts are allocated for the alleviation of hunger and other human miseries.

I am speaking of course of the arms race which threatens mankind with universal devastation of the earth.

This race is unjust for three reasons:

(1) First, it violates the rights of citizens of the nations that are involved in it because of the heavy burden of taxation they must bear.

(2) It has adverse effects on the citizens of other nations who are thereby deprived of the aid and assistance required for economic and social progress.

(3) It offends against the rights of all men who may as a result become the victims of some unforeseen disaster and who live always in the fearful shadow of the third world war.

Moreover, the armanents race violates the rights of the world's poor in a way that is fruitless and intolerable. The reason is that it is not the way to protect human life or foster peace but on the contrary the causes of war are thereby aggravated little by little.

Disarmament is a continuing imperative—an indispensable prerequisite of justice. Current directions must be reversed. New attitudes must be developed. A relentless effort must be made to promote reciprocal and collective disarmament at an equal pace, by agreement, with authentic and workable safeguards. The strategic arms limitation talks deserve greater interest, encouragement and support.

Peace is no excuse for the arms race for it cannot be built or maintained by violence or terror. That contemporary human spirit which rejects the use of violence is permeated with the charity of the Gospel. In its light, war or recourse to physical force in solving international problems is seen as an exercise of futility. For the Prince of Peace affirmed that those who live by the sword will die by it as well.

The right to legitimate self-defense, once all means of peaceful settlement have been exhausted, cannot be denied. Peace cannot be invoked to give permanence and respectability to the violation of human rights and human dignity. The genuine convictions of persons who insist on the principles of nonviolent solutions of conflicts among nations must be respected, regardless of whether their conscientious objection is total or selective.

According to the *World Military Expenditures 1970* report of the United States Arms Control and iDsarmament Agency, world military expenditures reached a peak record of $204 billion. This amount is equivalent to the total annual income of the 1.8 billion people in the poorer half of the world population and 6.4 percent of the world gross national product.

In the United States, military expenditures were $80.5 billion; expenditures for education was $46.5 billion for a total of $127 billion. This disproportionate spending for military purposes took place in an affluent society in which nevertheless some 34 million people or 10.5 million families received an income less than the government-designated poverty level of $4,000.

The tragedy of military expenditure is that developing nations are suffering most from the arms race. While military spending during the past six years increased 50 percent in the world, the percentage of increase in developing nations was 145 percent. From 1964 to 1968, the percentage of military spending increased 36.6 percent in the world, 57 percent in the United States, but in a number of developing countries the increase ranged from 100 to as high as 333.3 percent. In 1966 one of the developing nations which has an 80 percent illiteracy rate, spent $103 million on military and only $99 million on education.

The rate of increase in military spending in developing countries since 1964 exceeds the advance in the gross national product at the expense of populations (73 percent of the world), whose average income per capita is still barely $200 a year.

The arms race is indeed a plague to all humanity in both developed and developing nations. The supreme tragedy of the race is that it is irrational as well as unjust. Today strategic arsenals are loaded with nuclear power capable of destroying all life with the over-kill equivalent of 15 tons of dynamite for every human person.

The two major powers have sufficient power to destroy each other five or six times over. We are told that in an all-out missile attack, some 120 million people in the United States might die. Even the ABM Safeguard System would at best reduce the casualties to from 40 to 60 million people. Current production of the MIRV (Multiple Independently-Targeted Reentry Vehicles) is supposed to increase the striking power of the major nuclear nations up to 20 fold.

The irony of it all is that even today we read arguments why it is necessary to increase military expenditure to maintain a balance of power. The fact is that the destructive power in the arsenals of the world cannot prevent mass destruction of life. It can at best retaliate causing a greater loss of life. Even after such a destructive exchange, the problem of negotiating a just and lasting peace by removing the injustices which led to war would be as urgent as ever.

What can the Church do in a practical and positive way to retard and reverse the accumulations of armaments—to develop new attitudes and directions?

The Church does not exericse direct power over nations, over political and economic life within nations nor over the military-industrial complex, which promotes arms production. The mission of the Church is to teach the social principles of the gospel and apply those principles to existing nations.

The Church should find no difficulty in finding a benevolent audience. Reasonable men are opposed to wars and to the enormous taxes imposed for military expenses. The Church should find no trouble in convincing the audience that all the stockpiling of armament did not preclude the 40 wars that have occurred since 1945, or that in the 5,560 years of recorded history, some 14,000 wars have taken place with only 292 years of relative peace.

The Church should be relentless in its efforts to shape public opinion and to create a climate in which theology and not technology would give directions to the course of human events. Then men would understand why arms limitation is a necessary step to general disarmament, which is a prerequisite to international justice, in which men, convinced that the arms race is a treacherous trap and war a tragic folly, would direct their efforts and resources toward removing the causes of war—injustice.

In 1968 the bishops' conference of the United States issued an urgent call for international peace and questioned the values of the policy of maintaining nuclear superiority. This voice together with many others including the World Council of Churches led to the ABM debate of 1969—the ABM was in doubt for some time and was approved by a margin of one vote. Since then the percentage of increase of military expenditures has levelled off. Let the Church proceed proclaiming the gospel tirelessly against efforts to develop new weapons of destruction. In this way it will do what it can to remove the causes of war and serious injustice.

SENATE—*Monday, November 1, 1971*

The Senate met at 9:30 a.m. and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

PRAYER

The Reverend George L. Fletcher, pastor, First Baptist Church of Grady, Ark., and chaplain, the American Legion, Arkansas, offered the following prayer:

Our Father, help us this day to realize that You have blessed our Nation with a double portion of Thy Holy Spirit. Because of this we are ever mindful that You want us to put love before hate, humility before pride, and You before all things.

Thank You, Our Father, for freedom. Bless, O God, these leaders with the knowledge to carry out Your purpose.

Make this God's country by making us to live like people of God. We ask these things in the name of Jesus Christ, our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 1, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

reading of the Journal of the proceedings of Friday, October 29, 1971, be dispensed with.

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

WAIVER OF CALL OF CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the calendar under rules VII and VIII be waived.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with "New Reports."

The motion was agreed to; and the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. Glenn A. Kent to be a lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. NAVY

The second assistant legislative clerk read the nomination of Rear Adm. Kent L. Lee to be a vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The SECOND ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

DISPOSITION OF JUDGMENT FUNDS TO THE PUEBLO OF LAGUNA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 406, S. 2339.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2339) to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission, docket No. 227, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 1, line 4, after the word "the", where it appears the third time, strike out "pueblo" and insert "Pueblo"; and, on page 2, line 1, after the word "the", where it appears the second time, strike out "pueblo" and insert "Pueblo"; so as to make the bill read:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Pueblo of Laguna that were appropriated to pay a judgment by the Indian Claims Commission in docket numbered 227, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended or invested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior, including the transfer to the unrestricted funds of the Pueblo of Laguna.

SEC. 2. Any part of such funds that may be distributed to members of the pueblo shall not be subject to Federal or State income tax.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to provide for the disposition of judgment funds on deposit to the credit of the Pueblo of Laguna in Indian Claims Commission docket numbered 227, and for other purposes."

THE SENATE'S ACTION LAST FRIDAY ON THE FOREIGN ASSISTANCE ACT

Mr. SCOTT. Mr. President, out of a melange of motives, late on Friday afternoon the Senate attempted to repeal the second chapter of the Book of Genesis and decided that, indeed, we were not our brother's keeper.

We have had much discussion for 25 years about this subject in this country, and the action of this body on Friday, in my opinion, was gravely unfortunate. The action did not represent a theme. It did not represent a rationalized reason for the abandonment of a foreign policy which this Congress has unhesitatingly agreed upon with previous Presidents of the United States for 2½ decades. It represented many others things—resentments, genuine concern over the course of foreign aid, a desire to have a different approach, or a desire to have no approach at all. As a result, we pulled down around our heads the structure of foreign assistance, and in the eyes of the country I think we looked very badly off indeed. The Washington Post editorial of yesterday is only one example. There will be more. There will be a continual drumfire of criticism of a Senate which would do this unfortunate thing.

People say, "Why don't we do something better about foreign aid?" I agree. We have often spent too much. We have often spent it unwisely. We have often proliferated programs. And we have mixed in the foreign assistance bag all sorts of purposes and intentions. But the President has offered a solution, which this Congress has cavalierly ignored. He offered it on September 15, 1970, when he transmitted his recommendations for reform of U.S. foreign assistance programs. On the 21st of April 1971 he sent a reminder message that the Congress had done nothing about it. This is the beginning of November 1971. We have still done nothing about it except to deny to this President what we have accorded to all previous Presidents in this regard.

That is in itself a strange thing. Does the Senate intend, without regard to the other body and without regard to the President, to structure the foreign policy of the United States? We are hardly equipped to do so. We have seen for quite a long time the Senate wear epaulets, and now the Senate puts on striped trousers——

THE ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. SCOTT. I am sorry that both my 3 minutes and the Foreign Assistance Act have expired.

THE COMPULSORY EMPLOYMENT BILL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 15 minutes.

Mr. ALLEN. Mr. President, on last Friday evening, following the vote on the foreign aid bill to which the Senator from Pennsylvania, the distinguished minority leader, has referred, the junior Senator from Alabama objected to unanimous consent that S. 2515 be given a special setting and that a time limitation be placed on that bill. He made that objection, because he felt that there was, and there is, much "must" legislation which should be considered ahead of the EEOC bill, S. 2515.

The whip notice of October 30, 1971, lists a few of those important matters: The President's economic tax package, phase I and phase II proposals, and so forth; two Supreme Court nominations; the Okinawa Treaty; voter registration; narcotics; fish inspection proposals; Department of Defense, District of Columbia, and supplemental appropriations bills.

Already this week there have been set for consideration the Alaska Natives' claims bill, the water quality bill, the consumer product warranty bill, and the military construction appropriation bill; and now, somewhere between this time and the recess of the Senate over until next year, we will be faced several times, I dare say, with the problem of the foreign aid bill.

Mr. President, the junior Senator from Alabama not only feels that S. 2515 should not have special consideration, but feels that it should have the lowest possible priority. In fact, he hopes that it does not come up for consideration in the U.S. Senate at all.

This bill is, in truth one of the most dangerous and most indefensible legislative proposals presented in this Chamber in the short time I have been in the Senate. We are being asked to endorse a blank legislative check to vest in an agency of the Federal Government, the Equal Employment Opportunity Commission, totalitarian authority over employment practices of free enterprise, labor unions, and State and local governments. This bill is deliberately designed to deny basis rights of the American people and to grant special privileges to a few. If enacted, the measure would in fact, cripple, and in some instances, destroy the very institutions which brought this Nation into being and helped to make it great.

I wish to discuss briefly a few of the ways in which this bill would do violence to our American way of life.

First, the bill brings within its scope all State and local government employees. This is not only an arrogant attempt further to dilute the rights of the States, their institutions and their sovereignty, but the conclusion is inescapable that the measure is aimed at destroying our dual form of government.

If enacted, this bill would permit an agency of the Federal Government and the Federal courts to enter the political field in the appointment of State and local government employees. It is true that many State and local job requirements are in part unrelated to the job. But it is wholly in keeping with our political traditions to give our State and local leaders, and our national leaders for that matter, the discretion to give reasonable weight to factors other than job fitness in filling jobs.

Frankly, it is difficult to imagine a more intolerable interference by the Federal Government with the rights of the States than to dictate their employment practices. The States' power over employment practices is basic and essential to the very existence of State sovereignty and, consequently, to our Federal system which was devised by our forefathers and which they intended to be held forever sacrosanct by the Bill of Rights. If we deprive the States of their basic functions, it is pointless to maintain that we have a dual form of government.

The bill contains a self-starter provision vesting the Commission with the authority to initiate investigations and inquiries, either on its own motion or whenever an anonymous person or organization merely requests the filing of a charge that an unlawful employment practice has occurred.

There is no requirement of "reasonable cause" as a condition precedent to the filing of a charge; therefore, the Commission is given carte blanche authority to conduct roving inquiries into the private books and records of a company or labor union regardless of whether there is any preexisting cause for believing there has been a violation of the law.

Under the bill, employers, labor unions and State and local governments would be subject to the issuance of cease-and-desist orders by the Commission. The broad powers sought under the measure represent a radical departure from the concept of American jurisprudence and our cherished legal system of checks and balances. The legislation seeks to make the Commissioner accuser, prosecutor, judge, and jury all in one.

But this is not all. The bill could also punish first and prove the offense subsequently. It would permit a Federal judge—a single judge acting without a hearing and without any showing by the Government of irreparable injury—to issue a temporary restraining order against the respondent for an alleged unlawful employment practice. We thus see a reversal of the age-old maxim that a man is presumed to be innocent until he is proven guilty.

Under these provisions of the bill, it would be possible, Mr. President, for an American to be imprisoned if he disagreed with the order of a Federal judge, without the benefit of trial by jury.

The rights which the provisions of S. 2515 seek to deny cannot be dismissed as mere legal technicalities. They are rights indispensable to freedom. They are rights which distinguish a free society from tyranny.

Mr. President, S. 2515 does not create one new job. Other than the additional army of bureaucrats that would be set up, it does not create one new job in private employment. Yet, it is presented to us when unemployment is consistently ranging in the area of 6 percent. At a time when we are desperately trying to fight inflation and keep our economy strong, this bill would create fear and uncertainty, friction and division in the business houses, plants, and factories of America.

Labor organizations would be subject to interference and supervision of their internal affairs. Their cherished programs of seniority and apprenticeship would be destroyed. And the law which tells the employer who his workers shall be today can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Mr. President, there are other sections and purposes of S. 2515 equally obnoxious as those I have just discussed. For example, the provisions relating to the appointment of attorneys, attorneys' fees, and precomplaint expenses of the aggrieved person are shocking.

This legislation would also create a vast new bureaucracy, inasmuch as the Commission does not now have the manpower, so it says, to carry out the programs called for under the legislation. I would like to have some figures presented to the Senate as to how many lawyers, hearing examiners, investigators, and supporting staff would be added to the Commission to enable it to develop and exercise the quasi-judicial functions under the bill and how much it would cost the taxpayers of this country.

Mr. President, this is a force bill, pure, and simple. Its sole purpose is to gain legislative sanction to the establishment of percentages or quotas in employment on the basis of race. Some people may think that such a requirement would never be imposed on business and labor, because of the patent absurdity involved. Less than a decade ago, however, the idea of a racial balance in a public school would have seemed too ridiculous to consider. Yet, today we see schoolchildren in the South and other parts of the country being lugged all over cities and towns to achieve what is considered to be a mathematically satisfactory racial mixture in public schools. The so-called Philadelphia plan, which the Nixon administration put into effect last year, is a flagrant abuse of the provisions of the Civil Rights Act of 1964. This represents the first move toward racial balance in industry and labor.

So, Mr. President, this bill should not be passed by the U.S. Senate. It is a bill that would further break down our federal system. It is a bill which would seek to destroy the concept of States' rights. It is a bill which goes contrary to our Anglo-Saxon principle of justice that a man is presumed to be innocent until he is proved guilty. It opens to Federal bureaucracy an entirely new field—that is, to control the employment practices of State and local governments.

How arrogant can the Federal Government become, to seek to take over the employment practices of State and local governments and to enlarge the field of operations that it already has in private employment, to give itself the power to regulate the employment practices of employers of as few as eight people and their employees? This does not hit just the large companies, the large corporations throughout the land. It hits small

business—small businesses that are seeking to survive in these critical times.

Mr. President, this legislation is not needed. It is legislation that should not pass. In this time of economic crisis, should we not seek to make things just a little bit easier for employers and employees alike, at a time when unemployment has risen to 6 percent or above? Should we impose this additional burden on employers and employees, and on labor unions? Because this measure would result in taking over the hiring practices of companies, and the seniority rights that exist in our labor unions.

Mr. President, the junior Senator from Alabama did object to a special setting for this bill. He will object to a special setting. He will object to any time limitation on the bill, because he expects to be heard from on a number of occasions if this bill is called up for consideration in the Senate.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with a limitation of 3 minutes on statements therein.

DEATH OF ELDER RICHARD L. EVANS

Mr. MOSS. Mr. President, it is with a heavy heart that I announce to the U.S. Senate the death, just after midnight last night in Salt Lake City, of Elder Richard L. Evans of the Church of Jesus Christ of Latter-day Saints. He was a member of the council of 12, and one of the most widely known and beloved leaders of the church.

During the 40 years he conducted the broadcasts on radio and TV of the Mormon Tabernacle Choir, Elder Evans had what has been called the "largest pulpit in the world." His sermonettes, "The Spoken Word," were heard each Sunday by millions who were inspired and comforted by them. He was able to say so much in a few well chosen words that these small sermons became classics in their own time. They have been compiled and published in seven volumes. For them he was given the Freedom Foundation Award.

Elder Evans was also a civic and educational leader as well as a church leader. He traveled widely, and in 1966 and 1967 went throughout the world as president of Rotary International. However, wherever he traveled, he always prepared in advance and left behind him a tape of "The Spoken Word" to accompany the Sunday broadcasts of the choir.

Elder Evans was a member of the Utah State Board of Higher Education, of the Brigham Young University Board of Trustees, a former member of the University of Utah Board of Regents, and a former editor of the Improvement Era the monthly LDS church magazine. He was also the recipient of a doctor of letters degree from the University of Utah.

Richard L. Evans was born in Salt Lake City on March 23, 1906. His name will long be remembered. He was my friend—my good friend—since college days, and I join with the millions who mourn his passing. He was a great church leader, a great American, and a great human being.

WELFARE REFORM

Mr. BYRD of Virginia. Mr. President, I rise to again invite the attention of the Senate to our Government's very serious financial situation.

In the fiscal year which just ended, the Federal Government had a Federal funds deficit of $30 billion. It is projected that in the current fiscal year, the Federal funds deficit will be $35 billion.

With those figures in mind, I was both disappointed and astonished to read that the Secretary of Health, Education, and Welfare, Mr. Richardson, is expected to advocate an expansion of his own new welfare proposal, which proposal the Secretary himself termed "revolutionary and expensive." The proposal advocated and supported in committee by the Secretary of Health, Education, and Welfare provides for a guaranteed annual income of $2,400. This would double the number of persons on the welfare rolls.

The newspapers now indicate that Mr. Richardson has made a deal, so to speak, with so-called liberals whereby he wants now to raise that figure to $3,000.

Mr. President, I wonder where all this money is coming from. There is only one place it can come from, and that is out of the pockets of the taxpayers, out of the pockets of the wage earners of this country.

Mr. Richardson's original plan would cost $5.5 billion more than the present program; the expanded program would add another $5 billion to the cost.

The original proposal of Mr. Richardson, in his own words, is "revolutionary and expensive." Those are the words he used.

Now he is proposing to go far beyond his original proposal. So I think it probably would be fair to say that the new proposal he plans to support will be extremely revolutionary and extremely expensive.

Mr. President, I point out that if the original HEW proposal is enacted, the number of welfare recipients in Texas will go from 600,000 to 1,600,000; in North Carolina, from 200,000 to 800,000; in Puerto Rico, from 300,000 to 1 million; and in my State of Virginia, from 140,000 to 566,000.

The total number of welfare recipients in the Nation as a whole will increase from 12 million in 1970 to 26 million in 1973.

This is not welfare reform, but rather welfare expansion.

A RESPONSIBILITY TO BE RESPONSIBLE

Mr. PERCY. Mr. President, the complete rejection of foreign aid by the United States is, to my mind, an abdication of responsibility which can adversely affect peace, security, and development in many areas of the world. It cannot be justified by reason, only by emotion. It blurs the image and damages the reputation of our country.

Understandably, there were aspects of the foreign aid bill unsatisfactory to each of us in the Senate. But must we destroy what we deem to be desirable in order to destroy what we deem to be undesirable? Can any among us say that the bill was all wrong, that all military and economic aid should be eliminated, that we should turn our backs on Israel, or that we should show indifference to the plight of 9 million Pakistani refugees?

Can we say that the Nixon doctrine, which seeks to minimize U.S. military action abroad by providing aid to nations willing to defend themselves, should be abandoned? Can we say "no" to further help for needy children, world health, and economic development?

Whether we as individuals favor or oppose military aid to Greece, whether we wish to sustain or forget any particular country, whether we wish to strengthen or weaken the United Nations, I maintain that there was much of importance and value in the foreign aid bill which should have been retained. No one of us can have it all his own way, especially in a bill so far-reaching and complex as this one.

Moreover, the United States cannot and must not be a world drop-out. As still the most powerful and richest Nation on earth, we have the responsibility to be responsible. If our share of the costs of the United Nations agencies is greater than that of the other major powers, it does not mean that we should do less, but that they should do more; we need not share their irresponsibility.

I intend to offer bills to provide for military credit sales to Israel, to provide food and other assistance to refugees from Pakistan, and to support the specialized agencies of the U.N. dealing with relief for children, health, and economic development.

Following World War II, a Republican Congress and a Democratic President fashioned a program of economic assistance to nations crippled by that war and to newly independent nations. Subsequently many nations were given military assistance to help them cope with possible aggression and insurgencies. The programs were often controversial, sometimes counterproductive, often poorly administered, sometimes wasteful. But the overriding result was the revival of Western Europe, the rebuilding of Western Germany and Japan as democracies, and substantial economic development in Asia, Africa, and Latin America.

Of course the goal of peace and prosperity for all the recipient nations was never reached. It was a goal worth establishing as a beacon toward which we might sail, but rational men, both policymakers and taxpayers, knew that it could not be reached. The progress with which we have had to be satisfied came often very slowly. We do know that much stability was achieved, that millions received educations that would not have been possible otherwise, that hundreds

of thousands of clean wells were dug, that modern medication reached the most remote peoples, and that technical assistance led to new industries and new jobs throughout the world.

The goal will never be reached, but it should be pursued. In recent years we have learned that the work of aid can be done better and with fewer political complications if it is done multilaterally in concert with other nations. Yet multilateral aid was defeated in the Senate last week, along with bilateral aid, and now the future of aid of any kind is bleak.

I say to the 26 of my colleagues who voted as I did to sustain the foreign assistance bill that we must now find ways to restore funds in support of the Nixon doctrine and the important humanitarian aspects of that bill. I will do what I can, and I will support my 26 colleagues in new legislation to accomplish those ends.

To those colleagues who voted against the bill, I urge that—having made their point—they correct those aspects of the bill that need correction, and that we do this now, even if it takes us through the Christmas holidays to do so. Another vote simply to kill the entire concept of foreign aid would not do justice either to America or to the world.

It is incumbent on all of us to make more determined efforts, now and in the future, to eliminate the dollar and the human drain of wasteful wars and financially disastrous projects such as the F–111, the C–5A, and extravagant farm subsidies, so that we can do more for the needy in our own country while abandoning constructive enterprises abroad.

We cannot take leave of the world. While our first duty must always be to our own people, we should so conduct our affairs that we may continue to contribute to peace, security, and development in the wider world of which we are a part. Isolationism of the spirit, born out of the tragedy of Vietnam, must not be allowed to consume our better natures.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED CONTINUANCE OF INCENTIVE PAY TO CERTAIN MEMBERS OF THE UNIFORMED SERVICES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 525(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for the period required for hospitalization and rehabilitation after termination of missing status (with an accompanying paper); to the Committee on Armed Services.

PROPOSED AMENDMENT TO CONCESSION CONTRACT WITHIN SEQUOIA AND KINGS CANYON NATIONAL PARKS, CALIF.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract within Sequoia and Kings Canyon National Parks, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL COSTS OF LAND ACQUISITION FOR THE NATIONAL PARK SYSTEM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for additional costs of land acquisition for the National Park System (with an accompanying paper); to the Committee on Interior and Insular Affairs

PROPOSED MODIFICATION OF PROVISIONS RELATING TO PAYMENT OF PENSIONS FOR VETERANS

A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to modify the provisions relating to payment of pensions, and for other purposes (with accompanying papers); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia (for Mr. LONG), from the Committee on Commerce, with amendments:

H.R. 155. An act to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel (Rept. No. 92–417).

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. KENNEDY:

S. 2779. A bill authorizing assistance for East Pakistan and refugees therefrom. Referred to the Committee on Foreign Relations.

By Mr. CURTIS (for himself, Mr. ALLEN, Mr. BELLMON, Mr. DOLE, Mr. SPARKMAN, and Mr. TALMADGE):

S. 2780. A bill to amend section 103 of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

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

S. 2781. A bill to amend section 404(g) of the National Housing Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2779. A bill authorizing assistance for East Pakistan and refugees therefrom. Referred to the Committee on Foreign Relations.

Mr. KENNEDY. Mr. President, earlier today I released excerpts from a report I am filing with the Senate on the crisis in South Asia. The report consists of findings and recommendations based on my visit to India in August and public hearings before the Judiciary Subcommittee on Refugees, which I serve as chairman.

The report documents in considerable detail the deteriorating situation in South Asia, especially as it concerns the people of the area. I shall not burden the record with lengthy comment at this time—but I do want to underscore the urgent need that the Congress—and the administration—act immediately to provide a reasonable contribution to the international relief effort currently underway.

The distressing condition among the growing number of Bengali refugees in India is best symbolized in the fact that the mortality rate is at least five times greater than among other migrant populations in India. The number of children dying from malnutrition is by far the largest category. No accurate count is available. But the descriptive terms used by experts to describe the situation from the earliest days of the refugee influx, has escalated from hundreds, to thousands, to 1,500 per day, to 4,300 per day. Unless emergency measures are taken now, up to 200,000 young children will have died by the end of 1971.

Little information is available about the condition of the people remaining in East Bengal. But the record is clear that severe food shortages and the threat of famine continues in many areas. In fact, recent field reports to the subcommittee on refugees indicate growing edema rates among new refugees in India coming out of the northern districts of East Bengal.

The Congress, no more than the administration, can shirk its responsibility to act. It is imperative we do so at an early date—not only because of urgent human need, but to lend credibility to our national commitment before the aid consortium in Paris last week, and to our traditional leadership in humanitarian affairs.

To this end, I am introducing today a bill to authorize $250 million to assist the international relief effort in South Asia. This is the bare minimum, and more may be needed.

Mr. President, I ask unanimous consent that the text of the bill and excerpts from my report on South Asia be printed at this point in the RECORD.

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

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000 to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan in India and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

CRISIS IN SOUTH ASIA

Excerpts from a report by the Chairman, Senator Edward M. Kennedy, of the Subcommittee To Investigate Problems Connected With Refugees and Escapees of the Committee on the Judiciary, United States Senate, November 1, 1971

PREFACE

On the evening of last March 25, the Army of Pakistan launched a systematic campaign

to suppress political opposition in East Bengal.* The details of what has followed have been blurred by press censorship and deception. But the heart of the story has become clear to the world: the soldiers of Pakistan have moved so brutally against their nominal countrymen that hundreds of thousands have died and over nine million more have fled across the borders into India. Each day the flow of Bengali refugees continues—spilling into India towards the disease and hardships of inundated, makeshift camps, while the Pakistani government blandly announces that everything is under control and appeals for the refugees' return.

It is time—it is past time—for Americans to understand what has produced this massive human tragedy and to recognize the bankrupt response of our government. It is time for Americans to understand that we must rescue the ideals of our foreign policy from cold calculations that have not only shaken and demoralized South Asia, but many other parts of the world as well.

The issue from the beginning in East Bengal has been self-determination and democratic principle. After two decades of political and economic domination by West Pakistan—after years of martial law and unfulfilled election promises—a free election was finally conducted throughout Pakistan last December 7. The election was administered by martial law authorities and, at the time, was loudly proclaimed fair by the government of President Yahya Khan. It produced in East Bengal an overwhelming mandate—almost 90 percent of the vote—for the Awami League party and its leader, Sheikh Mujibur Rahman.

The Awami League was thus given a majority in the promised Pakistan National Assembly charged with drafting a new constitution for returning the nation to civilian, democratic rule. But what happened next formed a pattern of delay and deception, followed by the invocation once again of martial law. Negotiations between Sheikh Mujib and President Yahya Khan over the party's six point proposal for regional autonomy dragged on and deteriorated—erupting in terror and bloodshed suddenly on the night of March 25. For while the East Bengalis negotiated for democracy and autonomy, the West Pakistan army prepared for repression and organized terror. What I saw recently in India was the human debris from that night of terror and the subsequent months of violence.

The brutal suppression in East Bengal is the third disaster to befall that area in little more than a year. In the summer of 1970, floods destroyed crops and killed thousands of people. In November, a cyclone hit the coastal region and killed an estimated 400,000 people. Now comes a man-made disaster, whose fury is producing even greater death and widespread misery among those who survive. And unlike the natural disasters, the current suppression has cemented the traditional bitterness of the Bangalis toward the Pakistani government. Many Bengalis now reason that if there were ever a time to push toward independence, that time is now. And, apparently a majority of the refugees in India are determined not to return home until this goal or some form of autonomy is achieved.

Those who flee from East Bengal do not expect to find a promised land over the border as they trek into the camps around Calcutta and the other border areas—by and large the poorest of India. Even in normal times, the poverty in these areas is among the most depressing in the world. And despite enormous efforts by the Indian government, the refugees find cholera, malnutrition, dysentery, and over exposure. They find all the ways to die that poor, spent people experience when they are heaped together with inadequate food, shelter, medical care, or sanitary facilities. The refugees do not walk to India out of hope of a better life. They flee because of the immediate threat of terror and death at the hands of the Pakistani soldiers, Added causes in recent weeks are growing food shortages and the threat of famine, especially in the rural areas.

Although the plight of the refugees has been a source of urgent concern for many in the Congress—and especially for members of the Subcommittee on Refugees—it was not until I saw their plight first-hand that I could begin to understand the immensity of the suffering. For only by visiting the refugee camps and by talking with their hapless inhabitants, can one sense the feelings of the people and better recognize the forces of violence which continue to push new arrivals from the East Bengal countryside.

I and those who travelled with me were unable to see the source of the refugee flow because the government of Pakistan suddenly cancelled visits to East Bengal and Islamabad, the capital of Pakistan. In India, however, we visited refugee areas along the entire border of East Bengal—from Calcutta and West Bengal in the west to the Jalpaiguri and Darjeeling districts in the north, to Agartala in the State of Tripura in the east. We listened to scores of refugees, struggling to survive in flimsy shelters in open fields or behind public buildings—or trudging down the roads of West Bengal after days and even weeks of desperate flight.

We found that conditions varied widely from one camp to another. But they varied around a rather general level of misery, for many of the camps defy description. Those who suffer most from the hunger, the congestion, the lack of medical supplies, and the frightful conditions of sanitation are the young and the very old. Many of the infants and aged have already died. And it was possible—as we picked our steps among the others—to identify those who would be dead within hours, or whose lives surely would end in a matter of days.

We saw children with legs and feet swollen with edema and malnutrition, limp in the arms of their mothers. We saw babies going blind for lack of vitamins or covered with sores that would not heal. We saw in the eyes of their parents the despair of ever having their children well again. And, most difficult of all, we saw the corpses of the children who died just the night before. When we looked up, of necessity, from the eyes of refugees who were mourning their family and we saw similar men and women and children packed together as far as the eye could see, then we had an inkling of what was meant by the phrase "seven million refugees." Today there are more than nine million.

The story was the same in camp after camp. Compounding this misery was the growing number of civilian casualties that were swamping India's already overburdened hospital system. As we walked through hospitals in Tripura and elsewhere we saw children who had been shot through the side. Most of the refugee casualties were being brought across the border by their friends or relatives. And each day the toll mounts as border villages are subjected to shelling from both sides. Inevitably, untold numbers have remained unattended and unaccounted in East Bengal.

The refugees come from all kinds of backgrounds. One 55-year-old civil servant among the civilian casualties, a railroad official with 35 years of service told us of an inexplicable assault on his railroad station by the Pakistani army. "I do not know why they shot me," he said, "I don't belong to any political party. I was just a railway clerk." Most of the refugees, however, are poorly educated villagers—the people who make up the bulk of the population in East Bengal. We talked with dozens of such people on the Boyra-Bongaon Road north of Calcutta, on a day when at least 7,000 new refugees had crossed the border. Nearly all were farmers. Most were Hindus, from districts south of Dacca, on the fringe of the area affected by last fall's cyclone. Many of these people were still in visible stages of shock, sitting listlessly by the roadside or wandering aimlessly. They told stories of atrocities, of slaughter, of looting and burning, of harassment and abuse by Pakistani soldiers and their collaborators. Monsoon rains were drenching the area, making it difficult for the refugees to walk and adding to the despair on their faces. To those of us who went out that day to visit refugee areas, the rains meant no more than a change of clothes. But to those refugees it meant still another night without rest, food, or shelter.

It is difficult to erase from our minds the look on the face of a child paralyzed from the waist down, never to walk again; or a child quivering in fear on a mat in a small tent still in shock from seeing his parents, his brothers, and his sisters executed before his eyes; or the anxiety of a 10-year-old girl out foraging for something to cover the body of her baby brother who had died of cholera a few moments before our arrival. When I asked one refugee camp director what he would describe as his greatest need, his answer was a "crematorium." He was in charge of one of the largest refugee camps in the world. A camp which was originally designed to provide low-income and middle-income housing for Indians, but has now become the home for some 170,000 refugees.

What has been America's response to this man-made disaster?

Incredibly, we have been unconscionably silent. Neither the President nor the Secretary of State nor any high official of our government has made a single public statement condemning the Pakistan government's policy of violence and repression. Not until late in the summer—months after the tragedy began—did the President publicly comment on the situation in South Asia. In fact, there is enough evidence to suggest that our government has sought to minimize, in public at least, the massive human needs and serious threat to peace posed by the extraordinary flow of Bengali refugees into India. We have, moreover, consistently down played the chaotic conditions within East Bengal, and their cause. And we have understated the supportive, although symbolic, role of American military shipments to Pakistan in our relations with Islamabad.

The implication for American foreign policy of the human and political tragedy of East Bengal should now be clear.

First, we must do an about-face in our supportive relations with the nations in this area. We must understand that the face of America today in South Asia is not much different from its image over past years in Southeast Asia—even though a main difference between our involvement in Vietnam and that in Pakistan is that in Pakistan we have made no pretense of acting in support of principles, so that, in effect, no principles can be violated. America's image in South Asia is one of comfortably consorting with an authoritarian regime—of servicing with diplomacy and money and military supplies a junta that violently suppresses change, and all but ignores people's aspirations.

The situation in East Bengal should be particularly distressing to Americans because the leaders of East Bengal—now constituting themselves as the government of Bangla Desh—have not come to America for assistance. As one Awami League official said to me in Calcutta: "Many nations and people come to America to ask for billions of U.S. dollars for more guns, more supplies. We Bengalis ask only that you provide nothing—no guns, no money to either side—that you simply remain neutral."

*East Bengal is the eastern province of Pakistan.

If we chose, rightly or wrongly, not to involve ourselves in support of self-determination, then the advice of neutrality not only avoids compromising the principles for which we stand, but also is sound foreign policy. For rather than the mindless and fruitless practice of following old habits in our dealings with military cliques in South Asia, neutrality may in fact provide us with leverage that is real and effective.

Secondly, Americans must realize that we are failing in our job as humanitarians. Somehow, our government has almost managed to sleep through a nightmare in East Bengal that should have spurred us into action immediately. For over three long months, after six million refugees had streamed across the border into India, our government offered less than $3 million in aid. Seven long months later, the Administration has contributed less than $240 million in humanitarian aid to both India and Pakistan, with an additional request for $250 million sent to Congress only last month. All this is still far less than required. Our government knows from its own reports that India alone will need at least $800 million over the next several months just to maintain the refugee camps. So far, our contribution has been some $83 million, plus $20 million in related developmental loans.

To be sure, as the Administration has pointed out with pride, we have contributed the largest share of the total humanitarian aid India has thus far received. But the pride is quickly dispelled when we see the vast dimension of the burden being carried by the government and people of India. Simple humanity demands that America and the United Nations accept the truth that this heavy burden should be shared more fully by the entire international community.

If America, is to fulfill its traditional role as the leading humanitarian nation of the world community, then America must take the lead in bringing international aid and relief to the millions of refugees and other victims of this international tragedy. Our leaders should begin to use every forum in this country, and every forum in the world, to focus attention on the inhumanity now being perpetrated in East Bengal, and on the urgent need to bring peace and relief to that troubled area.

Finally, we must ask serious questions about what our attitude toward the tragedy of East Bengal says of our new "pragmatic" foreign policy—a policy which too often makes moral and humanitarian principles expendable. I, for one, believe that these considerations—elusive though they may be—still matter. In the long run, the practice of such principles shape international esteem and goodwill, and they represent those important foreign policy variables which diplomats may try to, but cannot really, ignore in the treaty rooms. Further, our actions abroad cannot help but be affected by what we think of ourselves, and our self-esteem must sink with every revelation about our government's policy towards the military regime of Pakistan. Our actions toward East Bengal have demonstrated a largely mechanistic and insensitive calculation of what is within our national interest and tradition.

If South Asia today is on the brink of war and even greater tragedy, our government's policy bears a special responsibility. For our continued military and economic support of the military regime in Islamabad has encouraged Pakistan intransigency and fed frustrations in India and East Bengal. It is long overdue for us to rescue our foreign policy from a course that has been disastrous both to our best traditions and interests in South Asia.

The report that follows is part of a continuing effort to underscore the most appalling tide of human misery in modern times, and to make the case again that the problem of refugees in India and the plight of the people in East Bengal must become a matter of vital concern to the American people and their government.

INTRODUCTION

On April 1, just a week following the outbreak of overt repression and major violence in East Bengal, the Chairman expressed the Subcommittee's initial concern for the plight of the people in the area, and the direction of U.S. policy and actions. In the weeks and months that followed—as a tide of human misery engulfed the area—the massive flow of refugees into India and the plight of the people remaining in East Bengal became a matter of primary concern to the Subcommittee. In addition to a field study conducted by the Chairman, the Subcommittee has held extensive consultations with experts in this country and overseas, as well as public hearings on June 28, July 22, September 30, and October 4, 1971.

Throughout these activities, the Chairman and members of the Subcommittee have offered their help and suggestions to officials in the executive branch and others, in a diligent effort to help find reasonable and humane solutions to the tragic human and political problems resulting from the repression and subsequent civil war in East Bengal. The Subcommittee fully recognizes that some progress has at least been made in meeting humanitarian needs; but it regrets that whatever priority our own Government has attached to these needs, has been measured more by the degree of Congressional and public pressure, than by an active moral and political concern at the highest levels of our national leadership.

As suggested in the Chairman's preface, this report—based mainly on a recent field study—is part of a continuing effort to underscore the most appalling human tragedy in modern times, and to make the case that the problem of refugees in India and the plight of the people remaining in East Bengal must become a matter of vital concern to the American people and their Government.

The field study was conducted by the Chairman. He was accompanied by two special consultants—Dr. John Lewis, Dean of the Woodrow Wilson School of International Affairs, Princeton University, and former USAID director in India; and Dr. Nevin S. Scrimshaw, Head of the Department of Nutrition and Food Science, Massachusetts Institute of Technology, as well as by Dale S. de Haan, Counsel to the Subcommittee and Jerry Tinker, Staff Consultant. Part of the team arrived in India on August 2. The remainder, including the Chairman, arrived on August 10. The team left India on August 17 after visiting refugee areas in three states, Calcutta and New Delhi. During part of the field study, the team was accompanied by Mr. Alan Leather, then a field representative of OXFAM, who had general experience in India and expert knowledge of the refugee relief problem.

In addition to visiting refugee areas in the immediate vicinity of Calcutta, the Chairman and his team drove north in the state of West Bengal to visit refugee reception centers and camps in the areas of Barasat, Kilyani, Bongaon, and Moyra. By aircraft from Calcutta, the team traveled east to Agartala in the state of Tripura—and north to Bagdogra, Siliguri, and Jalpaiguri. The visits to these representative refugee areas along the entire perimeter of East Bengal amply illustrated the vast dimension of the refugee influx and the truly massive human needs generated by the repression across the border.

The Chairman and other members of the team talked with literally hundreds of refugees, representing a broad spectrum of social and economic backgrounds and scores of cities and towns and villages in East Bengal. These conversations with refugees included talks with the Prime Minister and Foreign Minister of Bangla Desh, as well as other representatives of the exile government. Additionally, conversations were held with the Prime Minister of India, Indira Gandhi, Foreign Minister Sadar Swaran Singh and other members of the Indian cabinet, and officials of the Indian government, Dr. Ramalingaswami of the All India Institute for Medical Sciences, U.S. Ambassador Kenneth B. Keating and members of his staff, representatives of the United Nations and its specialized agencies, foreign diplomats, representatives of foreign and Indian voluntary agencies, journalists, students, and Peace Corps volunteers. After leaving India, Dr. Scrimshaw, Mr. de Haan, and Mr. Tinker traveled to Geneva, Switzerland for extensive conversations with representatives of international private and public organizations, including the United Nations High Commissioner for Refugees who is serving as the "focal point" for refugee relief assistance contributed to the Government of India by the international community.

The anticipated itinerary of the Chairman included scheduled visits to Dacca, Chittagong and other areas in East Bengal, as well as to Islamabad, Pakistan for talks with President Yahya Khan and other representatives of his government. Regrettably—at the last minute and through rather unorthodox channels—the President of Pakistan cancelled these talks and the Chairman's visit to East Bengal. The Chairman issued the following statement in Calcutta after learning of this development:

"I greatly regret to learn tonight that my mission to understand the humanitarian problems confronting the people of the subcontinent has been severely restricted by the Government of Pakistan's decision to cancel our scheduled visit to West and East Pakistan.

"As I said this morning upon arrival, I am here to attempt to further understand, and to find constructive suggestions, on the massive problems confronting millions of homeless and dislocated people throughout the region—dislocated first by the terrible cyclone that struck East Pakistan last fall, and, now, made refugees by the unconscionable suffering caused by the civil war.

"Although I recognize the sovereign right of any nation to control entry into its territory, I regret that such restrictions should be invoked against those who seek to encourage and support humanitarian programs that can help meet the human needs of a troubled area.

"Tomorrow we will continue on our schedule in the refugee camps, and we will continue during the next six days to talk and listen to refugees, and to seek ways to help bring peace and relief to the people of Bengal."

To supplement this report, related studies are currently in progress by the General Accounting Office. These studies, requested by the Chairman, will be filed with the Subcommittee at later dates.

SUMMARY OF FINDINGS

India

A. The continuing flow of Bengali refugees into India is without parallel in modern history. In little less than 200 days—from April 1 to the end of October—more people have found it necessary to flee their homes and lands in East Bengal, than the total number of refugees generated by the Indochina war, or the millions of displaced by the natural disasters which have struck East Bengal over the past decade. In this short period, 9,544,012 refugees crossed into India. Additional hundreds of thousands have been uprooted and victimized within East Bengal.

B. A traveller today in eastern India cannot help but see, smell, and feel the misery of the refugees. To drive the roads of West Bengal is to tour a huge refugee camp. For miles along the old Jessore Road, north from Calcutta towards the border of East Bengal, literally millions of refugees sit huddled together waiting for food, or lined up in endless queues for innoculations and registration

cards, or simply encamped on the roadside in make-shift shelters. And an end to this torrent of hopeless people is nowhere in sight.

C. Today, as in the beginning, the mounting influx of refugees continues to outpace the best efforts of the Indian government to cope with refugee needs. Some two-thirds of the refugees live in organized camps, with the remainder camping along roadsides or living with relatives and friends.

1. The most common shelter in the camps is made from simple bamboo frames with thatch, tarpaulin, or polyethylene covering. Most camps are congested and so are most shelters. One often sees 4 to 6 families—at least 20 people—in a single shelter. With the approach of winter, providing adequate shelter for the refugees is a critical problem.

2. Another critical problem for nearly every camp is sanitation, even though the monsoon season—which made most camps a floating sewer—has now ended. The disposal of dead bodies poses a very serious sanitation problem.

3. With poor sanitation, getting clean water has become one of the principal problems in the daily life of the refugees.

4. Most refugees cross the border with nothing more than the clothes on their back, plus a bed roll and a mat, and perhaps a few cooking utensils. With the coming of the winter season, when the temperature will get as low as 45 degrees, with a high humidity rate, the supply of adequate clothing, as well as blankets, is critical in order to prevent respiratorial diseases.

5. Fuel is in very short supply. In most areas, refugees have to forage for their own fuel. The local trees have become the first target. The trunks of roadside trees in West Bengal are stripped of bark and often of branches.

6. The bulk of the refugees sit idle and hopeless in the camps. Some filter into the local labor market, which can only result in conflict between the refugees and the local population. Even without the refugees, unemployment and underemployment are major problems.

7. In many areas, there is growing friction between the refugees and the local population. Among other things, the massive presence of refugees is feeding inflation and causing sharp increases in food prices.

8. All refugees suffer from being displaced out of the traditional life and social fabric of their home areas. There is much despair and hopelessness in the refugee camps. Experience in the Mddle East and elsewhere ought to serve as a strong warning of the consequences of maintaining refugee status too long.

D. The nature of the refugees' nutritional and health problems is familiar to many parts of India and Pakistan, but the extent and severity of these problems among the refugees are wholly without precedent. The problems endemic in the bulk of the local population is concentrated and enormously magnified in the refugee camps.

1. The mortality rate among the refugees is at least 5 times greater than among other migrant populations in India.

2. The prescribed basic refugee diet—even when available—does not provide enough protein, especially for children.

3. As a result, severe forms of malnutrition have developed with very high frequency among the refugees children—edema, marasmus, and Kwashiorkor.

4. As of early October, at least 300,000 refugee children were in very urgent need of nutritional rehabilitation, and another million were in danger of falling into this category.

5. The general death rate in refugee camps is very high. But experts agree that the number of children dying of malnutrition is by far the largest category. No accurate count is available. But the descriptive terms used by experts to describe the situation from the earliest days, has escalated from hundreds, to thousands, to 1,500 per day, to 4,300 per day. Unless emergency measures are taken now, up to 200,000 young children will have died by the end of 1971.

6. Immunizations have been effective in controlling cholera outbreaks. But other epidemics, notably of diphtheria, whooping cough, and measles, are likely to strike at some point with a devastating effect on children.

7. Lack of trained personnel, shortage of funds, red-tape, and just the massive dimension of the refugee problem, have prevented the widespread implementation of nutritional rehabilitation programs finally approved by the Government of India in September. These programs—Operation Lifeline—are now in the early stages of implementation, in cooperation with UNICEF.

E. A mounting toll of civilian war casualties are filling the hospitals of Indian towns along the East Bengal border.

1. Accurate statistics are difficult to obtain or even estimate.

2. August visits to district hospitals around the entire perimeter of East Bengal showed that surgical wards were filled with civilians, including Indians living near the border, wounded by gun-shot or shrapnel or artillery fire. Hundreds of civilian casualties, including many children were observed by the Subcommittee team.

3. Violence continues unabated—not only from the Pakistan army and its collaborators, but also from the activities of the Bengali guerrillas, the *Mukti Bahini*, and from the growing number of shelling incidents by forces on both sides of the India-East Bengal border.

4. More Bengali refugees will flee, wounded, across the border to India, and countless others will remain wounded and unattended in the rural areas of East Bengal. Countless thousands have died, and will die.

F. Refugee Relief Program—the costs to India:

1. The estimated direct cost of coping with the massive influx of refugees will have exceeded $800 million by the spring of 1972. This figure represents up to one-fifth of the total outlay that India spends annually on development programs. It is equivalent to nearly one-third of the country's total imports. It almost matches the annual gross non-food aid that the dwindling "Aid-India Consortium" has been able to give in recent years. Maintaining the refugees for one year will directly cost India $500 million more than the net foreign aid it normally would receive from all Western nations.

2. The distraction of Indian resources and effort because of the refugees has come at a time when India had achieved her best hope for material and social progress in 24 years. The refugees pose a staggering economic burden for India—let alone their social and political impact.

3. The crisis of Calcutta was created in part by the arrival of refugees two decades ago following the partition of British India. Its further descent into decay and death may be brought by the arrival of the latest refugees, unless outside resources are mobilized to resave it and all of eastern India.

G. The international community's response to the refugees has been unconscionably lethargic and wholly inadequate. It is characterized by little sense of urgency and a low priority of concern for a tide of human misery unequaled in modern times.

1. The United Nations High Commissioner for Refugees (UNHCR) serves as the "focal point" for the international refugee program.

2. As of October 19, only $210,200,000 had been contributed to the "focal point".

3. Of this some $12 million had been in cash and transmitted to the Government of India. Another $26 million worth of goods had been delivered.

4. The rest—nearly $172 million, or over 75% of the total pledged so far—is still to be delivered. These goods are somewhere in the pipeline. Meanwhile, seven months after the crisis began, India is carrying the burden almost alone—and the refugees are paying heavily in life and spirit in the squalid, death-ridden camps which they now call home.

5. The American record is little better than the rest of the international community. Although the United States has to date pledged $89,200,000, it has come inexcusably slow and long after the full needs were known. Regrettably, refugee needs far outpace our country's traditional leadership and concern in humanitarian affairs.

East Bengal

A. Evidence from the field as well as official reports to our government continue to document the fact that, contrary to official Pakistani statements, conditions remain not only far from normal in East Bengal, but are deteriorating every day. Repression and violence by the Pakistan army continues, the refugees flow goes on, governmental services are in chaos, and civil war confrontations between Bengali guerrillas and the Pakistan army escalate daily.

B. Emphasis by the U.S. government and others on the Indo-Pakistan aspects of the situation have calculatedly ignored the root cause of the problem in East Bengal and the crisis in South Asia. This root cause is Islamabad's intransigent policy of repression and violence towards legitimate political forces in East Bengal.

C. Nothing is more clear, or more easily documented, than the systematic campaign of terror—and its genocidal consequences—launched by the Pakistan army on the night of March 25th. Field reports to the U.S. government, countless eye-witness journalistic accounts, reports of international agencies such as the World Bank, and additional information available to the Subcommittee document the continuing reign of terror which grips East Bengal. Hardest hit have been members of the Hindu community who have been robbed of their lands and shops, systematically slaughtered, and, in some places, painted with yellow patches marked "H". All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad. America's heavy support of Islamabad is nothing short of complicity in the human and political tragedy of East Bengal.

D. American military supplies have continued to flow to Pakistan. As of March 25, an estimated $27,400,000 worth of equipment was in the pipeline with validated shipping licenses. Nothing has been done to embargo this equipment. In fact as late as mid-June the Department of Defense initiated new offers of equipment for Pakistan. The known offers totalled some $10 million. The GAO (General Accounting Office) is investigating American arms aid to Pakistan and will file a report with the Subcommittee within the near future.

E. American economic aid to Pakistan continues unabated. In fact, the Administration has requested substantial additional amounts for the current fiscal year—this despite reports to our government and the World Bank that conditions in Pakistan are not suitable for general economic development.

F. Severe food shortages and the threat of famine continues in many areas. Food production and reserves, and the *distribution* of food imports, remain at an alarmingly low level. The 1971–72 food gap in East Bengal is some 2,100,000 tons, considerably higher than any year in recent history. Filed reports to the Subcommittee indicate growing edema rates among refugee coming out of the northern districts, mainly Sylhet, of East Bengal.

G. The United Nations relief plan in East Bengal remains more a hope and aspiration than a functioning field operation. Even if fully implemented, the U.N. plan can only transport up country from coastal ports less than half of the overall food requirement.

U.N. personnel currently in East Bengal are not stationed in the field, nor are they in sufficient numbers to monitor the small amounts of food that are being moved toward rural distribution points.

H. A September report to our government on "Contingency Planning for East Pakistan Food Shortages" makes three points:

1. ". . . areas of East Pakistan will experience acute food shortages between mid September and the end of the year." Approximately one-half of East Pakistan's subdivisions fall into this category. "Rapid identification of localized problem areas is critical."

2. Implementing plans to head off food shortages and possible famine will succeed only if "none of the participants in the current civil strife . . . actively pursue a policy of preventing the transportation and distribution of food to the people." Without this assumption, states the report, planning and field efforts are "virtually meaningless."

3. The civil war since March has severely reduced the effectiveness of East Bengal's normal governmental administration structure. UN field staff can augment this structure. However, "attempts to fill this vital role by sending staff from Dacca to the field for short periods of time would be ineffective." The report goes on to say that the success of any humanitarian effort in East Bengal "depends heavily on the support of UN field personnel. Anything short of this will seriously jeopardize the success of the undertaking." Permanent U.N. support of any food program is "essential".

4. ". . . An effort must be made to measure malnutrition in specific areas and use that measure as an important consideration in deciding food priorities."

5. "Movement of food grains is basic to the humanitarian effort. However, it is a means rather than an end. The ultimate objective is to prevent people from dying. This objective cannot be satisfied by simply compiling impressive statistics about food shipments."

I. As of mid-October, "statistics about food movements" were impressive. Less impressive are the actions being taken in the field "to prevent people from dying."

RECOMMENDATIONS

Over the coming weeks and months—as they have since April 1—the Chairman and the Subcommittee as a whole will continue to be as tenacious in their concern and suggestions for action as they feel the important situation in South Asia warrants.

For the purpose of this report, however, the Chairman makes the following recommendations:

(1) *The International Committee of the Red Cross (ICRC) Mission in Pakistan should visit Sheikh Mujibur Rahman.*

Our Government should take initiatives to facilitate an immediate visit with Sheik Mujibur Rahman by representatives of the ICRC Mission in Pakistan. Such a visit falls within the expressed mandate of the Mission's program currently underway in Pakistan and East Bengal. Positive information relating to the welfare and fate of Sheikh Mujib—and the many others held in detention—will contribute to a reduction of tension throughout the area. Sheikh Mujib's only crime was the winning of a free election sponsored by a military regime that later refused to abide by the election's mandate. Sheikh Mujib's symbolic leadership of political forces opposing the present government in Islamabad, makes his just treatment and personal safety a matter of greatest importance in any efforts to encourage and accomplish a political settlement between Islamabad and its Bengali opposition.

(2) *The tragedy of East Bengal should be brought before the United Nations.*

Our government, in cooperation with others, should encourage current initiatives to include the tragedy of East Bengal in the debate of the Third Committee of the United Nations General Assembly. America's representatives at the United Nations should participate in this debate, and actively support reporting to the floor of the General Assembly a resolution noting the tragedy in East Bengal, calling on all parties concerned to seek a political settlement, and calling on the international community to contribute generously for the relief of the millions of men, women, and children in need.

Simultaneously, our government should support the efforts of the Secretary General in bringing to bear the peace-keeping machinery of the United Nations on the threat to peace posed by the actions of the Pakistan army in East Bengal, and the resulting confrontation between India and Pakistan. In a definitive memorandum of July 20th, the Secretary-General sought the involvement of the Security Council, saying: "The United Nations with its long experience in peace keeping and with its varied resources for conciliation and persuasion must and should now play a more forthright role in attempting both to mitigate the human tragedy which has already taken place and to avert the further deterioration of the situation."

The time is long over-due for our government, in cooperation with others to respond positively to the Secretary-General's recommendation to activate the peace-keeping function of the U.N. Over three months have passed since this appeal, and time is not on the side of peace in South Asia today.

(3) *Our government must come to grips with the root cause of the crisis in South Asia.*

The massive flow of refugees into India, the appalling plight of the people in East Bengal, and the threat of war in South Asia are symptoms of a policy of violence and repression the government of Pakistan has been carrying out towards the people and political leadership of East Bengal. Regrettably, our national leadership's policy of "preventive diplomacy" has all but ignored this fundamental cause of the crisis in South Asia. In fact, our national leadership has deliberately minimized this dimension of the crisis—apparently out of deference to the sensitivities of the military regime in Islamabad.

Nothing has come to symbolize more the intransigency of American policy of supporting Islamabad, than the shipments of military supplies. And nothing has come to symbolize more the bankruptcy of this policy—carried out in the name of "leverage"—than the simple fact that the repression of East Bengal and the flow of refugees into India continues.

The time is long overdue for our national leadership to change the course of its policy in South Asia. Even at this late stage, we must publicly recognize that, in addition to the urgent need for lessening tensions between India and Pakistan, there is the even greater need for encouraging a political settlement between Islamabad and the political leadership of East Bengal. Such a settlement holds out the best hope of braking a new arms race in the area and of bringing peace and relief to South Asia.

(4) *The President should appoint a special, high-level representative to South Asia.*

To emphasize the urgency of our government's concern over the deteriorate situation in East Bengal and South Asia, the President should appoint a special representative to communicate with the President of Pakistan, and other parties in the area. Given the long friendship between the United States and Pakistan, and the very substantial diplomatic and material support we have given—and continue to give—to Pakistan, our country has a unique opportunity for offering leadership to help encourage the attitudes needed for achieving a political settlement between Islamabad and its Bengali opposition, and for bringing peace and relief to a troubled area.

(5) *The United States must escalate humanitarian aid to South Asia.*

Our government—both the Executive Branch and the Congress—should escalate its concern and efforts on behalf of relief programs among the refugee in India and among the people remaining in East Bengal.

New estimates of our government now put the total cost to India of caring for the refugees at the staggering total of more than $800,000,000 during the current fiscal year—a cost more than equal to the annual contribution India receives from the Aid Consortium for economic development. In addition humanitarian needs within East Bengal call for an estimated $150,000,000 in relief for this year. Simple humanity demands that our nation and the international community must do more to share the refugee burden now carried by India, and to support the humanitarian programs now being launched by India, and to support the humanitarian programs now being launched by international agencies within East Bengal.

Although our nation cannot assume the sole responsibility for meeting all these costs, we nonetheless have a heavy obligation to do whatever we can. The Congress, no more than the Administration, can skirh its responsibility to act—to provide the appropriations necessary to support the international aid effort in South Asia.

Unless this support is forthcoming, the already massive human tragedy in South Asia will reach unparalleled dimensions as the spectre of famine hangs heavy over East Bengal and malnutrition and death stalk the refugee camps of India.

(6) *The President should establish a Bureau of Humanitarian and Social Services within the Department of State.*

The President, in consultation with appropriate committees of the Congress should issue an executive order establishing a Bureau of Social and Humanitarian Services within the Department of State. This Bureau should be headed by an Assistant Secretary of State. The time is long overdue to raise the level of responsibility and encourage stronger national leadership in international humanitarian and refugee affairs.

There continues to be no administrative unity among the various departments and bureaus of the executive branch which are presently concerned with refugee and humanitarian affairs. There is no single office to give guidance and impulse, no regularized decision making process, no ready mechanism to quickly evaluate and respond to frequent emergencies, no central office controlling and weighing overall allocations of resources, and little high-level interest and concern in the effective operation of the various humanitarian programs.

Nothing illustrates more the shortcomings in this significant area of public policy, than recent developments involving America's response to humanitarian needs in South Asia, the uncoordinated response to the human need produced by last year's earthquake in Peru, our ambivalent and tardy response to the massive human tragedy produced by the Nigerian civil war, and our early failure to anticipate and identify the very serious problems of displaced persons and civilian casualties in South Vietnam and Laos, which even today are not being accorded the priority they so rightly deserve.

(7) *The United States should strongly support establishing a United Nations Emergency Service (UNES).*

There is today no broadly based and continuing mechanism to render massive emergency assistance to populations ravaged by conflict and oppression or natural disaster. Although a large number of international public and private organizations—including those within the United Nations—exist for this purpose, the fact remains that these organizations are too often limited in what they can do, by their individual mandate, tradition, political or regional association, and small resources.

In light of distressing developments in recent times involving humanitarian aid, new

initiatives must be taken within the United Nations to establish UNES, supported, perhaps, by a Declaration on Humanitarian Assistence to Civilian Population in Armed Conflicts and Other Disasters. Such a service would exist purely for humanitarian purposes. It would function as a separate office within the United Nations—responding to a call from the Secretary General to mobilize and coordinate the vast resources of the United Nations and its specialized agencies. In this connection, the pattern of procedures and activities developed by the United Nations High Commissioner for Refugees (UNHCR), offers some guidelines for the operations of the Emergency Service.

The Service would be headed by an impartial diplomatic leadership for negotiating mercy agreements and consent for the deployment of relief corps. The relief corps would consist, in part, of nationally financed technical units, organized on a standby basis and equipped for use in combat zones, famine-stricken areas, flooded provinces, refugee camps, and devastated cities. The national units would be placed under international direction in the event of an emergency. Along with personnel resources from other offices and agencies—the national units would be deployed with maximum speed to stricken areas. The Emergency Service would have the authority to call for and receive contributions in funds and kind from public and private sources within the international community. It would supervise and coordinate emergency relief efforts under its umbrella.

To establish UNES is a logical extension of United Nations activities in humanitarian questions—and, hopefully, it would also be a means to blunt and overcome some norms of international conduct, bureaucratic inertia, and diplomatic complexities reflected in the erratic and timed international response to massive human suffering in so many troubled areas. Experiences in South Asia today should compel all men of good will, to do all they can to enlist the support of their governments in accomplishing this objective in the current session of the United Nations General Assembly.

By Mr. CURTIS (for himself, Mr. ALLEN, Mr. BELLMON, Mr. DOLE, Mr. SPARKMAN, and Mr. TALMADGE):

S. 2780. A bill to amend section 103 of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. CURTIS. Mr. President, on behalf of myself and Senators ALLEN, BELLMON, DOLE, SPARKMAN, and TALMADGE, I introduce a bill to amend section 103 of the Internal Revenue Code of 1954. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2780

A bill to amend section 103 of the Internal Revenue Code of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(c)(4) of the Internal Revenue Code of 1954 (relating to certain exempt activities is amended—

(1) by striking out in subparagraph (E) "energy, gas, or water, or" and by inserting in lieu thereof "energy or gas,";

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(G) facilities for the furnishing of water, whether or not to the general public."

(b) Section 103(c)(6) of such Code (relating to exemption from industrial development bond treatment for certain small issues) is amended—

(1) by striking out "$5,000,000" in the heading of subparagraph (D) and by inserting in lieu thereof "$10,000,000";

(2) by striking out "$5,000,000" in subparagraph (D)(i) and by inserting in lieu thereof "$10,000,000"; and

(3) by striking out "$250,000" in subparagraph (F)(iii) and by inserting in lieu thereof "$500,000".

(c) The amendments made by this Act shall apply with respect to obligations issued after the date of enactment of this Act.

By Mr. BAYH:

S.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress. Referred to the Committee on the Judiciary.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT LOWERING THE AGE OF ELIGIBILITY FOR SERVICE IN THE HOUSE AND SENATE BY THREE YEARS

Mr. BAYH. Mr. President, today I am introducing—together with Congressman DRINAN—a proposed constitutional amendment to lower the age of eligibility for the Senate and House by 3 years, the same reduction as the lowering of the voting age ratified this year as the 26th amendment. In the 9 years I have served as chairman of the Senate Subcommittee on Constitutional Amendments, I have seen few proposals supported by such compelling logic and reason as this one.

These young people are mature enough and well-educated enough to serve in the Congress. They have earned the right to serve by their participation in all aspects of today's society—from paying taxes and the draft to responsible political and community activity. And perhaps most important, they have something constructive to offer by serving in the Congress—courage and energy, creativeness and idealism—attributes always in short supply anywhere in our society.

Despite the fundamental recognition in our Declaration of Independence that all men are created equal, we know that our Constitution was not so egalitarian. Many others were not deemed to be citizens. Many others were barred from voting—or from holding office—for reasons totally unrelated to their talents and abilities. We have done much already to remedy this problem. Indeed, the most common subject of constitutional amendments since the Bill of Rights is expansion of the democratic process. The 14th amendment made all native born persons citizens. The 15th amendment outlawed racial discrimination in voting. The 19th amendment granted the franchise to women. The 24th amendment struck down the poll tax. And just this year, the 26th amendment reduced the voting age in all elections to 18.

Now is the appropriate time to look to the question of eligibility for service in the Congress. By enfranchising 11 million younger voters, we have shown them that we have confidence in them. We have said that they deserve to participate fully in the political process. But one vitally important part of that process remains constitutionally out of their grasp; none of them can become a Congressman until age 25 nor a Senator until age 30. We tapped a vast reservoir of talent and initiative, industry and imagination, by lowering the voting age. But unless Federal elective offices themselves are opened up to younger people, I feel we will not gain the full benefit we can realize from their talents.

Of course, relatively few people actually have the honor of serving in the Congress. And I suspect that relative few younger people would be elected because of this amendment. But that is beside the point. Younger citizens ought to have the constitutional right to try for Federal office.

This proposal lowers but does not totally eliminate the constitutional age barrier. A cogent argument can be made for the proposition that we should eliminate all such barriers; if the voters feel that a 15-year-old is the candidate best qualified to represent them, they should be allowed to select him to serve. But I am not now prepared to say that the Founding Fathers were wrong when they established a minimum age for Members of Congress higher than the minimum age of those entitled to vote for those same Members. All age limits—be they for voting or for holding office—are arbitrary. But there is logic and reason in requiring some additional maturity of those we elect to the Congress.

For these reasons my proposal lowers the existing age limitations—30 for the Senate and 25 for the House of Representatives—by 3 years, just as we lowered the generally prevailing voting age by 3 years in ratifying the 26th amendment.

This proposal—like the 26th amendment—is fully justified by physical and intellectual changes since the Constitution was first written. For example, physical maturity now comes much earlier. Less than a century ago, men tended to reach their full height at age 26; now most American males are fully grown at 18 or 19. The distinguished anthropologist Margaret Mead testified before my subcommittee that the age of maturity has declined by 3 years over the past century. Young people are much better educated today: In 1920 less than 20 percent graduated from high school; now almost 80 percent graduate—and more than half of these go on to at least a year of college. The simple fact is that our younger citizens are mentally and emotionally capable of full participation in all aspects of our democratic form of government.

We cannot afford the luxury of barring highly qualified people from serving in Congress. The interesting fact is that, despite the bar, at least four men have been elected to the Senate before their 30th birthday. Henry Clay was actually 5 months short of age 30 when he took his seat in the Senate—apparently in violation of the constitutional limitation. It is likely that even more Members of the House were elected at age 25 or below. The youngest ever to serve in the House was elected at the age of 22. Surely these figures indicate that the existing age limits are too high.

Moreover, the great majority of our States and a number of the major countries of the world have taken steps to

lower the age of eligibility for legislative service, and this trend has greatly accelerated in the 20th century. If the membership age for the House were decreased by 3 years, as we are today proposing, there would still be 18 States in which even younger citizens could serve in either house of the legislature, and 42 States in which younger citizens would be eligible to serve in the lower house. Individuals below the age of 22 may serve in the legislatures of many of the leading nations of the world, including, for example, Australia, Canada, the People's Republic of China, Great Britain, Indonesia, New Zealand, Switzerland, Costa Rica, Finland, Sweden, and Denmark.

This year we set a new record in ratifying an amendment to the Federal Constitution. The 26th amendment became effective just 100 days after it was sent to the States by the Congress. I believe that the incredible speed of this ratification and the enthusiasm with which the proposed amendment was met in Congress and in the States demonstrates the trust and confidence Americans across the land have in our younger citizens. I plan to do all that I am able, as the chairman of the Subcommittee on Constitutional Amendments and as one Member of the Senate, to make sure that this proposal gets a fair hearing and prompt action.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the text of the joint resolution I am proposing today together with some analytical material on the minimum age for service in State legislatures and in legislatures of foreign countries.

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

S.J. RES. 170

Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. No person who shall have attained to the age of twenty-two years shall be disqualified to be a Representative on account of age.

"SEC. 2. No person who shall have attained to the age of twenty-seven years shall be disqualified to be a Senator on account of age."

FACT SHEET ON PROPOSED AMENDMENT TO LOWER THE AGE OF ELIGIBILITY FOR SERVICE IN CONGRESS

Younger citizens are better educated today than ever before:

High School graduates: 1910, 13.5%; 1970, 75.4%.

One or more years of College: 1970, 39.5%.

College graduates: 1910, 2.7%; 1970, 16.4%.

These youths are receiving more education than their parents; of those enrolled in college 61% of the whites and 71% of the blacks came from families whose head had never been to college.

Most younger citizens are holding down jobs and contributing to our society. In 1969, 65% of the men between the ages of 20 and 24 were working in the civilian labor force; 22% were serving their country in the armed services; of the young women in this age category, 57% were in the civilian labor forces; 34% were keeping house as a prime activity. Most of these young people, 95% of the men and 77 percent of the women, were earning an income.

The median age of Members of Congress has tended to increase over the years—

Median Age

Year	Senate	House
1790	46.7	.....
1850	50.5	.....
1900	57.7	.....
1950	58.5	51
1970	56.4	52

Number of younger citizens who would be made eligible to serve in Congress by this amendment: House, 9,400,000; Senate, 7,900,000.

This proposed amendment is consistent with practices in the State legislatures, and in other countries. Eighteen States allow those under 22 to serve in both houses of their legislatures; 42 allow these younger citizens to serve in the lower house. Many foreign countries have minimum age requirements lower than those proposed by this amendment. (See the attached list of minimum age requirements in the States and in selected foreign countries).

MINIMUM AGE REQUIREMENTS FOR SERVICE IN STATE LEGISLATURES

State	Age	
	House	Senate
Alabama	21	25
Alaska	21	25
Arizona	25	25
Arkansas	21	25
California	21	21
Colorado	25	25
Connecticut	21	21
Delaware	24	27
Florida	18	18
Georgia	21	25
Hawaii	25	30
Idaho	18	18
Illinois	21	21
Indiana	21	25
Iowa	21	25
Kansas	18	18
Kentucky	24	30
Louisiana	18	25
Maine	21	25
Maryland	21	25
Massachusetts	(1)	(1)
Michigan	21	21
Minnesota	21	21
Mississippi	21	25
Missouri	24	30
Montana	21	24
Nebraska	18	(2)
Nevada	18	18
New Hampshire	21	30
New Jersey	21	30
New Mexico	21	25
New York	(1)	(1)
North Carolina	18	25
North Dakota	21	25
Ohio	21	21
Oklahoma	21	25
Oregon	21	21
Pennsylvania	21	25
Rhode Island	21	21
South Carolina	21	25
South Dakota	25	25
Tennessee	21	30
Texas	21	26
Utah	25	25
Vermont	21	30
Virginia	18	18
Washington	18	18
West Virginia	21	25
Wisconsin	18	18
Wyoming	21	25

[1] Constitution gives no age requirement.
[2] Unicameral legislature.

Source: Citizens Conference on State Legislatures, State Constitutional Provisions Affecting Legislatures; updated by information from the Library of Congress.

MINIMUM AGE REQUIREMENTS FOR SERVICE IN LEGISLATURES OF SELECTED COUNTRIES

	Lower house	Upper house
Australia	21	21
Austria	25	.....
Belgium	25	40
Burma	21	21
Cambodia	25	40
Canada	18	30
China (mainland)	18	18
China (Formosa)	23	.....
Costa Rica	21	.....
Denmark	21	.....
Ecuador	25	35
Finland	20	.....
France	23	35
West Germany	25	.....
Great Britain	21	21
Honduras	18	.....
Iceland	21	.....
India	25	30
Indonesia	21	21
Italy	25	40
Japan	25	30
Korea	25	.....
Laos	30	.....
Luxembourg	25	.....
Malaysia	21	30
New Zealand	20	.....
Netherlands	25	25
Norway	20	.....
Philippines	25	35
Singapore	21	.....
Sweden	20	.....
Switzerland	20	.....
Thailand	30	40
North Vietnam	21	.....
South Vietnam	25	30

LEVEL OF SCHOOL COMPLETED BY PERSONS 25 YEARS OLD AND OVER AND 25 TO 29 YEARS OLD, BY COLOR—UNITED STATES, 1910 TO 1969

Color, age, and date	Percent, by level of school completed			
	Less than 5 years of elementary school	4 years of high school or more	4 or more years of college	Median school years completed
1	2	3	4	5
WHITE AND NONWHITE				
25 years old and over:				
1910 [1]	23.8	13.5	2.7	8.1
1920 [1]	22.0	16.4	3.3	8.2
1930 [1]	17.5	19.1	3.9	8.4
April 1940	13.5	24.1	4.6	8.6
April 1950	10.8	33.4	6.0	9.3
April 1960	8.3	14.1	7.7	10.5
March 1964	7.1	48.0	9.1	11.7
March 1966	6.5	49.9	9.8	12.0
March 1969	5.6	54.0	10.7	12.1
25 to 29 years old:				
April 1940	5.9	37.8	5.8	10.4
April 1950	4.6	51.7	7.7	12.1
April 1960	2.8	60.7	11.1	12.3
March 1964	2.1	69.2	12.8	12.4
March 1966	1.6	71.0	14.0	12.5
March 1969	1.3	74.7	16.0	12.6
WHITE				
25 years old and over:				
April 1940	10.9	26.1	4.9	8.7
April 1950	8.7	35.5	6.4	9.7
April 1960	6.7	43.2	8.1	10.8
March 1964	5.8	50.3	9.6	12.0
March 1966	5.2	52.2	10.4	12.1
March 1969	4.5	56.3	11.2	12.2
25 to 29 years old:				
1920 [1]	12.9	22.0	4.5	8.5
April 1940	3.4	41.2	6.4	10.7
April 1950	3.2	55.2	8.1	12.2
April 1960	2.2	63.7	11.8	12.3
March 1964	1.6	72.1	13.6	12.5
March 1966	1.4	73.8	14.7	12.5
March 1969	1.2	77.0	17.0	12.6
NONWHITE				
25 years old and over:				
April 1940	41.8	7.7	1.3	5.7
April 1950	31.4	13.4	2.2	6.9
April 1960	23.5	21.7	3.5	8.2
March 1964	18.6	27.5	4.7	8.9
March 1966	18.0	29.5	4.7	9.2
March 1969	15.2	34.5	6.0	9.8

Color, age, and date	Percent, by level of school completed: Less than 5 years of elementary school	4 years of high school or more	4 or more years of college	Median school years completed
1	2	3	4	5
25 to 29 years old:				
1920 [1]	44.6	6.3	1.2	5.4
April 1940	26.7	12.1	1.6	7.1
April 1950	15.4	23.4	2.8	8.7
April 1960	7.2	38.6	5.4	10.8
March 1964	5.3	48.0	7.0	11.8
March 1966	3.3	50.4	8.3	12.0
March 1969	2.4	57.5	9.1	12.1

[1] Estimates based on retrojection of 1940 census data on education by age.

Note: Prior to 1950, date exclude Alaska and Hawaii.

Source: U.S. Department of Commerce, Bureau of the Census, 1960 Census of Population, vol. 1, pt. 1, Current Population Reports, Series P-20, Nos. 139, 168, and 194; Series P-19, No. 4; and 1960 Census Monograph, Education of the American Population, by John K. Folger and Charles B. Nam.

ANALYSIS OF MINIMUM AGE REQUIREMENTS FOR SERVICE IN FOREIGN LEGISLATURES, PREPARED BY THE FOREIGN LAW DIVISION OF THE LIBRARY OF CONGRESS

AUSTRALIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be 21 years of age.

Section 34 of the Commonwealth of Australia Constitution Act, 1900[1] states the qualifications required for a member of the House of Representatives as being 21 years of age and an elector entitled to vote at the election of the House of Representatives and with three years minimum residence within the Commonwealth at the time he is chosen. There are other requirements.

Section 16 of the same Act provides that the qualifications for a senator are the same as those for a member of the House of Representatives.

No acts can be found which change the age of majority from 21 to 18 years.[2]

[1] 63 & 64 Vict., c. 12, as amended to Dec. 31, 1967, Acts Com. Austl., 1901–1966, 1st Perm. Supp. 1 (1967).

[2] Year Book of the Commonwealth, 1971, at p. 58, states the qualifications for both Houses of Parliament identically as provided above.

AUSTRIA

(Prepared by George Jovanovich, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

There are two distinctive periods in the constitutional development in Austria. The first is up to the end of World War I when Austria was a monarchy and the second, the post World War I period, when Austria was a parliamentary republic, with the exception of the time of the German occupation [1] when the Constitution was suspended in 1938 and reintroduced by the Law of May 1, 1945.[2]

During the first period there were several constitutions and constitutional amendments. The first direct right to vote was introduced by the Law of January 26, 1907, as an amendment to the Constitution of 1867, as amended in 1896.[3] The amendment provided for the voting right at the age 24 for Austrian citizens with residence of at least one year in the electoral district, as well as the age requirement of 30 years for election to office (Sec. 7). The passage of this Law was due to workers' demonstrations and the fear of a revolution inspired by that in Russia in 1905.[4]

The Republic came into being with the enactment of the Constitution of October 1, 1920, several times amended,[5] which is now known as the Austrian Constitution of 1929, as amended.

Article 26 of the Constitution provides for the equal, direct, secret, and personal right to vote of all male and female citizens over 21 years of age, the right to be elected at the age of 29,[6] as well as certain restrictions on the right to vote.

The Law Concerning Election to the *National Assembly* of May 18, 1949, contains a constitutional amendment reducing the voting age to 20 (Sec. 22) and the right to be elected to 26 (Sec. 46).[7] The amendment of 1957 did not affect the voting age or the age for being elected.[8]

The last *amendment* of the Law, known as the Law Concerning Election to the National Assembly of 1968,[9] incorporated in the revised text of 1970,[10] reduced the voting age to 19 (Sec. 24) and the right to be elected to *25* (Sec. 47).

The Library of Congress collection has no stenographic record of the sessions at which the above amendments were passed, and therefore no justification for such amendments can be cited.

[1] Karl Braunias. *Das Parliamentarische Wahlrecht* (Parliamentary Electoral Right). Berlin, 1932. p. 406–434.

[2] *Das Osterreichische Bundesverfassungsrecht*. v. 1. Mans ed. Wien, 1961. p. 20.

[3] *Das Reichsgesetzblatt*, No. 15/1907. Law of January 26, 1907.

[4] Braunias, *op. cit.*, p. 410.

[5] *Das Osterreichische Bundesverfassungsrecht, op. cit.*, p. 60.

[6] Amas J. Peaslee, *editor. Constitutions of Nations*. v. 3. Europe. The Hague, 1966.

[7] K. Fritzer. *Das Bundesgesetz über die Wabi des Nationlrates*. Wien, 1949.

[8] W. Fritzer. *Das Wahlgesetz*. Wien, 1957.

[9] *Bundesgesetzblatt* No. 413/1968, Law of November 13, 1968.

[10] *Amtliche Sammlung* 6, Nationalrats-Wahlordnung 1970, *Wiederveriaubarter Usterreichischer Rechtsvorschriften*.

BELGIUM

(Prepared by Dr. Virgiliu Stoicoiu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Among the conditions of eligibility to be elected for the Belgian Parliament, the Constitution of 1831 states that candidates for the Chamber of Deputies be at least 25 years of age (Art. 50, par. 3), and for the Senate, at least 40 years of age (Art. 56, par. 4).

These age requirements are still in force (Les Codes Belges, *Constitution de la Belgique*. Bruxelles, 1969). Research of the history of the above constitutional provisions revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the two chambers in Belgium.

BURMA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, Washington, D.C. October, 1971.)

The Constitution of Burma was enacted in 1947 on attaining independence from Great Britain. By the terms of the Constitution, the legislature consists of a Parliament formed of two chambers, the Chamber of Deputies and the Chamber of Nationalities. Members of both chambers are elected.

Article 76(1) of the Constitution states as follows:

Every citizen who has completed the age of twenty-one years and who is not placed under any disability or incapactiy by this Constitution or by law, shall be eligible for membership of the Parliament.

In 1962, there was a military coup d'état, Parliament was dissolved, and no elections have been held since.

CAMBODIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Although Cambodia made a declaration of independence in 1945 while still under Japanese occupation, in actual fact it was not until 1946 that the country achieved autonomous status within the French Union, while complete independence was not won until 1953. The present Constitution was enacted in 1947.

According to the Constitution, the national legislature consists of two chambers: the Council of the Kingdom, and the National Assembly. Part of the Council of the Kingdom is formed of appointed members, and the rest are elected. All the members of the National Assembly are elected members.

By the provisions of Article 74, members of the Council of the Kingdom cannot be less than forty years of age. According to Article 50, only persons not less than twenty-five years of age are eligible for election to the National Assembly.

Although the Constitution has been amended from time to time, these age limitations have remained unchanged since 1947.

CANADA

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Commons must be eighteen years of age.

Canada passed a new elections law known as the Canada Elections Act [1] in 1970. Section 20 provides the qualifications of a candidate for election and states they are the same as those specified for an elector or one deemed to be qualified as an elector by subsection 14(3). Section 14(1) provides that every man and woman who is eighteen and is a Canadian citizen is qualified as an elector. Section 14(2) permits any person who will be eighteen by the time of the election to register. Section 14(3) permits a British subject other than a Canadian citizen who was qualified as an elector on the 25th of June 1968, and who has continuously resided in Canada from July 26, 1970 until June 16, 1975, to qualify as an elector.

2. A member of the Senate must be at least 30 years old, possess property worth $4,000, and be a resident of the province for which he is appointed by the Governor.[2] He must retire at seventy-five years of age.

3. At the turn of the century a member of the House must have been twenty-one years old.

The British North America Act, 1867,[3] provided in section 41 that any member of the House of Commons should be a male British subject, aged twenty-one years and a householder until such time as the Parliament of Canada provides otherwise. Section 69 of the Dominion Elections Act [4] removed the property qualification and provided that any British subject may be a candidate for a seat in the House of Commons. It should be noted that section 10 stated that the qualifications for any person to vote at a Dominion election should be those established by the laws of that province as essential to enable such a person to vote in the same part of the province at a provincial election. In the same act, section 32 establishes the qualifications for voting in several provinces as these: male British subject; twenty-one years old; a resident of the province for the last twelve months; and a resident of the electoral district where he wishes to vote for three months immediately preceding the issue of the writ of election; and is not an Indian.

4. Senators were appointed for life before

NOTE.—Footnote at end of each country.

the passage of the British North America Act, 1965.[5]

[1] Can. Rev. Stat. c. 14 (1st Supp.) (1970).
[2] British North America Acts, 1867–1865, § 24 (1967).
retire at seventy-five years of age.
[3] 30 & 31 Vict. c. 3 (1867).
[4] Can. Rev. Stat. c. 6 (1906).
[5] Can. Stat. 1965, c. 4, § 1.

CHINA

(Prepared by Tao-tai Hsia, Chief, and Kathryn Haun, Research Assistant, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The most marked difference in the age of enfranchisement in twentieth-century China is that between the required age under the Republic of China and the required age under the People's Republic of China. Article 130 of the Constitution of the Republic of China, effective from December 25, 1947, provides as follows:

Article 130: Any citizen of the Republic of China who has attained the age of twenty years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of twenty-three years shall have the right of being elected in accordance with law.[1]

Article 4 of the Electoral Law of the People's Republic of China for the National People's Congress and Local People's Congresses of All Levels, promulgated by the Central People's Government on March 1, 1953, specifies that "all citizens of the People's Republic of China who have reached the age of eighteen shall have the right to elect and to be elected. . . ." [2]

The lowering of the age of enfranchisement which occurred after the Communists established the People's Republic of China on mainland China on October 1, 1949, accords with the Communist Chinese policy of attempting to give the government the broadest possible base among the national citizenry. Two groups which have been singled out for special attention in the pursuit of this policy are women and youth. The Peking regime places a high value upon the support of Chinese youth, whose typical enthusiasm, vigor, and activism are much in the image of the ideal Communist Chinese citizen which the regime portrays in its propaganda and upon whose actual existence hinges the success or failure of the regime's activist domestic policies. The regime also doubtless has a profound appreciation of the stumbling block to the realization of its policies which disaffected youth would constitute.

Youth is given a special place in the Draft of the Revised Constitution of the People's Republic of China, which is being circulated in the West and which is widely believed to be authentic. Article 11 of this draft, which is not now in effect on mainland China, provides that "all state organs must practice the principle of simplified administration; their leadership organs must practice the revolutionary three-in-one combination of army personnel, cadres and masses, and of the old, the middle-aged and the young." [3]

[1] *A Compilation of the Laws of the Republic of China,* Volume 1, Taipei, 1967, pp. 31–32. The main exception provided for in the Constitution is the requirement of Article 12 that the President and Vice President of the Republic must have attained forty years of age. *Ibid.*, p. 12.

[2] *Fundamental Legal Documents of Communist China,* edited by Albert P. Blaustein, South Hackensack, New Jersey: Fred B. Rothman & Co., 1962, p. 194.

[3] For the text of an English translation of the Draft of the Revised Constitution of the People's Republic of China, see Background on China, B. 70–81, November 4, 1970. The Chinese text of the draft constitution appears in *Chung yang jih pao* [Central Daily News], November 5, 1970.

FRANCE

(Prepared by Dr. Domas Krivickas, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

Jean-Paul Charnay in his capital work on French elections observed that "the age of eligibility, under democratic pressure, has undergone a constant decrease." [1]

This decrease was the following:

(a) for the lower house: under the Charter of 1814—40 years of age, under the Charter of 1830—30 years, from 1848 to 1940—25 years, and under the IVth Republic—23 years.

(b) for the Senate: under the IIIrd Republic—40 years, and under the IVth Republic (The Council of the Republic)—35 years of age.

At the present time, the age requirements for candidates are the following: to the National Assembly—23 years of age (Art. L. 45), for the Senate—35 years of age (Art. L.O. 296),[2] and for a departmental and municipal councillor—21 years of age.[3]

No upper age limit has been found which would bar candidates or incumbents to be elected or hold office because of advanced years.

[1] Jean-Paul Charnay. *Le suffrage politique en France.* Paris, Mouton & Co., 1965. p. 338.
[2] *Code electoral.* Paris, Journal officiel, 1969. p. 11 and 73.
[3] Law of December 23, 1970. *Journal officiel,* Dec. 25, 1970. p. 11956.

GREAT BRITAIN AND NORTHERN IRELAND

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

Members of Parliament must be at least 21 years of age.

The Parliamentary Elections Act, 1695, 7 & 8 Will. 3, c. 25, § 7,[1] limits persons under the age of 21 years (minors) from serving in any future Parliament.

The Parliamentary Elections (Ireland) Act, 1823, § 74, places similar limitations on minors' rights to serve in Parliament.

Although in general a person now attains the age of majority in England at eighteen under the Family Reform Act, 1969,[2] this does not permit anyone under twenty-one to sit as a member of Parliament.

Section 13 empowers Northern Ireland to make laws similar to its provisions in Part I of the Family Law Reform Act, 1969 (to reduce its age of majority).

The Age of Majority Act (Northern Ireland), 1969, c. 28, amends the law relating to the age of majority, and reduces the age of majority from 21 to 18. Schedule 2 thereof lists the statutory provisions unaffected by the Section providing for such reductions in the age of majority. Section 7 of the Parliamentary Elections Act, 1695 remains in effect which requires members of Parliament to be at least 21 years of age.

[1] The whole Act, except § 7 was repealed by the Representation of the People Act, 1948, 11 & 12 Geo. 6, c. 25, § 80 and Sch. 13, and the Electoral Law Act (Northern Ireland) 1962, c. 14, § 131 and Sch. II.

[2] The Family Law Reform Act, 1969, c. 46, § 1(4) refers to Schedule 2 which lists the statutes which are unaffected by Section 1 which reduces the age of majority from 21 to 18. Schedule 2, para. 2, states: "The Representation of the People Acts (and any regulations, etc.), section 7 of the Parliamentary Elections Act, 1965, section 57 of the Local Government Act, 1933 and any statutory provision relating to municipal elections in the City of London within the meaning of section 167(1)(a) of the Representation of the People Act, 1949."

INDIA

(Prepared by Mrs. Marion G. Herring, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October 1971.)

Members of Parliament must be 30 years of age to sit in the Council of States and not less than 25 years of age to sit in the House of the People.

The Constitution of India, art. 84,[1] states the qualifications for a person to fill a seat in Parliament. They must be citizens of India and thirty years of age to hold a seat in the Council of States and twenty-five years of age to sit in the House of the People.

Other qualifications must be met.

[1] India (1970) (as printed in II A.I.R. Commentaries (2d ed. 1970).

ITALY

(Prepared by Kemal Vokopola, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October 1971.)

I. Historical background

Italy has enjoyed a parliamentary system similar to those of other Western European countries, and especially that of England, since its unification in 1870.[1]

The legislative branch of the government was based on the Constitution of King Carl Albert (1848) (Statuto Albertino), first adopted for the Kingdom of Piedmont and Sardinia and, after the unification, extended to the entire Italian peninsula and islands.

Under the provisions of this Constitution and the laws enacted for elections (of both the active and passive electorate) in 1848, 1860, 1870, 1882, 1912–1913, and 1919 (as well as those of 1923 and 1926 enacted by the Fascist Regime) to the House of Representatives, or Lower House, and the Law of 1848, to the Senate, there was some continuity in the parliamentary system for over three quarters of a century.

Under the above-mentioned laws, the House was a popularly elected political representative body. Elections were held every five years. The members of the Senate, or the Upper Chamber, were appointed by the King.

Members of the House had to have reached the age of 30. In order to vote, illiterates were required to have reached the age of 30, and men who had attended grammar school or had served in the armed forces, 21 years. The Law of 1882 reduced the entire voting age to 21.

For appointment to the Senate a person had to have reached the age of 40 and belong to one of the 21 categories of citizenry such as nobles, high Church dignataries, important political figures, men of science and education, and captains of industry. In other words, he had to have distinguished himself in some way and rendered great service to the nation. Appointment was for life.

There were also *de jure* members of the Senate. This category included all the princes of the Italian royal family.

With the advent of Fascism in 1922, the Italian parliamentary system was replaced by the Camera delle Corporazioni (Corporative Chamber) which was not an elected body but was selected by the Grande Consiglio del Fascismo (Great Council of Fascism).[2]

II. The Italian Republic

The end of World War II marked not only the defeat of the Fascist Dictatorship, but brought about basic structural changes in the State. Italy was proclaimed a republic and reacquired a parliamentary system where both houses of Parliament were elected by the people. Moreover, the Constitution of 1947 granted the right to vote (active and passive) to women. It established the voting limit at 21 years of age to elect a member of the Lower House and 25 years to vote for a member of the Upper House (a senator).

To run for elective offices, the Republican

Constitution fixed the age for the Lower House at 25 and that for the Senate at 40, with the election being held for both of these bodies every five years. The Constitution, however, granted the right to the President of the Republic to appoint 5 senators out of a body of 315 for life. No upper age limit was found for tenure in or appointment to an elective office.

[1] Emilio Crosa. *Diritto costituzionale*. 3rd ed. Torino, 1951. p. 292 ff; Carlo Cereti. *Diritto costituzionale*. 6th ed. Torino, 1963. p. 392 ff; Ciro Conte. *L'Ordinamento elettorale italiano*. 3rd ed. Torino, 1959. p. 292 ff; *Novissimo digesto italiano*. Torino, 1958. v. 2, p. 787 ff and v. 12, p. 400 ff; *Enciclopedia del diritto*. v. 5. Varese, 1959. p. 1011 ff; *Grande dizionario enciclopedico*. v. 7. Milano, 1964. p. 210 ff; *Leggi e decreti*: years 1958 to 1926.

[2] Cereti, *op. cit.*, p. 395.

JAPAN

(Prepared by Sung Yoon Cho, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Article 10 of the Public Office Election Law [1] established the age limit for members of the House of Representatives and the House of Councillors as follows:

Article 10: Japanese nationals shall possess the right to be elected members of the Diet . . . according to the distinction prescribed under each of the following items:

(1) With respect to members of the *House of Representatives*, persons who are full *25* years or more of age;

(2) With respect to members of the *House of Councillors*, persons who are full *30* years or more of age.

(3)–(6) [Omitted].

The Lower House

The *original House* of Representatives Election Law of 1889 set the age limit for members of the lower house at *30* years old. In spite of major revisions of this Law which took place in 1900, 1919, 1928, and 1934, [the age qualification remained the same until December, 1945 when it was finally lowered by five years to 25.] During this long period, however, numerous legislative proposals were made to reduce the age limit to 25 for various reasons. For example, the bill introduced in 1919 stated, *inter alia*, one reason as follows: "as it is reasonably expected that man is likely to attain his maximum growth potential . . . in the age between 25 and 50 years of age, it is deemed necessary to elect representatives from much wider age groups by reducing the present age limit to 25 years old." [2] Other reasons stated for reducing the age qualification were: (1) the same age limit as certain classes of the upper house members (counts, viscounts and barons) who are qualified to be members at the age of 25 should be maintained; (2) the present age should be lowered so as to conform to the voting age of 25 and (3) more countries limited the age of qualification to 25.[3]

Several bills were also introduced in 1919 and thereafter in an effort to reduce the age limit to 20 years old without much success. The major reasons for these attempts appeared to have been based on the considerations that younger representatives by adapting themselves to rapidly changing social needs would be of better service to the country, and that the majority and conscription ages were 20 years old.[4]

In December, 1945, the House of Representative Election Law was amended for the first time to reduce the age for eligibility for membership to 25 years old. At the same time, the voting age was lowered to 20 from the previous 25 years old. The Japanese Government spokesman explained the reason for the amendment in part before the Diet: "In light of the improved social and political status of women and male youth, it is appropriate to lower the voting age as well as the candidate's age, while granting equal rights to both sexes." [5]

The new Constitution of 1946 declares that "universal adult suffrage is guaranteed with respect to the election of public officials" (Article 15). Finally, in 1950, the House of Representatives Election Law was without any change, incorporated into the aforesaid Public Office Election Law, which is in force today. Since then no further efforts were made to lower the age qualification.

The Upper House

The origin of the House of Peers, predecessor to the House of Councillors, was peculiar. No provision was made for such a body by the Meiji Constitution or by statutory law. It owed its existence solely to an Imperial Ordinance promulgated on the same day as the Meiji Constitution, February 11, 1889.[6]

The membership of the House of Peers consisted of six classes usually appointed by the Emperor: (1) princes of the blood; (2) princes and marquises; (3) representatives of the three lower orders of the nobility such as counts, viscounts and barons; (4) imperial nominees selected for service to the state; (5) and representatives of the Imperial Academy.

The lower age limit for members was, in general, 30 years, with the following exceptions: princes of the blood may enter the house upon attainment of majority (20 years old); counts, viscounts and barons at 25; while the high taxpayers' representatives must have attained the age of 40.[7]

The House of Councillors Election Law of 1947, which came into force in August 1948, stipulated the same voting qualifications as the statute governing the House of Representatives, but the age of the candidacies was set at 30. In 1950 the basic principles of the above law were codified into the present Public Officials Election Law mentioned above.

[1] Law No. 100, April 15, 1950, as amended by Law No. 127, 1970.

[2] *Shugi-in giin senkyōhō ni kansuru chōsa shiryō* [Research Materials Relating to Amendments to the House of Representatives Election Law], vol. 1, p. 3. (Author, publisher and date unkown).

[3] Shōtarō Miake and others, *Futsu senkyōhō shakygi* [Commentaries on the Popular Election law], Tokyo, Shōkadō, 1927, p. 63.

[4] *Ibid.*

[5] Japan, House of Representatives, *Dai hachijū kyū kai Teikoku Gikai tsūka hōritsu shingi yōroku* [Excerpts of Deliberations of Laws Passed in the 89th Session of the Diet], 1945, p. 2.

[6] *Political Reorientation of Japan, September, 1945, to September, 1948*, Report of Supreme Command for the Allied Powers, Washington, D.C.: U.S. Government Printing Office, p. 181.

[7] Harold S. Quigley, *Japanese Government and Politics*, New York, The Century Co., 1932, pp. 166–167.

THE REPUBLIC OF KOREA

(Prepared by Sung Yoon Cho, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

During the Japanese Occupation of Korea from 1910 to 1945, the Korean peoples were denied political rights. The new democratic Constitution that adopted a unicameral assembly was promulgated in 1948. The National Assembly Election Law of 1950, enacted pursuant to the constitutional provisions, set age limits for candidates at 25 years. The constitutional amendment of 1954, however, provided for the creation of a bicameral assembly. Therefore, the Election Law was revised in June, 1960, so as to incorporate a new provision requiring the age qualification for members of the upper house to be set at 30 years old. The general elections of July 29, 1960, were the first in which members of both lower and upper houses were elected.

Immediately after the Military Revolution of May 16, 1961, the Election Law of 1960 was repealed and the upper house was suspended indefinitely after a nine-month existence. Under the new National Assembly Election Law of 1963,[1] which is in force today, the country again returned to the unicameral system of the assembly. The age qualification for the National Assemblymen under the present law is 25 years old (Article 9).

[1] Law No. 1256, January, 1963, as amended by Law No. 2088, January 23, 1969.

LAOS

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

By the terms of its Constitution, promulgated in 1947, the legislature of Laos consists of the National Assembly, whose members are elected.

According to the Ordinance-Law No. 14 of February 5, 1960, relative to the election of Deputies to the National Assembly, candidates must be at least thirty years old as of January 1 of the election year. This age must be verified, according to Article 13, by the presentation of a judgment, a birth certificate, or an "acte de notoriété" (certificate of identity), these documents to date at least one year before the closing date for candidacies.

LUXEMBOURG

(Prepared by Dr. Virgiliu Stoicolu, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

In Luxembourg, the Constitution of 1868, as amended, requires that candidates for the Chamber of Deputies be at least 25 years of age ((Art. 52) Grand-Duché de Luxembourg, *Constitution du 17 octobre 1868 Revisée*. Luxembourg, 1968).

Research of the history of the above constitutional provision revealed no extensive comments on the required age or the legislative attempt to establish an age limit for candidates for the Chamber (there is no Senate) in Luxembourg.

MALAYSIA

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The present Constitution is the federal Constitution of 1957, as amended from time to time up to 1970. The legislature of Malaysia is a Parliament, consisting of the Yang di-Pertuan Agong (Head of State) and two Majlis (Houses of Parliament), known as the Dewan Negara (Senate) and the Dewan Ra'ayat (House of Representatives).

Article 47 of the Constitution states as below:

Every citizen resident in the Federation is qualified to be a member—

(a) of the Senate, if he is not less than thirty years old;

(b) of the House of Representatives, if he is not less than twenty-one years old.

unless he is disqualified for being a member by this Constitution or by any law made in pursuance of Article 48.[1]

This article has remained unchanged since its inclusion in the Constitution of 1957.

[1] *Malaysia, Federal Constitution, Incorporating all amendments up to 1st June, 1970*, Kuala Lumpur; 1970, p. 56.

NEW ZEALAND

(Prepared by Mrs. Jean V. Swartz, Senior Legal Specialist, American-British Law Division, Law Library, Library of Congress, October, 1971.)

1. A member of the House of Representatives must be twenty years old. New Zealand

only has one house in its legislature since the passage of the Legislative Council Abolition Act [1] in 1950.

Until the passage of the Electoral Amendment Act, 1969 [2] twenty-one was the age used in the New Zealand definition of "adult" in section 2(1) of the Electoral Act, 1956.[3] Now twenty is the age of majority for an adult. Sections 25 and 30 of the principal act, as amended, state the qualifications for a member of Parliament and for an elector, respectively. The word "adult" is used to describe the required age instead of a statement of the age requirement in numbers.

2. At the turn of the century, a member of the House of Representatives had to be twenty-one years old.

The Electoral Act, 1893 [4] which permitted women to vote for the first time, if twenty-one and possessed of a freehold estate of twenty-five pounds, specifically stated in section 9 that no woman could be a member of the House of Representatives. Section 75 stated that any man who qualified as an elector who was twenty-one or over could be nominated with his consent for election to the House of Representatives.

3. In 1900, a member of the Legislative Council had to be twenty-one years old to be appointed a councillor.

The Legislative Council Act, 1891 [5] provided in section 2 that the Governor could appoint as councillors persons over twenty-one years. As indicated earlier, this Council was abolished in 1950 by the Legislative Council Abolition Act.[6]

[1] N.Z. Stat. 1950, No. 3.
[2] N.Z. Stat. 1969, c. 19.
[3] N.Z. Stat. Reprint 1908–57, No. 107.
[4] N.Z. Stat. 1893, No. 18.
[5] N.Z. Stat. 1891, No. 25.
[6] N.Z. Stat. 1950, No. 3.

THE NETHERLANDS

(Prepared by Dr. Armins Rusis, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

The Parliament or States-General of the Netherlands is divided into a First Chamber and a Second Chamber (Art. 89 of the Netherlands Constitution of August 24, 1815, as amended). To be eligible as a member of the Second Chamber, a Netherlander must have reached the age of twenty-five years (Art. 94 of the Constitution). To be eligible as a member of the First Chamber, the same requirements must be fulfilled as for membership of the Second Chamber (Art. 100 of the Netherlands Constitution).

There exist no maximum age limitations for election or appointment to legislative bodies in the Netherlands.

SINGAPORE

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Singapore's legislature consists of a unicameral Legislative Assembly, whose members are elected. Age limitations for candidates standing for election thereto were introduced by the Singapore Legislative Assembly Elections (Amendment) Ordinance, No. 26 of 1959, which inserted a new Section 5A into the main Ordinance. According to this section, no person will be qualified to be elected as a member of the Legislative Assembly unless he is of the age of twenty-one years or upwards on the day of nomination.

SWITZERLAND

(Prepared by Dr. Alois Bohmer, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

The age limit for exercising the right to vote and the right to be elected to the legislative bodies of the Swiss Confederation (*Bundesversammlung*) was first mentioned in the first proposal of the Constitution, the text of which was adopted on March 19, 1948, by the majority of the Commission of the representatives of the cantons.[1] Its Article 5 gave the right to vote to the citizens 21 years of age and Article 6 gave the right to be elected to citizens of 25 years of age. An upper age limit was not stipulated.

Shortly after, on April 8, 1948, in the "second reading" (*zweite Lesung*), the Commission adopted the text of Articles 58 and 59 of the Constitution which spelled out the age limits for voting. These provisions are almost identical with Articles 74 and 75 of the Federal Constitution of May 29, 1874, now in force.[2] They read as follows: [3]

Art. 74. Every Swiss aged 20 or more, and not otherwise disqualified for active citizenship by the legislation of the canton where he has his place of residence, has the right to vote at elections and votations.

Federal legislation may regulate in a uniform manner the exercise of this right.

Art. 74. (1) In elections, all Swiss citizens, male and female, have equal political rights and duties.

(2) Every Swiss, male and female, aged twenty or more, and otherwise not disqualified for active citizenship by the law of the canton where he has his place of residence, has the right to vote at such elections.

(3) The Confederation may lay down uniform regulations in the way of legislation on the election and voting rights in confederate matters.

(4) The cantonal right concerning elections and voting of cantons and communities shall be reserved.

Art. 75. Every lay Swiss citizen possessing the right to vote is qualified to be elected as a member of the National Council.

These regulations apply only to federal elections. The cantonal election laws may have different provisions as, for instance, the Canton Zug Constitution which gives the franchise to 19-year-old citizens.

The present Swiss Constitution or other legislation does not have any upper age limit as far as the right to vote or to be elected is concerned. Nor is there a limitation of the right to be reelected to the National Council. In 1942, on the basis of a national initiative (*Volksinitiative*), a proposal was introduced to make legislators ineligible for legislative bodies after 12 years of service. This proposal was, however, defeated on May 3, 1942, as the electors did not want their choice to be limited. It was suggested that the ability of a candidate should be judged in each case according to circumstances and that an experienced representative is often better than a novice full of new ideas.[4]

The above-mentioned rights of the Constitution of 1874 are granted to men only and woman were excluded from the federal political rights. This was changed by the referendum of February 7, 1971, which gave the right to vote at elections to women as well. Article 74 in its present form reads as follows: [5]

[1] William Emmanuel Rappard. *Die Bundesverfassung der Schweizerischen Eidgenossenschaft 1848–1948.* Zürich, Polygraphischer Verlag A.G., 19481948, p. 158.
[2] *Id.*, p. 166.
[3] *The Federal Constitution of Switzerland.* Translation and Commentary by Christopher Hughes. Oxford, Clarendon Press, 1954.
[4] Jean François Aubert. 2. *Traité de droit constitutionnel suisse,* Neuchatel, Editions Ides et Calendes, 1967. p. 463.
[5] *Amtliche Sammlung der eidgenössischen Gesetze und Verordnungen,* 1971. p. 325.

THAILAND

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

Thailand's first Constitution was passed in June, 1932, and since then there have been seven more Constitutions, the last of which was promulgated in 1968. At the present time, the legislature of Thailand consists of a National Assembly, made up of the Senate, whose members are appointed by the King, and the House of Representatives, whose members are elected.

According to the 1968 Constitution, the age limit for candidates for election to the Senate is a minimum of forty years, while that for candidates to the House of Representatives is thirty years. These age limits have been in force since they were stipulated in the Constitution of 1949. Previously, the Constitution of 1947 had set the age limit of thirty-five years for members of the House of Representatives, who were elected, but none for members of the Senate, who were appointed. No reason for the lowering of the age limit for candidates to the House of Representatives has been found in the sources available.

DEMOCRATIC REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shin, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October, 1971.)

The Constitution of the Democratic Republic of Vietnam (North Vietnam) was adopted in 1959. Article 23 of the Constitution states that citizens who have reached the age of twenty-one have the right to stand for election, whatever their nationality, race, sex, social origin, etc., to the National Assembly which is the only legislative authority of the country.

REPUBLIC OF VIETNAM

(Prepared by Mya Saw Shina, Senior Legal Specialist, Far Eastern Law Division, Law Library, Library of Congress, October 1971.)

The 1956 Constitution of the Republic of Vietnam (South Vietnam) provided for the legislative functions of the government to be exercised by a National Assembly, whose members were to be elected by the people. Article 50 of this Constitution stipulated that candidates for election to the Assembly had to be fully twenty-five years of age before election day.

After the coup d'état of 1963, no elections were held until 1966. In September of that year a Constituent Assembly was elected and charged with the task of drawing up a new Constitution. The new Constitution was promulgated on April 1, 1967. It calls for legislative power to be vested in the National Assembly, consisting of an Upper House or Senate and a Lower House or House of Representatives.

According to Article 32 of the "Constitution" of 1967, to run for the House of Representatives citizens must be at least twenty-five years of age on the day of the election, addition to possessing the other qualifications called for. Similarly, Article 34 states that candidates for the Senate must be thirty years of age by election day and must meet all other prescribed conditions.

SCANDINAVIAN COUNTRIES

(Prepared by Finn Henriksen, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, October, 1971.)

I. General remarks

It may be stated, in general terms, that the Scandinavian trend in this country has been to lower the age limit for eligibility to be elected to legislative bodies to the age when a person reaches full majority and obtains the right to vote, i.e., twenty years of age. The decision to lower this age from 21 to 20 years originated in an agreement of December 18, 1967, between the Ministers (or Secretaries) of Justices from each of the Nordic countries, Denmark, Finland, Iceland, Norway, and Sweden.[1]

Sweden has gone one step further and has lowered its voting age to 19 years, but it does not seem likely that this will set a new Scandinavian trend. The Nordic Council, at

its 1970 meeting in Reykjavik, rejected rather summarily a proposal from one member, probably Sweden, to lower the voting age to 18 years.[2]

The very low legal age requirements for eligibility to be elected to Scandinavian legislative bodies does not mean that these bodies, as a practical matter, have many young members. The scandinavian political parties have considerably more influence than have political parties in the United States. A leading Swedish writer claims that it is virtually impossible for a Swedish politician to be elected without being supported by a political party,[3] and this statement can very well be extended to all of the Nordic countries. This attitude of the Scandinavian political parties does not represent any distrust of the young. However, any Scandinavian political party would probably require either substantial experience in lower political offices, or very substantial personal achievements, before it would endorse a candidate for an important legislative body. Very young legislators are consequently uncommon, but they are not excluded per se. For instance, the youth of the brilliant lawyer, Orla Lehmann, who practically drafted the Danish Constitution of 1849 singlehanded,[4] is supposed to be one of the reasons why Denmark for many years had an age limit for eligibility for election to the Lower Chamber of its Parliament which was lower than the voting age.

In none of the countries is there a legal upper age limit to being elected to or holding an elective office, but retirement around the age of 70 is very common.

II. Denmark

The Danish Constitution of 1849 established a bicameral legislature with an Upper and a Lower Chamber.[5] The age limit for election or appointment to the Upper Chamber was 40 years, while the corresponding age limit for the Lower Chamber was only 25 years. The voting age for both Chambers was 30 years, but the right to vote in elections for the Upper Chamber was somewhat restricted in favor of the propertied classes. The Constitution of 1866 lowered the age limit on eligibility to both Chambers to 25 years, while the voting age for both Chambers remained 30 years. However, the 1866 Constitution was also more specific about the restrictions in favor of the propertied classes in elections for the Upper Chamber.[6] It was not until the Constitution of 1915 became effective that the right to vote in elections to the Upper Chamber was extended to most voters. However, the age limit for election or appointment to the Upper Chamber was raised to 35 years at the same time, as was the voting age. The age limit on eligibility to the Lower Chamber, and the voting age in 1915 was established as 25 years.[7] The purpose of these Constitutional limits was undoubtedly to secure an Upper Chamber which was more conservative, or mature than the Lower Chamber.

The Danish system of a bicameral legislature never worked very well, and it was abolished by the present Constitution of 1953,[8] which established a unicameral legislature. The voting age, and the age limit for eligibility to this new legislative body were lowered at the same time to 23 years, and both age limits were, in 1966, reduced to 21 years.[9] In 1970, Denmark lowered the age when a person reached full majority from 21 to 20 years.[10] This strongly indicates that the age limit for eligibility for election to the legislature, and the voting age, will be brought down to 20 years in the foreseeable future. These age limits are, to the Danish way of thinking, an integrated part of the concept of granting a person full majority.

III. Finland

The present Finnish State dates back to 1919 when it declared its independence from Russia. The age limit for election to the Parliament, and the voting age, was originally 24 years.[11] This was lowered in 1944 to 21 years,[12] and, in 1969, to 20 years.[13] The age at which a person reached full majority was, at the same time, lowered from 21 to 20 years.[14]

IV. Iceland

Iceland gained considerable independence when it became united with Denmark in 1904, and became an independent country in 1944.[15] The voting age, and the age limits for eligibility to be elected to the Icelandic Parliament were similar to the Danish age limits of 25 and 35 respectively until 1934. However, a constitutional amendment of March 24, 1934, lowered the voting age, and the age limit for eligibility to the Parliament, to 21 years.[16] This age limit was incorporated in the Icelandic Constitution of 1944.[17] It is likely that it has been, or will be, lowered to 20 years.

V. Norway

The Norwegian Constitution of 1814 established a voting age of 25 years and an age limit of 30 years for election or appointment to the Parliament.[18] The voting age was reduced in 1920 to 23 years and in 1946 to 21 years, while the age limit for eligibility for election to the Parliament was reduced to 21 years in 1948,[19] and finally, in 1967, to 20 years.[20] The age for general majority was lowered from 21 to 20 years in 1969.[21]

VI. Sweden

Substantial parts of the present Swedish Constitution date back to 1809, and the recently abolished bicameral legislature established in 1866. The age limit for election or appointment to the indirectly elected Upper Chamber was, at the beginning of this century, 35 years, while the age limit for eligibility to the directly elected Lower Chamber was 23 years.[22] The voting age was lowered, in 1945, from 23 to 21 years, and the age limit for election or appointment to both Chambers was reduced to 23 years in 1949.[23] Sweden passed, on June 17, 1971, a constitutional amendment which abolished the Upper Chamber of its legislature.[24] The age limit for election to the new unicameral legislature is 20 years,[25] while the voting age has been lowered to 19 years.[26] The age for a person to reach full majority was lowered from 21 to 20 years in 1969.[27]

FOOTNOTES

[1] *Tillaeg 1969 til Karnovs Lovsamling*. 7th ed. Copenhagen, Karnov, 1970. p. 7469, *see also* note 2.

[2] 55 *Svensk Juristtidning* (October, 1970). p. 691.

[3] Nils Bertel Einar Andren, *Modern Swedish Government*. Stockholm, Almquist & Wiksell, 1961. p. 23.

[4] *Danske Forfatningslove 1665–1953*. Copenhagen, J. H. Schultz, 1958. p. 58–59.

[5] *Id.*, Junigrundloven af 5. juni 1849, Sections 34–44. p. 65–66.

[6] *Id.*, Den Gennemsete Grundlov af 28. juli 1866, Sections 29–40. p. 117–119.

[7] *Id.*, Grundloven af 5. juni 1915, Sections 29–39. p. 137–139.

[8] *The Constitution of the Kingdom of Denmark Act, 5th June 1953*. Copenhagen, J. H. Schultz, 1958. Sections 28–34. p. 4–5.

[9] Bekendtgörelse Nr. 366 af 10. august 1970 af Lov om valg til folketinget, *in* 1970 *Lovtidende A* p. 1035–1068. (Sections 1–2, p. 1035).

[10] Bekendtgörelse Nr. 141 af 24 marts 1970 af Myndighedslov, *in* 1970 *Lovtidende A* p. 397–404. (Section 1, p. 397).

[11] *Suomen Tasavallan Perustulait*. Helsinki, Werner Söderström, 1938. p. 378–399.

[12] Parliament Act of January 13, 1928, Articles 6–7, as amended, *in: Constitution Act and Parliament of Finland*. Helsinki, Ministry of Foreign Affairs, 1959. p. 30–31.

[13] Lag Nr. 341 av 30. maj 1969 om ändring av riksdagsordningen och Lag Nr. 342 av samme dag angaende ändring av lagen om Riksdagsmannaval, *in* 1969 *Finlands Författningssamling*, p. 629–630.

[14] Lag Nr. 343 av 30, maj 1969 on ändring av lagen angaende förmynderskap, *in* 1969 *Finlands Författningssamling*, p. 631.

[15] Lester Bernhard Orfield. *The Growth of Scandinavian Law*. Philadelphia, University of Pennsylvania Press, 1953. p. 110.

[16] Jens Peter Jensen-Stevns. *Grundlovaendring*. Slagelse, Denmark, ASAs Forlag, 1939. Appendix p. 2 ["p. 30"].

[17] *The Constitution of the Republic of Iceland*. Reykjavik, Ministry of Foreign Affairs, 1948. Sections 33–34, p. 10.

[18] The Fundamental Act of the 17th of May 1814 Sections 50 and 61, *in The Constitution of Norway and Other Documents of National Importance*. Oslo, Norwegian Academic Press, 1951. p. 54–56.

[19] *The Growth of Scandinavian Law*, p. 177. *Supra* note 15.

[20] Kongerigets Norges Grundlov av 17de Mai 1814, as amended, *in Norges Lover 1682–1969*. Oslo, Grondahl, 1970. Sections 50 and 61, p. 54–56.

[21] Lov Nr. 3 av 22. april 1927 om vergemal for umyndige, as amended, *in id.*, p. 1025 (Sections 1 and 2).

[22] *The Growth of Scandinavian Law*, p. 262. *Supra* note 15.

[23] *Sveriges Grundlager och tillhörende Författninger*. Stockholm, Norstedt, 1957. p. 140.

[24] *Riksdagsordning*, dat. Stockholm den 22 juni 1866, med de därefter, och sist vid riksdagen i Stockholm ar 1971, av Konungen och riksdagen antagna förändringar, *in* 1971 *Svensv Författningssamling*, Nr. 272 (SFS 1971: 272, June 17, 1971).

[25] *Id.*, Section 26.

[26] *Id.*, Section 14.

[27] *Föräldrebalk*, Chapter 9, Section 1, as amended by Lag av 23. maj. 1969, *in Sveriges Rikes Lag*. 91st ed., Stockholm, Norstedt. 1970. p. 77.

AGE LIMITATION FOR ELECTION TO LEGISLATIVE BODIES—HISPANIC NATIONS

(Prepared by Dr. Rubens Medina, Chief, and Armando E. Gonzalez and David M. Valderrama, Senior Legal Specialists, Hispanic Law Division, Law Library, Library of Congress, October 1971.)

Before considering the specific provisions concerning age limitation for election of citizens to the legislative bodies, this office considers it necessary to indicate that in a number of instances, constitutional changes have occurred under extra-legal circumstances not always very well documented. The study of those jurisdictions where more constitutional changes have taken place, seems to suggest that even though the adoption of the new charters may have been promulgated with all due legal formalities, the processes through which the changes occurred may not be found completely recorded; and only very brief and general remarks were offered as introductory statements, usually in the form of "proclamas" or "preámbulos." The demand of present needs, more just organization and adjudication, response to the nation's reality, and a better preservation of the country's traditions and common objectives are among the reasons most frequently offered as justification for the changes introduced.

A deeper search for supporting arguments would require an exploration of nonlegal sources which this office can undertake if more time is made available.

The age limitation predominant among the Hispanic nations is 25 years of age for the members of the House of Representatives (Chamber of Deputies) and 35 years for members of the Senate. Changes concerning the above limitation have been introduced in the following countries:

1. Costa Rica

The Constitution of June 8, 1917, established the age limit of 40 years for election as a Senator, and 25 years for the members of the Chamber of Deputies. These provisions were changed by the Constitution of November 7, 1949, which established the age

of 21 years or more as a requisite for eligibility to the Legislative Assembly (Article 108).

2. Cuba

The Constitutional Law of the Republic adopted on June 11, 1935, established 30 years of age as a minimum for election of members of the House of Representatives, thus lowering the previous age requirement for the corresponding legislative bodies set forth by the Constitution of 1901, of 35 and 25 years of age for the respective chambers. This change was allegedly introduced, "complying with the will of the people, with the spirit of the Fundamental Charter of 1901, and with the conquests of the revolution." [1]

The Fundamental Law of Cuba enacted in 1959 by the Castro regime simply suppressed Congress. This office has been unable to locate any useful material in this regard.

3. Ecuador

The Constitutions of 1906 and 1929 maintained the same age limitations for both Chambers: 30 and 21 years of age for Senators and members of the House, respectively (Article 44, Section 2, and Article 51; Article 36, Section b) and Article 43, respectively).

The Country adopted the unicameral system by virtue of a new Constitution adopted in 1945, which established the age limit of 25 years for members of the then-called National Assembly. The new charter was in force slightly over one year.

Another Constitution adopted in December 1946, reestablished the two chambers setting the age limits at a minmum of 25 years for the members of the House, and 35 years for the Senators. These provisions have remained unchanged in spite of the adoption of two more Constitutions (1960 and 1967).

4. Guatemala

The age limit of 21 years was maintained from the Constitution of 1879 as a requisite for those elected as Deputies to the General Assembly, to the Constitution enacted on September 15, 1965, whereby the minimum age was established at 30 years for Deputies to the Congress (Article 163).

5. Honduras

This country, which has a unicameral system, established the minimum age of 25 years for members of Congress. This limit was apparently lowered by the Constitution of 1965 which contains no provisions concerning age, but grant political rights only to citizens who are 18 years of age and over (Article 34). Again, no specific arguments were offered in any legal document or related literature to support such change.

6. Nicaragua

The age limits of 40 and 25 years were maintained for the House and Senate, respectively, up to the Constitution of November 1, 1950, by which the age limit for senators was changed to 35 years (Article 154). No supporting arguments are available at this time.

7. Venezuela

The first change was introduced by the Constitution of 1904 which established the age limits of 21 and 30 years for members of the House and for the Senate, respectively, from 25 and 30 years of age previously required by the Constitution of 1901. This limit was maintained until the Constitution of 1936 which reestablished the limit set forth by the Constitution of 1901 (25 and 30 years of age).

The Constitution of April 11, 1953, again changed the limit to 21 and 30 years of age, respectively. No special reasons appear to be available.

8. Philippines

There are constitutional age limitations for election to the legislature of the Philippines. Under the Constitution of 1935, as originally adopted, the legislature consisted of a unicameral body called the National Assembly, the age qualification for which was 30 years.[2]

Professor Aruego, a leading Filipino constitutionalist, states that the age or membership in the National Assembly was fixed at 30, . . . to insure the presence in that body of men of experience and maturity of judgment for legislative work.[3]

In 1940, the National Assembly was replaced by a bicameral Congress of the Philippines consisting of a Senate and a House of Representatives. The qualifying age for members was fixed at 25 and 35, respectively.[4] No treatise or record of any debate in the former National Assembly has been located explaining the change.

FOOTNOTES

[1] Introductory statement. Carlos Mendieta, provisional President and his Cabinet.

[2] Constitution of the Philippines adopted by the Philippine Constitutional Convention at the City of Manila . . . on the 8th day of February 1935. Washington, 1935. p. 17 p.

[3] Aruego, Jose M. *The Framing of the Philippine Constitution* Manila University Publishing Co., Inc., 1949. pp. 250–251.

[4] Constitution of the Philippines, as amended . . . Manila, Bureau of Printing, 1949. 39 p.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2416

At the request of Mr. MONTOYA, the Senator from Wyoming (Mr. McGEE) was added as a cosponsor of S. 2416, to provide improvements in Indian Education.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 572

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CURTIS. Mr. President, on behalf of myself and Senators ALLEN, BELLMON, DOLE, SPARKMAN, and TALMADGE, I submit an amendment, intended to be proposed by us, jointly, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes. I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT No. 572

At the appropriate place in the bill, insert the following new section:

INDUSTRIAL DEVELOPMENT BONDS

SEC. —. (a) Section 103(c)(4) of the Internal Revenue Code of 1954 (relating to certain exempt activities) is amended—

(1) by striking out in subparagraph (E) "energy, gas, or water, or" and by inserting in lieu thereof "energy or gas,";

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following:

"(G) facilities for the furnishing of water, whether or not to the general public."

(b) Section 103(c)(6) of such Code (relating to exemption from industrial development bond treatment for certain small issues) is amended—

(1) by striking out "$5,000,000" in the heading of subparagraph (D) and by inserting in lieu thereof "$10,000,000";

(2) by striking out "$5,000,000" in subparagraph (D)(i) and by inserting in lieu thereof "$10,000,000"; and

(3) by striking out "$250,000" in subparagraph (F)(iii) and by inserting in lieu thereof "$500,000".

(c) The amendments made by this section shall apply with respect to obligations issued after the date of enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 541

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from South Dakota (Mr. McGOVERN), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Missouri (Mr. EAGLETON) be added as cosponsors to the Stevenson-Pearson amendment No. 541, to increase the Federal income tax personal exemption to $700 retroactive to January 1, 1971. This amendment is to H.R. 8312, a bill which would increase the personal exemption to $675. H.R. 8312 was reported out of committee October 20 and may be considered by the Senate Tuesday, November 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION ON DISTRICT OF COLUMBIA REVENUE NEEDS—ANNOUNCEMENT OF HEARINGS

Mr. EAGLETON. Mr. President, it is my understanding that the House of Representatives will complete action on the revenue measure by the beginning of next week. Accordingly, I wish to announce that the District of Columbia Committee will hold hearings on the District of Columbia revenue measure at 10 a.m. on November 10, 1971, in room 6226, New Senate Office Building. Immediately after completing that hearing it is my intention to call an executive session of the committee for the afternoon of November 10 in order to mark up and hopefully report out a bill.

In view of the need for speed—one-third of the fiscal year is already passed—and the desire of the leadership to complete the Senate's business by the end of November, I think it is in the interests of the District of Columbia and of all its citizens that hearings be confined to the morning of the 10th.

All persons wishing to inform the committee as to their views on fiscal matters of the District of Columbia are strongly urged therefore to submit their comments in writing to the committee no later than noon on November 9, so that the committee may have them available for consideration during its executive session.

NOTICE OF WITNESS LIST FOR HEARINGS ON NATIONAL FUELS AND ENERGY POLICY

Mr. JACKSON. Mr. President, the Senate Committee on Interior and Insular Affairs will hold a hearing on November 3, 1971, to explore the short- and

long-term energy policy implications of the Calvert Cliffs court decision. Recent court decisions, notably the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Calvert Cliffs Coordinating Committee and others versus Atomic Energy Commission, have directly affected the interface between public policies on energy and the environment. This hearing, which I announced on October 19, is part of the national fuels and energy policy study authorized by Senate Resolution 45. The committee will explore the Atomic Energy Commission's implementation of the court's recommendations to determine:

Any potential immediate reduction in the adequacy and reliability of electric service;

Any reduced capability for carrying the electric loads of dependent industrial, commercial, and residential users;

The economic implications of requiring those facilities with operating licenses to delay operation;

The effect of new requirements on overall licensing procedures;

The adequacy of the decision and AEC's rules to implement the decision to protect environmental values;

The potential long-term conflicts between licensing procedures and other statutory policies regarding energy, the environment, and powerplant siting; and

Whether the decision is consistent with the intent of the Congress as expressed in the National Environmental Policy Act of 1969.

The hearing will be convened at 10 a.m. in room 3110 of the New Senate Office Building.

The witnesses include the Honorable MIKE GRAVEL, U.S. Senator from Alaska; Hon. Russell E. Train, Chairman, Council on Environmental Quality, Executive Office of the President; Commissioner William O. Doub, U.S. Atomic Energy Commission, accompanied by Commissioner James Ramey; Charles F. Luce, chairman of the board, Consolidated Edison Co., New York, N.Y.; Edward Berlin, partner of Berlin, Roisman, and Kessler on behalf of the Sierra Club, accompanied by Oliver A. Houck, counsel, National Wildlife Federation; William R. Gould, chairman, Western Systems Coordinating Council, appearing as vice president, Atomic Industrial Forum; Don G. Allen, president of Yankee Atomic Electric Co., on behalf of the Edison Electric Institute.

EXTENSION FOR PERIOD OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 3 minutes.

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

FOREIGN AID

Mr. BYRD of West Virginia. Mr. President, it has been implied, or stated from time to time since last Friday, that the United States has turned its back on the rest of the world by virtue of the dramatic and historic vote which occurred on last Friday evening.

It should be noted again and again that about $2 billion in authorizations have been enacted by the Senate within the past fortnight as additional contributions by the United States to the International Development Fund of the International Bank, to the Inter-American Development Bank, and to the Asian Development Bank.

Thus, it is not our world responsibilities which have been rejected. It is the grab bag approach—if I may borrow the term used, quite aptly, by the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT)—into which the aid program has degenerated.

That is what the Senate rejected on Friday last.

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 3 minutes.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

FOREIGN AID

Mr. ALLEN. Mr. President, the vote last Friday evening in the Senate, in which the foreign aid bill was overwhelmingly defeated, is a constructive development in the judgment of the junior Senator from Alabama.

It may help to bring a little reason and reality into the never-never land of Washington. It may not signal an end of all foreign aid, but it does show that after dumping $143 billion overseas in foreign aid while so many domestic needs of this country go unmet, the American people are fed up and want to see an end put to foreign giveaways.

Mr. President, our national debt of over $400 billion is more than the national debts of all the other countries of the world combined.

It costs more than $21 billion a year just to pay the interest on this tremendous national debt.

As the distinguished senior Senator from Virginia (Mr. BYRD), who is now presiding over this body, stated a moment ago, we are operating our National Government with a deficit of more than $30 billion a year. So why should we borrow money to give to unappreciative people who say, in response to our generosity, "Yankee go home."

Mr. President, I noticed in the newspaper this morning the suggestion that the foreign aid authorization bill might yet pass in some form by dropping from the bill the military assistance aspects of the bill.

Well, Mr. President, that will not solve the problem because, in the judgment of the junior Senator from Alabama, those were the most worthwhile provisions of the bill.

So, let those who feel that the matter can be solved by dropping the military assistance aspects from the bill be not deluded because that will not solve the problem.

I believe that we are entering a new era of placing of priorities on meeting domestic needs and not seeking to support the entire world.

Surely, after the 25 years following the end of World War II, these nations should be able to stand on their own two feet.

I believe that the vote last Friday was a most healthy and constructive development.

ADDITIONAL STATEMENTS

A U.S. VIEW OF UNITED STATES-CHINA RELATIONS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech prepared for delivery at the opening session of the Third National Convocation on the Challenge of Building Peace, at the Americana Hotel, New York City, October 27, 1971, 9 a.m.

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

A U.S. VIEW OF UNITED STATES-CHINA RELATIONS

(An address by Senator JAVITS)

The objective of this portentous gathering, according to the Statement of Convocation Purpose, is " . . . to focus the attention of the American people on the prospects for cooperation between the United States and the People's Republic of China." As a United States Senator and member of the Senate Foreign Relations Committee who has taken a particular interest in this subject, I have been asked to present "A United States View" at the opening of this convocation.

Unquestionably, 1971 has already proven to be the most pivotal year in U.S.-China relation—and in mainland China-world relations—since 1949 when the forces of Mao Tse-tung won final victory in the civil war and established the People's Republic of China.

The U.N. General Assembly's decision to seat the People's Republic of China as China's representative in the Security Council and in the Assembly brings to a close one long and contentious chapter in Sino-American relations. The decision to bring the People's Republic into the U.N. is a proper and constructive measure—broadly supported by the American people and the Congress, as well as by the President and Secretary of State; but the concurrent decision to expel the Republic of China on Taiwan is regrettable and is bound to cause general disapproval and even resentment in some quarters in the United States. Already there have been efforts initiated in the Congress to reduce the U.S. financial contribution to the United Nations in "retaliation" against the expulsion of Taiwan. I oppose punitive cuts in our support of the U.N. and its agencies and Secretary Rogers has made it clear that the Administration "will not support a reduction of funds for the United Nations in retaliation for this vote." There will, of course, continue to be a most careful scrutiny in the Congress of all requests for funds, including those for United Nations programs. This is the constitutional duty of the Congress. But I do not think that the issue of U.S.-China rela-

tions, and the issue of U.S. support for the United Nations will be determined out of petulance or resentment.

What are the common interests which have brought about the rapid changes in U.S.-China relations after 20 years of deep freeze—and give hope for even larger changes in the future? How are these common interests perceived in Washington? To what extent are the gains already achieved attributable to the political personality and style of President Nixon? To what extent are they attributable to broader and deeper trends of policy within the two countries? And what does the future hold now that the People's Republic has China's seat in the U.N. and the Republic of China on Taiwan is expelled?

It is on these and related questions that I wish to present "A United States View", as Mr. Lin presented "The View from China".

From the U.S. perspective, the ending of the Vietnam war is seen as the necessary cause, and the fitting occasion, for a fundamental reappraisal and change in U.S.-China relations within the broader context of U.S. policy in Asia and the world. Within China, the ending of the Cultural Revolution—with its extraordinary attendant militancy and turmoil—may well also be seen as an equally necessary and fitting occasion for a fundamental reappraisal and change in U.S.-China relations. During the period of U.S. preoccupation and agony centered on Vietnam and during China's period of preoccupation—and perhaps anguish, too—centered on the Cultural Revolution, the Soviet Union was accorded an unparalleled opportunity to advance its interests in the world—often to the detriment of the separate interest of the United States and China. To protect and advance their own interests, to the extent that they conflict with the interests and objectives of the Soviet Union, the United States and China clearly have a mutual interest in working out arrangements which will reduce their bilateral posture of confrontation during the past twenty years, which has claimed so much of the energy and resources of both countries.

Whatever its other results may have been—and the price has been frightful for America and the world—the Vietnam war has taught a valuable lesson to the U.S. and to China. The United States has seen that its conception of the People's Republic as a militarily expansionist power—upon which the policy of "containment of China" and close-in military encirclement was built—is a misconception born out of the Korean war. In addition to the unmistakable military prudence and restraint exercised by China throughout the Vietnam war, we have now come to learn from Khrushchev's memoirs and other diplomatic revelations that the genesis of the Korean war did not have as its basic cause Chinese expansionism or military adventurism.

Conversely, the Nixon administration policy of withdrawal from Vietnam appears to have persuaded Peking's leadership that the U.S. is not following a policy of military enroachment on China's borders—or of encirclement. The promulgation of the Nixon Doctrine, the reduction of other U.S. forces in Asia, and the agreement to return Okinawa to Japan must surely have made it clear to Peking, as further evidence, that the U.S. has no predatory intentions toward China—or Asia.

From Peking's perspective, the focus of military tension along its borders has shifted from Indochina and the Taiwan Straits to the Sino-Soviet border in northeastern Asia. From the U.S. perspective, the focus of military danger has shifted to the eastern Mediterranean and Mideast, where the Soviet Union has established a major new military and diplomatic presence on NATO's southern flank.

While the Soviet Union is the coincidental factor in the shifting focus of concern in both Washington and Peking, the U.S. has most properly taken great pains to emphasize that the lessening of U.S.-China tensions is not a guise for the pursuit of an opportunistic policy of collusion with Peking against Moscow. President Nixon's announcement of his visit to Moscow, the important progress being made in the SALT, the Berlin and other negotiations with the USSR are tangible evidences of the sincerity of U.S. intentions in this respect.

These are fundamental considerations which transcend the factor of the personalities and styles of President Nixon and Premier Chou En-lai in the current opening of U.S.-China discussions. They are, if you will, fundamental elements of *realpolitick*, from the perspective of Washington—and perhaps of Peking, too. The speed, and the so-far flawless manner, in which these considerations of *realpolitick* have been translated into concrete steps to reduce Sino-American tensions and initiate a constructive dialogue on the whole range of issues of mutual concern, clearly owes much to the personality, sophistication and finesse of President Nixon and Premier Chou En-lai. The inspired initiative of premier Chou to the U.S. table tennis team has been reciprocated in an equally inspired manner by the Kissinger trips of preparation to Peking and by the President's forthcoming visit.

With title to China's U.S. seat now out of the way, clearly, Vietnam and Taiwan will head the list of agenda items to be discussed by President Nixon with Premier Chou and perhaps Chairman Mao. These are the most immediate and visible issues of contention between Washington and Peking. However, in my judgment, the issue of most crucial importance between the U.S. and China, as it could affect the prospects for peace and stability in Asia for the remainder of the century, is likely to be some understanding on the nature of Japan's role in post-Vietnam Asia and the Pacific: and the purpose and design of the U.S.-Japan Partnership which is the keystone of the Nixon Doctrine and U.S. policy in Asia in shaping that role.

In his extraordinary interview of August 9 with James Reston of the *New York Times*, Chou En-lai used the language of challenge solely on the question of Japan and U.S.-Japan relations. Because this was so clearly intentional, it is of particular significance. Speaking on Japan, Chou said:

" . . . when they have developed to the present stage they are bound to develop militarism . . . the U.S. has promoted the development of Japan toward militarism by the indefinite prolongation of the Japan-U.S. security treaty . . . economic expansion is bound to bring about military expansion. And that cannot be restrained by a treaty."

In my judgment, if the leaders of the People's Republic are seriously interested in securing peace and stability in Asia in the decades ahead, they would be better advised to forge a realistic understanding instead of a polemical approach to the vital question of Japan's role in post-Vietnam Asia and the Pacific—and the U.S.-Japan tie.

The prime task in Asia in the 1970's will be the productive channeling of Japan's economic "miracle" and productivity. This amazing thrust represents and expresses an extraordinary national drive, discipline, capacity for organization and irrepressible determination to excel and to enjoy a place in the sun.

Informed observers in Washington are inclined to believe that the Chinese approach indicated in Chou's interview with Reston represents an effort by Peking to drive a wedge between Washington and Tokyo for the ultimate purpose of securing an isolated, flabby, neutralist and pacifist Japan. In my judgment, a policy such as this one—if, indeed, it is what Peking has in mind—is doomed to failure and fraught with grave dangers and risks. It is a policy approach which ignores realities and places a premium on ideology, polemics and wishful thinking more reminiscent of Peking's diplomacy of the 1960's than its diplomacy of the 70's.

I can foresee a genuine community of interest between Peking and Washington with respect to Japan's role in Asia based on quite a different approach. A major challenge for the U.S. and industrialized Europe is to devise means for a mutual agreeable channeling and absorption of Japan's fantastic productive capacity. Clearly, the upper limits of absorption of Japanese exports into the U.S. economy have been reached—and Europe is not anxious to increase its role as a trading partner for Japan. On the other hand, China's economy is hungry for credits and industrial imports—as are the economies of most other Asian nations, including even Australia and New Zealand.

The ingredients are present for a grand concert in Asia, in which China could play a leading role—for the purpose of channeling and absorbing the great thrust and productive capacity of Japan's ever-growing economy for the benefit of the development of Asia. There lies a true community of interests. And, it does not mean excluding Western Europe or the U.S.—or self-help by a dynamic and developing Asia, it means only a theater for Japanese effort.

The other direction—that of isolating Japan and thwarting Japan's capacity and determination to excel—is the route best calculated in my judgment to bring about the very results which Peking—and Washington—have been the greatest interest in preventing. A Japan which is isolated and thwarted is a Japan likely to become vengeful and militantly nationalistic. Such a seething and rootless Japan could turn to the path of militarism, which it followed so disastrously in the 1930's and 1940's. This time a militaristic Japan would be equipped with a nuclear capacity.

We have seen two faces of Japan in the past 40 years. The ugly and menacing face of extreme nationalism and militarism of the 1930's and the 1940's is a memory which should be burned deeply into the psyche of both China and the United States. Japan's peaceful and democratic face of the 1950's and the 1960's is one of those great transformations which seem at times almost miraculous. The close U.S.-Japan tie of the past two decades has been a vital factor in this transformation. I believe that a continuing close U.S.-Japan tie is a precondition to the security of Asia and the world—that Japan remains dedicated to peaceful productivity.

Recent Chinese statements have indicated that Peking regards Vietnam as the most "urgent" issue in contention between the U.S. and China, while Taiwan remains as the most "important" issue in contention. While Vietnam may be the most "urgent" issue, it is also the one which will be most quickly resolved in my judgment. A number of residual problems will remain following the U.S. withdrawal and some degree of political contention between Washington and Peking in Southeast Asia—over Taiwan, Korea or other issues—may be expected for many years to come. But I see no reason to fear that the residual Sino-American rivalry in Southeast Asia will boil over again into any serious military confrontation.

The question of Taiwan is likely to prove more difficult—though probably no more incendiary—than Vietnam.

We must recognize that while neither Mainland China nor the Republic of China on Taiwan is a democracy in our sense of the word, resulting from the self-determination of its people, the Republic of China on Taiwan is party to a mutual defense agreement with the U.S., was the last elected government of China and runs an open not a closed society and has been an international cooperator, not an international belligerent. We will, I am sure, maintain our engage-

ments with and recognition of the Republic of China on Taiwan.

I feel that the latest developments will accelerate the move there for the establishment of a true democracy—and that Taiwan as a nation may seek UN membership. Our aim must be to let this process develop in peace. The legal title to Taiwan of whatever regime governs China is tenuous. Taiwanese self-determination is the right policy for us and for Taiwanese integrity. This needs to be constantly affirmed.

For most of the past 20 years, the U.S. has appeared to go along with the contention of the Chiang Kai-shek government that it enjoyed control of Taiwan on the basis of its claim to sovereignty over the whole of China. Indeed, both Taipei and Peking have been firm in their insistence that Taiwan is a province of an indivisible China.

Beneath this diplomatic stand of apparent acquiescence in Generalissimo Chiang Kai-shek claims, however, the U.S. has consistently maintained a quite distinct legal position. With respect to the issue of sovereignty over Taiwan, President Truman declared on June 27, 1950:

"The determination of the future status of Formosa must await restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."

On April 28, 1971, the State Department spokesman of the Nixon Administration declared:

"In our view sovereignty over Taiwan and the Pescadores is an unsettled question subject to future international resolution."

The spokesman went on to say:

"We regard the Republic of China as exercising legitimate authority over Taiwan and the Pescadores by virtue of the fact that the Japanese forces occupying Taiwan were directed to surrender to the forces of the Republic of China."

In testimony before the Symington Subcommittee, of which I am a member, on November 24, 1969, the State Department made it explicitly clear that the U.S. does not consider the question of sovereignty over Taiwan to have been settled either by the U.S.-Japan Peace Treaty of September 8, 1951, or by the Japan-Republic of China Peace Treaty of April 28, 1952. The U.S. position with respect to those treaties was stated as follows:

"In neither treaty did Japan cede this area to any particular entity. As Taiwan and the Pescadores are not covered by any existing international disposition, sovereignty over the area is an unsettled question subject to future international resolution."

For background purposes, it is important to recall that Taiwan was ceded "in perpetuity" by China to Japan by Treaty in 1895. At the time it was ceded to Japan in 1895, Taiwan had been a "province" of China only for eight years. Previously it had been claimed as a dependency, under frequently tenuous or questionable control by Peking since 1683. Except for the personnel of a garrison government, there was an official ban on Chinese migration to Taiwan, lifted only in 1875.

The people of Taiwan deserve the right to determine their own future, a right which under circumstances created by admission of Peking to the U.N. they need now more than ever.

Over the perspective of a decade, the greatest benefit likely to flow from Peking's participation in the U.N. will be the engagement of Peking in the international nuclear arms control negotiations and agreements conducted under U.N. auspices. I feel that there are now mutually compelling reasons for Washington and Peking also to work together in the international arms control field. China's attitude toward SALT ought to be a benign one. Like Washington and Moscow, Peking too stands to gain from a SALT agreement restraining the nuclear arms race, for superpower nuclear might is as great a potential threat to China as it is to the U.S. or Russia—and in recent years Peking has been on different occasions in a posture of confrontation with both superpowers. Even if relations between Peking and Moscow continue to deteriorate, a SALT agreement could nonetheless benefit Peking by reducing the chances that the USSR could acquire a strategic posture allowing it the option of a preventive nuclear first strike against China.

The U.S. has a particular incentive in bringing China into nuclear arms control arrangements because, even under the Nixon Doctrine, the U.S. is pledged to provide a "nuclear shield" to our Asian friends and allies along China's periphery. Thus, under the Nixon Doctrine, the chances of nuclear embroilment with China might be greater than conventional embroilment of the Vietnam or Korea varieties. Accordingly, a key element in the success and viability of the Nixon Doctrine strategy could be the achievement of nuclear arms control arrangements with China.

Peking too has a special incentive to support international nuclear arms control agreements in the post-Vietnam period. The Non-Proliferation Treaty is central in this respect, for the two nations generally deemed most likely to "go nuclear" are India and Japan—the counterweight to China in Asia. China clearly has a major incentive in preserving the inhibitions against India or Japan "going nuclear"—for China's strategic position would be gravely deteriorated if Peking were faced not only with a nuclear USSR and USA but also close neighbors of such consequence as India and Japan.

Peking's diplomacy in 1971 indicates that Chairman Mao and Premier Chou have launched upon a course of "Westpolitick" which could be as portentous for Asia as Willy Brandt's "Ostpolitick" is for Europe. With the People's Republic now in the United Nations, the door of opportunity has been opened wide to regional organizations, economic integration and new security arrangements in Asia. The integration of China, as well as Japan, into a stable, prospering and peaceful Asia is not only a possibility—it is now the prime challenge of international diplomacy.

Conditions may soon be ripe for convening an Asian Security Conference to secure the peace in post-Vietnam Asia. In this regard, the Nixon Doctrine projecting a new military posture for the United States in Asia offers a fitting basis for the construction of an Asian "concert of nations" in which China and Japan, as well as the Soviet Union, would have important roles to play.

Over the past decade, the non-communist nations of Asia have made considerable progress in developing and strengthening regional institutions and cooperation. The "thaw" in Sino-American relations opens the door for a new relationship of America's traditional friends and allies in Asia with Peking. A new interest in this direction is detectable in South Korea, Thailand, the Philippines, Australia and New Zealand.

India and Indonesia also may find it easier to reestablish normal relations with China through revitalized and expanded regional institutions. Certainly, a much greater role is now open to the Asian Development Bank, and perhaps the time has come for preliminary discussions concerning Asian free trade zones or common markets.

The overriding objective of President Nixon's diplomacy is to achieve a modus vivendi—if not an actual "concert of nations"—among the five major power centers of the world in the final third of the twentieth century. These five major power centers will be the U.S., the U.S.S.R., the expanding E.E.C., Japan, and the People's Republic of China. A prerequisite to the achievement of a global system of coexistence among the great powers is the institutionalization of channels of communication, of consultation and of negotiation among them. In a global sense, this provides the best hope for moving from the era of confrontation to the era of negotiation. In this effort there is no more important task than the reintegration of China into the world community and the reestablishment of a friendly and stable U.S.-China relationship.

BILINGUAL EDUCATIONAL PROGRAM

Mr. MONTOYA. Mr. President, I have taken great pride in the development of the bilingual education program established in 1967. These amendments to the Elementary and Secondary Education Act have produced an exceptionally fine and workable program for youngsters of families whose primary language is not English.

This year, the appropriation for the Office of Education included an increase from $25,000,000 to $35,000,000 over last year. It is my most fervent hope that these funds will be as wisely and productivity spent as in the past.

In the current issue of The Inter-American Scene, an article appears which reflects the sweep of the Bilingual Education Act of 1967 which I had the privilege of cosponsoring. 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:

BILINGUAL EDUCATION FOR NATION'S SPANISH SPEAKING

(By D. Eric Black)

(NOTE.—*Many developments have taken place over the last 12 years at all levels and in all sectors of our national community to focus public attention on and to win support for bilingual education. For instance, Tricia Nixon recently visited an elementary school in El Monte, California, to observe its bilingual program for children. An enquiry revealed the Shirpser School's program for the non-English speaking (most Mexican Americans) had opened another chapter on bilingual education (BE) in the United States, and that more than 50,000 students were enrolled in comparable programs in 29 states.*

Miss Nixon provided comments on her visit to El Monte or the Inter-American Scene. Robert Rodriquez, Project Director for El Monte's Bilingual-Bicultural program, who initiated the White House interest, furnished a project summary; Dora Kennedy, a Ph.D. candidate at the University of Maryland, sent a copy of her report "Bilingual Education in the U.S.A.;" and the U.S. Office of Education's Bilingual Programs Branch provided project statistics—all cooperating in this effort on what bilingual education means to the Hispanos and to our national community.)

MELTING POT VERSUS CULTURAL PLURALISM

The extreme ethnocentric attitude that existed among educators in the United States prior to 1959, owing to their adherence to the "melting pot" concept of Anglicizing all Americans, gave way in the '60's to a movement toward cultural pluralism—a movement to conserve the cultural identity of the non-English speaking minorities while helping to raise their level of living.

Who are the non-English speaking minorities? You know them as the American Indians (e.g., Navajo, Cherokee, Ute), the French, Germans, Portuguese, Chinese, and other linguistic groups. However, our focus here is on the Spanish-speaking people, for example, Americans of Mexican descent, Puer-

to Ricans, Latin American immigrants, and Cuban refugees. Of an estimated 10 million in the continental United States, the Mexican Americans represent the majority with about 6 million.

FACTORS AFFECTING CHANGE

Castro's Cuba provided the first breakthrough for bilingual education (BE) in the United States. Cuban political refugees streamed into Miami, Florida, in the early '60's creating a massive educational problem for the community, adding as many as 9,000 children to the public school rolls in a month. The Dade County School Board responded to this crisis by arranging a Ford Foundation grant in 1963 to cover a pilot project at the Coral Way Elementary School to teach Cubans in Spanish with English as a second language.

Special curriculum materials were developed and bilingual teachers were employed. Anglo pupils soon joined the Cubans—in a 50-50 ratio—to study Spanish as a second language. The mixed classes were conducted half a day in English and half a day in Spanish (English studies reinforcing Cuban studies and vice versa). This permitted the children to grow in both cultures. Today, the Coral Way Elementary School is famous for its innovative bilingual and bicultural program.

The 1960 census, a second factor, triggered a serious look into the educational system of our country. It revealed that Spanish-surnamed students in the five Southwestern States (Arizona, California, Colorado, New Mexico, and Texas) had a high "dropout" rate, i.e., had completed on the average 8.1 years of formal education compared to 12.1 for Anglo students of comparable age.

Mexican American children traditionally have attended schools designed primarily to fulfill the "melting pot" concept of the Anglo majority culture. From the first grade, teachers have discouraged and sometimes severely punished young Chicanos for speaking their mother tongue. Living at the poverty level, unable to read Spanish or understand English, Spanish-speaking children have been at a disadvantage in relation to the English-speaking. In a sense, they have been deprived of an opportunity for an equal education. The Mexican American psyche and community life have also been damaged by the labeling of the Chicanos as "slow" because they couldn't keep up with the Anglos.

Those Chicanos willing to persist until graduation from high school as the only way up and out, have become Anglicized and left their communities—the "educated" have moved on. The "dropouts" who rejected school because it did nothing to help them grow as Mexican Americans, returned to the barrio and the old life, perhaps, ironically, to become a financial burden on the community and to bring up their own children as "dropouts" for the next census.

In 1963, a Conference of the President's Committee on Equal Employment Opportunity, chaired by then Vice-President Lyndon Johnson, stressed the need for the schools in the Southwest to capitalize on their bicultural situation. The National Education Association (NEA) sponsored a conference in 1966 on the "Spanish Speaking Child in the Southwest School." This conference generated a publication entitled *The Invisible Minority* which forcefully presented the problems of the non-English speaking child in a monolingual school. The study recommended bilingual education as one of the major means of alleviating this educational crisis.

Other studies and efforts by educators, labor and civil rights leaders, and members of Congress emphasized the necessity of recognizing as a national problem the near eradication of the Mexican American minority culture—by a seemingly unaware society.

CONGRESS APPROVED BILINGUAL EDUCATION ACT

The Congress responded to this movement for educational reform and in 1967 amended the Elementary and Secondary Education Act of 1965 to include Title VII, the Bilingual Education Act. Senator Ralph W. Yarborough (D-Tex.) and Senator Joseph M. Montoya (D-N.M.) co-sponsored the bill for Title VII.

To get the program moving, the Congress appropriated $7.5 million for 1969–70 and $21.5 million for 1970–71, funding 131 projects operating in 29 states, representing 8 languages, and serving 52,000 children. Of the 131 projects, 45 are in California, 32 in Texas and the rest of the Southwest, 14 in the Northeastern states for Puerto Ricans, and 7 in the Midwest for Puerto Ricans, Mexican Americans, and Cubans. There are an estimated 5 million school children with limited English speaking ability, and realizing this, Congress is expected to increase appropriations for the BE program.

EL MONTE: A MODEL BE COMMUNITY PROJECT

Under Title VII, the U. S. Office of Education's Bilingual Education Programs Branch in 1968 approved El Monte School District's request that the Shirpser Elementary School be designated a five-year pilot project, one of the first in the nation.

El Monte, located some 25 miles east of Los Angeles, at one time an agricultural area and now in transition to an industrial community, has a population of 65,000 comprised of all socio-economic and ethnic groups. The Mexican Americans number about 21,000. The average income is $5,500 per year, and about 18,000 persons receive public assistance.

The Shirpser School is attended by 387 children of whom 50 per cent are Mexican Americans. The kindergarten class with 28 children and the first grade with 27 were singled out as the model BE project.

All are from low-income families and the classes are about evenly mixed with Anglos and Chicanos. They receive Spanish and English language instruction daily. Mexican American studies are used to reinforce English studies and vice versa and are taught in both languages. This procedure strengthens their cognitive ability and greatly improves the self-image of Mexican American children as they learn from books telling of their history, culture, and family life.

After the first year, tests revealed that students achieved high proficiency in the program's bicultural objectives. The program's success was attributed to teachers who knew the psychology to learning, were capable of instructing in two languages, and who were sensitive to the needs of students. Also, to community involvement wherein parents contributed to the program by meeting with teachers to discuss the students' progress, by attending bilingual plays performed by the students, and by taking them on field trips.

NATIONAL COMMUNITY LEADERS

What has been going on in El Monte and hundreds of other localities in the United States reflects a general political stirring in the Spanish-speaking community. Especially in the Mexican American areas you constantly hear the phrase, La Raza, to signify a loosely knit but nevertheless determined political-economic and pride-in-heritage movement.

César Chávez, Senator Joseph M. Montoya, and Vicente T. Ximenes are leaders who have successfully used non-violent and legal means to focus public attention on the problems and aspirations of the nation's second largest minority. César Chávez won wage increases for striking farm workers and recognition of the National Farm Workers Association as the first Mexican American trade union. Mr. Montoya is active in sponsoring legislation creating educational and job opportunities for the minorities. Vicente T. Ximenes, Commissioner, Equal Employment Opportunity Commission, has constantly involved himself in development of equal opportunity for all people. He is a co-founder and former chairman of the President's Inter-Agency Committee for Mexican American Affairs, the predecessor of the present Cabinet Committee on Opportunity for the Spanish Speaking.

Among Puerto Ricans, Representative Hermán Badillo (D-N.Y.) and Resident Commissioner Jorge L. Córdova of Puerto Rico have particularly distinguished themselves as leaders. Congressman Badillo of New York City is the first person of Puerto Rican birth who has been elected as a voting member of the Congress of the United States. Mr. Badillo is active as a member of the National Development Committee of Aspira, Inc., which assists Puerto Rican youths in furthering their education. Congressman Córdova, a former Justice of the Supreme Court of Puerto Rico, was elected as a non-voting member of the U.S. House of Representatives in 1968. Mr. Córdova is responsible for an amendment to the Legislative Reorganization Act permitting a non-voting delegate to vote in Committee. He has since prevailed on his colleagues to extend the Food Stamp Act to include the nearly 3 million Puerto Ricans on the Island, and he was instrumental in having Puerto Rico included in the provisions of the Family Assistance Plan.

TURNING POINT

The Congress' passage of the Bilingual Education Act, while extending official recognition of the need for BE in the nation, was a turning point in reducing, if not eliminating, the impact of the "melting pot" concept among writers, educators, and public schools. For example, a special issue of National Elementary Principal for November 1970 underlined this theme and featured an article ("Education of the Spanish Speaking: Role of the Federal Government") by Sen. Walter F. Mondale (D-Minn.), Rep. Henry B. González (D-Tex.), and Rep. Edward R. Roybal (D-Ca.).

The Executive Branch's commitment to the nation's second largest minority is made chiefly through the Cabinet Committee on Opportunity for the Spanish Speaking. Presently headed by A. F. (Tony) Rodriguez, the Committee tackles the issues in administering to the need of upgrading Spanish Americans within the federal, state, and local governments as well as private business. The most significant undertaking to date is President Nixon's 16 Point Program announced last November and aimed at providing job opportunity for Spanish-surnamed Americans within the Federal government.

In addition, the Office for Spanish-Speaking American Affairs, located within the U.S. Department of Health, Education, and Welfare, and headed by Gilbert Chávez, advises the Department on policy, channels federal funds, and assists the state and local education departments with problems on BE.

WRITERS AND UNIVERSITIES

Over the last five years, writers have responded to this upsurge of interest in the Spanish community with a variety of books and articles. *Mexican Americans in School: A History of Educational Neglect* by Dr. Thomas P. Carter, University of Texas at El Paso; and *La Raza—the Mexican Americans* by Stan Steiner are examples. Similarly, many universities and colleges have established minority study programs or are contemplating doing so. The University of Texas offers a B.A. in Bilingual Education and Georgetown University an M.A.T. in Bilingual Education.

THE WHITE HOUSE,
March 3, 1971.

Mr. D. ERIC BLACK,
The Inter-American Scene,
National Press Building,
Washington, D.C.

DEAR MR. BLACK: It was my pleasure recently to have an opportunity to visit a bilingual education program in a California elementary school.

I was delighted to meet and talk with the children in the program, for they are bright, eager, and interested in everything which

goes on about them. The bilingual education program has obviously succeeded in preserving the joy with which all children begin school, but which can so easily be dampened, particularly if a child is immediately confronted by an unknown language in addition to the new school environment.

Both English and Spanish-speaking children may benefit immeasurably from this program, which offers study in each culture as well as each language. I am encouraged by this important experiment, for it can only result in better understanding and greater cooperation between all the people of our Nation.

Sincerely,

TRICIA NIXON.

RICHARD L. EVANS

Mr. BENNETT. Mr. President, last night the world was made poorer by the death of Richard L. Evans.

The voice of the famed Mormon Tabernacle Choir for more than four decades, the religious commentator brought comfort to the hearts of millions throughout the world with his "Spoken Word" which each week edified its listeners, made life's trial easier to bear, and its joys easier to appreciate.

Elder Evans' wisdom which knew no sectarian bounds, was reflected on virtually every topic affecting the welfare of the human soul. In one sermonette on facing problems, for example, he said:

> In any year, in any day, we are given to worry about much that has happened, much that hasn't happened, and much that doesn't happen. With problems, with disappointments, and sometimes in sorrow, the question comes to troubled hearts: 'What am I going to do now?' The answer inevitably is, continue to do what needs to be done, what can be done; to do the necessary thing, and have the faith that life will unfold, as it always has, as it continues to do.

Richard Louis Evans was born on March 23, 1906, in Salt Lake City. His education included two degrees at the University of Utah, which also awarded him an honorary doctorate of letters in 1956. His first full-time service to his church began on a mission to England from 1926–29, during which he was associate editor of the British Mission magazine, the Millenial Star, and secretary of the European LDS Mission.

He was appointed to the ruling councils of the Mormon Church at the relatively young age of 32, when he became a member of the First Council of Seventies. Fifteen years later, in 1953, he was selected as one of the Twelve Apostles of the LDS Church.

Elder Evans was the recipient of many honors and awards for his church, educational and civil work. His most notable civic activities were those with Rotary International which he headed as its president in 1966–67.

But it was in the art of communicating that Richard L. Evans was to have his most profound effect upon his admirers throughout the world. A gifted writer, his sermonettes have been compiled in seven books to be read, reread and enjoyed by generations to come.

Matching his command of the English language was a rich and resonant voice that was peerless in his field. It was the voice which, for 41 years, offered a message of inspiration in the "Spoken Word" prior to the weekly nationwide broadcasts of the Mormon Tabernacle Choir. Elder Evans became the program's commentator in June 1930—1 year after the choir began the broadcast series which today is the longest continuous radio series in the United States.

Mr. President, I am sure I speak for all citizens of Utah as well as all Members of the Senate in expressing our deepest sympathy to Elder Evans' wife and four sons, to members of the Church of Jesus Christ of Latter-day Saints whom he served so faithfully, and to the untold number of persons who looked for and found personal solace and comfort in his calm voice.

FOREIGN AID

Mr. KENNEDY. Mr. President, I am sure that as the Senate returns to business today there has been time for much reflection over the weekend at our action last Friday night. It seems clear today that no one expected the defeat of the foreign aid bill.

It occurred in part because many conservatives, reacting with more heat than light to the United Nations vote a week ago, believed they were following the lead of the President by voting against a United Nations contribution.

It occurred in part because the foreign aid program which had been conceived as a vehicle for humanitarian relief and social and economic development had become weighted down with the excesses of militarism, with more than half of the bill devoted to military assistance in one form or another.

It occurred in part because there are many who cannot cope with a changing world that no longer is totally dependent on this Nation and therefore is not totally responsive to decisions made in Washington.

It occurred in part because the economic crisis here at home has given longtime foreign aid opponents an opportunity to argue again that the United States cannot afford to meet its responsibilities to the developing nations.

It occurred in part because the President decided to use the foreign aid bill as a mechanism to further his Southeast Asian policies, setting aside 10 percent of the entire bill as a payment to Cambodia's client military dictatorship.

So now we have had a weekend to reflect. There is a growing recognition, even by many who were willing on Friday to turn their backs on humanitarian relief in exchange for making their point about the distortion of the aid program, that we must act quickly to put together a new foreign aid bill.

First, I would urge the Foreign Relations Committee to give the highest priority to the humanitarian programs that feed the starving, bring health care to the sick, and clothe the children of the world. The United Nations special programs—UNICEF—the World Health Organization, the World Food program, the United Nations Development Fund—these must be funded.

Second, at least $250 million in emergency relief to the refugees from East Pakistan must be provided along with continued support to other refugee programs through the United Nations Relief and Works Agency.

We cannot turn our backs on the 100 million refugees who are barely surviving in improvised camps strung along the India-Pakistan border. Not only do we have a responsibility out of humanitarian concerns to ease their plight; but we also cannot ignore the fact that the weapons of the Pakistani military who drove them from their homes were largely United States supplied.

Third, any interim foreign aid package must of course contain the essential authorization of military assistance to Israel. For more than a year, Israeli requests for Phantom jets have been denied. Yet, Soviet arms shipments to Egypt have continued unabated. I am convinced that a strong consensus exists in the Senate to assure Israel the necessary weapons to enable it to offset the increased offensive prowess of Egypt.

Fourth, despite my own preference for the multilateralization of much of our economic development aid, we cannot expect to accomplish it overnight.

I find it particularly distressing that the Alliance for Progress, which still offers some remaining benefits to Latin America, would be unceremoniously dissolved without any alternative offered.

A much more intelligent and compassionate way to achieve the goal of channeling more of our development loans and technical assistance into international agencies would be to adopt the Foreign Relations Committee proposal for a 3-year phaseout. That would give all nations an opportunity to make the transition in a way that would neither disrupt their economies nor foment political crises.

It is illusory to suggest that the money now in the pipeline is sufficient to provide for a transition.

Those funds have been committed, and almost nothing is available to meet current needs. Finally, a phaseout period would permit the multinational agencies to gear up for their expanded responsibilities.

Fifth, the authorization for voluntary population control and family planning programs should not be allowed to die. We would be almost criminally negligent if we were to deny assistance to those nations who are trying to cope with the population explosion.

As the U.N. and other multilateral agencies expand their activities, a substantial portion of these funds can and should be channeled through those institutions.

Finally, I would urge the Foreign Relations Committee to assure the continuation of some of the smaller, less well-known programs that may represent the best in our foreign assistance package.

For example, within the Overseas Private Investment Corp., there is an agricultural and community self-help credit program for Latin America. On a pilot basis, it now operates in three countries and it enables Campesinos to obtain credit from banks for the first time. Community groups are obtaining loans for seed, for building water supplies, and for building roads.

The viability of the community group is being accepted as an alternative to the collateral that banks normally demand and that poor families never can supply.

Programs such as this, programs such as the worldwide housing guarantee, programs such as the Indus Basin project, small though they may be, should not be excluded from an interim foreign aid program.

I believe that a consensus would exist within the Senate to permit these programs to continue in some form, while we are developing a new mechanism to assist other nations in their social and economic development.

It should be noted that the programs I have cited reflect approximately half of the funds recommended by the Foreign Relations Committee in its original bill. I would hope that these programs would form the bulk of an interim measure.

The remainder of the foreign aid program which I have not mentioned encompasses the military assistance and security supporting assistance programs. Except for the authorization to the Government of Israel, I believe there is no overriding national interest that would prohibit deep cuts in these programs.

And I would hope that the military portion could be considered separately from the humanitarian and development package.

The original years of the foreign aid program from 1945 to 1950, found a ratio of perhaps 25 to 1 between economic and military assistance. Today, when all of our military assistance efforts are considered—more than $4 billion—the ratio is at least one to one and even slightly more money is spent on the military side of the ledger.

As the Senate decides whether to take a second look at foreign aid, I would urge the Members to ponder the comments of former Ambassador Sol Linowitz. He said of the under developed world:

During the next sixty seconds, two hundred human beings will be born on this earth. One hundred sixty of them will be colored—black, brown, yellow, red. About half will be dead before they are a year old. Of those who survive, approximately half will be dead before they reach their sixteenth birthday. The survivors who live past sixteen will have a life expectancy of about thirty years.

They will be hungry, tired, sick most of their lives. Only a few of them, if that many, will learn to read or write. They will till the soil, working for landlords, living in tents or mud huts. They—as their fathers before them—will lie naked under the open skies of Asia, Africa, and Latin America—waiting, watching, hoping.

I hope the Senate will not disappoint them.

Mr. President, I ask unanimous consent to have printed in the RECORD a report by AID on the immediate consequence of terminating the Foreign Aid program on November 15, and a series of news editorials on the Senate action last week.

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

IMMEDIATE CONSEQUENCES OF NOVEMBER 15 TERMINATION OF ASSISTANCE: LATIN AMERICA

Apart from broader, profound political and developmental consequences, the immediate effects will be as follows:

I. FEEDING PROGRAMS

As a result of AID's inability to administer these important PL 480 Title II humanitarian programs, feeding programs would abruptly terminate which now reach approximately 16.6 million persons—normally daily—in 21 countries.

No. of persons, 1,710,000; programs, maternal and child care, recipients, new borns and mothers.

No. of persons, 12,375,000; programs, school programs, recipients, children.

No. of persons, 2,515,000; programs, work front, recipients, grossly impoverished workers.

Totaling, 16,600,000.

II. LENDING PROGRAM—IMPLEMENTATION AND MONITORING

Of the approximately $4 billion in lending in recent years to Latin America, some $1 billion in firmly committed "pipeline" remains undisbursed in some 226 yet active projects in education, agriculture, housing, health, etc.

The immediate effect of cessation of AID would require "walking away" from the 1 billion dollars in pipeline investments, since we could no longer administer or monitor the course of project implementation.

In the case of more than a quarter of these loans, integrally related technical assistance grant projects would be cut off. Force to renege on these supporting grant projects, the U.S. would deprive the countries involved of the ability to assure that the loans would continue to serve their developmental purposes.

III. HOUSING GUARANTEES

There are currently over $300 million in ongoing housing guarantees projects in Latin America. These projects require continuing U.S. monitoring and technical inputs in their construction phases supervision. The impact of the cessation of AID would be that the U.S. will "walk away" from this major investment.

IV. TECHNICAL ASSISTANCE

There are currently some 235 technical assistance projects in Latin America aimed at increasing agricultural productivity and rural equity, improving education and health system, strengthening family planning services, and enhancing the ability of the Latin American governments to bring the benefits of development to their peoples. These would terminate; e.g.,

45 agricultural projects (credit, coops, research marketing, etc.)

40 educational projects—(education planning, curriculum reform, education administration and budgeting research, etc.)

41 Public Administration projects (tax administration, budget system modernization training facilities etc.)

18 Labor Development projects (collective bargaining, labor economics, union organizations, etc.)

20 Cooperatives and Community Development (rural and urban housing coops, workers savings coops, community leadership training programs, etc.)

41 Population and health projects (demonstration clinics, research, immunization and vaccination, clean war and sewerage management, and planning, etc.)

More than a quarter of the above projects provide essential technical assistance in support of loan projects.

To implement these AID finances contracts with:

38 U.S. Universities.

6 U.S. Cooperative Associations.

26 U.S. Non-Profit Organizations.

40 U.S. Private contractors.

12 Other U.S. Government agencies such as IRS, Agriculture, HEW, etc.

The contracts and agreements with cooperating Latin American institutions will terminate.

V. POPULATION

At least one million women and men in Latin America are totally dependent for contraceptives and family planning counselling on programs which are heavily (40–90%) supported by AID. Bilateral programs in 16 countries financed at an annual rate of approximately $7 million will terminate within the next 60 to 150 days. Region-wide programs with groups such as the International Planned Parenthood Federation, the Population Council, Pathfinder, Pan American Federation of Associations of Medical Schools, and the Pan American Health Organization will also terminate abruptly. These programs depend upon AID financing at a current annual rate of about $7 million. New programs already planned for population motivation and training of family planning personnel will not get off the ground.

VI. TRAINING

As a major part of the technical assistance program AID provides training to nearly 5,000 Latin Americans each year. Of the 5,000 now receiving training, some 1,000 will be required to terminate training in midstream, without completion of their course of study. Thousands already selected to commence training this year will not receive these developmentally significant opportunities.

VII. IMPACT ON MULTILATERAL PROGRAMS

On-going OAS technical assistance, research and training programs (science and technology, education, expert development, natural resources, capital markets, tax policy, etc.) currently are budgeted at approximately $25 million a year. Some 66% of their budget, approximately $16 million, is financed directly through U.S. contributions from AID appropriated funds. These valuable multilateral activities, as well as special U.S. support for the Inter-American Committee for the Alliance for Progress (CIAP) will be abruptly halted by the termination of AID funding.

VIII. PERSONAL IMPLICATIONS

Cessation of AID funding November 15 would have the following consequences:

540 direct hire U.S. government employees (and their families) stationed in Latin America would be unemployed and stranded without salaries overseas.

1147 foreign nationals would be abruptly dismissed.

236 AID/W employees would be abruptly dismissed. These persons—plus the large number of affected contractor employees (U.S. Universities, Foundations, consultants) constitute the largest single extant source of expertise in Latin American development problems. As a group, it represents a major U.S. foreign policy asset. This asset will be lost to the U.S. and Latin America as of November 15.

[From the New York Times, Oct. 31, 1971]

THE NEW CLASS WAR

(By James Reston)

WASHINGTON.—The Senate vote to kill the foreign aid bill is more symbolic than real. It will be revived in some other form long before the $5 billion in the pipeline runs out, but it is one more dramatic illustration of how quickly the world is being transformed.

Almost every week now for over a year there has been some startling evidence that the postwar era of Soviet-U.S. domination in the world is over and that new centers of

power and new relationships between nations are reshaping world politics.

In our own hemisphere, Prime Minister Trudeau of Canada has taken a more independent line in his policies toward Moscow and Peking, and for the first time in the history of the hemisphere a Marxist government has been voted into office in Chile.

In Europe, Chancellor Willy Brandt of West Germany has established a much more open and friendly relationship with the Soviet Union and the other Communist nations beyond the Berlin wall, and the British House of Commons has finally accepted the principle of joining the European Common Market by a very large vote.

For 25 years, Washington and Moscow were so strong that the nations allied to them or beholden to them for military and economic security felt obligated to go along with them on major questions of foreign policy, often against their better judgment, but this is no longer true.

General de Gaulle started the drift away from Washington when he took his naval forces out of the North Atlantic Treaty Command, and this trend has continued steadily until the other day, when Britain, France and finally the U.N. itself defied Washington by bringing Communist China into the United Nations.

Even Rumania on the Soviet border does not go along with Moscow's foreign policy line, and while the United States is still the main source of Israel's weapons, the Israeli Government follows its own independent policy.

It would be wrong to say the old alliances are breaking down, but it is obvious that the old blocs, separate and largely out of touch with one another, are finished.

Ten years ago or even five, it would have been unthinkable for a West German Chancellor to establish an independent policy with Moscow, or for an American President to launch a secret mission to Peking without advance consultation with Japan, but this criss-cross diplomacy is now quite common.

For there are not only two power centers in Washington and Moscow now but three others developing in Japan, China, and the new Europe, and we are likely to see much more independent crisscrossing.

In the light of all this, it is scarcely surprising that the United States, frustrated abroad and tormented over social and economic problems at home, should revise its programs of aid to foreign nations—especially since the other industrial nations are in a position to do more than they have been doing. But to kill the foreign aid bill after an emotional debate in the Senate with a quarter of the members absent is scarcely the way to do it.

In fact, as new power centers develop, it is going to be increasingly difficult for the U.S. to maintain its influence and defend its interests abroad when it lunges around as it has been doing lately at the U.N., in the economic and financial debates of the world, and in the Senate on foreign aid.

Besides, the main consequences of the U.S. import surtax and the killing of the foreign aid bill is not to hurt the nations Washington is angry at—Japan and the Common Market countries can take care of themselves—but to hurt the poor, underdeveloped countries that are likely to be the unintended casualties of the surtax and the foreign-aid decision.

The gap between the rich and the poor nations of the world is getting wider with every passing year. This is not only a human tragedy but a danger to the peaceful development of the changing world.

For there is now a kind of class war developing in the world between the rich nations and the poor nations, and this is likely to get increasingly worse unless all the power centers in the industrial northern hemisphere revise their programs of aid to the underfed majority of the human family now living below the equator.

[From the New York Times, Oct. 31, 1971]

A FAILURE OF LEADERSHIP

The Senate defeat of the foreign aid bill was, as President Nixon promptly observed, "a highly irresponsible action." But the retreat from responsibility was abetted by Mr. Nixon himself. It was a failure in Presidential leadership that finally broke the coalition of conflicting interests that has sustained this vital program of constructive international cooperation for more than two decades.

Foreign aid legislation has always depended on the support of lawmakers with widely differing views of the proper role of the United States in world affairs. Basically, there are those who would rely primarily on military measures to secure American interests in a chaotic world and those who believe the best hope for American security lies in cooperative programs of economic, social and political development aimed at eliminating the underlying causes of instability and conflict.

The views of most members of Congress lie somewhere between these positions—or combine them. Presidents in the past have mustered majorities for foreign assistance by striking a balance.

President Nixon's recent actions, however, have helped to polarize Congressional sentiment on foreign aid. White House expressions of pique over the American defeat on the Taiwan issue in the United Nations reinforced the vengeful mood of Senate conservatives who sought to punish offending members of the world organization by cutting United States contributions to that body in particular and economic aid in general. The President's stubborn pursuit of a military solution in Indochina, moreover, and his as well as his predecessors' support to authoritarian regimes in many lands have deeply offended Senate liberals and fostered a growing disillusionment with American foreign policy. That disillusionment found expression in an indiscriminate attack on the whole foreign aid concept.

Although Mr. Nixon did not lift a finger to defend endangered American commitments to the financially pressed United Nations, the Administration fought tenaciously to eliminate a ban on military aid to Greece, to bar restrictions on the use of funds in Indochina, and to restore a $341-million authorization for an expanding involvement in Cambodia, an amount which alone exceeds total United States contributions to the United Nations.

In the light of such Presidential leadership one of the few hopeful aspects of the foreign aid debate was the decisive manner in which the Senate rejected efforts by Senators Buckley and Dominick to slash United States contributions to special agencies of the United Nations. Members of Congress and President Nixon himself have long urged that a greater proportion of American foreign assistance be channeled through such international institutions. It is a process that should now be rapidly accelerated in order to reduce those political pressures implicit in bilateral aid that have created so much resentment and discord at home and abroad.

[From the Washington Post, Oct. 1, 1971]

THE SENATE'S BLIND VOTE ON FOREIGN AID

The Senate's vote to kill foreign aid was capricious and blind. It resulted—or so it seems at first look—not from a deliberate plan, still less from an intelligent one, but from a fluke political mood in the Senate, the absence of a third of its members and perhaps even the lateness of the week and the hour. That "the world's greatest deliberative body" should in this sudden and shoddy manner decide to end a program of historic dimensions—a program which, in our first judgment, remains essential to the American interest in a peaceful world—must sadden anyone who respects democratic institutions.

To be sure, the fault is not entirely the Senate's. Fifteen Republicans, including the GOP National Chairman joined 26 Democrats in rejecting the program. In the final showdown the President confined his own counsel to a message issued *after* the vote. His earlier criticisms of the motives and manners of states which voted to expel Taiwan from the United Nations doubtless contributed to the Senate's already strong inclination to punish such states by cutting off aid. Nor did Mr. Nixon help the cause by including in the bill an inflated $341 million item for Cambodia. Inclusion of the item gave the whole bill the character of a referendum on the Indochina war, and Mr. Nixon's hard fight for that item consumed much of the political energy he was willing to expend on the bill.

Still, it was the Senate that voted. Those senators with a record of opposition to effective (and ineffective) aid programs were at least being consistent in rejecting this bill. The same cannot be said for such previous advocates of enlightened internationalism as Senators Bayh, Church, Cranston, Fulbright, Mansfield, Pell and Symington. Mr. Church delivered himself of a brilliant critique of aid, that is, of aid as it existed ten years ago before the experience of Vietnam and before the influence of Congress began to force important changes—such changes as the declining American share in the developed world's aid load, the quickening trend towards funneling aid through international agencies, and more effective congressional oversight. Mr. Mansfield, equally impervious to these developments, declared airily that a "new foreign aid concept" is required.

What is required, of course, is not a new concept of aid but a willingness to cope with the real world. For the Senate to pass so casually from close debate of particular items in the bill to a sweeping assault on the whole program is unconscionable. The isolationist "signal" to the world is disastrous. Fortunately, there is probably enough previously appropriated aid money in the pipeline to keep actual aid operations going reasonably smoothly until the Senate recovers its balance and, through a continuing resolution or another appropriate legislative device, puts at least a minimal program back on the track.

CHINA, THE UNITED NATIONS AND FOREIGN AID

Even before Monday night's vote at Turtle Bay, many if not most Americans were angry at the United Nations, our "allies" or both. There also was plenty of disillusionment, on and off Capitol Hill, about the Vietnam war and our support of military establishments in Southeast Asia and elsewhere. Such negative thoughts about longstanding American policies backing various friends abroad came together on Friday in the Senate's shocking vote to kill the entire foreign aid bill.

The U.N. defeat, in which the admission of Communist China was accomplished only with the expulsion of the Nationalists, was largely of our own making. The foreign-aid turndown in the Senate while affected marginally by the U.N. experience, resulted from the accumulation of our own confusions, disagreements and disappointments.

While the balloting in New York on October 25, and in Washington four days later unquestionably will have its place in the history of our times, a date far more destiny-freighted was that of July 25, 1969. On that day, on the remote Pacific island of Guam, President Nixon held a backgrounder for newsmen at the Top of the Mar Hotel. At that seemingly informal, spur-of-the-moment affair, the President enunciated what he modestly refers to as the Nixon Doctrine.

The kernel of that doctrine, as explained to Congress by the President on February 18, 1970, is that

". . . the United States will participate in the defense and development of allies and friends but that America cannot—and will not—conceive *all* the plans, design *all* the programs, execute *all* the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest."

Another President, on the occasion of his inauguration, had stated on January 20, 1961, that every nation should know.

" . . .whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Brave words and noble ones. And yet in the event, the price had proved too high, the burden too heavy, the hardship too severe. Economically weakened by the Vietnam war after two decades of profligate spending at home and abroad, emotionally spent by the divisive nature of the Southeast Asian conflict, the nation and its people simply were neither able nor willing to make good on John Kennedy's words.

And so what Richard Nixon had to say at Guam in a very real sense reflected the hard realities of the present decade as opposed to the optimism of 1961. As such Guam signaled recognition of the fact that a new era in world history was upon us and that nothing ever again could be the same. All else since then, including Monday's vote at the United Nations, has flowed from the Guam proclamation.

For it was clear that, if the United States was no longer to function as the world's policeman, old arrangements would have to be molded and new alignments sought. There thus was ushered in a period of international fluidity in terms of diplomacy, monetary policy and trade. In such an uncertain period of resurgent nationalism and xenophobia, both here and abroad, it was unrealistic to think the United States could emerge with all its former pride and prestige intact.

On the specific question of the China vote, the pattern of voting in previous years indicated that at best the United States could expect to delay the expulsion of the Nationalists for another year. Had Taipei been willing to drop its claim of sovereignty over the mainland, contenting itself with membership in the U.N. as the government of Taiwan, the situation would have been different. But that was not the case and, with Dr. Kissinger in Peking to arrange details of the President's visit, other nations were in no mood to compromise their future relations with Peking by enlisting in an obviously losing cause.

The Senate's rejection of the foreign aid bill was preceded by balloting that opposed cuts in American contributions to United Nations agencies, showing that the China vote has not blinded all our legislators to the U.N.'s basic value to the world.

For the organization itself did nothing to humiliate either us or the Nationalist Chinese. Individual governments can, of course, be held accountable for their public acts. But the institution itself, for all its imperfections, remains a force for peace in a dangerous world and it would be folly for the United States to weaken it out of pique.

With the retreat (for that is what it is) of American power from the mainland of Southeast Asia and the watering down of our overseas commitments elsewhere, what we are witnessing is the end of a bipolar power structure in which world hegemony was loosely divided between Moscow and Washington. In Asia, Communist China, with its huge population and primitive atomic weapons, and Japan, with its limitless economic strength coupled with military weakness, are emerging as rival centers of power. It will be the task of this administration and of subsequent ones to maintain the closest of relations with Tokyo while seeking to improve links with Peking, and this will be no easy task.

Thursday night's vote in the House of Commons means that Britain, Ireland, Denmark and Norway soon will join—and strengthen—the already-powerful six-nation European Common Market. Europe's economic and political integration long has been a major foreign-policy objective of the United States.

Speculative attacks on the dollar, halted only by the President's closure of the gold window, coupled with rising competition from European products in our domestic markets, ending with the imposition of the 10-percent surcharge, have generated a good deal of anti-European feeling in this country, non of which was dispelled by the fact that only three NATO members (Greece, Luxembourg and Portugal) supported the United States on the China question.

But it would be folly to forget that our political interests are so intertwined with those of Western Europe as to be virtually indistinguishable. A strong Western Europe is essential to the security of the United States and, despite all the hokum of American protectionists, is vital as well to our economic prosperity: Overall, the United States runs a surplus on its balance of trade with the EEC, which in 1970 amounted to about $1.8 billion.

Insofar as Europe is concerned, our bilateral relations with West Germany are as vital to our interests as are our relations with Japan in Asia. Because Russia and only Russia can give her what she wants in terms of German reunification, Germany at times in the future may be tempted to cast her lot with the East rather than the West. It must be one of the foremost goals of American policy to see to it that this never happens.

It will require the better part of a decade for the new shape of the world around these five power centers to emerge. There will continue to be dangerous powderkegs such as the Indian subcontent and the Middle East to trouble the uneasy peace of the world, with Southern Africa perhaps soon to follow. In Latin America, the prospects for progress, stability and democracy remain as uncertain as ever.

In short, we are entering a new epoch which is as promising as it is dangerous. Mr. Nixon has vowed to give us an era of negotiation rather than confrontation and his visits to Peking and Moscow will be earnests of that pledge. But the American people have to realize that there can be no return to isolationism, to "normalcy," to "America First." While there can be a limitation on armaments, there can be no disarmament. While there can be a limitation on armaments, there can be no disarmament. While there can be a diminution of the U.S. military presence, there can be no total withdrawal to our own shores. We can encourage American industry but we cannot build tariff walls around ourselves and expect to prosper while others starve. We need not have enemies but we must have friends. While there undoubtedly are expendable items in the rejected foreign aid bill, there are essential provisions that must be revived in some legislative form before Congress adjourns.

In the bitterness of the aftermath of the China debacle, we would do well to remember that America cannot live in isolation if it expects to live in peace. As Mr. Nixon once put it, "the only issue before us now is how we can be most effective in meeting our responsibilities, protecting our interests and thereby building peace."

PUBLIC INVOLVEMENT IN C. & O. CANAL PARK PLANNING

Mr. MATHIAS. Mr. President, one of the major themes in the long battle to establish the Chesapeake & Ohio Canal National Historical Park was the involvement of concerned citizens and citizens' groups. It was, in fact, the interest and perseverance of growing numbers of citizens which spurred the last Congress to enact Public Law 91–646, providing for the preservation of this great natural resource and the development of its full recreational potential.

As the language and legislative history of Public Law 91–664 clearly show, the act is grounded on the concept of continuing communication between the National Park Service and the canal's many friends and neighbors in the Potomac Basin. In addition to general provisions toward this end, the act established a citizen's advisory commission to serve as a bridge between the National Park Service and the general public.

I am very much pleased to inform the Senate today that the National Park Service has now established specific procedures for public review and discussion of the proposed master plan for the preservation and development of the park. All construction work along the canal has been suspended until this detailed review has been completed.

These actions are in accord with recommendations which Senator J. GLENN BEALL, JR., Representative GILBERT GUDE, and I made on October 6 in a letter to the Director of the National Park Service. Our letter was prompted by public concern about construction work on several segments of the canal which had been undertaken without prior public notice or consultation, and which raised serious questions about the maintenance of a proper balance between historic preservation and recreational development along the canal.

In his response of October 27, the Acting Director of the National Capital Parks, Mr. Manus J. Fish, Jr., reaffirmed the Department's commitment to carrying out the full intent of Public Law 91–664. He outlined the specific steps which will be taken to make full information available to the public in a timely and constructive way, in accord with the intent of the act and the dictates of the National Environmental Policy Act of 1969 and the National Historic Preservation Act of 1966.

Mr. Fish's letter shows a very commendable degree of responsiveness to public concern about the implementation of Public Law 91–664 and a real recognition of the contributions which informed citizens can make to the process of defining the future of the C. & O. Canal as a national historical park. I look forward to working with citizen groups, the National Park Service, and my colleagues in the Senate and House throughout the period of planning and review which we are now entering.

For the information of the Senate and the public, I ask unanimous consent to include in the RECORD at this point copies of the joint letter of October 6 and the National Park Service response of October 27.

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

NATIONAL PARK SERVICE,
NATIONAL CAPITAL PARKS,
Washington, D.C., October 27, 1971.

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.:

We are most pleased to have your views and those of Senator Beall and Congressman Gude, as expressed in your jointly signed letter to Director Hartzog, relative to recent activities at the Dam 4 area of the C & O Canal. As you will recall, at our recent meeting with you and members of your staff regarding the proposed land acquisition program for the park, we actively sought your advice and are most anxious to work with you and your staffs to see that the intent of the Congress is followed in any developmental work. We are in complete agreement with your counsel that it is in the best interest of the park to have the proposed Master Plan reviewed by the Secretary's Citizens Advisory Commission and be available for public discussion.

As you may have learned, the National Park Service has, as you requested, stopped all construction work on the C & O Canal. We have agreed to this step pending detailed review of historic restoration and enironmental protection policies in compliance with Section 102(2)(c) of the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966.

This review will comprise the following actions:

1. A park-wide environmental impact statement will be prepared for inclusion in the Master Plan for the C & O Canal National Historical Park.

2. The proposed Master Plan will be presented to the Secretary's C & O Canal Advisory Commission (as yet not named) for its review of environmental impact, recreation development, and restoration/preservation policies.

3. The Plan will then be presented to the Advisory Council on Historic Preservation for comment in accord with the above mentioned National Historic Preservation Act.

4. Using the park-wide environmental impact statement as a foundation stone, detailed impact papers will be prepared for specific work projects to be programmed in the future.

5. Interested governmental agencies and citizens groups will review the environmental impact statements in accord with specified procedures.

The criticism of current projects will result, I assure you, in a redoubling of our efforts to meet the high standards required for this type of project. Where construction is required, methods must be adapted to minimize the scarring effects. In our stewardship of this national historical and recreational resource, we are dedicated to carrying out the mandate and intent of Congress as you quoted in your letter:

". . . to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed."

Again, thank you very much for your comments, and please be assured that we will continue to work with you.

Sincerely yours,

MANUS J. FISH, JR.,
Acting Director, National Capital Parks.

OCTOBER 6, 1971.

Hon. GEORGE B. HARTZOG, JR.,
Director, National Park Service,
Washington, D.C.

DEAR MR. HARTZOG: A number of concerned citizens have raised serious questions about some of the National Park Service's recent activities in the Dam No. 4—Big Slackwater area of the Chesapeake and Ohio Canal National Historical Park. The particular projects involve widening the towpath, apparently to accommodate official vehicles, and providing new facilities for power boating on this section of the Potomac River.

In the absence of a published master plan for the National Historical Park or clear public understanding of the purpose of these specific projects, it has been alleged that these activities signal a general Park Service intent to "improve" the towpath at the expense of its rustic character and historic integrity, and to promote mass recreation on the river at the cost of the area's serenity. We believe that it would be in the best interests of the National Historical Park to come to grips with such questions at this early stage, so that apprehensions which are unjustified can be dispelled and the wide public support enjoyed by the park will not be dissipated.

Public Law 91-664 established the National Historical Park "in order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the Canal for public recreation, including such restoration as may be needed." The goals of historic preservation and recreational use are not necessarily incompatible. To the contrary, both can be served by a progarm of sensitive, imaginative action which provides inobstrusive public facilities at a series of points along the Canal, emphasizes the restoration of Canal features such as the recently-damaged Seneca Aqueduct, and recognizes that some stretches of the towpath are best preserved by simply being left alone. The language and legislative history of P.L. 91-664 certainly support this approach rather than either indiscriminate bulldozing or neglect.

As the implementation of P.L. 91-664 proceeds, there will inevitably be occasional controversies over particular steps. To minimize such controversies and promote constructive public involvement in park planning, we believe it would be extremely helpful for the National Park Service to refrain from any further construction along the Canal until the master plan for the National Historical Park has been made available for public discussion and has been reviewed by the citizen's advisory committee established under the Act.

Specifically, regardless of ultimate court action on the subject, we urge you to maintain the current suspension of the projects in the Dam No. 4 area until the Congress and concerned citizens have had an opportunity to assess these projects in the context of the master plan. Any short delays resulting from such a moratorium will be more than compensated for, in our judgment, by gains in public understanding of and support for the administration of this important new park.

With best wishes.

Sincerely,

CHARLES MCC. MATHIAS, JR.
J. GLENN BEALL, JR.
GILBERT GUDE.

U.N. VOTE—FAILURE FOR NIXON ADMINISTRATION

Mr. MOSS. Mr. President, the U.N. General Assembly vote of last week to expel Nationalist China and seat the People's Republic of China was a devastating diplomatic failure for the Nixon administration, particularly in light of U.S. efforts around the world to prevent that outcome.

In the Washington Post, October 31, 1971, Stanley Karnow and Anthony Astrachan detail the divergent explanations as to what went wrong with the White House strategy. Such explanations range from the mechanical failure of the State Department bureaucracy to the ambiguity of the U.S. strategy and the White House tardiness in promoting it. Some analysts even are reported to express the opinion that the entire U.N. exercise was in actuality an administration charade staged to fend off the President's conservative critics. Such commentators consider it significant that the President refrained from deploring the vote and instead merely denounced delegates who cheered that vote.

I recommend this enlightening and revealing article to Senators and ask unanimous consent that it be printed in the RECORD.

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

U.N.—WHAT WENT WRONG?—POSTMORTEMS FAULT U.S. ENVOYS, TAIWAN STAND

(By Stanley Karnow and Anthony Astrachan)

Q. Mr. Secretary, why do you think we lost?

A. We didn't have the votes. (Laughter)

Q. Seriously, I mean . . .

—Secretary of State William Rogers' News Conference, Oct. 26, 1971.

Last Monday night, the United States met a stunning diplomatic defeat as a majority of the General Assembly voted to expel Nationalist China from the United Nations and seat the Chinese Communist regime in the international organization.

The U.S. setback appeared to be devastating because so many American officials in Washington, New York and around the world had worked so hard to prevent that outcome.

Early this month, for example, Secretary of State Rogers talked with a total of 92 foreign ministers and other foreign delegates in an effort to persuade them to support the U.S. position, which favored the entry of Peking without ousting Chiang Kai-shek's Nationalists. George Bush, the chief American representative at the U.N., lobbied like a Texas politician to swing votes behind the "dual representation" proposal.

Meanwhile, U.S. envoys in places as familiar as London and as exotic as the Trucial Coast were striving to sway kings, dictators, presidents, premiers and lesser foreign dignitaries into backing the American stance.

What went wrong? Or was the result of the U.N. vote really a failure for the Nixon administration?

In the post mortems that follow such historic episodes, versions of what, how and why the event unfolded inevitably differ according to the viewpoint of the participant involved. In this case, accounts fall into two broad categories.

There are those, particularly inside the official U.S. foreign policy apparatus, who see it largely as a mechanical failure sustained by the bureaucracy. They contend that the day could have been saved had the United States had more time to sell its position and, among other things, had certain American ambassadors abroad performed better.

Many of these officials also argue that the administration's "dual representation" proposal was inherently contradicted by the presence of Henry Kissinger, President Nixon's national security adviser, in Peking just as Washington was urging nations to support a U.N. position virulently opposed by the Chinese Communists.

On the other side, several analysts in and out of the government express the opinion that the entire U.N. exercise was actually a charade stagged by the administration for two essential motives—to fend off the President's conservative critics at home and to assure America's conservative allies abroad

that the United States does not betray its friends.

Partisans of this thesis consider it significant that the President carefully refrained from deploring the adverse U.N. vote itself but instead denounced delegates who cheered the final score. Informants with access to Kissinger also now recall that he treated the U.N. issue "as if it didn't matter."

Straddling these divergent explanations, some sources point out that the choice facing the administration was never as clearcut as it seemed to be—and that, in reality, the White House preferred to shroud its strategy in ambiguity.

"From the President's perspective there were risks and gains in either result, and he was prepared to accept both," says one of these sources. Says another, "The White House would have won either way, since Peking had agreed to the President's visit whatever the outcome at the U.N."

In terms of energy expended for results attained, then, the real American loser at the U.N. seems to have been the State Department. Its setback appears to reinforce the prevailing Washington view that its role in foreign affairs is negligible compared to the power wielded by the President, and Kissinger.

Preparations for the General Assembly vote that occurred on Monday night reach back to the U.N. debate on China that took place nearly a year ago.

For two decades before then, the United States had systematically rejected the idea of bringing the Chinese Communists into the international organization in any shape or form. But on Nov. 12, 1970, there was a hint that the old U.S. line was shifting.

Ambassador Christopher H. Phillips, the deputy chief of the American mission to the U.N., asserted in a speech that day that the United States hoped to see Communist China "play a constructive role among the family of nations."

Phillips implied in the same speech that the United States would invoke Article 6 of the U.N. Charter to block the ouster of Nationalist China. The article stipulates that a member nation can only be expelled by a two-thirds vote.

Although it was not entirely clear at the time, the Phillips statement signalled that the United States was edging towards the "dual representation" position it would later put forth. This new approach was prompted by the 1970 vote on China.

For the first time since the U.N. struggle over Chinese representation had begun, the perennial Albanian appeal calling for Peking's entry and the expulsion of the Nationalists carried a simple majority. It failed of adoption, however, because the United States had won its motion to make the issue an "important question" requiring a two-thirds margin.

The narrowness of that victory made it plain to the White House that the United States urgently needed a new policy lest it suffer a defeat on the next round on China. On Nov. 19, 1970, consequently, Kissinger sent a National Security Memorandum to Secretary Rogers requesting the creation of a special committee to review the Chinese representation issue and to recommend a fresh strategy.

Headed by Assistant Secretary of State Samuel de Palma, chief of the Bureau of International Organization Affairs, the committee comprised about 15 State Department and Central Intelligence Agency specialists. Its task was to draft a paper to be sent to the National Security Council, which in turn would advise the President.

As it held its deliberations, the committee gradually became polarized between members who favored all-out support for Peking's admission to the U.N. and advocates of both Communist and Nationalist representation in the international body. Nobody believed, in short, that the Communists could be kept out.

In February, after examining a wide assortment of notions, the committee presented the White House with two principal options available.

One of these, favored by those who wanted to see only the Communists in the U.N., became known in State Department jargon as the "sink with the ship" gambit. It recommended that the administration continue to back the Nationalists exclusively—but with a full awareness that they would lose and thus open the way for Peking's entry.

Conceding that this proposal was rather devious, its exponents contended that it would shield the President from domestic right-wing criticism and simultaneously provide him with ammunition to affirm to conservative U.S. allies abroad that he had done his best to protect the Nationalists.

The committee's other option was for the "dual representation" posture that the administration would afterwards put forth. As it turned out, the result of the U.S. vote this week unwittingly combined both tactics. Or as one official put it: "We went in with dual representation and sank with the ship."

Looking back on the fate of the U.S. policy, some American officials attribute its failure to the White House's tardiness in promoting the strategy. Missing from this analysis, however, is a sharp understanding of the President's objective.

Meeting in March, the President and his National Security Council reviewed the options sent in by the State Department. Although Mr. Nixon made no decision during that session, it was anticipated that he would choose to advance the "dual representation" strategy.

* * * over, that he would announce this policy in May. But two elements intervened to stay his hand.

The first of these was the problem of the Chinese Nationalists, whose initial resistance to Peking's admission to the U.N. under any circumstances was fierce.

To prevent them from stomping out of the U.N. and mobilizing protests among their American sympathizers, the White House was therefore compelled to proceed cautiously in persuading the Nationalists that the "dual representation" approach was in their own best interests.

This was a slow process, but the Chiang Kai-shek regime gradually came to realize that it had no alternative. Nationalist officials further calculated that Peking would reject "dual representation," refuse to enter the U.N. and thus leave them in sole possession of China's seat.

But as the Nationalists underwent an evolution in their attitude, a sensational event intruded to complicate the President's delicate operation. In early April, the Chinese Communists invited an American Ping-Pong team to China. Soon afterwards, the American writer Edgar Snow was authorized by Peking to publish an interview citing Mao Tse-tung as saying that Mr. Nixon would be welcome to China.

The Communist overture confronted the President with a dilemma. He had been working since he took office in January 1969 for a reconciliation with Peking. Hence he could not announce his U.N. policy until his invitation to Peking became official.

At the same time, however, a long delay in publicizing his position would make it difficult to line up support for the U.S. strategy. As it happened, this delay was crucial.

Not until Aug. 2, nearly a month after Kissinger visited Peking and arranged the President's forthcoming trip to China, did Secretary Rogers publicly disclose that the United States would propose "dual representation" at the U.N. Only then were U.S. envoys around the world—and the American mission in New York—given the green light to begin their salesmanship.

Since U.N. sentiment was running strong for some kind of China settlement, State Department strategists perceived that the United States had to perform as well or better than it had in 1970.

They feared, for example, that the defeat of both the pro-Peking and pro-Nationalist positions would bring in the Communists through another maneuver, such as a fight by Peking's supporters to withdraw the Nationalists' credentials.

Lobbying for the U.S. proposal began in foreign capitals, in Washington and at the U.N. itself, and it was complicated by an assortment of factors.

Several African states, for instance, were turned off by Sen. Harry F. Byrd's efforts to break the U.N. embargo against Rhodesia by permitting imports of chrome from that country. Some small nations simply felt that the China issue was none of their business and, the State Department calculated, their abstention would work against the United States.

There was the problem as well of generating fervor among American envoys abroad to promote the U.S. position. A few reportedly treated the issue casually. In one unnamed country, the U.S. ambassador opened his pitch by asking the country's President how he would vote. The President replied that he would oppose the United States, leaving the ambassador with the almost impossible job of changing the leader's decision. Commenting on that particular episode, one Washington official said: "That's just not the way to sell vacuum cleaners."

Meanwhile, precious time was lost in disputes between the State Department bureaucracy in Washington and the U.S. mission to the U.N. in New York. One of these disputes developed over the substance of the American resolution.

The U.S. mission argued that it could not persuade Australia, New Zealand and other countries to cosponsor the "dual representation" resolution unless the proposal specified that the Security Council seat go to Peking. The State Department insisted on leaving that question unmentioned to avoid offending the Nationalists.

As a consequence, the final draft of the U.S. resolution was not completed until mid-September with the decision to give the Security Council seat to Peking. The delay, however, prevented U.S. officials from clarifying the American positions to the nations they were seeking to win over.

Many countries were also confused by Kissinger's second trip to Peking, which came as an indication that the U.N. debate was of only minor importance to the White House. As these countries saw it, there was no compulsion for them to follow the U.S. lead when President Nixon's priority was his reconciliation with Communist China.

The tangle was compounded at the same time by divergences within the positions of certain states. Archbishop Makarios, the president of Cyprus, had pledged to back the United States, but his foreign minister and U.N. delegate took a different tack. In the end, Cyprus abstained, thereby undermining the U.S. stance.

The episode was also clouded by the sheer incapacity of countries to reach decisions under fierce pressure from both sides. The two tiny Persian Gulf states of Oman and Qatar had initially opted for the United States. But under heavy pressure from Syria and Iraq, which favored Peking, they began to flounder. Qatar finally abstained and, according to reliable sources, the Oman delegate locked himself in his hotel room and avoided the vote.

Amid this confusion, the U.S. representatives at the U.N. were unable to keep track of the count. Moreover, observers in New York suggest, there may have been excessive optimism on the part of the chief U.S. representative, Ambassador George Bush.

Widely touted as a prospective Republican

candidate for Vice President in 1972, Bush's hopes had been punctured when he lost the Texas senatorial race last year. His appointment to the U.N. presented an opportunity to regain his prestige. He was determined to win on the China issue—and, it is believed, perhaps oversold himself on his chances.

Until the actual day of the vote, for example, the American mission was apparently convinced that the Belgians would back the United States even though Belgium was then negotiating to recognize Peking. But at noon, Belgium notified the U.S. mission that it would abstain on the ballot to make the ouster of the Nationalists an "important question."

The Belgian switch—or at least its revelation—unleashed a torrent of queries from other countries seeking to determine which way the wind was blowing. The fence-sitters began to sway, the the U.S. delegation rushed back to the General Assembly in a last-minute effort to reverse what now looked like an incipient anti-American tornado.

But the U.S. effort came too late. The American attempt to uphold the "important question" was defeated by 59 to 55, with 15 crucial abstentions. That opened the way for an overwhelming vote to seat Peking.

When the electric scoreboard at the General Assembly flashed the news of the U.S. setback, delegates cheered and Tanzanian delegates jumped up to dance a jig on the floor in front of the rostrum. Reflecting the Soviet Union's equivocal attitude towards Peking, a Russian diplomat quipped: "We have just suffered a massive victory."

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that according to current Census Bureau approximations, the total population of the United States as of today is 208,259,635. This represents an increase of 170,369 since October 1, or roughly the size of Kansas City, Kans. It also represents an addition of 2,128,810 since November 1 of last year, an increase which is approximately three times the size of San Francisco.

SENATOR PROXMIRE NOTES CONTINUING CONCERN FOR FEDERAL ECONOMIC INFORMATION PROGRAM

Mr. PROXMIRE. Mr. President, on October 27 the Joint Economic Committee, of which I am chairman, heard testimony by the Office of Management and Budget—OMB—on the status of the reorganization of the Federal statistical program. We had asked OMB Director George Shultz to testify, but regrettably he was unable to appear. Instead, he asked Dr. Julius Shiskin, Chief Statistician of OMB to present the Office's views on the recent disquieting events and rumors suggesting that appointed policy officials in the executive branch are attempting through the reorganization to control the flow of information to suit their own ends rather than allowing the technical experts to explain economic developments in an objective fashion.

I must say I am not reassured by OMB's explanation. For the most part, it was couched in broad generalities. When asked about demotions of technicians at the Labor Department's Bureau of Labor Statistics, the Office of Management and Budget disclaimed all responsibility. Even though morale of technicians up and down the line was shaken, not only by the reorganization itself, but by the highly secretive fashion in which it was carried out, it was claimed this was a problem for the Department not for OMB. What an attitude by an Executive agency which is supposed to provide oversight of the whole Federal economic information program.

I am glad to report that this neglect is not shared in the private community of economists and statisticians. Mr. President, I am unanimous consent to have printed in the RECORD letters from the academic community. One of them is signed by 32 economists expressing their concern. As will be recalled, I recently—October 12—received and placed in the RECORD a similar expression of concern from economists at the University of Wisconsin.

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

UNIVERSITY OF MARYLAND,
College Park, Md., October 13, 1971.

Senator WILLIAM PROXMIRE,
Chairman of Joint Economic Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am writing to express my concern over recent personnel changes, and a related reorganization of duties, at the Bureau of Labor Statistics. It is obviously essential that the integrity of government statistics be beyond question. Up to now, I think, it has been, at least at the three major branches with which I am closely familiar—the Bureau of Labor Statistics, the Census Bureau, and the Office of Business Economics. By linking policy considerations with the production and interpretation of basic data, I fear, a new precedent is being established that may expose BLS data in the future to suspicion. I therefore warmly support your personal efforts, and that of the Joint Economic Committee, to combat this unwholesome alliance and hope they will continue.

With best wishes,
Sincerely yours,

MELVILLE J. ULMER,
Professor of Economics.

BUREAU OF ECONOMIC AND BUSINESS RESEARCH,
Urbana, Ill., October 19, 1971.

Senator WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: Stories in the press call attention to the Administration's efforts to line up all branches of the federal service to create in the public mind an appraisal of economic events that they think will be favorable to their own interests. We recognize that this kind of public relations effort is not unique, but it is many years since it has been carried to the extreme of removing qualified professional personnel from their posts for refusing to make biased reports of the kind desired.

Our concern leads us to appeal to you for an investigation of these matters, and we therefore submit the enclosed petition.

Sincerely,

V. LEWIS BASSIE, *Director.*

Enclosure.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essential for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

Peter Schram, Economics Department.
Fred Gottheil, Economics Department.
Rene Vanderdries, Economics Department.
George Provenzano, Economics Department.
Charlie Carter, Economics Department.
R. E. Anderson, Economics Department.
Robert W. Gillespie, Economics Department.
R. G. F. Spitze, Economics (Ag.) Department.
Case M. Sprenkle, Economics (Ag.) Department.
Joseph D. Phillips, Bureau of Econ. & Bus. Research Department.
Ruth Birdzell, Bureau of Econ. & Bus. Research Department.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essen-

tial for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

James R. Millar, Economics Department.
Paul Wells, Economics Department.
Stephen Forbes, Finance Department.
Lawrence Weiser, Economics Department.
Marianne A. Ferber, Economics Department.
Franklin Shupp, Economics Department.
Patrick Yeung, Economics Department.
V. Lewis Bassie, Bureau of Econ. & Bus. Research Department.
Robert W. Harbeson, Economics Department.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essential for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

Robert W. Herdt, Agricultural Economics Department.
Earl R. Swanson, Agricultural Economics Department.
Wesley D. Seitz, Agricultural Economics Department.
Raymond M. Lenthold, Agricultural Economics Department.
Earl D. Kellogg, Agricultural Economics Department.
James W. Gruebele, Agricultural Economics Department.

To the Joint Economic Committee of Congress:

We the undersigned faculty members of the University of Illinois are concerned over the reorganization of the Bureau of Labor Statistics as announced in the Department's press release of September 29, 1971. It appears that two professional economists, Mr. Harold Goldstein and Mr. Peter Henle, have for political reasons been demoted or displaced from duties they had been carrying out satisfactorily.

Although new appointments may be based on professional competence, as the release states, the fact that career civil service appointees can lose their posts in this way is bound to put pressure on every government statistician to avoid the presentation of unpleasant facts that might incur the displeasure of their political superiors.

The release also states that the Bureau's statistical procedures and standards will not be affected. We take this reassurance at face value, but the release says nothing about analysis and explanation of the data, and interpretations made to the press and the public by those who have a special bias may be misleading. We therefore feel that official releases accompanying the data should be prepared only by responsible technical experts.

We believe that summary reorganizations and other actions of this kind tend to undermine the integrity of federal statistics. Trust and confidence in data that are essential for analysis of the nation's position have been built up over several decades but could be dissipated in short order.

We therefore urge an investigation of the changes already made and any others that are contemplated. The American public needs some assurance of fair play from sources outside the administrative channels themselves.

SIGNATURES

Milton Deber, Labor & Indust. Relations Department.
W. H. McPherson, Economics Department.
Martin Wagner Labor & Indust. Relations Department.
Walter Franke, Labor & Indust. Relations Department.
Paul F. Gerhart, Labor & Indust. Relations Department.

IMPROVEMENT OF HEALTH CARE DELIVERY SYSTEM

Mr. DOMINICK. Mr. President, Senators who are concerned with finding ways to improve our health care delivery system may be interested in a recent analysis in Group Practice magazine. The article, entitled "Areas of Inefficiency in Medical Practice," was written by W. Grayburn Davis, M.D., medical director of the Denver Clinic, in Denver, Colo.

He outlines the potential, as well as the limitations, of group practice in reducing inefficiencies. He points out that prepaid group practice is not necessarily the best method of delivering medical care to all population groups, and that fee-for-service practitioners are better equipped to deal with certain inefficiencies. He also suggests that a substantial portion of medical costs is not controllable by individual physicians, whether practicing individually or in groups. He is critical of Government regulations, particularly with regard to medicare, which have contributed to inefficiency and high costs.

I think Dr. Davis' views are imaginative, balanced, and particularly valuable, because of his extensive experience in the actual practice of group practice medicine.

I ask unanimous consent that this article be printed in the RECORD.

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

AREAS OF INEFFICIENCY IN MEDICAL PRACTICE

(By W. Grayburn Davis, M.D.)

A practicing physician steps on some toes while evaluating a range of problems universal to the delivery of health care.

Although the very idea of group practice tends to reduce the inefficiencies of health care delivery, let us admit there is plenty of room for improvement.

I shall not be so parochial as to suggest that group practice is a complete answer. We in group practice have solved some of the problems, perhaps better than the solo practitioner. On the other hand, the solo man may better solve some of the inefficiencies of medical practice.

In general, however, a group practice can reduce inefficiencies and improve the delivery of health care through these inherent strengths:

Management of cost effectiveness.
Provision for continuous peer review.
Promotion of preventive medicine.
Control of hospital use.
Reduction of patient cost through good central management.

Before getting into specifics, let me clarify a basic point: You cannot significantly change physician efficiency by speeding up his rate of production. Instead, you increase his efficiency by freeing him of nonmedical problems so that he has more time to see patients.

SUBJECT TO SOME CONTROL

Some areas of inefficiency can be influenced positively without radically changing the basis of health care delivery.

First in mind would be the increased use of medical support personnel—central appointment clerks, insurance billing clerks, medical records librarians, and physician assistants—including the surgical and orthopedic assistant and the pediatric practitioner. These functions are certainly not unique to group practice. But perhaps they are somewhat more highly developed in groups.

In addition, an efficient medical records system and a single record for each patient make consultation available at lower cost than if such records are duplicated and scattered among a number of specialists and institutions in the community.

Another method of reducing inefficiency entails peer review. When well controlled, this function enhances outpatient diagnosis through increased efficiency and reduced costs. Parenthetically, the American Association of Medical Clinics, through its accreditation program, is using its peer review mechanism to convince third parties, such as the Blues, Medicare, and private carriers, to recognize the increased efficiency and resultant lower cost of well-controlled outpatient diagnostic work.

This same peer review mechanism in the group practice accreditation program has an effect on hospital use. Figures from a large private hospital in Denver indicate that hospital utilization is lower for staff members engaged in group practice than for comparable solo specialists in the same geographical area.

On the other hand, physicians engaged daily in fee-for-service or prepayment practices agree that these two types of group practice cannot be compared on a hospital utilization basis because they treat entirely different medical populations.

LITTLE OR NO CONTROL

Some areas of inefficient medical practice are subject to little or no control by the practicing physician.

Quite obvious is labor cost. In Denver, we compete for employees with many federal agencies—most of them on a five-day week with elaborate fringe benefits. Private practitioners in general lack the means to match these.

Another area over which we have little control is the mountain of paperwork. Insurance claims for patient medical services

must be moved regularly by practicing physicians. Throughout the years, the burden of handling the growing number of claim forms has fallen on the physician or his staff and the cost of this service is reflected in higher medical fees.

In my opinion this cost is the responsibility of the insurance carrier. At least, the carrier should help the physician lower his cost.

A new system in Colorado involves a number of clinics who rely on a sophisticated medical computer service to provide the patient with a computerized bill listing individual services, relative value codes, ICDA diagnosis, diagnostic code and fee. This hard copy bill provides all the information any carrier needs to reimburse the patient.

This system works successfully with Medicare and most private insurance carriers. But our own Blue Shield plan in Colorado so far has been unable to adjust its claim system to pass the savings to all member-physicians and subscribers. By the way, private capital entirely financed development of this program.

GOVERNMENT INSENSITIVITY

One major area of inefficiency over which the physician has little or no control is the growing volume of federal regulations. This shows up in many variations. But the common thread is the regulation dictated largely by authorities who know little about the daily practice of medicine or who little appreciate the effect the regulation may have on patients.

For example, recent regulations published in the Federal Register indicate the intention of the Social Security Administration to provide Part A Medicare reimbursement for outpatient diagnostic procedures when performed in a hospital outpatient department. This, in effect, shoves the practice of medicine under the hospital roof. It is a threat to all group practice, but particularly the prepayment groups—and these folks are the darlings of HEW.

Another example of unfortunate federal regulation involves the payment of reasonable and customary fees by Medicare carriers under Part B reimbursement. Although the Medicare carrier raises the cost of medical care through required increased paperwork and through the handling of claims on an individual basis, the Medicare carrier at the same time arbitrarily pays less than 100 percent of what it established as a reasonable and customary fee. Experience indicates that this altered fee then becomes a new and phony standard for a given physician, creating a growing deficit position which can only be made up from non-Medicare patients if the practice is to remain solvent.

Still another area of inefficiency might be labeled "oppressive regulations from the Food and Drug Administration." The FDA has set back the practice of medicine in this country via its regulations associated with the Kefauver-Harris amendments. Physicians find themselves capriciously interrupted by the FDA after investing considerable sums in time, equipment and material. FDA policy, which translates into "today you can, tomorrow you cannot," can only be expensive and frustrating.

Finally, government policy toward health care in general is far from logical. HEW induces the public to seek comprehensive care by group practice, favoring prepaid in hospital plans. At the same time, HEW spawns regulations destructive to group practices and to prepayment groups in particular.

This is in the face of general agreement among group practices that prepayment of health care delivery is not necessarily the best for all population groups. It would make sense for some of the HEW grants, which study various aspects of group practice, to be awarded to practicing groups or to their representatives, rather than almost entirely to university community health planning, departments, sociologists, economists and the like.

SOME IDEAS

Lest I leave you with the idea that I am hypercritical and, at the same time, nonconstructive, a few suggestions follow.

Group practice conceived, tested and produced the working model of multiphasic health screening. With the help of consumer groups and available capital, private medical foundations or clinic groups could make such services available to many people in rural and inner city areas who are deprived of adequate health care—all at reduced cost.

This is a difficult situation because private physicians, whether group or solo, cannot realistically provide physical relief for their brother physicians in rural or inner city areas. They can provide a type of backup, however.

For example, the Denver Clinic, in cooperation with St. Joseph Hospital, is developing a straight-line relationship among four rural communities, the Denver Clinic and the hospital. The rural physician becomes a member of the hospital staff, permitted to admit patients directly to the hospital on the clinic service. This means the patient has only one record—free from duplicate tests and charges from three different examinations when one is adequate. The hospital and Denver Clinic also consult administratively and medically with the rural community in strengthening this relationship.

Another positive approach to reducing inefficiencies of health care delivery suggests increased use of social service where someone other than a physician is equally effective. The Denver Clinic has had a social service department for more than two years, providing ancillary medical services without exhausting the valuable time of physicians.

One fire-breathing dragon which directly affects the efficiency of medical practice is the malpractice suit and insurance rates. For those who can get insurance, rate increases of more than 100 percent in a single year causes the efficiency and cost effectiveness of any practice to suffer. A continuing threat from the opportunistic patient or attorney induces many physicians to engage in excessive procedures as an attempt to head off that dark day in court. Hope for legal reform is not promising since our legislatures are heavily populated by attorneys. But some effort to reduce exhorbitant premiums is underway from the insurance industry itself, in cooperation with the medical profession.

ONE BASIC SOLUTION

One final area of inefficiency, about which something is being done but subject to considerably more effort, involves the education of medical students and house officers. A proper approach might be the single, most significant activity possible, to ameliorate inefficiencies and high costs!

It is my judgment that medical students are almost totally oriented toward caring for patients lying in a bed. They don't know how to approach, much less handle, patients, who are walking about and who may not be entirely certain that they are ill.

If the Federal Government is seriously interested in developing more physicians for private and group practices, it should recognize a golden opportunity to support programs for inducing group practices or even solo physicians to provide preceptorship training in private practice settings. In this way, medical students and house officers might discover what the practice of medicine is truly about.

Many group practices with associated education foundations are both qualified and eager to provide such experiences if some funds are made available. Large amounts of private capital already finance such programs at certain large clinics, but this is a drop in the bucket compared with what the government can and should be doing.

CONCLUSION

Every thriving group practice represents a successful effort in identifying and dealing with many of the inefficiencies in the delivery system in its own Trusteeship for Health. Thus each is unique to the patient population it serves. Each can testify to the *real* needs in its own trusteeship and the *real* obstacles to its growth and economic survival. Is there anyone in the government with the willingness to listen, or the ability to comprehend?

ACTIVITIES OF INTERNATIONAL OIL COMPANIES

Mr. MONTOYA. Mr. President, on October 4, Mr. A. H. Massad addressed the New Mexico Oil and Gas Association in Santa Fe, N. Mex. In his remarks Mr. Massad, who is the executive vice president of the International Division of the Mobil Oil Corp., gave a lucid description of our national needs for oil presently and in the future. He also describes the difficulties and complexities involved in guaranteeing that those needs will be met. He includes a description of the technological advances and international arrangements necessary to the achievement of that goal.

It is my thought that this description of the activities of international oil corporations might be of interest to Senators. I, therefore, ask unanimous consent that Mr. Massad's comments be printed in the RECORD.

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

A LOOK AT INTERNATIONAL OIL

(By A. H. Massad)

When Pete called to see if I could be here with you today, it was difficult to understand why I had been so honored. I now find my arrival in New Mexico comes halfway between the Ruidoso Downs horse race and the celebration of the 50th anniversary of the discovery of oil in New Mexico. So I guess they asked me out to fill in the slump period.

Seriously, I can quickly think of many good reasons why I'm pleased to be here. Let me mention a few.

It's an honor to speak to the first joint meeting of your new organization. Having previously worked in one of the original groups, I am pleased to see the merger come about. I know that for 43 years the New Mexico Oil and Gas Association has played a strong and effective role in oil affairs. The new, combined group promises to do even better.

Second, I'm delighted you chose a Mobil man to talk with you—especially when I see certain of my competition in the audience. Mobil has enjoyed a long and rewarding association with New Mexico. We opened our first service station in Tucumcari in 1920 and have been marketing here ever since. We brought in our first well in the Vacuum field northwest of Hobbs in 1929. We presently have an interest in some 500,000 acres in this beautiful state.

Third, it's good to be back in the Southwest. Much of my life has been spent in this part of the world. You might say most of what I have learned in the oil business I acquired in this neck of the woods. Some of my best memories are of the Southwestern States. And those best memories are a part of my association with what I believe to be the finest people and industry going today—"the Oil Business."

Actually, until a year ago, my experience was primarily as a domestic oil man. I spent some 24 years working on Mobil's U.S. ex-

ploration and producing jobs, mostly in the Southwest. But on October 1, 1970, I was handed a new job: all of Mobil's exploration and producing activities outside the United States and Canada.

It was well known to me the oil business had some tough problems here at home, because I had come face to face with them over the past years. But after a year's exposure to foreign operations, let me tell you the oil business overseas is an even bigger snake pit.

However, this past year has been fascinating for me, and it's also been quite a learning experience. Today, I would like to share with you some of the impressions gained in this short period. I promise not to pontificate on the wide variety of problems facing the international oils. But let me give you a feeling for my side of the oil business—and it has made a great impact on one Southwesterner—namely me.

Let's begin by taking a fast tour of current happenings on the world oil scene.

First: Latin America, where there are several important areas of oil production, namely, Colombia, Peru, Ecuador, Brazil, But Venezuela continues to be the petroleum pacesetter in the lower half of the western hemisphere, with production averaging more than 3.7-million barrels per day.

Venezuela posed certain difficulties for the international oils. For several years, the government has not granted traditional oil concessions. Instead, they elected to issue "service type" agreements under which the company acts as a contractor and crude lifter for the government and then shares in the production with the government itself.

Prior concessions of the conventional type will begin to revert to the Venezuela Government in 1983, with the future role of producing companies uncertain. For this reason, Mobil and others are hopeful service contracts in Lake Maracaibo may form a new pattern for future operations in Venezuela.

The Caracas Government has taken a number of other legislative actions in recent years. These included substantial increases in government take, and greater government control over production of oil and gas. However, government intervention is nothing new in Latin America, or elsewhere for that matter. We have lived with it for years. We can and will take it in our stride as we move into the future.

Moving to Europe, the bright spot at present is the North Sea. The waters off Norway, the United Kingdom, Denmark and The Netherlands give the greatest promise. With some partners, we were recently awarded an exploration and development license in this area, where significant finds have been made. We are certainly hopeful of big rewards for the investment we made. Oil and gas output from the North Sea region is expected to spurt upward and contribute importantly to easing the supply-demand squeeze in Western Europe.

But oil is not easily come by. While the political climate surrounding North Sea production is comparatively placid, the geographic setting offsets an otherwise tranquil scene. Violent winds, surging seas and inclement weather characterize the area.

Exploration and production in the North Sea calls for ingenuity, new technology, and plenty of heavy duty equipment, when compared with the relatively serene waters of the Gulf of Mexico.

Western Europe is a prime example of imbalance between centers of production and consumption. Europe uses some 12-million barrels of crude daily but produces only half a million. Most of the crude arriving in Europe comes from the prolific oil fields of the Middle East. As you might expect, the Middle East, which yields roughly 15-million barrels daily consumes less than one million barrels.

North Africa, as well as Equatorial Africa, holds great promise as suppliers of crude oil to Europe and other markets.

One of the bright spots is Nigeria. This nation has emerged rapidly as a major source of crude oil. Production there stood at about half a million barrels a day in 1969, doubling to slightly over a million barrels a day last year. Predictions of two million barrels a day output by 1975 are proving conservative. These have been recently revised upward to three to three and a half million barrels by mid-1970's.

As an example of what's happened in Nigeria, Mobil's production which started only a year and a half ago, now averages 85,000 barrels a day. This should reach 120,000 barrels a day when two new fields come on production in the next few months.

But Nigeria is not without its political thorns for foreign oil producers. Following the examples set by other major producing nations, Nigeria has now established a state oil company to participate fully in all aspects of the business, from exploration to marketing.

For its part, Libya presents a different set of problems to the foreign producer. This nation has been engaged in a production control program for the past year. This, coupled with increased government take, makes operations there very difficult indeed.

Libya's stance on production cutbacks recently was driven home dramatically to Mobil. Our Libyan affiliate made a discovery this summer which produced about 6,000 barrels a day. The government ordered the well shut in and refused to grant an allowable. After considerable "tooing and froing" we were permitted to go on stream at a rate of 2,000 barrels a day. The imposition of special "rules," such as this one, clearly can hamper the industry from meeting the growing demand for oil.

Among the producing countries in Africa, however, Algeria stands out as the prime example of what a government can do when it mixes politics with oil.

Algeria, situated close to the vast European market, produces a high quality crude oil, and has estimated reserves of about 10 billion barrels. It also has vast natural gas resources which have barely been tapped.

Production in Algeria was increasing steadily until the time of the most recent Arab-Israeli conflict. At that time the Algerian Government embarked on a politically inspired course of nationalization. This involved French, British, American and other foreign oil companies. While the situation in Algeria is still confused, production in that country has declined and exploration practically come to a standstill. The outlook for the future is cloudy indeed.

Moving Eastward, we find the world's richest oil area—the fabulous Middle East. It has been said with respect to some parts of the Middle East—oil fields there are measured not in miles but in degrees of latitude! Others see the Middle East as an inexhaustible supply from an unlimited source.

The Middle East holds 58 percent of the entire world's proved reserves. Mobil is a partner in the major enterprises in the area, such as Aramco and the Iranian Consortium. These countries are still looking for new exploration plays. We were recently granted offshore Iran acreage, for example.

After all is said and done, the Middle East will continue for the foreseeable future to be the heart and the arena of the international oil business. It will also be the focus of our most difficult problems with governments, as I will point out later.

On around the globe, we come to the Far East.

Here we find another example of the disproportion between supply sources and markets. On the one hand, there is Japan, which consumes more than 4-million barrels daily but produces virtually none. To the south of Japan lies Indonesia, one of the world's oldest oil-producing areas. International oil companies of every nationality have moved into this area in the last two years.

In Indonesia, the focus in recent years has been moving offshore. Mobil has acreage both on and offshore. Also, earlier this year, we were granted the first west-coast offshore agreement by the Malaysian Government. Seismic studies are scheduled to begin there shortly. This Malaysian acreage, incidentally adjoins our tract off the Indonesian island of Sumatra.

This quick review of the world oil scene may make you ask: Why then does Mobil, and the other international oil companies, persist in searching out new oil in the four corners of the earth? The answer is simple: The industry must find and develop these new reserves to feed the world's insatiable appetite for oil.

Demand for energy—in all forms—has far exceeded the predictions made in the sixties. And oil has assumed a much stronger role in the energy picture than anyone ever expected.

Free World demand in 1970 rose 9 percent over 1969. This may not seem like much, until you think about the volumes of oil involved. It comes out to an increase of nearly 3.5 million barrels a day. We now estimate Free World demand will rise to 50 million barrels daily in 1980, an average annual increase of 7.5 percent. This means finding two more "Venezuelas" every year.

In the United States and Canada, oil demand is reaching 16.7 million barrels a day for 1971. By 1980, this should hit 23 million barrels daily, an average annual increase of 3.5 percent.

Projected a bit further, we believe over the next three decades, the United States alone will require more than *twice* the oil and natural gas consumed during the entire 112 years since the birth of the oil industry in 1859.

From where are these tremendous amounts of oil and gas to come? Definitely, a large part of it must come from domestic sources. In some ways, our country has been lucky indeed to be relatively self-sufficient in the raw materials it needs for energy. Last year, for example, U.S. crude demand was 14.4 million barrels daily, of which we produced 11.3 million barrels right here at home. But in the next decade this level of self-sufficiency is going to be harder and harder to maintain.

This was borne out by a recent study published by the National Petroleum Council, an industry advisory board reporting to the Secretary of the Interior. The report concluded by indicating a continuation of present U.S. Government policies will lead to significantly increased U.S. dependence on foreign energy resources, mostly in the form of oil from eastern hemisphere countries.

Clearly this is reason enough for Mobil and other international oil companies to seek new sources of supply overseas. Other alternatives are not viable at this time. We must meet the challenge to find the huge volumes of oil required during the 1970's and beyond, not just for our own country but the rest of the Free World as well.

I submit the international oil business is uniquely equipped to do this job—despite the many problems involved. For one thing, such tremendous demand growth calls for equally large economies of scale. The private international oil company has been, and still is, the most effective mechanism ever developed for finding, producing, moving, refining, and marketing large quantities of crude oil and petroleum products.

No country in the world, and the United States is no exception, produces exactly the right amount or the right types of crude to meet all its own domestic requirements. Only large, efficient, international oil companies can "balance the barrel," matching various crude sources with the differing demand pat-

terns of the countries where oil is refined and products sold.

Also, every oil company must make a heavy and continuing investment in technology and research in order to develop new products, new processes, and new ways to increase its efficiency.

Technological knowhow will be a crucial factor in the years ahead as oil becomes harder to find and develop. We will need every bit of this technical expertise, not only to penetrate new areas hostile to man, but in geological and geophysical exploration as well. I'm thinking about places such as the Arctic zones of Alaska and Canada, offshore Brazil, and the Caribbean, the North Sea Basin, the desert areas of North Africa, the tropical waters of Equatorial Africa, the seas surrounding South-East Asia, Australia and New Zealand. These are tough areas, demanding a high degree of innovation and new technology.

The job we face is not an easy one, but it can be handled. We know how to balance the barrel. We can develop the necessary technology. We can continue to provide economies of scale.

The real problem in years ahead lies in the relationships maintained with governments of the countries in which we operate. This is just as true in the United States as it is overseas. Each of you in this audience is highly aware of the environmental problems we have at home. For example, the delay in the Alaska pipeline; the controversy over natural gas prices; the curtailment of offshore drilling; and many others. I would like to believe these problems will be settled with some common sense on both sides—but I'm beginning to wonder.

In the international arena, there were long, hard negotiations in early 1971 between the industry and the oil-producing countries. These negotiations, mainly with member governments of OPEC—The Organization of Petroleum Exporting Countries—were just about at the time of Governor King's inauguration. I want to assure the good Governor—the international companies played no part in creating the fuel shortage that kept you from taking up residence in the executive mansion here in Santa Fe!

We had enough troubles of our own! What came out of the OPEC settlement were firm agreements on tax rates and on posted prices, which are the basis for taxes and royalties paid to local governments. The industry also obtained assurances of stability for the five-year period covered by the agreements.

As a result of the OPEC settlement, the day has now passed when we can speak of "cheap" foreign oil. Crude oil everywhere has become much more expensive in recent months, largely for political reasons. And the cost of oil will rise still further during the five-year life of the agreements.

In 1975, the average posted price of oil in OPEC countries will be more than a dollar a barrel higher than in mid-1970. Taking into account royalties and the net tax rate of 55% in most oil-producing countries, revenues to those governments will approximate $1.50 a barrel.

Okay. Where do we go from here? It's difficult to predict future relationships with the producing countries. Clearly, an era is over as far as traditional relationships go. Hopefully, we gained stability for five years at least. I truly believe the governments of the countries involved wish to honor the agreements they signed. To breach them would invite a substantial loss of confidence by the rest of the world.

But who can predict with any accuracy in the world in which we live today!

Our latest problem concerns recent demands by the OPEC countries for what they call "participation" in existing oil concessions. It could better be called partial nationalization or a stake in the equity of our producing operations. Clearly, OPEC's latest demand appears to be firmly in the direction of state ownership and control of the concessions held by the international oil companies. *And I once thought there was nothing more troublesome than state and federal controls right here in New Mexico!*

It is too early to speculate on the outcome of the "participation" problem. But obviously this is a demand quite different in principle from the claim for higher royalties or taxes. It is a demand for a change in the basic relationships between governments and companies as written into existing agreements, including the ones we signed just a few months ago.

Still, I am optimistic even this problem can be resolved satisfactorily and the international oil companies will continue to play a vital and important role in the years ahead.

There is at present no viable alternative to the functions performed by part of the industry. With sources of crude oil on every continent, huge tanker fleets, modern refineries and distribution facilities in nations around the world, the international companies alone have the resources, skill and flexibility needed to insure an adequate supply of energy in the decades ahead. Their continued existence is in the best interests of all concerned, especially that of the United States of America.

GENOCIDE: INTENT TO DESTROY

Mr. PROXMIRE. Mr. President, genocide is an action or group of actions taken against a racial, ethnic, or religious group with the express intent of destroying that group. The intent to destroy is very important here. Too often the opponents of the Genocide Convention over look this fact. It is argued that any action taken which is detrimental to the welfare of a minority group is to be considered genocide. This is not so. If the intent to destroy the entire group is not present, then the actions are not genocide.

Article II of the Convention has enumerated five actions which are to be considered genocidal. In defining these actions, the framers of the Convention made it clear that they were not genocide if done as ends in themselves. Rather, to be genocide, they had to be done with the intent to destroy the entire group.

Mr. President, how long must the American people wait? Surely 22 years is long enough. The time for action has come. The Senate should ratify the Genocide Convention without delay.

CONSUMER SPENDING—KEY TO ECONOMIC RECOVERY

Mr. MOSS. Mr. President, recently I stated my belief that consumer spending is the real key to a broad-based economic recovery. National programs which ignore the importance of increased consumer purchasing power and confidence will continue to fall short of expectations.

We are now less than 2 weeks from the beginning of the second phase of the President's economic stabilization program. Conflicting statements by organized labor and administration leaders as to the actual workings of the phase II machinery have left just about everyone uncertain as to the economic future. This absence of a clearly stated national policy on wage and price increases has made consumer and business planning almost impossible. The resulting uncertainty can only serve to damage national hopes for a speedy economic recovery.

In a penetrating analysis published in the Washington Post, October 31, 1971, Hobart Rowan, assistant managing editor and economic columnist, called attention to the economic impact of consumer uncertainty with regard to phase II. He stresses that the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

I ask unanimous consent that Mr. Rowan's article be printed in the RECORD.

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

BUSINESS, CONSUMERS EDGY ABOUT IMPACT OF PHASE II

Spokesmen for the Nixon administration are trying to suggest that the recent bear market in Wall Street can all be attributed to "uncertainty" over the Phase II controls operation; that once the new rules are published and understood, the stock market—and the economy—will resume an upward march.

But this is not the whole story. There is, indeed, uncertainty over the nature and the functioning of the wage-price controls system, involving a Pay Board and a Price Commission. There is even a chance that in mid-November, the AFL-CIO will walk off the Pay Board if the board fails to approve substantial wage increases in 1971 and 1972 provided in existing contracts.

And that's just the domestic side of the New Economic Policy announced on Aug. 15. Throughout the free world, there is great concern that Mr. Nixon has touched off a protectionist tide that may envelop everybody in a recession.

But with or without the New Economic Policy, there is growing concern among business and academic economists that underlying trends here show weakness.

I think there is little mystery about the situation: the administration, at every opportunity, stresses that no big bureaucracy is needed to police price increases, because there is now no excess demand in the economy, hence no threat of a black market, as in World War II or Korea.

Hence, they say, if care is taken not to push monetary and fiscal policy too far, the risk of excessive purchasing power can be averted.

But that's a declaration that the economy will be kept under wraps, below capacity, with excessive unemployment. It contradicts the whole rationale for an "incomes policy," which was belatedly adopted to allow for the stimulus necessary to get back toward full employment.

On "Meet the Press" two weeks ago, Walter W. Heller, who has a knack for putting things succinctly, observed that the President "sounds as though Phase II is designed to make the world safe for profits, rather than for jobs, and I think there has been an imbalance there . . . The rhetoric has been going the wrong way, and I have found too little attention to that four-letter word, 'jobs.' "

Former Economic Council Chairman Arthur M. Okun told the National Economists Club the other day that even assuming that the President is successful in his attempt to cut the level of inflation in half, the unemployment rate will range well over 5 percent in 1972, with Gross National Product running $50 billion below capacity.

Now, officially, this is not the way the administration sees the picture. The President, in his address of Oct. 8 announcing the Pay Board and the Price Commission, said:

"Let us look into the future.

"I have said that 1972 will be a very good year for the American economy. Let me broaden that estimate tonight.

"The coming year can be more than a very good year for the American economy, it can be a great year for America and the world.

"It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace."

There should be evidence, fairly soon, whether the President has called the turn, or whether Okun is right in saying that the nation is "two years away" from prosperity.

By the 4th quarter of the year, if consumers haven't shaken their doldrums, there is little change that the current "consensus" forecast among economists for a 9 per cent GNP gain to about $1,150 billion can be achieved. And there would be zero chance for Mr. Nixon's "great" year, meaning unemployment moving down toward 4 per cent.

The nation has an enormous stake in the psychological attitudes of business, labor, and the consumer toward the prospect of controlling inflation.

In recent years, the consumer has demonstrated that his reaction to inflation prices is to quit spending—where he can—and to save more. The pocketbook doesn't get unbuttoned until there is some assurance of stability.

Thus, the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

People seem skeptical of the Price Commission's ability to control prices with only a limited number of agents. Checks in retail stores by The Washington Post and New York Times show widespread violations during the freeze, with mere wristslapping efforts at compliance.

Labor, meanwhile, seems destined to "get theirs," almost certainly through the validation of existing contracts.

Herbert Stein, Presidential economist and one of the chief designers of the Phase II Operation, said last week that the government, labor and business would have to evolve a satisfactory relationship because "no one (group) can be in a position of being responsible for tearing it (the system) down."

That's certainly logical. But whether logic will prevail remains to be seen. There is a danger that Mr. Nixon's Phase II will fall apart, and as Heller said, in that case the President will have to set up a government wage-price board to concentrate on what Okun calls the "whales" in the economy, or slap direct controls on everybody.

It would be much better if Phase II is moved smartly into place with a decent wage yardstick—5 to 6 percent, if the Price Commission holds a tough line on prices, with adequate enforcement personnel; and if Congress speeds up and improves the expansionary elements in the tax program.

As Heller suggested, everyone—and that includes George Meany—ought to re-focus attention on that four-letter word: JOBS.

SCIENCE, RESEARCH, AND OUR HERITAGE OF PROGRESS

Mr. MONTOYA. Mr. President, whether characterized by ourselves or viewed by others, a traditional aspect of our national image is derived from a belief that progressive enterprise will lead to a benevolent future. This country evolved with an implicit faith in man's ability to secure from science a seemingly boundless variety of rewards which contribute to his comfort, defense, and well-being. No people in history have inbred the maxims of progress to a greater degree; indeed we rate other societies according to the extent of their enterprise, productivity, and innovative talent. From Plymouth Rock to Tranquillity Base the American adventure has been an investment in tomorrow, and the benefits which we have drawn from this investment produce the strongest testimony in its behalf. Where science has nurtured industry, society has flourished; where science has impeded, society has grown stifled and stagnate.

These thoughts should come as no surprise to the vast number of researchers and scientific technicians whose professional lives have been devoted to the cause of advancing their individual disciplines. Yet today it is surprising to note the weakening of those attitudes which brought America its technological preeminence by what I consider to be a dangerous phenomenon of disregard. While the vexing facts of our environment remain unchallenged for no other reason than a lack of inspired direction, then we can offer little applause to our leadership.

THE R. & D. PROFESSIONAL IN 1971

No level of unemployment is acceptable; however, the Nation is now confronted with the highest rate of unemployed R. & D. professionals in its history. Scientists with advanced degrees and years of experience find themselves standing in unemployment lines or seeking jobs in unrelated fields. Sadder perhaps is the prospect facing recent graduates searching for a position within their scientific discipline; after preparing for a place on the frontier of American progress these individuals find that the frontier in 1971 has over it a pall of confusion and disappointment.

When one considers the open-ended nature of general research programs it should be expected that an ever increasing demand for scientists would be a natural occurrence. However, a reverse trend is being realized: although large numbers of worthwhile programs in both civilian and defense research areas are waiting active support, we find that this support is withheld and often withdrawn from programs already initiated.

To what can we attribute such a dilemma? I believe there are several dominant considerations. First, a recent myth has developed which holds that a fully expanding economy must, of course, produce an intolerable level of inflation. In this regard a school of economic thinking has evolved around the notion that a means of preventing this inflation occurs when one "cools" or takes the "steam" off the entire economy. In carrying out this theory a national policy has developed which maintains reduced levels of project growth at a number of critical research facilities. The fallacy of this thinking has been exemplified by the fact that, although a vast number of projects have been terminated with a resulting high level of unemployment, a strong tendency toward inflation still remains. In a sense this approach to fiscal management seeks to cure the ill by killing the patient.

Now, I am not suggesting that reckless expenditures be made where technical efficacy and impact have been ignored. Quite the contrary, my intentions have never been to support programs which are shown to be of questionable technical value. However, I believe there are well-advised occasions for Government support and coordination within the scientific community.

CURRENT ATTITUDES IN DEFENSE RESEARCH

A second consideration regarding the dilemma of the R. & D. professional in 1971 involves the immense impact which the Department of Defense has in this community. The value of research in pursuit of defense goals has become an axiom of our age—at least in defense management rhetoric. However, the story of some current weapons systems buys reveals that this recognition is often downgraded by the pressures for production. Too often we have witnessed a rush to the "next generation" weapons system whose specifications are projected from a postulated threat estimate which may largely disregard current technological capability. When the time comes to turn concepts into functioning weapons it is found that the original specifications were not compatible with the state of the art in basic structures and components—often because of a lag in research. Subsequently an effort is made by the weapons development managers to reduce the specifications in order to meet the criteria of existing technology.

The net result shows a cost overrun for a weapons system which often does not function up to the specifications which were originally outlined and for which appropriations were originally justified. This phenomenon has a very profound effect in legislative attitude toward such weapons systems as the TFX, the F–111, the C–5A, the MBT–70, main battle tank, the Cheyenne helicopter, the B–1, and the F–14.

To compound this dilemma, when the services compensate for these overruns or the cutbacks in funding which often accompany the controversy of an overrun, they tend to do so in an across-the-board manner, with adjustments in funding carried out proportionately against both the research and production phases of a particular command responsibility. While producing a temporary fiscal advantage, this budget approach ultimately leads to the sort of reduced technology base which once again makes subsequent program development all the more expensive in both time and money. There are indications that a recognition of this error prompted our weapons systems planners to increase the R. & D. budget for fiscal year 1972 by as much as 12 percent, while the overall defense budget request will represent increases of only 2 percent. I personally believe this is a step in the right direction, and will provide support to see that it is carried out.

The predominate effect which defense research has on the larger scientific community, and the reciprocal value which these areas offer each other is again axiomatic, but again perhaps rhetoric has overtaken reality in this regard. Interservice rivalry, "empire building," and the unnecessary use of security classifications as a bureaucratic tool cause a considerable reduction in the net value to the public of that research

which the public has funded. At the same time the lack of communication and cohesive management of research data from private sectors only serves to compound the redundancy and waste. These various arenas of technical interest must be wrought into as singular a vehicle as their divergent natures will allow.

RECOMMENDATIONS

In line with my recommendations calling for a cabinet level office for the management of scientific research there are several suggestions which I believe would assist this community of interests:

The gaps which occur due to program fluctuations must be supplanted by proper phasing of projects where sufficient time is given the research community to allow for the most efficient allocation of teachnical resources—elimination of crash programs.

We in the legislative branch must determine that our appropriations foster a sound and steady growth in those research areas to which we provide support.

Defense planners must realize that they are continually risking the wrath of those who administer the public moneys when they permit production of inadequately researched weapons systems. At the same time, compensating for weapons overruns or budget reductions by cutting back on R. & D. can only lead to a subsequent fiasco in the weapons development cycle. This must be avoided.

Greater effort must be made to develop effective means of sharing and coordinating all research whether performed by the Government, private enterprise, or in the academic world.

Greater recognition must be given the benefits which the Nation derives from the research which it funds. Progress reports on the products, byproducts, and fundamental breakthroughs should be made a matter of national pride.

Finally, I believe that we in New Mexico must maintain a clear cognizance of the role which we have traditionally played in spearheading so many of the projects now synonomous with the nuclear age. Nothing has been given to us that we have not earned through immense diligence and unfailing responsibility. Nor will the future offer scientific dividends where the necessary technological investment has been declined. I believe that as a community we understand our responsibilities and that we stand together in support of our mutual goals for New Mexico's and the Nation's research capability.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Senate will now proceed to the consideration of S. 35, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time is under control. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield 30 seconds to the distinguished Senator from Alaska (Mr. STEVENS), from time on the bill.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the privilege of the floor be permitted to staff members who have worked on the pending bill durings its consideration in the Senate.

They are: William J. Van Ness, Jr., Charles F. Cook, Jr., Joseph M. Rothstein, Douglas Jones, John W. Katz, and Max Gruenberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. JACKSON. Mr. President, the purpose of S. 35, the Alaska Native Claims Settlement Act of 1971, is to provide for a just and final legislative settlement of the longstanding claims of the Alaska Native people to the lands which now comprise the State of Alaska.

The bill as reported by the committee is very long and very complex. This measure is the product of 4 years of hearings and countless executive sessions which were dedicated to the preparation and drafting of a settlement package which provides legal justice to all of the parties involved—the Native people, the State of Alaska, the Federal Government—and opens the door of opportunity to the Native people of Alaska.

S. 35, as ordered reported by the committee with an amendment in the nature of a substitute, is based upon the language of S. 1830 as passed by the Senate in the 91st Congress. The major changes adopted by the committee this year would:

First, provide for the establishment of regional corporations;

Second, insure that villages located on lands tentatively approved for transfer to State of Alaska receive title to those lands;

Third, give the Native people the option of choosing one of two land-grant proposals;

Fourth, increase the amount of land to be granted to 40 million acres under one option, and 30 million acres, plus 20 million acres of permit lands under the second option;

Fifth, give the Native people in Alaska now living on reservations the choice of acquiring title to their reservation lands;

Sixth, establish a joint Federal-State Land Use Planning Commission;

Seventh, create a North Slope Corridor to be reserved under Federal jurisdiction and to be managed for recreation and transportation purposes; and

Eighth, reserve and classify public land areas of potential national significance and require the Secretary of Interior to make recommendations to the Congress with respect to the suitability of these areas for additions to the national park and wildlife refuge systems.

There have, in addition, been a great many changes made in the bill to deal with specific problems or potential inequities which were brought to the committee's attention during the hearings on this measure in the current Congress.

The bill, as amended by the committee and as ordered reported to the Senate, represents a fair and a just settlement. It accommodates the major interests and objectives of the Native people, the State of Alaska, the Federal Government, and the general public in a manner that is reasonable.

Mr President, I want to commend the members of the Interior and Insular Affairs Committee for the time, the effort and the care they have devoted both in this and in the 91st Congress in developing this bill. I also want to note that this bill represents a compromise in many respects: a compromise among the interests and the desires of many of the parties involved and also a compromise among the views of many of the members of the committee. The bill recommended by the committee reflects a willingness on the part of individual members—after careful study of the issues involved—to concur in the clear necessity for adoption of a settlement package while reserving their right to debate further, at another time and in connection with other legislation, their individual views on some of the specific policies which are of necessity incorporated in this complex omnibus settlement measure.

BACKGROUND

The legal history of the Alaska Native land claims is a one of inaction and postponement. In part, this history of delay results from the absence of treaties between Alaska Natives and the Federal Government. In larger measure, however, the delay has been due to the complex social, legal, and institutional problems which are involved in a settlement of this magnitude.

The essential points in the history are as follows:

First, since the acquisition of Alaska from Russia in 1867, the Federal Government has consistently recognized that the Alaska Natives should not be disturbed in the possession of lands actually being used by them, and that Congress has reserved to itself the determination of their title.

Second, the Alaska Native people have no clear legal remedy or recourse to advance their claims except as is specifically provided by Congress.

Following passage of the Alaska Statehood Act, the State of Alaska began to select land from the generous 103-mil-

lion-acre land grant that had been accorded by the Congress. These State land selections together with private development under the public land laws brought increased pressures on the Native people. Beginning in 1961, a series of Native protests based upon the doctrine of aboriginal rights were filed with the Bureau of Land Management protesting the granting away of lands claimed by Native groups to the State and to others. In November of 1966 the Secretary of the Interior announced that no further mineral leases would be issued or lands granted until the Native protests were resolved. By April of 1968, 296 million acres were subject to Native protest.

Following a period of time during which the Department of the Interior imposed an administrative land freeze, on January 17, 1969, the land freeze was formalized with the issuance of Public Land Order No. 4582. This order, amended and extended to the end of the first session of the 92d Congress, withdraws all unreserved public lands in Alaska until the Native land claims are resolved.

The legal issues involved in the land claims controversy are complex. The unresolved status of the claims creates difficult problems concerning Native livelihoods and opportunity, the fiscal and economic vitality of the State, and the proper conservation and development of Alaska's resources. The urgency and complexity of these issues require the certainly, the flexibility, and the detail of a legislative settlement.

MAJOR PROVISOS OF S. 35

A major purpose of the legislative settlement proposed by S. 35 is the final extinguishment of all Native claims to lands in Alaska. As compensation for the extinguishment of these claims the bill provides for substantial land grants to both individuals and to Native village corporations, the organization of modern and democratic corporate enterprises to administer funds granted by the bill, a Federal appropriation of $500 million to be paid over a 12-year period, a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received, and protection of subsistence resources used by Native people.

A. PERSONS ELIGIBLE

Persons eligible for benefits under the act are Alaska Indians, Eskimos, and Aleuts of one-fourth degree or more blood who are citizens of the United States. Native people living in urban areas of Alaska or living in other States are entitled to benefits under the act and special provisions have been made in the bill for them.

B. MONETARY COMPENSATION

First. Appropriated funds. An authorization for $500 million of Federal funds to be paid over a 12-year period is provided. These funds are paid to the Alaska Native Investment and to the Alaska Native Services and Development Corporations. These corporations receive and distribute moneys to the Native people in the form of shares of corporate stock, dividend payments to individuals and cash distributions to regional and village corporations and the urban and national corporations.

Second. Revenue sharing. In addition to the federally appropriated funds, the Native people of Alaska are granted the right to receive 2 percent of the revenues derived from the disposition of leasable minerals on the public lands in Alaska until a total of $500 million has been paid. The bulk of these revenues—99.5 percent—will come from funds which would otherwise go to the State of Alaska.

C. COMPENSATION BY LAND GRANTS

To maximize the opportunity for the Alaska Native people to play a major role in shaping the destiny for present and future generations, the committee has provided a procedure whereby the Native people themselves may choose which of two optional land-grant proposals they wish to apply as a part of the legislative settlement process.

Under the bill as reported by the committee, the Alaska Native people make this choice in a statewide election to be held within 1 year of the date of enactment of this act. The options are as follows:

OPTION I—40 MILLION-ACRE GRANT OF LANDS CONTIGUOUS TO ALASKA NATIVE VILLAGES

Option I provides for a total land grant of 40 million acres of lands, the bulk of which would be contiguous to the Native villages. The lands granted under option I are set out below:

First. Village lands grants. Villages with a population of less than 400 eligible Natives will be entitled to select up to 23,040 acres of land or one full township. Villages having a population of more than 400 would be entitled to receive up to an additional township of land for each additional 400 Native residents.

To prevent major changes in management, in recognition of the previous judgment awarded the Tlingit-Haida Indians by the court of claims, and primarily in view of the higher value of forest lands when compared with most other land areas in Alaska, villages located in the Tongass and Chugach National Forests would be entitled to receive one township only regardless of their eligible Native population.

Second. Land selection for economic potential. The Services Corporation is granted the right to select 1 million acres of public lands for their timber potential. one-half million acres to be used to avoid The Services Corporation also may select an additional one-half million acres to be used to avoid hardship to Native groups and individuals and to protect areas of unique cultural and historical significance.

Five hundred thousand acres of land are granted to the North Slope Native Corporation in recognition of the fact that on the North Slope larger areas of land are needed for subsistence.

Third. Balance of lands to total 40 million acres. Following the land grants noted above, the Commission determines the difference between the lands granted and 40 million acres. The balance is then selected by the Commission from lands withdrawn around the villages and awarded to the villages.

OPTION II—20 MILLION-ACRE GRANT OF LANDS TO VILLAGES; 10 MILLION ACRES FOR ECONOMIC POTENTIAL LAND; AND 20 MILLION ACRES OF PERMIT LANDS

Option II provides for a total land grant of 20 million acres of lands to the villages; 10 million acres to be selected from public lands in Alaska for their economic potential as mineral, timber, recreational and other lands; and 20 million acres of land for use for subsistence purposes.

First. Village land grants. Villages with a population of less than 100 eligible Natives will be entitled to select 92,160 acres or four full townships. Villages having a population of more than 100 would be entitled to select up to an additional township of land for each additional 100 Native residents up to a population of 600.

Following the initial village land selections, the Commission would make any necessary adjustments to insure that 20 million acres of lands are granted to the villages.

Second. Land selection for economic potential. The Services Corp., is granted the right to select 10 million acres of public lands for their economic potential. These lands are divided into four categories: Timber, mineral, and recreational lands and lands granted to avoid hardship or inequity to any Native individual or group. Two and one-half million acres of land would be granted in each category.

Third. Permit lands. Villages entitled to benefits under the bill are entitled to receive permits to appropriate shares of 20 million acres of lands needed and used by the villages for subsistence use purposes.

D. INSTITUTIONS ESTABLISHED

First. Alaska Native Commission. An Alaska Native Commission is established to perform a number of quasi-judicial functions in the administration and implementation of the provisions of the bill.

The Commission will consist of five members, at least two of whom must be Alaska Natives. Commission members will be appointed by the President, subject to Senate confirmation, and will be compensated by the Federal Government.

Second. Alaska Native corporations. The bill would establish two statewide corporations. The first, the Alaska Native Investment Corp., will engage exclusively in investments and business for profit activities. The second, the Alaska Native Services Corp., will perform needed social services and distribute funds made available under the bill. Eligible Native villages are required to estabish nonprofit membership corporations under Alaska State law to hold title to lands granted by the bill and to distribute benefits to individuals. An urban corporation and a national corporation will be established to perform similar functions for Natives living in urban areas of Alaska and for Natives living outside the State of Alaska. Seven regional corporations would also be estabished to assist village corporations, make investments, and distribute funds.

E. LAND USE PLANNING

One of the most important problems facing the State of Alaska and the Federal Government in connection with the settlement of the land claims issue and the gradual lifting of the administrative and secretarial order "land freeze" is the development of rational and coherent land use planning provisions. These provisions must operate to preserve the environment and protect the public interest in the Federal lands in Alaska without, at the same time, frustrating the reasonable expectations of the Native people and the State to exercise, in a rational manner, the rights granted to them by this act and by the Alaska Statehood Act. New provisions have been added to S. 35 to address this problem:

First. Joint Federal-State Land-Use Planning Commission. The bill establishes a Joint Federal-State Land Use Planning Commission. The Commission would have Federal, State, and Native membership and is charged with: Undertaking a process of statewide land use planning; reviewing and making recommendations with respect to proposed State and Native land selections; reviewing Federal withdrawals; and making recommendations to the Federal and State government with respect to needed changes in laws, policies, and programs.

Second. North Slope recreation and transportation corridor. The bill establishes a North Slope recreation and transportation corridor. The corridor will insure that if any major transportation facility or facilities are ever constructed across the now roadless area north of the Yukon River, they will remain under Federal jurisdiction and all applicable Federal laws and standards with respect to the protection of fish and wildlife and the environment will continue to apply to the construction and operation of such facility or facilities.

Third. Transitional operation of the public land laws and a study of all areas of potential national park, forest, or wildlife refuge status. The committee has detained and expanded upon the provisions of section 24 of S. 1830 as approved by the Senate in the 91st Congress. These provisions provide for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. These provisions also direct the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in or additions to the national parks, the national forests, and the national wildlife refuge systems.

Fourth. Reservation of public easements. In view of the large land grants provided for in both land grant options the committee has provided that, prior to the issuance of patents to lands selected by Native people, the Planning Commission shall identify public easements across lands selected and at periodic points along the courses of major waterways crossing these lands which are reasonably necessary to guarantee a full right of public use and access for recreation, hunting, transportation, utilities, docks, and other public uses.

NEED FOR SETTLEMENT

S. 35 as reported by the committee will go far toward providing the Alaska Native people the means for correcting and improving many of the conditions under which they live. The measure is not, however, in any sense to be considered as social welfare legislation. The bill provides compensation for the taking and extinquishing of legitimate Native claims to land.

The Alaska Native people as a group are among the most disadvantaged citizens of the United States in terms of income, employment, educational attainment, life expectancy, health, nutrition, housing, and every important indicator of social welfare.

These conditions will not be resolved alone by the opportunities which would accrue to them by the funds and the certainty in land tenure made available by a settlement. The unresolved status of those lands has, however, subverted both traditional livelihoods and the possibility of social and economic progress on a modern footing. Without title to the lands they use and occupy, Alaska Natives are defenseless against commercial development which changes the character of, and sometimes depletes, subsistence resources, and against the population influx which disorganizes indigenous ways of life. At the same time, the Native people have no usable property rights in the commercial resources of the lands they have historically used and occupied. As a consequence, they have lacked real property assets to develop or to use as security for loans for some improvement or entry into commercial enterprise.

The bill approved by the committee will correct many of these conditions and will provide the resources and the institutional framework for dealing with other problems.

Mr. President, I urge the adoption of the committee's amendment to S. 35. Mr. President, I ask unanimous consent that selected portions of the committee report on S. 35 be printed in the RECORD.

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

I. INTRODUCTION

1. GENERAL

The Committee on Interior and Insular Affairs has, over a period of five years, heard many witnesses and compiled a voluminous hearing record concerning the long standing claims of the Indian, Eskimo, and Aleut people of Alaska to the lands which now comprise the State of Alaska.[1] Some of this testimony was conflicting on important legal, social, and economic issues that are involved in bringing about a just resolution and settlement of this issue.

In spite of the differences in point of view in this and in the 91st Congress on many of the particular issues involved there has been a remarkable unity of purpose on the goals sought and the principles to be advanced by this settlement. The goals and principles sought to be achieved by the Committee in this legislation are stated as well as they can be stated in the preamble to the *Official Constitutions and Bylaws* of the Alaska Federation of Natives, the Statewide Association of the Native people of Alaska:

"We, the Native People of Alaska, in order to secure to ourselves and our descendants the rights and benefits to which we are entitled under the laws of the United States, and the state of Alaska; to enlighten the public toward a better understanding of the Native people; to preserve the Native cultural values; *to seek an equitable adjustment of Native affairs and Native claims;* to seek, to secure, and to preserve our rights under existing laws of the United States; to promote the common welfare of the Natives of Alaska and to foster the continued loyalty and allegiance of the Natives of Alaska to the flag of the United States and the state of Alaska, . . . (emphasis supplied)[2]

The land claims of the Native people of Alaska are the main remaining body of unresolved claims by aboriginal peoples in the United States. They are not encumbered with a history of conquest or of treaties between tribal groups and the United States, and with minor exceptions no wardship or reservation system has been imposed either on the Natives or on the lands they use and occupy.[3] The Congress has an opportunity in this last major settlement between the United States and the Native peoples of America to arrive at a more just and hopefully, a wiser resolution than has been typical of our country's history in dealing with Native people in other times and in other states.

This Committee believes that doing justice to Alaska's Native people and acting in the larger national interest both demand a prompt settlement of these claims. Their unresolved status threatens Native livelihoods and opportunity, the fiscal and economic viability of the State of Alaska[4] and the proper conservation and development of Alaska's resources. Moreover, the Committee is convinced that the urgency and the complexity of these issues, the need for statewide joint Federal-State land use planning, and the necessity of reviewing all public lands in Alaska to determine which areas should be made a part of the National Park, National Forest, and National Wildlife Refuge Systems especially the urgency of the Natives' need for better living conditions—requires the certainty, the flexibility and the detail of a legislative settlement rather than a judicial settlement. This is a position shared by all of the parties involved—the Native people, the State of Alaska, the Administration, the Nation's major conservation organizations and the Committee.

The measure reported by the Committee reflects an exceptional degree of agreement among the representatives of the Alaska Native people, the responsible agencies of the United States government, and the State of Alaska. All three parties concur in the main facts, principles of law, justice, and public policy involved, and in the main structural elements of the settlement proposed. The presentations of the parties have, of course,

[1] During the 91st Congress the Committee, after long and careful evaluation of this testimony and the issues presented, ordered S. 1830, Report No. 91-925, the Alaska Native Claims Settlement Act of 1970, reported favorably to the Senate. The Senate, with minor amendments, passed S. 1830, but no action was taken by the House of Representatives in the 91st Congress.

[2] Portions of the *Official Constitution and Bylaws* together with a history of the Alaska Federation of Natives and other Native organizations are found in *Alaska Natives and the Land* at page 27.

[3] See Chapter 5 of *Alaska Natives and the Land*, page 429 for a discussion of the Native land claims and their background.

[4] For a discussion of the impact of the Native claims on Alaskan development see *Alaska Natives and the Land*, pages 519-528.

differed in emphasis and detail and this legislation is not based preponderantly upon the recommendations of any one of them, but draws selectively from each and contains many new major innovations and refinements. Like any "out of court" settlement, this bill is in many respects a compromise, and it will not be wholly satisfactory to any of the major concerned groups. (For example, some members of this Committee feel that the amount of land granted under either of the land grant options proposed is too large, while others feel that both are too small; some of the Native people continue to press for the 60 million acre proposal they presented in this Congress [S. 835], while many conservation and environmental organizations argue in favor of a much smaller and a delayed land grant. Members of the House Interior and Insular Affairs Committee apparently feel that the "checks and balances" provided for in the Statewide Corporation provisions are too complex, while some Members of this Committee feel that additional provisions to guard against poor business judgment, individual incompetence, and fraud are desirable.) Nevertheless, the areas of agreement are outstanding and provide the background for this measure and for a final settlement of this long standing, long neglected issue.

A major question which some have sought to associate with the legislation involves the proposed trans-Alaska oil pipeline. The Committee—both in the 91st Congress when S. 1830 was adopted, and in this Congress—did not receive testimony upon nor address this question in connection with this legislation, nor was it prominently addressed nor raised in testimony received by the Committee in this Congress. It is the Committee's view that these two issues—the long-standing claims of the Alaska Native Eskimo, Aleut and Native people and the proposed trans-Alaska pipeline—are separate issues. Their relationship should not be confused and the reasonable and long delayed expectations of the Alaska Native people for a settlement of their land claims should not be further frustrated by efforts to address the questions raised by the pipeline proposal, simply because this measure deals in a very important way with Alaska and with the hopes and aspirations of the Native people of Alaska.

At the present time the issues posed by the proposed trans-Alaska oil pipeline are before the Federal District Court in a number of pending law suits, and before the Secretary of the Interior in connection with his responsibilities in the preparation of the environmental impact statement required by Section 102(2)(C) of the National Environmental Policy Act. It is the Committee's view that the procedures established by the National Environmental Policy Act for review of the environmental ramifications of this proposed project and the available alternatives is a process which should be allowed to operate before Congressional intervention is contemplated.

2. OUTLINE OF THE MAJOR PROVISIONS OF THE ALASKA NATIVE LAND CLAIMS BILL

Outlined below are the major provisions of the Alaska Native Claims Settlement Act of 1971 as ordered reported by the Committee.

Title

"Alaska Native Claims Settlement Act of 1971."

Declaration of policy

This bill provides for a final legislative settlement to the long standing and long ignored claims of the Alaska Native people to the lands which now comprise the State of Alaska.

The bill extinguishes all Native claims to lands in Alaska. As compensation for the extinguishment of these claims the measure provides for substantial land grants to both individuals and to Native Village Corporations; the organization of modern and democratic statewide and regional corporate enterprises to administer funds granted by the bill; a Federal appropriation of $500 million to be paid over a twelve year period; a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; and for protection of subsistence resources used by Native people.

Persons eligible

Persons eligible for benefits under the Act are Alaska Indians, Eskimos and Aleuts of one fourth degree or more blood who are citizens of the United States. Native people living in urban areas of Alaska or living in other States are entitled to benefits under the Act and special provisions have been made in the bill for them.

Monetary compensation

1. Appropriated funds:

An authorization for $500 million of Federal funds to be paid over a twelve year period is provided. These funds are paid to the Alaska Native Investment Corporation and to the Alaska Native Services and Development Corporation. These Corporations receive and distribute moneys to the Native people in the form of shares of corporate stock, dividend payments to individuals and cash distributions to regional and Village Corporations and the Urban and National Corporations.

Funds are paid pursuant to the following schedule:

Year:	*Millions*
1	$20
2	50
3	70
4	70
5	70
6	40
7 to 12 ($30 million annually)	180
Total	500

2. Reserve sharing:

In addition to the Federally appropriated funds the Native people of Alaska are granted the right to receive two percent of the revenues derived from the disposition of leaseable minerals on the public lands in Alaska until a total of $500 million has been paid. Lands patented to the State under the Statehood Act are excluded, but lands tentatively approved to the State and lands selected by the State are included to insure that the State makes a contribution to the settlement.[5]

3. Division of revenues:

The Services Corporation receives 80 percent of the funds made available in the first year and the Investment Corporation receives 20 percent. These figures change yearly, and by the end of twelve years, the Services Corporation receives 40 percent and the Investment Corporation receives 60 percent of the funds available from Federal appropriations and revenue sharing. This formula will insure that in early years the larger share of available funds will be devoted to dealing with the pressing social and economic problems facing individual Natives and Villages. In later years a larger share of the funds are dedicated to long term investments which will result in larger dividend payments and a substantial increase in the value of the stock held by each Alaska Native.

Of the funds granted to the Services Corporation, 80 percent are directly distributed to the Village Corporations for distribution to the residents or investment in community projects, or both, while 20 percent is distributed to the seven Regional Corporations. All revenue distributions are made on a basis that is directly proportionate to the population to insure equal and fair treatment.

Compensation by land grants

To maximize the opportunity for the Alaska Native people to be active participants in the legislative process and in the development of legislation, and to play a major role in shaping the destiny for present and future generations, the Committee has provided a procedure whereby the Native people themselves may choose which of two optional land grant proposals they wish to apply as a part of the legislative settlement process. This unique and unprecedented opportunity for "self-determination" is, in the Committee's view, consistent with and responsive to the desire of Native people in Alaska and all across the nation for greater voice, independence, participation, and responsibility in ordering their affairs.

Under the bill as reported by the Committee, the Alaska Native people would determine which of the two proposed land grant provisions would apply as a part of the settlement in a Statewide election to be held within one year of the date of enactment of this Act. The options are as follows:

Option "A"—40 million-acre grant of lands contiguous to Alaska Native villages

Option "A" provides for a total land grant of 40 million acres of lands, the bulk of which would be contiguous to the Native Villages. The lands granted under Option "A" are set out below:

1. Individual Land Grants:

Individual Natives who have a residence, business or a hunting, fishing or trapping campsite will receive title to the land occupied or used by them for these purposes.

2. Village Land Grants:

Villages which are believed to be entitled to select lands are listed in the bill. The bill also provides a procedure for adding Villages not listed in the bill if they meet certain requirements.[6]

Villages with a population of less than four hundred eligible Natives will be entitled to select up to twenty-three thousand and forty acres of land or one full township. Villages having a population of more than four hundred would be entitled to receive up to an additional township of land for each additional four hundred Native residents. The exact amount of land granted to each eligible Village will be based upon the population of the Village, the historic and present uses of the land, foreseeable needs, and the value of the lands. The acreage determinations will be made by the Commission following a review of the recommendations of the members of the Village, the Secretary of the Interior, and the State of Alaska.

To prevent major changes in management, in recognition of the previous judgment awarded the Tlingit-Haida Indians by the Court of Claims, and primarily in view of the higher value of forest lands when compared with most other land areas in Alaska, Villages located in the Tongass and Chugach National Forests would be entitled to receive one township only regardless of their eligible Native population.

3. Land Selection for Economic Potential:

The Services Corporation is granted the right to select one million acres of public lands for their timber potential. The Service Corporation also may select an additional one-half million acres to be used to avoid hardship to Native groups and individuals and to protect areas of unique cultural and historical significance.

500,000 acres of land is granted to the North Slope Native Corporation is recogni-

[5] The legal issues posed by revenue sharing are discussed in the section of this report on "History of the Problem," and briefs and rebuttals on the questions involved are printed in the Committee hearing record from the 91st Congress on the Alaska Native Land Claims.

[6] Information on the number of villages in Alaska and their population is found in the Committee hearing record from the 91st Congress at page 555.

tion of the fact that on the North Slope larger areas of land are needed for subsistence.

4. Balance of Lands to Total 40 Million Acres:

Following the land grants noted above, the Commission determines the difference between the lands granted and 40 million acres. The balance is then selected by the Commission from lands withdrawn around the Villages and awarded to the Villages.

Option "B"—20 million-acre grant of lands to villages; 10 million acres for villages; and 20 million acres of permit lands

Option "B" provides for a total land grant of 20 million acres of lands to the Villages; 10 million acres to be selected from public lands in Alaska for their economic potential as mineral, timber, recreational and other lands; and 20 million acres of land for use for subsistence purposes. Title to the last category of lands would remain with the Federal Government, but Native Villages would have property rights in a permit to use these lands. The lands granted under Option "B" are set out below:

1. Individual Land Grants:

Individual Natives who have a residence, business or a hunting, fishing or trapping campsite will receive title to the land occupied or used by them for these purposes.

2. Village Land Grants:

Villages which are believed to be entitled to select lands are listed in the bill. The bill also provides a procedure for adding Villages not listed in the bill if they meet certain requirements.

Villages with a population of less than one hundred eligible Natives will be entitled to select 92,160 acres or four full townships. Villages having a population of more than than one hundred would be entitled to select up to an additional township of land for each additional one hundred Native residents up to a population of six hundred. For Villages over six hundred population the maximum land grant would continue to be six townships.

Following the initial Village land selections, the Commission would make any necessary adjustments to insure that 20 million acres of lands are granted to the Villages.

Because of the factors noted in the discussion under Option "A" the Southeast Villages located in the Tongess and Chugach National Forests would be entitled to receive one township regardless of the eligible Native population.

3. Land Selection for Economic Potential:

The Services Corporation is granted the right to select ten million acres of public lands for their economic potential. These lands are divided into four categories: timber, mineral and recreational lands and lands granted to avoid hardship or inequity to any Native individual or group. Two and one-half million acres of land would be granted in each category, and appropriate limitations are placed on the grants to insure that there is a degree of equality between regions and between Native interests and State interests.

4. Permit Lands:

Villages entitled to benefits under the bill are entitled to receive a permit to an appropriate share of 20 million acres of lands needed and used by the Villages for subsistence use purposes. The permit right is a compensable property right if the Native people should be displaced for any purpose while the lands are needed and still in use.

Alaska Native Commission

An Alaska Native Commission is established to perform a number of quasi-judicial functions in the administration and implementation of the provisions of the bill. These duties include the preparation of a final membership roll of all eligible Native people, preparation of a final village roster, the determination of boundary questions and disputes, and the review and approval of certain land transactions.

The Commission will consist of five members, at least two of whom must be Alaska Natives. Commission members will be appointed by the President, subject to Senate confirmation, and will be compensated by the Federal government. The Commission is authorized to have a small legal staff, hearing examiners if necessary, and a clerical staff. The Commission will terminate at the end of seven years or earlier if its duties under the bill have been completed.

Alaska Native Corporations

The proposed bill would establish two Statewide Corporations. The first, the Alaska Native Investment Corporation, will engage exclusively in investments and business for profit activities. The second, the Alaska Native Services Corporation, will perform needed social services and distribute funds made available under the bill. Seven Regional Corporations would be established to undertake business for profit activities, to assist Village Corporations and to distribute benefits granted under the bill. Eligible Native Villages are required to establish non-profit membership corporations under Alaska State law to hold title to lands granted by the bill and to distribute benefits to individuals. An Urban Corporation and a National Corporation will be established to perform functions similar to Regional and Village Corporations for Natives living in urban areas of Alaska and for Natives living outside the State of Alaska.[7]

1. Alaska Native Services and Development Corporation:

The Alaska Native Services and Development Corporation would be established as a nonprofit membership Corporation to administer and disburse appropriated funds and funds received from revenue sharing to Native Village Corporations and to the Urban and National Corporations.

The Services Corporation will have a twelve member board of directors, seven of whom will be elected on a regional basis by Alaska Natives. The Corporation will have an appropriate staff with the necessary legal, financial, social and public works expertise to provide any needed advice and assistance to the Village and Regional Corporations and to the Alaska Native people.

The Services Corporation would be in existence for twelve fiscal years. At the end of twelve years the Services Corporation's Federal charter would expire and, at the option of the Native members, the Services Corporation would be merged into the Investment Corporation, liquidated or reorganized as an ordinary business for profit corporation under State law.

2. Alaska Native Investment Corporation:

The bill authorizes the establishment of an Alaska Native Investment Corporation. The Investment Corporation is to be organized as a regulated business investment corporation and in many respects is similar in corporate organization to a modern mutual fund.

The Investment Corporation will have a twelve member board of directors and will handle investments and engage in business for profit activities. The Committee has by establishing these two Statewide Corporations, purposely kept the business for profit activities and social services activities separate. While this has required the creation of two statewide corporations rather than one it avoids any confusion of activities, guidelines and personnel. Without this separation it would be difficult if not impossible to evaluate the performance of the investment and business for profit functions.

The board of directors in the early years of operation would award a contract to a "Business Management Group" which would be responsible for managing the Investment Corporation's assets, subject to the terms of the bill, the Investment Company Act of 1940, and the policies established by the board. At the end of three years the board, at its option, may develop an in-house management and investment capacity and terminate any existing management contracts.

The board is charged with the responsibility of making balanced and prudent investments in:

(i) a portfolio of sound national and international investments;

(ii) business activities having an impact on sectors of the economy especially important to the State of Alaska and Alaska Natives; and

(iii) enterprises wholly or partially owned by Alaska Natives.

The Investment Corporation would issue shares of stock to all Alaska Natives on the final membership roll. The stock would be inalienable for a period of 15 years. Dividends would be paid quarterly to the stockholders.

3. Native Regional Corporations:

The bill authorizes the establishment, under the laws of Alaska, of Seven Regional Corporations. The boundaries of the Regional Corporations are to be established by the Native Commission subject to guidelines which direct the Commission to be guided by the boundaries of areas covered by existing Native Associations designated in the bill.

Eligible Native members of each of the designated regions would be a stockholder in a Regional Corporation. Each Regional Corporation would receive 20 percent of the funds otherwise available from the Alaska Native Compensation Fund for the Village Corporations within that region. In addition, each Regional Corporation would receive from the Services Corporation 50 percent of the proceeds derived from mineral or other development of lands or subsurface estate of lands within that region held or managed by the Services Corporation. All other Regional Corporations and the Urban and National Corporation would share equally on a proportion of population basis in the remaining 50 percent of the proceeds.

4. Village Corporations:

Each Native Village eligible for benefits under the bill is required to organize as a non-profit membership corporation to hold title to lands granted under the Act and to distribute moneys granted by the Act.

Parallel corporations, the Alaska Native Urban Corporation and the Alaska Native National Corporation, are established under the bill to perform similar functions for Natives in urban areas of Alaska and for Natives living outside the State of Alaska.

Alaska Native Foundation

At the end of twelve years a charitable foundation, the Alaska Native Foundation would be established. The Foundation would receive 10 percent of the stock of the successor or successors to the Investment Corporation and the Services Corporation. The Foundation's purposes would be educational and charitable, and would carry on the social betterment functions previously performed by the Services Corporation.

Land use planning

One of the most important problems facing the State of Alaska and the Federal Government in connection with the settlement of the land claims issue and the gradual lifting of the administrative and Secretarial Order "land freeze" that has operated in Alaska over the past five years is to develop rational and coherent land use planning provisions which will operate to preserve the environment and protect the public interest in the Federal lands in Alaska without, at the same time, frustrating the reasonable expectations of the Native people and the State to exercise, in a rational manner, the rights granted to them by this Act and by the Alaska Statehood Act.

[7] The need for management organizations is discussed in *Alaska Natives and the Land* at pages 545–546.

S. 1830, as approved by this Committee and passed by the Senate in the 91st Congress, dealt with this problem by legislatively withdrawing, for a period of five years, all unreserved public lands in Alaska and setting up a system for opening these lands to entry after they have been appropriately classified as chiefly valuable for the specific purposes provided for under the public land laws.

S. 1830 also directed the Secretary of the Interior to make a detailed study of all unreserved public lands in Alaska which would be suitable for inclusion in the National Park or Wildlife Refuge Systems. The Secretary to make recommendations to the Congress on these areas within three years.

This year, building upon the experience gained from two intensive years of consideration and many hearings on legislation to establish a National Land Use Policy, it is the Committee's view that additional actions should be taken to insure that the land resource base of Alaska is properly planned for and managed.

To achieve this goal the Committee has adopted Section 24.

1. Joint Federal-State Land Use Planning Commission:

Section 24(a), based upon an amendment introduced by Senator Gravel, establishes a Joint Federal-State Land Use Planning Commission. The Commission would have Federal, State and Native membership and is charged with: undertaking a process of Statewide land use planning; reviewing and making recommendations with respect to proposed State and Native land selections; reviewing Federal withdrawals; and making recommendations to the Federal and State government with respect to needed changes in laws, policies and programs.

2. North Slope Recreation and Transportation Corridor:

Section 24(b) establishes a North Slope Recreation and Transportation Corridor. The boundaries of the Corridor would be established by the Secretary within the lands now proposed for classification as a utility and transportation corridor. Designation of the corridor will assure the accomplishment of a number of major public objectives which the Committee views to be necessary and in the national interest.

Establishment of the Corridor will insure that if any major transportation facility or facilities (pipelines, roads, railroads, etc.) are ever constructed across the now roadless area north of the Yukon River, they will remain under Federal jurisdiction and all applicable Federal laws and standards with respect to the protection of fish and wildlife and the environment will continue to apply to the construction and operation of any facility or facilities which may be established in the future.

Any transportation facility which may be authorized in the future may open vast areas of public lands adjoining the corridor to relatively easy access. The public interest requires that entry into this great wilderness be regulated and controlled and that the environmental abuses on the Nation's public lands—whether by commercial interests, careless recreationists, or others—be avoided.

Finally, any facility which may be authorized in the future for this area—whether constructed and maintained by private interests, State or Federal government—should, in the view of this Committee, not be closed to the public. The great wilderness of the interior, the beauty of the Brooks Range, and the unique arctic ecology of the North Slope should, subject to proper guidelines and regulation, be accessible for appropriate public use and enjoyment.

Maintaining Federal jurisdiction over the Corridor will make the attainment of all of these objectives possible. Also, it will insure that whatever activities may take place in the Corridor in the future will be compatible with public recreation and stringent environmental controls.

While the Committee believes that prudent and long-range policy in the overall public interest requires that special arrangements be made for the apparently inevitable day *when* transportation facilities in one or more forms cross the great land mass north of the Yukon, the Committee does not by the approval of this section or of this Act take any formal position with respect to the application now pending before the Secretary of the Interior for a right-of-way permit to construct the proposed trans-Alaska oil pipeline. This matter is pending before the Secretary and the Federal Courts and, pursuant to the National Environmental Policy Act which was developed by this Committee, the Secretary is charged with the duty of preparing a final environmental impact statement. This impact statement will provide the Secretary and the President, the courts and the public with all of the relevant scientific, ecological, engineering, economic and other data necessary for a rational decision on this matter.

3. Transitional Operation of the Public Land Laws and a Study of All Areas of National Park, Forest or Wildlife Refuge Status:

The Committee has retained and expanded upon the provisions of Section 24 of S. 1830 as approved by the Senate in the 91st Congress. These provisions provide for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. These provisions also direct the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in existing areas of the National Park System, the National Forests, or the National Wildlife Refuge System or their establishment as new areas within these systems. The Secretary is to report his recommendations to the Congress and complete the study within three years.

4. Reservation of Public Easements:

In view of the large land grants provided for in both land grant options under other provisions of this Act the Committee has provided that, prior to the issuance of patents to lands selected by Native people, the Planning Commission shall identify public easements across lands selected and at periodic points along the courses of major waterways crossing these lands which are reasonably necessary to guarantee a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important and in the public interest.

Attorney's fees and expenses

Compensation of attorneys for fees and expenses incurred in connection with the Alaska Native land claims legislation, or in connection with claims pending before the Indian Claims Commission which have been dismissed by the terms of the Act, would be set by the Chief Commissioner of the Court of Claims. The bill provides that the fees shall be paid on a quantum meruit basis for services actually performed.

Mr. GRAVEL. Mr. President, in 1884, the Congress of the United States made a solemn promise to the Native people of Alaska.

It said that the Native people would not be disturbed in the possession of lands they used and occupied. It said further, that some future Congress would determine the means by which the native people of Alaska would gain title to their lands.

That was a pledge of Congress. That pledge has gone unredeemed as yet.

For the 104 years Alaska has flown the American flag, its original inhabitants have neither had their rights to land confirmed or been compensated for the land that was taken.

Eighty-seven years have passed since Congress made its pledge to frame a just settlement.

For the past 13 years, since passage of the Alaska Statehood Act, doubt and uncertainty have attached to most Alaska land transactions.

The native people have watched increased activity and economic development on land they always considered theirs, without having part of it.

For the past 5 years, Alaska's land selection program has been at a standstill. Homesteaders have been denied patents. Promising economic activity has been diverted elsewhere. The Federal Government torn between the claims of the natives and the State's right to select land, put a freeze on all transactions.

It is time to settle the Alaska Native land claims issue. It is time to do this today, and we can do it.

One hundred and four years have gone by since Alaska was purchased by the United States. Eighty-seven years have passed since the congressional promise of settlement. The time to settle is now. The 92d Congress is the Congress that must redeem that longstanding pledge.

It is time because the native people of Alaska, speaking through their own representatives, have agreed upon a common settlement that approximates what Congress apparently is prepared to offer.

It is time because all the people of Alaska, speaking through their elected Governor, favor a just and speedy congressional settlement.

Without settlement, the Native people face continued uncertainty. The land on which they live and from which they gain subsistence is not legally theirs.

Until a settlement is reached, Alaska will be economically stagnant, as it is even today.

While there may be differences of opinion among Alaskans about the nature of the settlement, there can be no doubt that most Alaskans want to see the question resolved in an equitable and timely manner. There is no organized, active opposition from Alaska against a settlement.

On the contrary, there is more unity in Alaska today than there was in 1970, when the Senate passed S. 1830.

In most respects, the bill presented to the Senate today is similar to the one the Senate overwhelmingly approved last year. S. 35 contains very important changes, and, I believe, significant improvements over last year's legislation. But basically, it is the same document in structure and concept.

As outlined in the report, the legislation has five important characteristics.

First, it provides a means for confirming title to land by Native Alaskans. At long last, they will have ownership to land on which they live. Land which surrounds their villages. Land upon which they subsist by hunting, fishing, trapping, and other means.

Second, S. 35 compensates the Native people for land already taken from them through various Federal withdrawals, State selections and private property transactions.

Third, it provides a means whereby the Natives will have a continuing right to share in the income derived from the development of Alaska's natural resources. This will provide a long-term income from which then Native economy can develop.

Fourth, the bill provides the corporate structure for receiving and disbursing income and land allocated by the measure. That structure represents an excellent mix of responsible management, sound investment policy, self-determination, and the means by which the people will secure maximum advantage from this settlement.

Finally, since we are determining the future of Alaska's land use, the committee has established machinery to properly and responsibly allocate and classify land. Through joint State and Federal cooperation, the bill's land use provisions give us assurance that land will not indiscriminately be released for uses not compatible with the environment or desirable from the standpoint of human activity.

These are the key elements of the legislation. It is excellent legislation, the product of many public hearings, both in Alaska and in Washington, D.C., and the product of 25 separate executive sessions of the Interior Committee.

The distinguished chairman of the committee, the Senator from Washington (Mr. JACKSON), entered this effort with full appreciation of the time and resources it would consume, because of the complexities involved. He has relentlessly and diligently pursued the effort, because of his belief that the time for settlement is now and that the final product must do justice to the claims without working an injustice on other Americans.

This legislation is complex because the problem is complex.

Alaska's Natives were never "conquered," in the sense that other aboriginal Americans were "conquered." No peace treaties were ever signed. No settlements ever were made.

Further complicating the issue is the fact that all Alaska Natives are not alike. They have varying interests. Their use of land varies from region to region.

In southeast Alaska, the Tlingits and Haidas and Tsimpsians have been close to non-Native culture for decades.

Their lives have been affected by this close contact. Their region is rich in valuable forests and salmon-rich streams.

In southwest Alaska, tens of thousands of Eskimos live largely as they have for hundreds of years. There has been little contact with Western culture. Many of the people do not speak English. The people survive by crossing vast extents of land in search of game, or risking their lives fishing and hunting off the coast.

From region to region, throughout Alaska, one finds people who have different needs, different interests, different concerns. Yet, as one people, the Natives have had the political maturity to speak with a single voice and agree to a single settlement.

They have done their part. The committee has performed its work in an admirable manner. The State of Alaska agrees with the terms of settlement. The people of Alaska are overwhelmingly in favor of a settlement.

It is time to settle, Mr. President. We made a promise as a nation, a promise that it is time to redeem.

By its redemption, with this legislation, the Congress will be acting in a responsible way, directly affecting the lives of tens of thousands of people who can look only to Congress for fairness and justice.

In committee, Mr. President, I moved for this bill's adoption. I do so again, on the floor of the Senate. Its passage will be an act of justice.

The Native people of Alaska—all of the people of Alaska—will discharge with responsibility the trust that this legislation conveys.

Mr. STEVENS. I yield myself 20 minutes.

Mr. President, the bill before the Senate today is one that, for the first time, is oriented toward the people of Alaska, the original people of Alaska. Over a period of years, we have set aside a considerable portion of our State for those interests which have been prominent in the past for the national parks, the wildlife areas, the preservation of natural beauty, and for the protection of the flora and fauna of Alaska. In doing so, we have not been stingy at all.

I recall, when I was the assistant to the Secretary of the Interior, participating in setting aside 9 million acres of the Arctic for the Arctic wildlife range. This is now the Arctic wildlife refuge. More than 141 million acres of the 374 million acres in Alaska have been set aside for Federal purposes, primarily for wildlife and national park purposes.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the figure "B–9" which appears on page 447 of the very significant document known as the "Alaskan Natives Land," so that all may see what we have done in the past to assist in preserving the natural beauty of Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. The critical problem before the Senate is to determine, really, what is right and what is fair in regard to our native people. As has been pointed out, this is the last group of aboriginal claims of a native people of the United States. Our Alaska people were never the subject of negotiations of the type that led to the treaties in the West with the Indian people. Our Alaska people have never been the subject of settlement, with the exception of the Tlingit-Haida claims which were authorized to go to court in 1934 and were litigated for some 35 years; and the native people of southeastern Alaska succeeded in establishing their right to compensation for the taking of Tongass National Forest.

Always, in the past, the claims of the Alaskan Native people have been postponed. They were postponed in 1867, when the United States bought sovereignty over Alaska from Russia. They were postponed in 1884, when Congress said that the Alaska Native people would not be disturbed in their use and occupancy of the land. They were postponed in 1900, when we had the first Organic Act. They were postponed in 1919, when we had the Organic Act which created the territory of Alaska. They were postponed again in 1958, when, in section 4 of the Statehood Act, Congress once again determined that at a later date it would decide the nature and extent of the claims of the Alaska Native people.

Basically, what this bill seeks is, at long last, to do equity and justice for these people, who have such a great need. No other people under the American flag have the need that the Native people of Alaska have. They have no capital base, and they have no land base.

They are among those who are in the worst poverty cycle of our Nation. This poverty cycle is one that has been repeatedly referred to on this floor, and I have often referred to some of the statistics concerning the Alaska Native people. But so that we can put this bill back into perspective, I think we should keep in mind what has happened to these people, who have been denied their inheritance for so many years.

They are, as I have said, incredibly poor, undernourished, and diseased, on the average. They have very little chance for the future, because they have little chance of escaping a cycle of poverty and disease which no other portion of our population faces. This group has a per capita income of between $500 and $600 a year, while the per capita income for non-Native Alaskans is somewhere near $3,700 a year. It is a group that, without claim to the land, without title to the land, has been denied the financing that is necessary to build homes or to initiate enterprises which would give them either decent housing or a decent income to provide the kind of standard of living other Americans have throughout our country.

Even those in the ghetto areas that are referred to as being in the poverty cycle are not in a poverty cycle such as the Alaskan Natives, because in the ghettos they at least have the opportunity in some way to spin out from the poverty cycle. A person in one of the Native villages, notwithstanding all the attempts of the Federal Government in the past, has little opportunity to spin out. That is shown by statistics in terms of the unfortunate dropout rate from both high schools and the colleges—when opportunity to go to college does come to the Alaskan Native people.

This bill presents for the first time the right for these people not only to come into their inheritance but also to manage it.

It presents an opportunity for development and an incentive for development that, I think, was unheard of in the past in regard to former Indian claims in the South 48.

The Alaskan Native people are seeking an original settlement. That is what the bill offers them.

It has been mentioned by the Senator from South Dakota that we have two options in the bill which are unique. The first option is that of the chairman of the committee in regard to land. It really offers a control for an indefinite period of 50 million acres of Alaska's 375 mil-

lion acres. Under the approach of the Senator from Washington, it would be 20 million acres adjacent to the villages, 10 million acres that would be in economic selection units, and an additional 20 million acres given to the Alaska Native people under subsistence use permits.

Under the option that I presented, the 40-million-acre option, all of the lands would have to be adjacent to existing villages. There are some 200 villages in Alaska, spread out all over the State. I believe in the option that I presented, because it is what the village people seek. They seek title to their land. They do not want Congress to decide what is their land. They do not even want the leaders of the Alaskan Federation of Natives to decide what is their land. They want the land around their villages which they have claimed as theirs for centuries. This is what the 40-million-acre option would provide. It would provide that the land would be located where they, in fact, have already located their villages. Most of the villages are on rivers. Only five or six are above the 3,000-foot mark. The bulk of them are in areas which have been located for reasons connected with their livelihood in the past—timber, fishing, hunting. Somehow, they have been located where the people living in them could, in fact, make their way in the hostile Arctic climate.

There has been considerable history to the bill. Anyone who really looks into the history will find there was a significant change and that significant change, in my opinion, although some people may differ, came about when our former Governor, Secretary of the Interior Hickel, took an interest in this subject. At the time he was Governor, the State legislature passed an act whereby the State of Alaska offered to contribute $50 million toward the total settlement as an incentive to the Federal Government to get on with the job and lift the land freeze which was and is still there, delaying development of our State.

That bill never became effective, because the land freeze was never lifted, and for 5 whole years there have been no lands going out of Federal ownership in our State, not to any private individual or to the State under the Statehood Act selection.

Some people may say, "What is wrong with that?" but few people realize that less than 2 percent of the State of Alaska is private land, that Alaska itself has acquired only 10 percent of the lands which the Federal Government acquired and gave to the State at the time it was admitted to statehood.

The important thing to keep in mind about the bill is that it is one which requires considerable negotiation with the other body. I hope that all Members of this body will keep in mind that we are in a position where the bill passed the other body is not like ours. Their bill does not contain the procedural aspects for management or settlement that this bill does. Their bill does not provide for per capita payment of a small amount per year for the first 5 years, which ours does.

Their bill provides for $425 million, and ours for $500 million out of the Federal Treasury. They are comparable, because their payments are more accelerated than ours. But there are basic differences between the two bills.

If, as the Senator from South Dakota requested, we are to have an opportunity really to get down and bargain for a middle ground, or if not a middle ground, at least for acceptance of some of the provisions that we consider to be better than the House bill, then, for certain, we are going to have to maintain the provisions in the bill that we have as it comes out of committee.

Particularly I point to the option provision on the land. I think that the existence of that option provision is one that most certainly will give us the flexibility to deal with the land provision in conference that we will need.

Mr. President, there has also been another significant change in regard to the history of the bill, and I think a significant development, and that was that in the last Congress the Department of the Interior, through the Bureau of the Budget clearance, maintained approximately the position the Department of the Interior had maintained in the past. There was an increase which former Secretary of the Interior Hickel was able to raise up to $500 million, but that did not endorse future revenue sharing and it did not endorse the land settlement needed in order to get accord on the bill.

During the past year, the president of the Alaska Federation of Natives, Donald Wright, has negotiated not only with the Secretary of the Interior, but also met with representatives of the President and, in fact, with the President himself.

As a consequence of the negotiations that took place on a basis of sincere recognition of the problems of the Alaskan Native people, the administration this year sent up to Congress a bill which recommended 40 million acres and recommended the $500 million from the Federal Treasury. It is a significant thing that we are now in accord, almost, among House, Senate, and the administration.

The framework of the settlement has been formed. The problem is how to put the total framework together so that we will all agree.

We have basic agreement on the amount of money. We also have basic agreement on the amount of the land, and we have basic agreement on the fact that the Alaskan Native people themselves should have the right of self-determination. This is consistent with the President's policy of self-determination without termination.

I believe that this is the kind of bill anyone who participates in it can be proud of having dealt with.

As has been pointed out by the Senator from Colorado, the Senate Interior Committee spent more time on this bill than any other bill, with perhaps the possible exception of the controversial Colorado River legislation. That is significant, that a problem of this magnitude has received the attention of the people who have been living with Alaskan problems for many years.

I recall that the Senator from Montana was a part of Congress at the time we got statehood, the distinguished Senator from Montana (Mr. METCALF), as well as the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Idaho (Mr. CHURCH) and his colleague Mr. JORDAN, the Senator from Colorado (Mr. ALLOTT), and the Senator from Wyoming (Mr. HANSEN), people who have been on our committee for years who have been familiar with Alaskan problems for years, have recognized that this, indeed, was one of the significant problems of our State and one that required resolution, a resolution by people of good will, people with a new approach to settling Indian problems in this country.

If there ever was a new approach to settling Indian problems, it is certainly reflected in the pending bill. We have a series of amendments that are being worked out on the basis of agreement. I share the feelings of the chairman that we should, if at all possible, not provoke prolonged debate and conflict in regard to the bill. I am hopeful everyone will recognize that the differences in the bill, if they are such that they must be changed, may be changed in the committee. And there are differences not only between those of us on the Senate floor but also between the Members of the House.

I look forward to the conference committee as a very historic opportunity—and I hope that I will be able to participate in it—to write the final chapter for a real need, a true and equitable settlement.

As I have said many times, I remember the statement made in connection with Alaskan statehood. It was that statehood was a matter of simple justice. I think that statement applies to the Native land claims also. This bill is also a matter of simple justice.

Mr. President, we sometimes get into complications in terms of what we do to allow these people to take care of themselves. They have the ability to manage their own affairs. They demonstrated that ability before our committee and have demonstrated it whenever they have been given the opportunity to do so. I would hope that everyone who addresses this problem will address it in the way we have addressed the other problems of Alaska.

We have taken care of those items which are of national significance in our State. I know the Senator from Nevada (Mr. BIBLE) has another amendment along that line. I am hopeful that we can come to an accord on that. We have previously taken action as to what part of Alaska needs to be set aside for the benefit of the United States. We have never taken into consideration the problems of these Alaskans that also ought to be recognized in the national interest.

If there is any one thing this country is dedicated to, it should be the protection of public rights—nothing is more basic to the bill—there are people rights we are trying to recognize and bring into our system—they are the property claims of those people who were in Alaska before our Nation acquired sovereignty over Alaska from Russia.

I am hopeful that we will be able to secure early passage of this bill and that we will be able to come to accord with our colleagues from the House.

Mr. President, if I have any time remaining, I yield back my remaining time.

EXHIBIT 1

WILDLIFE RESERVES WHICH PROHIBIT ABORIGINAL HUNTING, FISHING, AND TRAPPING

Reservation	Order No.	Date
Bering Sea	E.O. 1037	Feb. 27, 1909
Tuxedni	E.O. 1039	Do.
Saint Lazaria	E.O. 1040	Do
Yukon Delta	E.O. 1041	Do.
Pribilof Island	E.O. 1044	Do.
Bogoslof	E.O. 1049	Mar. 2, 1909
Forrester Island	E.O. 1458	Jan. 11, 1912
Hazy Islands	E.O. 1459	Do.
Chamisso Island	E.O. 1658	Dec. 7, 1912
Semidi Island	E.O. 5858	June 17, 1932

Source: Copies of Executive orders and public land orders supplied by U.S. Fish and Wildlife Service, Kenai, Alaska.

Approximate acreages of various major withdrawals in Alaska

Area or title	Acres
Department of Defense:	
Pet 4	23,000,000
Point Lay	3,000
Point Spencer	3,000
Galena	2,500
Indian Mountain	3,000
Clear	34,000
Eielson Air Force Base	655,000
Fort Wainwright	256,000
Test Range*	607,800
Fort Greely-Granite	623,500
McGrath	4,000
Unalakleet	8,000
Cape Romanzof	5,000
Mount Spur	1,000
Middleton Island	5,500
Cape Newenham	2,500
Adak	61,000
Attu	12,000
Fairbanks area	7,000
Anchorage area	70,000
Bureau of Indian Affairs, U.S.D.I.:	
Chandalar N.R	1,408,000
Kobuk (Noorvik) N.R	144,000
Little Diomede N.R	3,000
Wales N.R	7,000
Norton Bay N.R	316,000
Tetlin N.R	768,000
St. Lawrenie R.S	1,205,000
Akiak N.R	1,500
Eklutna N.R	2,000
Tyonek N.R	27,000
Karluk N.R	35,000
Akutan N.R	72,000
Annette Island (Metlakatla)	115,000
Cape Denbigh Reindeer Stn	48,000
Copper Center School	1,000
Tatilek N.R	1,000
Mountain Village N.R	1,000
White Mountain School	1,000
Point Hope School	6,500
Angoon Administrative Site	1,000
Miscellaneous School Sites	500
Misc. Administrative Sites	500
Other Miscellaneous	500
Fish and Wildlife Service, U.S.D.I.:	
Chamisso N.W.R	1,000
Arctic, N.W.R	8,900,000
Bering Sea N.W.R	41,000
Nunivak	1,109,500
Hazen Bay N.W.R	7,000
Rhode N.W.R	1,870,000
Izenbek N.W.R	415,000
Tuxedni N.W.R	6,500
Kenai Moose Range	1,730,000
Semidi N.W.R	8,500
Forrester Island N.W.R	3,000
Kodiak Bear Range	1,815,000
Simeonof N.W.R	10,500
Aleutian Island N.W.R	2,720,000
Bogoslof N.W.R	500
Pribilof Islands	50,000
Miscellaneous	200
National Park Service, U.S.D.I.:	
McKinley N.P	1,939,000
Glacier Bay N.M	2,826,000
Katmai N.M	2,698,000

Footnote at end of table.

CXVII——2418—Part 29

Area or title	Acres
Alaska Power Administration, U.S.D.I.:	
Eklutna Project*	5,000
U.S. Forest Service, U.S.D.A.:	
Chugach N.F.*	4,726,000
Tongess N.F	16,015,904
U.S. Geological Survey, U.S.D.I.:	
Power Site Reserves*	80,000
Power Site Classifications*	9,280,000
Federal Power Commission	
Power Projects*	?
Bureau of Land Management, U.S.D.I.:	
Montague Island Abandoned Military Reserve	1,000
Paxson Lake Classification*	8,000
Cascade Creek Timber Reserve	2,000
Muddy River Timber Reserve	2,000
Portage Classification*	500
Taiya Inlet Classification	7,500
Broad Pass Material Site*	500
Lake George Recreation*	5,000
Miles Lake Recreation*	1,000
Eagle Recreation*	1,000
Clear Creek Recreation*	2,000
Miscellaneous Abandoned Military Reserves	1,000
Miscellaneous Administrative Sites	1,000
Miscellaneous Recreation*	2,000
Miscellaneous Patented and Unpatented Townsites	26,500

*These withdrawals are open for mineral leasing.

Source.—U.S. Department of the Interior, Bureau of Land Management, Anchorage, Alaska.

Patented Lands: Lands are transferred from the United States by patent, quitclaim deed, or legislative act usually followed by confirming patent or deed. It is estimated that less than 50,000 acres have been transferred by quitclaim deed. Most of these are in the areas of population concentration and along the highway network. School lands and those specific grants at the time of statehood[1] illustrate grants by legislative action. The state may request a confirming patent of the school grant lands which total approximately 100,000 acres. These are located primarily in the Matanuska-Susitna and Tana Valley areas. Except for lands selected by the state upon which patents will be issued, other transfers to the state have been by quitclaim deed.

Mr. STEVENS. Mr. President, I would like to yield such time as he may need to the Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HANSEN. Mr. President, I invite the attention of my colleagues to a very important aspect of the Alaska Native claims legislation dealing with the leasing of land for oil exploration and development in Alaska.

Section 17 of the bill before us would alter the basic Federal mineral leasing law as it applies to Alaska.

At the present time, the 1920 Mineral Leasing Act provides for leasing by a system of priority filing.

Under this method, land is leased to an individual or company if that individual is the first applicant. The only exception to leasing by this method is if there is a producing well in the immediate area, in which case, the lease is awarded by competitive bonus bidding.

Under the provisions of section 17 of S. 35, the 1920 mineral leasing law would be altered as it applies to Alaska in that the Secretary of Interior could adopt a system of competitive leasing of oil and gas lands for that State only.

Mr. President, I have taken the floor of the Senate several times to try to alert my colleagues to various issues threatening this Nation's energy supply.

The time has come when this Nation must face up to a very real fact of life: Our country has before it an energy crisis which threatens to make us dependent on foreign sources and which seriously challenges our ability to meet our basic energy needs.

On May 3 of this year, the Senate passed Senate Resolution 45, which authorized the study of a national fuels and energy policy.

As that legislation pointed out, it is estimated that by the year 2000 consumption of fuel and energy resources may increase over 200 percent.

Further, the resolution cited the fact that the maintenance of adequate energy and fuel supplies at reasonable price levels is essential to the well-being of this Nation.

It is important to note in this regard that when we talk of energy we are talking mainly about oil and gas, because oil and gas provides 75 percent of this Nation's energy supply.

Mr. President, in the separate views beginning on page 217 of the committee report on the Alaska Native Claims bill, I, along with seven other members of the Interior Committee, expressed our grave concern about the mineral leasing provisions of the Alaska Native Claims legislation.

At this point, I request that the full text of these views be inserted in the RECORD following this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, during regular committee hearings, as well as in Executive Session, concern was expressed about singling out Alaska for revision of the Mineral Leasing Law.

As expressed by Governor Egan, of Alaska, the same mineral leasing law which applies to all the other States should also apply to Alaska.

Section 17 of S. 35 would initiate a system of competitive bidding by a combination of bonus and royality bidding.

As pointed out in our separate views, the problems with administering such a program are almost insurmountable.

The confusion that would arise from this type of bidding procedure would make it extremely difficult, if not impossible, for anyone to have a clear view of what was taking place.

But equally as important as the problems of trying to administer this type of competitive leasing provision, is the effect it would have on the discovery and development of oil in Alaska.

When S. 35 speaks of a system of bonus bidding it ignores the small, independent oil company.

Once a lease is put up for bid on bonus system, the large oil company is put at a tremendous advantage.

The small independent simply cannot compete on an economic basis with the larger oil conglomerates. In this regard it is important to remember that 80 per-

[1] Section 6(c), Act of July 7, 1958, 72 Stat. 339, and Section 45, Act of June 25, 1959, 73 Stat. 141.

cent of the wildcat wells have been drilled by small independent producers.

It is the small operator who has historically made the discovery in the oil industry. It is the independent that has been willing to take the chances that have eventually led to the big find. The independent has to develop a lease; he does not have the resources to just sit on a plot of ground or hold it in reserve.

It is important for the small oil company to keep moving.

A system of royalty bidding adds another operating cost to a producing well.

This means that with this additional operating cost the point at which the well becomes uneconomical to operate is reached much sooner.

Present recovery rates for oil and gas wells run only between 30 to 40 percent of the oil in place.

While secondary recovery methods and technology have improved substantially in recent years, royalty bidding would mean more oil will be left in the ground. Basically, royalty bidding is an anticonservation measure.

Mr. President, industrial plants will likely shut down this winter simply because there is not enough natural gas to go around to all of our consumers.

This Nation needs more, not less, oil exploration and discovery work.

The United States has serious energy needs which have to be met and it is the domestic oil company that must be given the incentive necessary to induce it to fulfill these needs.

Oil and gas exploration is not keeping up with demand.

Recent actions such as lowering of the depletion allowance for oil has made it all the more difficult for the local independent to survive.

As a result, mineral exploration activity has fallen dramatically. The most striking example of this is the decline in land under oil and gas lease, which has declined from 424 million acres in 1959 to 333 million acres in 1970.

Mr. President, this Congress should be doing everything in its power to stimulate energy discovery, not diminish it.

The Senate version of the Alaska Native claims bill handicaps the small, independent oil company.

I would hesitate to start a debate here on the floor which would delay further, or hamper in any way, consideration of the Native claims legislation, so I will not propose an amendment to delete section 17.

However, I must reiterate that this provision should be recognized for what it is: a step in exactly the wrong direction if we are to maintain a healthy domestic energy picture.

Inasmuch as the bill passed by the other body does not include this change in mineral leasing procedures, I hope the conferees will agree with the eight of us who signed the additional views in the report and delete this section.

I thank the distinguished Senator from Alaska for yielding to me, and I yield back the balance of the time yielded to me.

EXHIBIT 1: ADDITIONAL VIEWS ON SECTION 17 OF S. 35

While we are in accord with the urgency of settling the claims of the Alaskan Natives, and while the terms of the settlement as set forth in this bill (S. 35) are not wholly satisfactory to all of the members of the Committee but constitute a compromise, the purpose of these additional views is to take exception to a provision of the bill which, in our view, bears no relationship to the terms of the settlement and therefore should not be a part of this important legislation.

We object to the inclusion of section 17 which provides that the Secretary of the Interior may, when a "competitive interest is shown", dispose of minerals subject to disposition under the Mineral Leasing Act by such competitive bidding procedures as the Secretary may prescribe by regulation. The section further provides that the regulations shall provide for bonus bidding, royalty bidding, or a combination thereof. In recognition of the likelihood that such competitive bidding on "wildcat" leasing areas would freeze out the individuals and small companies, the section further requires that the Secretary provide an opportunity for them to compete. Also, the section directs the Secretary to include rental provisions" . . . to be offset by exploration and development expenditures at such rates and over such periods of time as the Secretary determines are required to assure timely exploration and development and to prevent the holding of leases for speculative and unproductive purposes".

We are completely at a loss to understand how such provisions would work in actual practice, and we sincerely doubt that there is any administrator wise enough to create a fair and honest leasing system under these directions. Further, no hearings were held on this latter provision and no departmental reports were requested.

PROSPECTING PERMITS

It should be pointed out that at the present time, this section applies to oil, gas, coal, phosphate, sodium, potassium, oil shale, and sulphur. We assume this provision also applies to potash, although it is not listed. It should also be noted that all of the minerals listed above, except oil, gas and oil shale, are subject to provisions authorizing prospecting permits. Under present law, if the lands to be made available for lease are known to contain minerals subject to the Mineral Leasing Act, the Secretary must lease the land by competitive bidding.

This being so, the question then becomes: "at what point should competitive bidding take place?" Does this mean that prospecting permits should be issued on a competitive bid basis? Or, does this mean after a prospecting permit has been issued and the permit holder has made a discovery, then the lease must be issued under a competitive bid procedure? Under the latter procedure, it is doubtful that anyone would apply for a prospecting permit knowing that after he had gone out and spent his money to explore the land that he would be required to bid against major companies, which had spent nothing on exploration, to obtain a lease to mine the commodity. Under the former procedure, that is of having competitive bidding for a prospecting permit, two possible situations are likely to exist: there will be no competitive interest since it is truly land with no known geologic indications of mineralization, or one or more of the potential bidders have already been in the field prospecting without a permit. If there is no competitive interest, the provision does not apply and the revenue to the United States would not be affected. But, if a competitive situation exists, then has the requirement for competitive bidding for a prospecting permit invited and encouraged prospecting without a permit? Should the Secretary encourage prospecting with out a permit in order to increase the chances of there being a "competitive interest" at the point of issuance of the prospecting permit? These are questions which have not been aired in a hearing nor considered by the Committee.

COMPETITIVE INTEREST

The next question is: "What constitutes a competitive interest?" Does a competitive interest mean that if there are only two applicants for a prospecting permit on a tract of land that a competitive bid sale must be held? What if only one bid is subsequently received? Would it be the "winning" bid? Or, would the Secretary have to reject the bid and then grant a permit on a non-competitive basis? If the competitive interest is based upon a knowledge of the existence of minerals subject to the leasing act, would the Secretary be performing his duty to ". . . insure that the Federal Government receives fair market value for public resources . . ." by authorizing a competitive sale on the prospecting permit; or should he authorize non-exclusive prospecting permits prior to a scheduled competitive lease sale; or, should he encourage prospecting without a permit?

COMBINATION BIDDING

Section 17, as stated earlier, requires the Secretary to establish a system of comeptitive bidding which would include bonus bid, percent of royalty, or a combination thereof.

With respect to bonus bid, the Secretary would have no difficulty in establishing a procedure, since one already exists.

With respect to the royalty bid, a procedure could be devised, and probably without too much difficulty; however, royalty bidding can lead to substantial waste of natural resources, and these consequences will be discussed in greater detail later.

With respect to a combination of bonus and royalty bidding, it is unclear as to how such a system could be established whereby an administrator could evaluate a "combination" bid. For example, assume that as a result of a lease offering the administrator received bids, respectively, of $10 acre bonus plus a 50% royalty, $200 per acre bonus plus 25% royalty, and $1,000 per acre bonus plus 12½% royalty. Which of the three bids is the highest and represents the "fair market value" for the resources? In the case of a coal bed which had been pretty well explored and the Geological Survey had a fairly clear idea of the quality and quantity of coal in place, an analyst could make a reasonable judgement as to which was the better bid. This would also be true of other known mineral deposits such as oil shale, sodium, etc. But how could an analyst determine which was the better bid in the case of oil and gas lease, even if it were known that oil and gas did in fact exist upon the tract? The analyst would have to know the extent of the recoverable reserves, and such estimates cannot be made until the field is fully developed. Even then, the estimates of proven reserves in a field are constantly being adjusted—both upward and downward—depending upon the production characteristics of the particular field.

In the case of the wildcat area, the analyst would know that, as a minimum, the odds are 10 to 1 against obtaining production, since 9 out of 10 wells drilled are dry holes, and the expectation of reasonably significant production from a well is about 1 out of 50. Should he weight the bids on the basis of those in favor of a high bonus on the theory that "a bird in the hand is worth two in the bush?" The analyst would have an omnipresent realization that if a major discovery is made he will be subject to severe criticism for not having taken the low bonus bids with the high royalty. Also, if he weighs the bids in favor of the high bonus, which would be immediately payable to the treasury, he may be subject to the criticism that he has stacked the deck against the small company or individual, since they may not have the cash available to make a large bonus bid and still have sufficient funds to finance the drilling. As noted earlier, section 17 requires that the Secretary afford an opportunity for individuals and small businesses to compete when there is competitive bidding for mineral leases.

We believe that combination bidding, that is both bonus and royalty, presents to the administrator an unresolvable problem, which is further complicated by the lack of definition of key terms. Such key terms as "competitive interest" should be defined so that the Secretary will have specific statutory guidance. The Secretary needs guidance in including ". . . rental provisions to be offset by exploration and development expenditures at such rates . . . and over such periods of time as the Secretary determines are required to assure timely exploration and development . . ." Webster defines "timely" as "happening, done said, etc. at a suitable time; well time; opportune." As further defined under synonyms: "Timely applies to that which happens or is done at an appropriate time, especially at such a time as to be of help or service: opportune refers to that which is so timed, often as if by accident, as to meet exactly the needs of the occasion." What, then, does "timely" mean in this connection? Does it mean "early" development, or does it mean at a time which the Secretary deems to be "opportune"? If it is the intent of the section to encourage early development, then why not use the word "early"?

In any event, the intent of Congress needs to be more clearly expressed, not only for the guidance of the Secretary but also for the benefit of the public who must manage their affairs accordingly.

ROYALTY BIDDING

At first impression, royalty bidding appears to be a simple solution to the conflicting objectives of maximizing Federal revenues while at the same time encouraging competition by affording the smaller companies an opportunity to compete in obtaining mineral leases. Unfortunately, not only is this not necessarily true, but royalty bidding can have anti-conservation effects.

To understand how these effects can occur one needs some basic knowledge of the economics of oil leasing and production. The decision to produce, or not to produce a well is not based upon the prospects of recovering the full investment plus operating costs and some profit. The capitalized costs such as the cost of the lease (including the bonus paid) and the cost of drilling the discovery well are set aside in the decision making process, because those costs are already expended. Rather, the decision to produce or not to produce is based upon an analysis of the comparative costs of further development of the field including, drilling and production equipment, and the comparative expected revenues based upon the quantity of expected production and its value. Many small fields have been produced even though the producer never expected to receive full return of all of his costs, including the cost of the lease and drilling. But a well will not be produced if development and operating costs will exceed expected revenues, which is the essence of the phrase included in most leases providing for continuance of a lease so long as oil and gas are produced in "paying quantities."

Likewise, a producing field will be closed when production costs exceed revenues.

The royalties paid to the lessor are a significant part of the operating costs. The higher the royalty the smaller the margin between operating costs and revenues to the producer. Premature abandonment of such wells would leave unrecovered oil in the ground, which probably will never be recovered due to the high costs of reopening a field. And this is especially an economic deterrent in light of the known marginal productive capacity of the field. Hence, recoverable reserves are wasted and an energy resource is not conserved.

In some instances, the field may not be produced in the first instance because operating costs including a high royalty rate as compared to revenues, exceed the breakeven point. In those cases the Government has foregone a reasonably higher bonus payment for a higher royalty rate on nothing.

Royalty bidding may attract irresponsible bidders who will bid high royalties to win leases, later to be bought and sold for speculation rather than for bona fide exploration and development. Such speculators would intend to sell the lease to a major company who would then develop the tracts, and the bona fide small company or individual producer would not necessarily be placed in a better competitive position vis-a-vis the major producer. However, unless the field is a large producer, the high royalty may prevent production, as previously explained.

Our purpose in pointing out the many pitfalls and unknowns, and the foregoing is certainly not to be considered an exhaustive enumeration, is to demonstrate the complexity of mineral leasing and its attendant economic forces, deserving of more than casual or cursory examination.

ENERGY SHORTAGE

The United States has not been blessed with massive oil fields of 20 to 60 billion barrels such as dominate the Middle East. Our largest discovery has been Prudhoe Bay in Alaska with 10 billion barrels, and the second largest, which is nearing depletion, is the East Texas field with 6 billion barrels. Despite the fact that the discovery of the East Texas field occurred nearly one half century ago, its total reserves would not supply U.S. needs for one and one half years under current consumptive conditions. Our oil supply has come from thousands of stratigraphic traps and small anticlines, and more importantly, from the hundreds of small companies and individuals who have risked their capital and know-how to search out these small fields. We know that throughout history, most of the exploration (80 percent of the wildcat wells) have been drilled by small independent producers. The oil industry in the United States is unique in the world because it is the only one made up of thousands of business units, individuals, partnerships, companies—small, medium and large—drillers, producers, refiners, distributors, wholesalers, retailers, service companies, and pipeline companies. The continuance of the small producer and the marginal field is of concern to the Nation, because some 350,000 marginal and stripper wells now produce 15 percent of U.S. production and account for about 20 percent of U.S. reserves, including Alaska—approximately 8 billion barrels.

Present recovery rates run between 30–40 percent of the oil in place, While secondary recovery methods and technology have improved substantially in recent years, we are concerned over countervailing forces, such as royalty bidding, which may reverse the trend towards higher ultimate recovery. Not only are such forces anti-conservation in effect but they tend to diminish our ability to respond to emergencies, such as the Six Day War of 1967, when the U.S. was called upon to supply not only its own needs but also much of the needs of our NATO allies.

One of the most serious challenges facing America today is that of structuring sound, consistent policies which will assure the availablity, through development of essential energy resources. This Committee and the Senate have recognized the significance of energy to our security and economic progress through the adoption of S. Res. 45, providing for the most extensive and through-going fuels and energy study ever conducted by the Senate. Since oil and gas provide 75 percent of America's energy requirements, any new policy affecting it in an area of potential production as vast as Alaska, requires exhaustive hearings and careful analysis. We are not persuaded that the present leasing system has not served the nation well, but if modification or amendment of the system is indicated, and in light of our present energy crisis situation, the democratic process commands more than cursory discussion without the benefit of expert testimony.

Gordon Allott, Paul Fannin, Alan Bible, Ted Stevens, Clifford P. Hansen, Mark O. Hatfield, Len B. Jordan, Lee Metcalf.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I want to get some time yielded to me.

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington, I shall be glad to yield such time as the Senator may require.

Mr. ALLOTT. Mr. President, if the Senator will suspend just a moment, I will yield myself 1 minute on the bill.

First of all, I want to support the statement of the distinguished Senator from Wyoming. He is eminently right. It is the position we have taken steadfastly during the 3 years of negotiations on the bill. At a later time, I expect to discuss other parts of the bill, but I think he is correct. There is no justification for having one set of laws to govern the mineral resources in Alaska and another set of laws for the other 49 States.

Second, I would like to announce at this time that during the remainder of the consideration of this bill the time of the minority which would ordinarily be in the control of the minority leader will be under the control of the Senator from Alaska (Mr. STEVENS).

Mr. BYRD of West Virginia. Mr. President, I yield 10 minutes to the Senator from South Dakota (Mr. McGOVERN).

Mr. McGOVERN. Mr. President, S. 35, as reported by the Interior Committee, contains two options on land selection. The first grants fee title to 40 million acres, but is limited to the area immediately surrounding native villages. The second, for which we are indebted to the distinguished Senator from Washington (Mr. JACKSON), the chairman of the committee, who has provided constructive leadership on this issue for many months, provides 20 million acres in fee bordering on the villages, plus 10 million acres of economic potential land partially in fee title, but partially in surface or subsurface rights only, and an additional 20 million acres for subsistence purposes only. the Natives would choose between the options in a statewide referendum.

As the Senator from Washington has said, this is not a welfare bill, and the Federal Government is not really giving anything to the Natives. Instead, it is a proposal to compensate for and to extinguish legal claims against the United States. It is an alternative to going through the courts.

The claim originates in both the acquisition of Alaska from Russia and in the Organic Act of 1884, which provided that the Natives "shall not be disturbed in their possession of any lands actually in their use or occupation or now claimed by them."

The Senate bill is a reasonable settlement, and, if anything, Mr. President, it is too modest, because the Natives are now using as much as 80 million acres. They could make a claim to more than 300 million acres out of the 375 million total. Yet the bill as it now stands would require them to choose between, first of all, 40 million acres contiguous to their

villages, or, second, full title to only 20 million acres and partial title to 10 million more with economic potential, and subsistence rights on the remaining 20 million.

It is also worth noting that S. 35 is a vast improvement over the bill which passed the Senate in the last Congress, but died when no action was taken by the House of Representatives. That proposal included only 10 million acres of land, and now both the House and Senate are agreed that the Natives are entitled to some title to at least 40 million acres.

The broad question involved in the bill is whether Congress will at least change its heretofore narrow approach to the country's Native population, which in the past has been one of the basest chapters in American history. We are trying to undo some of that damage, and it is a difficult task, indeed. But, in Alaska there is a Native culture not yet destroyed, and a chance to avoid the mistakes of the past if we start moving on the basis of equity and justice.

I think this applies with especial force to the question of priority of selection, whether the Natives will have a chance to choose land with genuine economic potential. Those who are concerned about creating new Indian reservations in Alaska can find a solution to this problem by assuring an opportunity for the Natives to secure productive and promising lands.

Mr. President, the Senator from Alaska (Mr. GRAVEL) and I several days ago drew up an amendment that would be somewhat more precise on this point than the options contained in the bill as now before us. The amendment would be, in effect, a merger of the two options in S. 35.

It would provide 40 million acres in fee simple, but would provide that of that total, only 30 million acres would be in the areas contiguous to Native Villages. The remaining 10 million acres would be selected by a statewide Native controlled corporation on the basis of economic potential, 2½ million acres each for timber, recreation, hardship, and minerals. However, full fee title would be conveyed on that 10 million acres, and the Natives would have a priority right of selection. Selections to the 10 million acres would be made from the remaining public lands in Alaska, but could not be taken from the 50 million acres of national forests, national parks, or other dedicated areas except from Naval Petroleum Reserve No. 4. The subsistence allotment, as worked out by the Senator from Washington (Mr. JACKSON), would also be retained.

Mr. President, I really think that this amendment, authored by Senator GRAVEL and me, is the formula we ought to be acting on here today, but I recognize it is not possible to get everything some of us would like in this settlement. I called the chairman of the committee, and he has very carefully evaluated what it is possible to achieve in the conference, in view of the various points of view on the other side of the issue.

I should like to ask the Senator from Washington, the chairman of the committee, if he thinks it is possible to come back from conference with a compromise provision embracing some of the best features in the option that he has authored in the bill, as well as some of the features that are contained in the option of which Senator STEVENS was one of the principal authors. More specifically, what I mean by this compromise proposal is that Senator GRAVEL and I would not call up our amendment, but I would ask the Senator if he could consider increasing the 20 million acres in full title to 30 million acres, and changing the grant of 20 million acres of economic land to full title instead of the partial title that is now contained in the language of the Senate bill.

Does the Senator think it would be possible to get that kind of improved language through the conference?

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

Mr. McGOVERN. I yield.

Mr. JACKSON. I commend the Senator from South Dakota and the Senator from Alaska for their deep interest and concern to improve, as best we can, the land provisions in the bill. It is my judgment that the Senate bill—and I know the Senator agrees—is far better than the House-passed bill.

Mr. McGOVERN. There is no question about that.

Mr. JACKSON. I want to go to conference with the idea of achieving the best possible land settlement, taking into consideration the provisions of the House bill and the two optional provisions in the Senate bill. These options give us a lot of leeway, so that we have an opportunity to improve upon the title status of the land provisions of the bill. As the Senator has pointed out, one option in the bill involves 20 million acres in fee title, 10 million acres in economic development title in the sense of surface rights and mineral rights, and permit subsistence rights to another 20 million acres.

This option, together with the second land option in the Senate bill and the language of the House-passed bill, I believe that we have an opportunity in conference, to improve upon the bill as it is now before the Senate.

I regret that I cannot take to conference any amendments of this kind, because with a rollcall vote we may tie our hands in conference, and I would not want to do that.

I can only assure the Senator that I will go to conference with the idea in mind of trying to improve upon the Senate version of the bill, and in the light of the Senate bill and of the House-passed bill, we have that opportunity under the rules of the conference.

Mr. McGOVERN. I know the Senator from Washington is a very formidable conferee.

The PRESIDING OFFICER. The 10 minutes allocated to the Senator from South Dakota have expired.

Mr. JACKSON. I yield 5 more minutes.

Mr. McGOVERN. I am pleased to hear the Senator say that he thinks there is a good possibility that in conference we may improve on the existing Senate bill.

Mr. JACKSON. I shall do everything I can to improve upon it. I do not know what kind of opposition we will face in conference. But, as both Senators from Alaska will be conferees, I believe we will have formidable support on the Senate side for an improvement in the land provisions of the bill.

I believe this is the only real area that remains where there is any substantial controversy.

Mr. McGOVERN. There is no question that the Senator is right in saying that the Senate bill is superior to the one passed in the other House. The Senate bill is considerably better now than it was in the form that it passed in the last Congress.

But I do hope, as the Senator has said, that every effort will be made—and I know it will be made—by him and the other Senators on the conference to see if we can strengthen it even further.

On the basis of those assurances, I would not press for a vote on any amendment here.

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

Mr. JACKSON. I yield.

Mr. GRAVEL. In pursuing the goal that the Senator from Washington talks of, I hope that we are in agreement that the goal would be 30–10 in fee. I realize that it is a goal, but with a group on the conference committee committed to that goal, I think we stand a good chance of success. I would hope that the Senator from South Dakota would be a member of the conference committee.

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

Mr. McGOVERN. I yield.

Mr. ALLOTT. I do not want to be committed personally to anything other than what is in the bill. If we are going to rewrite the bill on the floor of the Senate, we should rewrite it. But I do not want these statements to be considered as binding upon me personally.

Mr. McGOVERN. No. I was really addressing them to the Senator from Washington.

Mr. ALLOTT. This may be the view of the Senator from Washington.

I might say that I recall no bill, except perhaps the Colorado River project bill, upon which the Committee on Interior and Insular Affairs has spent more time. I would say that, after taking testimony many times, we have spent literally dozens of sessions, each one consisting sometimes of 3, 4, 5, or 6 hours, trying to work out this bill.

I doubt that the entire committee can be brought closer to an agreement than they are now on this bill.

The bill does not make every member of the committee happy in every respect, and I certainly am not happy about certain aspects of it. I say that very frankly.

During conference I do not want to be locked in by statements that other people have made on the floor. What the chairman says for himself or his colleagues is one thing. But, personally, because I know the feeling of the people on the other side, I want to be left the greatest possible latitude when we go to conference.

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

Mr. McGOVERN. I yield.

Mr. GRAVEL. I want to make clear that we will be pursuing a goal in con-

ference and that it will be a 30–10 goal in fee, which I think would be a very adequate settlement. Certainly, it does not bind any member of the committee or the conference, but it does give testimony that a segment of the conferees—a sizable segment—under the leadership of the junior Senator from Washington, will be pursuing very vigorously in conference this very proper goal.

Mr. ALLOTT. Just so that when the Senator says "we," he does not include everybody on the conference committee.

Mr. GRAVEL. We would wish to include everybody who would come forward and want to be included.

Mr. McGOVERN. Mr. President, on the basis of those assurances from the Senator from Washington and the Senator from Alaska, I will not press for the amendment; but I do hope that the 30–10 formula is the one that the Senate will press.

Mr. HARRIS. Mr. President will the Senator yield me 5 minutes?

Mr. STEVENS. I am happy to yield 5 minutes to the Senator from Oklahoma from the time on the bill.

Mr. HARRIS. Mr. President, I rise to compliment the distinguished Senator from Alaska (Mr. STEVENS) for his excellent statement here. I also compliment his colleague, the junior Senator from Alaska, for the outstanding and dedicated work that he and his colleague have done on this measure. I compliment also the other members of the committee for the work they have done on this bill which I hope will be passed by the Senate today.

Mr. President, I join with them in rejoicing that we are so much further down the road because of this bill toward final settlement of the Alaskan Native claims which have so long been a matter of dispute in this body and elsewhere.

A great deal of the credit for this is due to the good work of the Senators whom I have named as well as other Senators who have worked so diligently on this matter.

I also compliment Mr. Donald R. Wright, President of the Alaskan Federation of Natives, who has worked so hard on the bill to get an equitable settlement for the people he officially represents.

I have discussed with him and with the other representatives of the Alaskan Federation of Natives this matter, as well as with friends of mine, such as Charles Edwardson, and the Honorable Willie Hensley, all of whom feel that there are very practical reasons why we must pass the legislation.

I hope we can get the bill through the Senate today. We ought to get the bill to conference and try to get an early agreement on the final bill.

The Senators will recall that I was very worried, as were most of the Alaskan Natives, last session of the Congress, over three particular aspects of this settlement matter.

One was the amount of land involved. I said last year that I felt the land was really the crucial issue involved. I am very pleased that there has been a substantial increase of the land that will be provided.

Second, I was also one of those worried last year about the provisions in the bill which would have effectively terminated the Bureau of Indian Affairs services for the Natives receiving this settlement. I am informed that that matter has been substantially altered.

Third, I was very concerned that the Alaskan Natives have the right of self-determination and that the decision with regard to this settlement, now and in the future, be made by Natives. I understand that substantial improvements have been made in that provision as compared to last year's bill, as well.

As I have said Mr. President, one of the most important responsibilities of the 92d Congress will be the passage of legislation to settle the Alaska Native land claims. The crucial issue in the passage of this legislation is the amount of land that will be provided to the Natives.

The Natives of Alaska have historical claim to nearly all of the State's 375 million acres of land. The purpose of the bill we have before us today is not to determine what they will receive from a benevolent government in Washington, but rather how much land they will be allowed to keep from what was theirs from time immemorial.

Mr. President, the land is the source of sustenance for the Native peoples of Alaska. If we are sincere about preserving the right of self-determination for Alaska Natives we must guarantee that sufficient lands are provided in their claims settlement. Many of the Eskimos, Indians, and Aleuts of Alaska depend upon the land and the inland and coastal waters for their livelihood. Vast amounts of land are needed for support. We must not destroy the culture of these people by failing to provide an adequate land settlement.

The Alaska Federation of Natives reached the conclusion that a fair settlement would include confirmation "of title to 60 million acres of land in the Native villages and regions over which the Native people have asserted dominion through use and occupancy from time immemorial."

The figure of 60 million acres was not one arrived at capriciously. It is unchallenged that the Natives are now using a minimum of 60 million acres, which is less than 17 percent of the lands to which they have valid claim.

It is unfortunate that the Interior Committee could not report out a bill, such as S. 835, which I introduced, that would have provided a 60-million acre settlements—in particular the fact that the improvements made in the committee bill over last year's bill. These improvements—in particular the fact that the Natives can receive 40 million acres—are all the more important in view of the provisions of the bill passed by the House of Representatives. Under that bill, the Natives would select 18 million acres, limited to townships surrounding their Native villages. The State would then have until 1984 to select the remainder of its 103 million acres. After completion of the State selections, the Natives would take 22 million acres from what was left.

This is clearly unacceptable to the Alaska Natives, as they could be left with land that is worthless.

Mr. President, the Nation's treatment of our Native peoples has long been a national disgrace. The treatment of Alaska's natives has been no exception.

Today, after nearly a century of American control, the contrast between the two Alaskas—urban and rural—could scarcely be greater. The 80 percent of Alaska's population that is non-native lives primarily in the cities—in places such as Anchorage, Fairbanks and Juneau. The life style of this majority could be easily interchanged with that of Americans elsewhere. Most are regularly employed, though, even in the cities, unemployment is double the national level. The education level is high and per capita income is among the highest in the Nation—$4,200.

But about 70 percent of the native population still lives in outlying areas. They live, substantially, by subsistence hunting and fishing, just as they have for centuries. Few are employed fulltime. Health is poor. And educational facilities are inadequate.

We owe them more. At a minimum, we owe them adequate land so that they can continue their traditional way of life. It is essential, therefore, that the Senate not waiver in its commitment to provide an equitable settlement for the Alaskan Natives.

The battle cry of the natives—"Take our land, take our life"—Must not go unheeded.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 547

Mr. METCALF. Mr. President, I call up my amendment No. 547 and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment as follows:

On Page 267, Line 22, strike out "section" and insert "Act".

On page 268, line 2 strike out all after the word "refuge" except the period and insert the following:

The exchange authority granted in section 16(a) shall apply to all lands within the boundaries of a unit of the National Wildlife Refuge System, and the Secretary shall have a right of first refusal in future sale of such lands.

Mr. METCALF. Mr. President, before I direct myself to the amendment, I want to congratulate the chairman of the committee, the Senator from Washington (Mr. JACKSON), for the way in which this bill has been brought out. This is truly landmark legislation and he, more than any other man in the Congress of the United States, is responsible for one of

the fairest judgments that I have ever known.

It was my privilege to participate in some of the hearings in Alaska, and it was a challenging and warming experience to have Natives come down from the Arctic Circle to testify as to their way of life, their need for the land and their need for this kind of legislation.

As has already been pointed out, some of these people are among the most deprived people in America. This is a step toward giving them equality of opportunity that all Americans deserve and that we desire to give them.

The two Senators from Alaska, and I refer to Senator STEVENS and Senator GRAVEL, have been outstanding in their work, attention, and dedication to the Alaskan Natives. I think the three men I have mentioned, Senator JACKSON and the two Alaskan Senators, are responsible more than thousands of other people for getting this bill before us.

Essentially, as I see the bill, it gives the Alaskan Natives a substantial amount of land. It has been my experience, in working with the Indians both in the lower part of the United States and in Alaska, that there is a special affinity, a spiritual affinity, of Alaskan and other Indian Natives, to the land on which they were born and on which their tribal organizations. exist. We have recognized that spiritual affinity by giving them an opportunity to accept this land in and around their tribal communities.

We have also recognized the need of Alaskan Natives for a substantial amount of capital and have given them substantial capital.

The third important part of the bill is that we have recognized that the vast natural resources of Alaska are open to development. They are in the period that we in the American West were in at the turn of the century. In the vernacular of the day, we are giving them a piece of the action. We are saying to the Alaskan Natives, "You, too, will share in the assets you own. You are going to share in the development of your natural resources. You are going to participate in the growth and development of your great State."

With these three major issues in a rather complex and involved bill, the Committee on Interior and Insular Affairs has brought out a piece of legislation that I think will be a model for many years to come.

It is with some trepidation that I come before the Senate, as a member of the committee and as one who did some work on the bill, even to offer a minor amendment. My amendment, however, has been developed because of some of the concern of conservationists, hunters, and wildlife enthusiasts and people who are worried about the perpetutation of some of the species that may be lost and who are concerned about what is going to happen to the wildlife and waterfowl refuge system.

My amendment has the purpose of giving the Nation's sportsmen and wildlife enthusiasts congressional assurance that the settlement reached under the terms of this bill will deal fairly and wisely with the National Wildlife Refuge System. Alaska contains some of the most prized units of the National Wildlife Refuge System—Kodiak Island, Clarence Rhode, Izembek, Arctic Game Range, and others—and correspondence I have received from conservationists in Montana and elsewhere shows that the public is concerned about the future of these dedicated areas.

I share that concern and I know from many years' service as a member of the Migratory Bird Conservation Committee, from both this body and the House, the important contributions wildlife refuges in Alaska are making to our ducks, geese, and other migratory birds. Many of the wildlife refuges there provide important nesting and brooding habitat for millions of migratory birds, many species of which the United States shares joint responsibility with Canada and Mexico under the terms of the migratory bird treaties. To permit serious disruption of the habitat in some of the refuges would be to disregard our international commitments under the treaties with these countries.

Alaska contains some 65 percent of all of the acreage of the National Wildlife Refuge System. But this statistic has been used incorrectly in my opinion, because it has been offered in an effort to suggest that this is too great a burden to be borne out of the hundreds of millions of acres of public lands in Alaska.

A few minutes ago I was talking with the distinguished Senator from Nevada. He reminded that we could divide the great State of Alaska into two parts and each part would be greater than the State of Texas. It is hard for some of us down here, even one who comes from a State with the large acreage of Montana, to realize the vast acreage of the State of Alaska.

My colleagues should understand that wildlife and waterfowl refuges cannot simply be placed upon the land in some haphazard manner, a manner possibly that responds more to human whims than to biological necessity. Wildlife refuge locations are chosen because of the utility of the land for the wildlife species the areas are designed to protect.

For example, untold numbers of ducks, geese, and other migratory birds nest and rear their young in the Clarence Rhode National Wildlife Refuge, on the great delta of the Kuskokwim River, because the character of the terrain favors this critical period of the birds' life cycle. The terrain offers the birds satisfactory nesting places and wetlands on which to raise their young, obtain food, find shelter from predators and the elements, and finally to get their young to wing so that they may migrate south with winter and return the following spring. This annual cycle cannot be perpetuated if the very habitat required by the birds is destroyed. The birds use the area because it furnishes their needs; they will not succeed elsewhere unless much the same variety and complex of wetlands are present. In short, national wildlife refuges cannot be moved about like blocks on a drafting board.

It has been pointed out that the State of Minnesota brags, on its license plates, that it is the land of 10,000 lakes, but Alaska can say that it is the land of 10 million lakes. It is those millions of lakes that furnish the nesting and brooding habitat with wetlands necessary to preserve the waterfowl that fly down the Midwest flyways and from Alaska and Canada east and west of the Mississippi and to Mexico.

The same situation persists with some of our most outstanding nonmigratory species, such as the giant brown bear that inhabits the Kodiak Island National Wildlife Refuge. The brown bear occurs and persists there because its life requirements are tied closely to the island's wilderness and to the yearly salmon spawning runs in its streams. Fracture that wilderness, as might be possible under the House bill, and the bear is sure to come into an abrupt and disastrous confrontation with civilization. We know who would be the loser, because wildlife invariably comes off second best to commercialization and development. By the same manner, pollute or obstruct the streams or otherwise diminish their suitability for salmon spawning and the bears will lose their main source of food, which by nature's design, carries them through a part of the year.

It is for this reason, too, that I offer an amendment to assure all sportsmen and wildlife enthusiasts that the national wildlife refuges in Alaska will not be treated unfairly under the terms of this bill.

In brief description, my amendment expands section 15 paragraph (e), which under the terms of the committee's recommendation requires that any patent issued to lands within the boundaries of a national wildlife refuge "contain a provision that such lands remain subject to the laws and regulations governing use and development of such refuge as long as the lands continue with its boundaries."

It expands the paragraph by adding that—

> The exchange authority granted in Sec. 16(a) shall apply to all lands within boundaries of a unit of the National Wildlife Refuge System, and the Secretary shall have a right of first refusal in future sale of any such lands.

The effect of the amendment, Mr. President, would be consistent with the committee's recommendation. I have discussed my concern with the chairman, the distinguished gentleman from Washington (Mr. JACKSON) and have found him sympathetic to what I propose. In my opinion, the language that I would add to the paragraph in no way would be injurious to the interest of the natives, while at the same time it offers the assurance that many of our fellow Americans are seeking with respect to existing wildlife refuges in Alaska. By authorizing the exercise of exchange authority, which under the committee bill already would pertain in the case of other affected public lands in Alaska, the Secretary is given the option to offer other available lands for those whose alienation from a refuge may severely jeopardize the habitat base of wildlife species that the refuge was designated to protect in the first place. And second, by having the right of first refusal in the case of selected lands that ultimately may be offered for sale, the Secretary will be able to move to protect the integ-

rity of lands whose exclusion from a refuge also may be damaging to the national wildlife interest.

The PRESIDING OFFICER. Who yields time?

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

Mr. GRAVEL. Time is on the amendment at this point.

Mr. STEVENS. I know; will the Senator from Montana yield me 2 or 3 minutes on the amendment?

Mr. METCALF. I am delighted to yield.

Mr. STEVENS. Mr. President, I think the Senator has raised a very important question, and one we should take care of. His is a protective amendment; and I agree that we should protect the rights of the Native people if they desire to exchange this land.

Though I am not sure many people even know about it, back at the time when I was solicitor, when some of these refuges were created, we specifically provided for this. Let me read from Public Land Order 2213, dated December 6, 1960, dealing with the Kuskokwim National Wildlife Refuge and Public Land Order 2216, dealing with the Izembek National Wildlife Range.

This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

In other words, these people have been within some of these areas, and have been resident there, for many years. If, as we create these new rights, they desire to exchange those lands they may do so. As I understand the amendment, the discretion is theirs: if they wish to move, they may transfer their lands; and, if they ever decide to sell their lands, they must offer them to the Secretary of the Interior on a right of first refusal basis, so that we may preserve these lands for wildlife refuge purposes.

Mr. METCALF. It is specifically designed for the needs of the wildlife involved.

Mr. STEVENS. I think it is a very significant amendent, and it is one that I support.

I ask unanimous consent that the two orders to which I referred be printed in the RECORD at the conclusion of the remarks on the Senator's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

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

Mr. METCALF. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, on this particular amendment, I am authorized by the chairman of the committee, who is just coming into the Chamber, to state that I have discussed the amendment with him. He shares the concern which the Senator from Montana has so well expressed, and I am in a position, speaking for him—he can now speak for himself—to say that we are perfectly willing to accept the amendment and, before yielding the floor or yielding to the chairman of the full committee, I simply want to take this opportunity to compliment in the highest terms possible the many years of service that the Senator from Montana (Mr. METCALF) has given on this migratory bird conservation committee, both on the House side and then, since he has been here, on the Senate side.

He has made many contributions to the wildlife refuges in Alaska, in the areas of preserving the duck population, the goose population, and the other migratory birds, and I can testify to this firsthand, Mr. President, because I serve as chairman of the Interior Appropriations Subcommittee, and every time a request comes in that appears to be inadequate or under the authorized amount provided for in the authorizing legislation, Senator METCALF is always first to say, "This is not enough; we have to have some more to do the job." I compliment him on it, and I am happy to yield at this point to the chairman of the full committee.

Mr. JACKSON. Mr. President, I associate myself with the remarks of the Senator from Nevada. I know of no one in the Senate or the House of Representatives who has spent more time or devoted more time to the problems of migratory birds and wildlife refuges and their support than the distinguished junior Senator from Montana. He has made it his business to see to it that there are adequate wildlife refuges throughout the United States. He has worked constantly to improve those refuges. I know of no one who can speak in a more qualified way than the junior Senator from Montana at this point. I completely respect his judgment in this matter. He is a member of our committee.

Mr. President, I believe that the amendment is in order. It is an appropriate one, and we are in his debt for having called the situation to our attention.

Mr. METCALF. I thank the chairman. Again I reiterate that this legislation would not even have been before us had it not been for the tireless activity of the Senator from Washington. The Senator from Washington has also been outstanding in his work for conservation of wildlife, and in other areas. Then, of course, the distinguished Senator from Neveda is almost "Mr. National Parks" in this country. As I understand, he will offer an amendment to which mine is complementary.

I want to say to both of my colleagues that work on the Migratory Bird Conservation Commission has been a most rewarding and challenging job, but one that has brought me more benefits and more actual rewards than all the effort I have spent on it, and I am grateful for the kind words of my friends.

EXHIBIT 1

[Public Land Order 2213, Fairbanks 012151]

ALASKA—ESTABLISHING THE KUSKOKWIM NATIONAL WILDLIFE RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 2, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Interior as a refuge, breeding ground and management area for all forms of wildlife, to be known as the Kuskokwim National Wildlife Range: *Provided*, That the reservation made by this order shall not prohibit the hunting or trapping of game animals and game birds or the trapping of fur animals in accordance with the provisions of applicable law and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto:

"AREA I

"Beginning on the shore of Bering Sea at the line of mean high tide and at the south side of the entrance to Hooper Bay near latitude 61°31′ N., longitude 166°12′ W., from Greenwich; thence southeasterly with the line of mean high tide on the south side of the entrance to Hooper Bay and along the south side of said Bay, 16 miles to the mouth of Askinuk River (Kleoklevuk River) near latitude 61°26′ N., longitude 165°48′ W.; thence easterly up the left bank of said river 22 miles to its source at the Kashunuk River near latitude 61°24′ N., longitude 165°26′ W.; thence easterly up the left bank of Kashunuk River, 12 miles to its junction with a channel "A" flowing to the south, near latitude 61°23′ N., longitude 165°11′ W.; thence southerly down the right bank of the last aforesaid channel "A" 1½ miles to a point near latitude 61°21′ N., longitude 165°10′ W., about one-half mile south of the mouth of an unnamed stream coming into said channel on the left bank side; thence due east approximately 38.6 miles to the volcanic cone in the Ingakslugwat Hills near latitude 61°21′ N., longitude 164°00′ W.; thence due south approximately 10 miles to the north shore of a lake "B"; thence southerly around the easterly side of the last aforesaid lake "B" one mile to a point on the southeast side of said lake "B"; thence south 63° east four miles to a point near latitude 61°10½′ N., longitude 163°56′ W., on the northwest shore of Aropuk Lake opposite the center of an island; thence southerly with the western shore of the said lake and a chain of lakes 45 miles to a point of land near latitude 60°50½′ N., longitude 163°57′ W., on the north side of Baird Inlet; thence westerly along the north side of Baird Inlet 50 miles to a point of land near latitude 60°54′ N., longitude 165°02′ W., at the mouth of Baird Inlet and at the line of mean high tide on the shore of Bering Sea; thence northwesterly at the line of mean high tide of Bering Sea eight miles to the point of a headland near latitude 60°58′ N., longitude 165°12′ W., at the south side of Hazen Bay; thence north 38° W., eight miles across the mouth of Hazen Bay to the point of a headland at the west side of Hazen Bay; thence northwesterly with the line of mean high tide of Bering Sea 50 miles to the place of beginning, containing approximately 1,870 square miles of lands and waters, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301).

"AREA II

"Beginning on the shore of Bering Sea at the line of mean high tide and on the north side of the mouth of Kinia River, near latitude 60°11′ N., longitude 164°30′ W.; thence northwesterly with the line of mean high tide of Bering Sea 8½ miles to the headland at the mouth of a stream "C" separating Nelson Island from the mainland; thence northeasterly up the left bank of the last aforesaid stream "C" 46 miles to a point near latitude 60°39′ N., longitude 164°12′ W., at the south end of the southwest bay of Baird Inlet; thence easterly, northerly, easterly and southerly along the south shore of Baird Inlet 35 miles to the mouth of a small stream "D", near latitude

60°33½′ N., longitude 163°43′ W., at the south end of the east bay of Baird Inlet; thence southwesterly up the left bank of the last aforesaid small stream "D" four miles to the head thereof; thence south 10° E., 4½ miles to the head of a stream "E" draining to the south, near latitude 60°28′ N., longitude 163°46′ W.; thence southerly down the right bank of the last aforesaid stream "E" four miles to the mouth thereof in the north shore of Dall Lake; thence westerly, southerly, easterly and southerly around the west shore of Dall Lake 75 miles to the most southerly point of said lake near latitude 60°08½′ N., longitude 163°47′ W.; thence south 30° W., 1½ miles to the head of the Kukuklik River; thence southwesterly with the right bank of the aforesaid Kukuklik River 19 miles to the mouth thereof at the line of mean high tide of Bering Sea, near latitude 59°49′ N., longitude 164°07′ W.; thence northwesterly with the line of mean high tide 20 miles to the place of beginning, containing approximately 1,054 square miles of lands and waters, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301)."

The descriptions above are based on Alaska Reconnaissance Topographic Maps designated Baird Inlet, Hooper Bay, Marshall and Nunivak Island, Editions of 1951.

This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1960.

[F.R. Doc. 60–11518; Filed, Dec. 8, 1960; 8:53 a.m.]

[Public Land Order 2216—Anchorage 023347]

ALASKA—ESTABLISHING THE IZEMBEK NATIONAL WILDLIFE RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described areas of public land and water in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601604), as amended, and reserved for use of the Department of the Interior, as a refuge, breeding ground, and management area for all forms of wildlife, to be known as the Izembek National Wildlife Range: *Provided*, That the reservation made by this order shall not prohibit the hunting or trapping of game animals and game birds or the trapping of fur animals in accordance with the provisions of applicable law, and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto:

"Beginning at corner No. 1, from which U.S.C. & G.S. station 'COW', located on the edge of Cold Bay at latitude 55°12′10.71″ N., and longitude 162°41′57.76″ W., bears N. 85°52′50″ E., a distance of 1.34 miles (7,086.5 feet), thence with two (2) courses of the westerly boundary of Air Navigation Site Withdrawal No. 176, S. 15°30′ W. 1.61 miles (8,500.00 feet) to corner No. 2; thence due south 1.0 mile (5,280.00 feet) to corner No. 3, which is the southwest corner of Air Navigation Site Withdrawal No. 176; thence leaving said Air Navigation Site southwesterly along the crest of a spur ridge of Frosty Peak with three courses, approximately, S. 41°00′ W.—2.05 miles (Elev. 1300′) to a point; S. 68°30′ W.—0.55 mile (Elev. 2000′) to a point; S. 34°30′ W.—1.35 miles (Elev. 4200′) to corner No. 4, an angle point at forks of spur ridge leading to Frosty Peak; thence with two courses, approximately, S. 30°30′ E.—1.20 miles (Elev. 4000′) to a point; S. 19°45′ W.—2.28 miles (Elev. 6600′) to corner No. 5, the summit of Frosty Peak; thence leaving Frosty Peak along the crest of a spur ridge, with three courses approximately S. 83°30′ W.—1.12 miles (Elev. 4000′) to a point; S. 64°00′ W.—2.04 miles (Elev. 1600′) to a point; S. 76°30′ W.—4.0 miles to corner No. 6, at the mouth of an unnamed stream at the intersection of the line of mean high tide on the east side of Morzhovoi Bay, approximately at latitude 55°03′, longitude 162°59′; thence northerly, westerly, and southwesterly with the line of mean high tide of Morzhovoi Bay approximately 14 miles to corner No. 7, at the mouth of an unnamed stream at the intersection of the line of mean high tide on the west side of Morzhovoi Bay, approximately at latitude 55°02′40″—longitude 163°13′30″; thence westerly with the north bank of said stream and with the north shore of two (2) small unnamed lakes 2.10 miles, to a point on the west shore of the most westerly lake at approximate latitude 55°02′45″; thence due west—1.00 mile to corner No. 8, at the intersection of an unnamed stream with the line of mean high tide on the east side of Bechevin Bay at approximate latitude 55°02′45″—longitude 163°17′30″; thence northwesterly, northeasterly, and southwesterly with the line of mean high tide of Bechevin Bay, 8.86 miles to a point on the most westerly extremity of the Alaska Peninsula-Bering Sea shore at approximate latitude 55°05′50″—longitude 163°21′30″; thence notheasterly with the line of mean high tide of Bering Sea, 18.20 miles to the most northerly point of Cape Glazenap, approximate latitude 55°15′—longitude 163°00′; thence N. 52°30′ E.—1.28 miles across the Cape Glazenap inlet to Izembek Bay, to a point at the line of mean high tide of Glen Island, one of the Kudiakof Islands; thence northeasterly with the line of mean high tide of Bering Sea, 4.90 miles to a point on the northern shore of Glen Island at approximate latitude 55°19′—longitude 162°54′20″; thence N. 35°15′ E.—2.52 miles, across an inlet to Izembek Bay, to a point on the line of mean high tide of Operl Island, one of the Kudiakof Islands; thence northeasterly with the line of mean high tide of Bering Sea, 8.10 miles to the most northerly point of Operl Island at approximate latitude 55°24′30″—longitude 162°42′; thence due east 3.22 miles, across an inlet to Izembek Bay, to a point on the southern shore of Neumann Island; thence northeasterly with the line of mean high tide of Bering Sea, 3.38 miles to the most northeasterly point of Neumann Island at approximately latitude 55°26′50″—longitude 162°34′50″; thence N. 71°00′ E.—0.22 mile, across an inlet to Moffet Bay, to Moffet Point on the Alaska Peninsula; thence northeasterly with the line of mean high tide of Bering Sea, 8.40 miles to corner No. 9, at approximately latitude 55°32′10″—longitude 162°26′; thence three courses with the boundaries of the watershed of Moffet Bay, southeasterly approximately 17.40 miles to the summit of the Aghileen Pinnecles, southerly approximately 19.60 miles to the summit of Mt. Dutton, westerly approximately 10.20 miles to corner No. 10, at the line of mean high tide on the east side of Cold Bay at approximate latitude 55°10′22″; thence northerly, northwesterly, and southwesterly with said line of mean high tide approximately 13.10 miles to corner No. 11, at the line of mean high tide on the northwest side of Cold Bay, approximate latitude 55°15′30″—longitude 162°40′30″; thence due west, 1.5 miles to corner No. 12, which is the northeast corner of Air Navigation Withdrawal No. 176; thence with two (2) courses of Air Navigation Site Withdrawal No. 176 boundary; due west 2.50 miles (13,216.8 feet) to corner No. 13; thence S. 24°57′30″ E., 4.28 miles (22,530.0 feet) to corner No. 1, the point of beginning containing approximately 500 square miles of land and 149 square miles of water area, but excluding lands beneath navigable waters as defined in section 2 of the Submerged Lands Act of 1953 (67 Stat. 29; 43 U.S.C. 1301)."

This order shall not be construed to abrogate or impair any legal or aboriginal claim of right of the natives to use the lands, if any, and they may hunt, fish, and trap in accordance with applicable law, and carry on any other lawful activities.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 6, 1960.

[F.R. Doc. 60–11521; Filed Dec. 8, 1960; 8:53 a.m.]

Mr. JACKSON. Mr. President, we are willing to accept the amendment. It is entirely in order.

I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I wonder if the manager of the bill would be kind enough to yield 15 minutes on the bill to me.

Mr. JACKSON. I yield 15 minutes to the senior Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

Mr. President, over a year ago a bill proposing to settle the claims of the Eskimos, Indians, and Aleuts of Alaska was debated on the floor of the U.S. Senate. That bill provided for extinguishment of native rights to all but less than 10 million acres of land.

I had proposed to the Senate in December of the previous year that a minimum settlement must comprise 40 million acres in fee. I said, on December 19, 1969, that the central feature in any fair settlement—and I emphasize the word fair—was the amount of land confirmed in Native ownership; and I further observed:

> In approaching the question of what constitutes an honorable settlement, I think we should give first consideration to what the native people themselves consider fair and reasonable.

The figure considered "fair and reasonable" by the natives was 40 million acres.

Thus, on July 15, 1970, when the Senate voted on a claims bill providing an inadequate settlement, I voted an emphatic "No." In explaining this vote I indicated:

> Basically, the Natives do not seek charity, they do not ask to be given lands or money. They merely ask to retain a portion of the 350 million acres of land to which they believe they have a valid claim, and they ask just compensation for that portion of the land which is taken from them. . . .

Mr. President, those words apply today. Fortunately, in the past year the administration, the House, and the Senate have come a long way from the 10 million-acre settlement proposed last year. At last there appears to be a glimmer of recognition that the native claims settlement, in the words of Alaska State

Senator Willie Hensley, is indeed a test of "the American political system." As Mr. Hensley observed:

> We know the history of our country in dealing with the American Indian and we want to see a final chapter not written in blood or in deception or in injustice.

Clarence Pickernell, a native American, wrote a poem a couple of years ago entitled "This Is My Land." This poem is both moving and pertinent to today's deliberations:

This is my land
From the time of the first moon
Till the time of the last sun
It was given to my people.
Wha-neh Wha-neh, the great giver of life.
Made me out of the earth of this land.
He said, "You are the land, and the land is you."
I take good care of this land,
For I am part of it.
I take good care of the animals,
For they are my brothers and sisters,
I take care of the streams and rivers,
For they clean my land.
I honor Ocean as my father,
For he gives me food and a means to travel
Ocean knows everything, for he is everywhere.
Ocean is wise, for he is old
Listen to Ocean, for he speaks wisdom
He sees much and knows more.
He says, "Take care of my sister Earth,
She is young and has little wisdom, but much kindness."
"When she smiles, it is springtime."
"Scar not her beauty, for she is beautiful beyond all things."
"Her face looks eternally upward to the beauty of sky and stars,
Where once she lived with her father, Sky."
I am forever grateful for this beautiful and bountiful earth.
God gave it to me.
This is my land.

Alaska Natives know this. Their watchword has been "Take our land, take our life." Don Wright, president of the Alaska Federation of Natives, has often said:

> The most crucial aspect of this lengthy and complex legislation is its recognition of the supreme importance of land to the Natives—lands which they have used, occupied, and cherished from time immemorial, and which the great majority of natives continue to depend upon for life-giving sustenance.

It has been estimated that 90 to 100 percent of most Native villages' living comes from the land. Natives are presently using between 80 and 100 million acres in Alaska. And approximately half the Native households, a recent report recited, indicated that they depended on hunting and fishing for most of their meat supply. Land, in short, is the singly greatest economic resources for Alaska Natives. But it is more than a matter of economics.

"If we lose the land, we will lose our people," said Margaret Nick Cooke, AFN secretary. "Our culture is tied to the land, and if the land is taken from us our culture will be killed."

Farm AFN president Emil Notti put it succinctly:

> The feeling in the villages is very strong. They want their land.

Land, observed Alfred Ketzler, an Athabascan Indian from Alaska, "is a basic part of our identity—it makes us feel who we are, and without it we have been cut off and bewildered."

It is my judgment, and it is the firm position of the Native leadership, that anything less than a legislative settlement confirming fee title to 40 million acres in Native ownership is unacceptable.

Alaska Natives have specifically and purposefully refused to make an issue out of the cash settlement contained in the bill. A million dollar settlement may sound like a lot to many people, but then $24 sounded like a lot for the Indians who sold Manhattan Island. Alaska Natives will not make that same mistake. Over a billion dollars have already been paid by oil companies in Alaska for the privilege of exploring small areas of the State for oil. Considering the natural resources beneath the tundra—beneath much of the land now claimed by the Natives—$1 billion will seem little more than the beads, hand axs, trinkets, and blankets of the past. The cash settlement means little to Natives who will lose land rich in minerals. But more importantly, money cannot compensate a people for giving up the land upon which their lives and culture depend.

The Natives of Alaska, unfortunately, have been at the bottom of the list of Americans when it comes to education, housing, health, employment. But they are proud, and their pride in great part stems from their relationship to their land. If we take away their land, we not only take away the only chance for long-range material advancement, but we deprive them of their culture and their identity and, ultimately, their future.

The Alaska claims settlement is certainly not a welfare bill. It does not reflect generosity on the part of the Congress in giving something to the Native people of Alaska. It is merely a compromise by both the United States and the Alaska Natives, in recognition that the legislative process is better suited to settling the claims dispute than the judicial process.

The Senate Interior Committee report indicates that the legal foundation for the Natives' claims is aboriginal use or occupancy, and that the Alaska Organic Act of 1884 and the Statehood Act of 1958 recognized and left undisturbed Native title and rights. In determining what constitutes an honorable settlement, we should give first consideration to what the Native people themselves consider fair and reasonable.

The Alaska Natives are not a conquered people. They have never signed treaties. They have refused to sell lands. In this legislative settlement it is Congress who is asking the Natives to give up a large part of the land. The Natives are not asking for money; they do not want to sell the land; they do not want to give up the land. Thus it is imperative that a final settlement contain the 40 million acres which the Natives feel at this time is the minimum necessary for present subsistence and future economic security and development.

S. 35 reflects in many respects the desires of the Native people. Its monetary provisions come close to the position of the Alaska Federation of Natives with the exception that the Natives had asked for an overriding royalty on land resource revenues in perpetuity, while the bill provides for a maximum of $500 million from the royalty. Many of AFN's specific goals have been adopted into the legislation as now written.

But the land provisions in S. 35 are unacceptable to the native leadership, in that they provide for an option arrangement which has been rejected outright and they do not guarantee 40 million acres in fee ownership to the native people of Alaska. Nevertheless, within the options presented, the Senate bill does contain the basic elements of an acceptable settlement for Alaska Natives.

The Natives do not oppose S. 35 only because, in conference with the House of Representatives, the Senate conferees are expected to bring back a bill containing the same basic elements of S. 35 but combining them into a solid, guaranteed, immediate 40-million-acre package. Delayed vesting, junior priorities, split fees, use rights, and other lawyerlike slights-of-hand that undercut the nature of full native title and render large chunks of acreage aberrational and ephemeral will not be tolerated.

I do believe, Mr. President, that the Alaska Natives will have vigorous and dedicated advocates in the conference. I know that the chairman of the Interior Committee, Senator JACKSON, has spent hundreds of hours working on this legislation over the past few years and is fully committed to seeing through the kind of just and equitable settlement that the Native people expect and hope for. I also believe full recognition should be given to the hard work and dedication of Senators from Alaska, who have shown themselves to be extraordinarily responsive to the needs and wishes of their Native constituency. These three distinguished colleagues of ours have certainly guided the pen in writing this important chapter in the history of our Government's relationship with this country's Native peoples.

A final settlement of the Alaska Native claims which reflects the desires of the Natives should give new hope to other Native groups and causes. The Alaska Federation of Natives, and its former President Emil Notti brought this issue to national attention and prepared Congress and the public for the monumental task of legislating an honorable final claims settlement. AFN's perseverence over the past year, under the able leadership of Don Wright, has brought us from a time when a Senate-passed bill provided for a 10 million-acre settlement, the House had not considered any bill at all, and the administration was unhappy about the generosity of even the Senate's meager settlement, to where we are now—with House and Senate bills and administration support encompassing the major elements of the AFN position. The achievements of the AFN should serve to encourage Indian leadership to organize and to press their views in Washington, having seen firsthand that justice can be achieved here.

Of course, as important as this settle-

ment is to the Alaska Natives, it certainly does not mark the end of the United States' concern for Native Americans. It should, in fact, be viewed as the beginning of a movement to right old wrongs and to prevent contemporary and future injustices. The protection of Indian resources; the establishment of new Indian education programs and the guarantee of Indian community control of educational programs; the delivery of health care to Indian communities; the construction of adequate housing for Indian families; the reduction of the incredibly high Indian unemployment rate—these should all be priority items on our national agenda.

As I mentioned earlier, Mr. President, the passage of S.35 does not mark the end of the Senate's responsibility in completing action on Alaska Native claims. There will be a House-Senate conference, and it is my hope, and the firm expectation of a number of Members of this body, that the final bill will more closely reflect the wishes and respond to the needs of the Native people than either of the bills going into conference. As I said almost 2 years ago:

> Time is running out for the Alaska Natives and for the Congress. The Senate has an opportunity to make a fair settlement in accordance with our Nation's high ideals. It is perhaps the Nation's last, best chance to close with dignity and justice one of the sordid chapters in our history—our shocking treatment of America's first inhabitants in disputes over land.

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

Mr. KENNEDY. I yield.

Mr. JACKSON. Mr. President, I compliment the senior Senator from Massachusetts for a very fine statement. He has been in the forefront in attempting to obtain a fair and equitable settlement for the Alaska Natives. He did an outstanding job as chairman of the Special Subcommittee on Labor and Education dealing with Natives' and Indian problems, not only as they pertained to Alaska but also throughout the United States.

I want to assure the Senator from Massachusetts that we shall do everything we can, as we go to conference, to obtain the best possible settlement.

I think that the provisions of the Senate bill are far more equitable than those of the House bill. I want to assure the Senator that I will do everything I can to further improve our bill. And I deeply appreciate the Senator's statement on and support for the position of the Senate and further improvement thereof.

Mr. KENNEDY. I thank the distinguished Senator from Washington for his comments. I have enjoyed the opportunity, both on and off the floor, to have a chance to exchange ideas on this and other measures which affect the lives and well-being of the Alaskan Natives and our Indians. I appreciate his commitment on this matter in trying to assure the Alaskan Natives—not only them but also all Americans—that we in Congress can act fairly and with justice to the individuals who will be affected.

I appreciate the Senator's kind remarks.

Mr. GRAVEL. I, too, would like to associate myself with the comments of the distinguished Senator from Massachusetts and thank him on behalf of all Alaskans. Certainly, his trip to Alaska focused on this problem as well as broadly on the plight of the Alaska Natives. It follows in the great tradition of the Kennedy family, especially with his late brother, Robert, who brought to the attention of the Nation the terrible treatment the Indians of this country have received at the hands of the white man.

I believe that we can say here, in all candor, that, through the strong position taken by the Senator from Massachusetts, we were able to broaden the parameters of a possible solution. Had it not been for this we would not be here today with this generous settlement that we seek.

I agree with the Senator that we can never be sufficiently generous in this regard, but I believe that the Senator from Massachusetts has played an unusual role in the history of Alaska and, for that, Alaskans will forever be in his debt.

Mr. KENNEDY. I thank the Senator from Alaska for his very generous and kind remarks.

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

Mr. JACKSON. Mr. President, I call up an omnibus amendment which is a technical and conforming amendment, and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SPONG). Without objection, further reading of the amendment will be dispensed with, and without objection the amendment will be printed in the RECORD.

The text of the amendment is as follows:

TECHNICAL AND CONFORMING AMENDMENT

At page 163, line 6, strike "is" and insert "its".

At page 163, line 13, strike "Treasury" and insert "Treasury".

At page 164, line 18, strike "22" and insert "23".

At page 165, line 2, strike the colon ":" and insert a semicolon ";".

At page 165, line 13, strike the number "(1)" and insert the letter "(1)".

At page 167, line 10, strike the second "to" and insert "into".

At page 168, line 4, strike "ofthis" and insert "of this".

At page 170, line 20, strike "attorney's" and insert "attorneys'".

At page 173, line 20, strike "States" and insert "states".

At page 174, line 5, strike "power" and insert "powers".

At page 179, line 2, strike "Corporation." and insert "Corporation; or".

At page 179, after line 2, insert "(4) as a member of the Planning Commission."

At page 186, line 5, strike "successor has" and insert "successors have".

At page 195, line 10, insert "Government" after "States".

At page 197, line 4, strike "Corporations" and insert "corporations".

At page 204, line 3, strike "of Alaska".

At page 211, line 6, strike "an-" and insert "ap-".

At page 213, line 21, insert "the" before "provisions".

At page 216, lines 7 and 8, strike "States" and insert "states".

At page 217, line 23, strike "Corporation." and insert "Corporation, whichever is greater."

At page 219, line 9, strike "State" and insert "state".

At page 221, line 8, insert a comma at the end of the line after "of".

At page 224, line 18, strike "Directors" and insert "directors".

At page 226, line 10, strike "State" and insert "state".

At page 226, line 12, insert "Government" after "States".

At page 229, line 9, strike "Corpoartion" and insert "Corporation".

At page 229, line 20, strike the comma.

At page 230, line 17, strike "average" and insert "acreage".

At page 231, line 2, strike "right-of-way" and insert "rights-of-way".

At page 231, line 22, strike "State" and insert "state".

At page 236, line 4, strike "State" and insert "state".

At page 236, line 13, delete comma after "township".

At page 240, line 24, delete "Atmautluak." and insert "Atmauluak, Southwest Coastal Lowland."

At page 241, line 20, delete "Chitina." and insert "Chitina, Copper River."

At page 243, line 21, strike "Kotzebe" and insert "Kotzebue".

At page 246, lines 15, 18, 20, strike "s" on "Aleutians".

At page 246, line 16, insert comma after "Mary's".

At page 246, line 25,, strike "Shakeluk" and insert "Shageluk".

At page 247, line 8, strike "s" on "Aleutians".

At page 250, line 7, strike "s" on "Corporations".

At page 251, line 2, after "subsection" insert "and subsection 14(h)".

At page 252, line 6, strike "(a)" and insert "(A)".

At page 252, line 11, strike "(b)" and insert "(B)".

At page 252, line 18, strike "(c)" and insert "(C)".

At page 255, line 21, strike "miscelleaneous" and insert "miscellaneous".

At page 257, line 21, strike "is" and insert "are".

At page 259, line 12, strike "24(c)" and insert "24(c)(1)".

At page 261, line 22, strike "(c)" and insert "(C)".

At page 263, between lines 3 and 4, strike "Average" and insert "Acreage".

At page 263, line 10, strike "14" and insert "13".

At page 263, line 10, strike "select such" and insert "allocate such amounts of".

At page 266, lines 22 and 23, strike "(A) and (B)".

At page 267, between lines 20 and 21, insert:

"(3) Upon completion of the survey of lands selected for the benefit of a Native Village pursuant to section 13(g)(3), as provided in subsection (a) hereof, and contemporaneous with the issuance of patents to Village Corporations as provided in the foregoing paragraph (2), The Secretary shall issue a patent or patents to all minerals in such lands covered by the Federal mineral leasing laws, subject to valid existing rights, to the Services Corporation. At the time of such conveyance, the Services Corporation shall succeed and become entitled to any and all interests of the United States, as lessor, contractor, or permitter, in any mineral leases, contracts, or permits covering such lands as provided in subsection (*1*) of this section."

At page 270, line 17, strike "patented" and insert "selected".

At page 270, line 17, strike "15" and insert "14".

At page 272, line 7, strike "Corportion" and insert "Corporation".

At page 274, line 16, strike "land" and insert "lands".

At page 274, line 21, strike "land and" and insert "lands and".

At page 276, line 25, strike "Service" and insert "Services".

At page 277, line 6, strike "from" and insert "for".

At page 277, line 24, strike comma after "procedures".

At page 281, line 4, strike "section" and insert "subsection".

At page 285, line 18, strike "block" and insert "blocks".

At page 287, lines 3 and 4, strike "of Alaska".

At page 288, line 12, strike "subsections" and insert "subsection".

At page 288, line 18, strike "subsection" and insert "paragraph".

At page 288, line 25, strike "Service" and insert "Services".

At page 289, line 20, strike "pursaunt" and insert "pursuant".

At page 290, line 21, strike "section" and insert "subsection".

At page 291, line 16, strike "subsection" and insert "paragraph".

At page 291, line 19, strike "subsection (b)(2)" and insert "paragraph (2)(B)".

At page 293, line 11, strike "Village" and insert "Villages".

At page 296, line 11, strike "subsection" and insert "paragraph".

At page 297, line 3, strike "Service" and insert "Services".

At page 297, line 10, strike the number "(1)" and insert the letter "(l)".

At page 297, line 18, strike "of Alaska".

At page 297, line 18, strike "subsection" and insert "paragraph".

At page 297, line 23, strike "section 19(f)(1)" and insert "this subsection 19(c)".

At page 298, line 25, strike "of Alaska".

At page 299, line 8, strike "Act" and insert "act".

At page 300, line 25, strike "purpose" and insert "purposes".

At page 302, line 2, after "or two" strike "two".

At page 302, line 16, strike "purpose" and insert "purposes".

At page 303, line 2, strike "sections" and insert "subsections".

At page 303, line 18, after "acting" and before "in", insert "after notice and an opportunity for a hearing".

At page 305, line 24, strike "subsection" and insert "paragraph".

At page 306, lines 2 and 14, strike "subsection" and insert "paragraph".

At page 308, lines 6 and 19, strike "Reservation" and insert "reservation".

At page 309, line 25, after "township" delete the comma.

At page 310, lines 2, 3, and 7, strike "are" and insert "is".

At page 310, line 6, strike "townships" and insert "township".

At page 310, line 6, strike "Villages" and insert "Village".

At page 313, line 8, strike "con-".

At page 313, line 19, strike "In".

At page 313, strike lines 20 through 25.

At page 314, strike lines 1 through 22.

At page 317, line 20, strike "section" and insert "subsection".

At page 317, line 21, after "24" insert "(c)".

At page 318, line 11, after "subsection" and before "(2)", insert "(m)".

At page 319, line 11, strike "purposses" and insert "purposes:".

At page 324, line 15 strike the comma.

At page 324, line 15, strike "Southeast" and insert "southeast".

At page 324, lines 17 and 18, strike "nineteen" and insert "eighteen".

At page 324, line 21, strike "withdrawan" and insert "withdrawn".

At page 330, line 14, strike "of Alaska".

At page 330, line 20, after "States" insert "with the advice and consent of the Senate,".

At page 331, line 2, after "Defense.", add a new sentence to read as follows:

"Appointments pursuant to this subsection shall be made within six months of the date of enactment of this Act."

At page 331, line 3, strike "of Alaska".

At page 332, lines 2 and 3, strike "of Alaska".

At pages 333, lines 24, strike "subsection" and insert "section".

At page 334, lines 1 and 5, strike "villages" and insert "Villages".

At page 335, line 7, strike "of Alaska".

At page 335, line 13, strike "sections" and insert "selections".

At page 335, line 14, strike "villages" and insert "Villages".

At page 335, lines 15 and 20, strike "village" and insert "Village".

At page 335, line 25, strike "vil-" and insert "Vil-".

At page 335, line 19, strike the period "." and insert a comma ",".

At page 336, line 17, strike "villages" and insert "Villages".

At page 337, lines 17 and 21, strike "of Alaska."

At page 338, lines 2, 21, and 24, and page 339, line 1, strike "of Alaska".

At page 341, line 5, strike "villages" and insert "Villages".

At page 341, line 17, strike the word "chiefly".

At page 347, line 3, strike "purpose" and insert "purposes".

At page 348, line 6, strike "State" and insert "state".

At page 348, line 8, after "tion" and before "with" insert "or other professional services".

At page 349, line 8, strike "of Alaska".

At page 351, line 25, after "(a)", insert a comma ",".

At page 352, line 2, strike "attorney's" and insert "attorneys' ".

At page 352, line 2, after "fees" insert a a comma ",".

At page 359, line 24, strike "Procedures" and insert "Procedure".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON).

The amendment was agreed to.

Mr. BIBLE. Mr. President, I send to the desk an amendment on behalf of myself and, I understand, it is one that will be approved by the Senator from Washington (Mr. JACKSON), and I ask that it be read. It is not a printed amendment, but I have several copies available for any Senator who wishes to look at it. I think it is a reasonable and noncontroversial amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIBLE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

Beginning at page 342 strike all of subsection 24(c)(4), lines 10 through 24, and at page 343 strike lines 1 and 2, and insert the following new subsection:

"(4) In making the classifications required by subsection (c)(1) hereof the Secretary shall, after consultation with the Planning Commission, conduct detailed studies and investigations of all unreserved public lands in Alaska, including classified lands, and of Naval Petroleum Reserve No. 4 and the Rampart Power Site Withdrawal, which are suitable under existing statutory and administrative criteria for inclusion as recreation, wilderness, wild rivers, or wildlife management areas within the National Park and the National Wildlife Refuge Systems, and every six months shall advise the Congress for a period of three years from the date of passage of this Act of the location, size, and values of such area, his recommendations with respect to such areas, and shall simultaneously with notification to the Congress withdraw these areas from any appropriation under the public land laws, including application of the mining and mineral leasing laws, until such time as the Congress acts upon the Secretary's recommendations, but not to exceed five years. In making the detailed studies and investigations and in identifying such areas, the Secretary shall consider areas recommended to him by the Planning Commission. Notwithstanding any other provision of this Act, initial identification of lands desired to be selected by the State pursuant to the Alaska Statehood Act and by the Commission pursuant to sections 13(g)(3) and 19 of this Act may be made within any area withdrawn pursuant to this paragraph, but such lands shall not be tentatively approved or patented so long as the withdrawal of such areas remains in effect: *Provided*, That selection of lands by Native villages pursuant to sections 13(g)(1) and 14(h) and rights granted pursuant to section 21 of this Act shall not be affected by such withdrawals and such lands may be patented and such rights granted as authorized by this Act. In the event Congress enacts legislation setting aside any areas withdrawn under the provisions of this paragraph which the Natives or the State desired to select, then other unreserved public lands shall be made available for alternative selection by the Natives and the State. Any time periods established by law for Native or State selections are hereby extended to the extent that delays are caused by compliance with the provisions of this paragraph."

Mr. BIBLE. Mr. President, I yield myself such time as may be required. I do not anticipate that I will take the full 30 minutes which I believe I am allotted. Is 30 minutes correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. Mr. President, section 24(c) of S. 35, the Alaska Native Claims Settlement Act of 1971, provides for the transitional operation of the public land laws in a manner designed to prevent a land rush, speculation, and unwise management decisions. This section also directs the Secretary to conduct a detailed study of all public lands in Alaska to determine their suitability for inclusion in, or their establishment as new areas of, the national park system or the national wildlife refuge system. The Secretary is to report his recommendations to the Congress and to complete the study within 3 years.

I endorsed and supported this provision when the matter was considered in committee in both this Congress and in the 91st Congress.

Since S. 35 was ordered reported by the committee on September 15, the leaders of several conservation organizations have raised a number of questions with respect to the operation of this sub-

section of the bill. I have carefully reviewed these questions as well as their suggestions for dealing with the potential problems that are of concern to the leaders and members of these organizations.

As a result of this review I am persuaded that some clarifying language and a number of minor changes in subsection 24(c)(4) would serve to resolve these questions and would insure that what I understand to be the committee's intent is made perfectly clear in the language of the bill. I have had the appropriate language drafted as an amendment and will later move for its consideration. The amendment does the following things:

First, provides that the Secretary shall review "classified lands" as well as unreserved public lands.

Second, provides that the Secretary shall report to the Congress on the status of his review and his recommendations every 6 months for a period of 3 years.

Third, provides that where the Secretary recommends to the Congress an area for inclusion in the national park or wildlife refuge system the area recommended will remain withdrawn for a period not to exceed 5 years to allow Congress an opportunity to consider and act on any proposed legislation. The withdrawal period under the bill as reported by the committee is 2 years.

Since I have handled national park and recreational area matters for many years, I think that the 2-year period is too short a time. I have obtained the recommendations from the Secretary so that Congress, on both sides of the Hill, might complete their action, and that is the only reason for the expansion from 2 years to 5 years.

Fourth, provides that the Secretary shall consider in his review those areas recommended to him by the Planning Commission.

Fifth, allows State identification of withdrawn areas for purposes of State selection, but does not allow tentative approval or patenting of such lands until Congress has had an opportunity to act on the Secretary's recommendations.

Sixth, provides that withdrawal of lands will not delay or frustrate the granting of patent to lands selected by Native villages even though they may be located in a withdrawn area; and

Seventh, provides that the State and Natives shall have an alternative selection right to other unreserved public lands if Congress enacts legislation setting aside any of the withdrawn areas recommended for inclusion in the park or wildlife refuge systems.

Mr. President, the purpose of the amendment is to insure that areas suitable for inclusion in the national park or wildlife refuge systems are protected for a reasonable period of time so that Congress may consider legislation on this subject. The amendment does not in any way effect the proposed Trans Alaska oil pipeline. It is, in my view, compatible with Native land-selection rights. The amendment does, however, mean that the State will not be able to select lands in those areas which the Secretary recommends for addition to, or inclusion in, the park or wildlife refuge system. The amendment does not effect in any way the status of lands to which the State has selected and which have been tentatively approved.

The purpose for which these lands would be withdrawn is a national purpose and it is my view that the national interest requires that the Congress be given a full and fair opportunity to review the Secretary's recommendations.

I have discussed the amendment with the chairman of the committee and he supports it and has aksed to be made a cosponsor.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks some language from the committee report explaining the operation of the present provisions of section 24(c).

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, I believe that I have discussed this matter with everyone who has expressed an interest in it. I have discussed it with the ranking minority member of the full committee and the minority counsel. I have also discussed it with both Senators from Alaska and have furnished them with additional copies of the amendment.

EXHIBIT 1

Section 24(c)—This subsection establishes a transitional program for the operation of the public land laws and the classification and, where appropriate, the orderly disposal of public lands in Alaska. This provision will insure that public lands in Alaska may be retained or disposed of in the light of changed circumstances brought about by the passage of time and the operation of the Act. The Committee adopted these provisions to provide for an orderly termination of Public Land Order No. 4582, as amended, and to provide an orderly procedure whereby public lands may, in the future, be appropriated under the public land laws. Absent such a procedure it appears very likely that there would be a rush by people to file mineral leases, homestead entries and mining claims.

Section 24(c)(1)—This subsection would effectuate a legislative withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of all unreserved public lands in Alaska. The Secretary is authorized to classify any lands so withdrawn or previously classified and, after consultation with the State of Alaska and the Planning Commission, to open the entry, selection or location for disposal in accordance with applicable public land laws such lands as he determines are chiefly valuable for the purposes provided for by such laws. He may also classify lands for retention should he conclude that the public interest would be better served thereby. Lands classified for retention will remain in that status, unless reclassified by the Secretary or unless the Congress modifies the classification.

Section 24(c)(2)—This subsection requires the Secretary or his designee to examine the lands covered by any application under the public land laws and, if appropriate, to classify them as suitable for the purposes described in the application. This subsection also provides a means whereby entry may be made on lands which have not yet been appropriately classified under subsection (a).

Section 24(c)(3)—The legislative withdrawal accomplished by this subsection, except as provided in subsection (a) will not affect any discretionary authority of the Secretary with respect to the issuance of leases, permits, or rights-of-way in accordance with existing law. Nor will it restrict the State's selection rights or the availability of rights-of-way expressly granted by law except that rights-of-way for highways under Revised Statutes 2477 (43 U.S.C., S. 932) will in the future take effect only under such terms and conditions as the Secretary may establish. In the event the Secretary concludes that a right-of-way under Revised Statutes 2477 is incompatible with other uses to which the lands involved should be put or with values for which such lands should be retained or reserved, the Secretary is authorized to refuse to permit such a right-of-way to take effect.

Section 24(c)(4)—Subsection (4) provides that in making classification under this section the Secretary shall, after consultation with the Planning Commission, make a detailed study of all public lands in Alaska which are suitable for inclusion in the National Park, Forest or Wildlife Refuge Systems. The Secretary is required to report to the Congress on such areas within three years.

The Committee is concerned that, absent the survey and identification of scenic, historical, recreational and wildlife areas required by this section, incompatible uses could become established. In Alaska there still remains an opportunity to set aside a portion of the public lands at no cost for the enjoyment of present and future generations. In other States this was not done, and as a result the American public must now pay the price of reacquiring and setting aside lands which were once in public ownership.

The Secretary is not required by subsection 24(c)(2) to open lands to entry if the lands in question are suitable for inclusion in either the park or wildlife refuge system.

Section 24(c)(5)—This subsection directs the Secretary to promptly issue patents to all persons who have made entry on the public lands in compliance with the public land laws for the purpose of gaining title to a trade and manufacturing site or homestead.

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

Mr. BIBLE. I yield.

Mr. JACKSON. Mr. President, I merely want to say that I associate myself with the remarks of the senior Senator from Nevada. He is quite familiar with this problem, both in his capacity as chairman of the Appropriations Subcommittee handling all of the funds for the Department of the Interior pertaining to parks, wildlife areas, wilderness areas, and all other matters within the jurisdiction of the Department of the Interior, as the able chairman of the Subcommittee on Parks and Recreation.

Mr. President, I wish to commend the Senator for offering the amendment in which I am very delighted to join as a cosponsor. I do feel that it helps to clarify an area where there might be some ambiguity.

This language should be helpful in connection with this aspect of the bill.

Mr. STEVENS. Mr. President, will the Senator from Washington yield me 5 minutes for the purpose of a colloquy with him.

Mr. JACKSON. I am delighted to yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Nevada. He has in fact discussed this matter with us and has made several perfecting changes in the amendment. I would like to clarify some things.

Mr. President, as I understand it, the Secretary of the Interior does, in fact, have the authority today to classify lands. He has classified the Central

Brooks Range area. He has classified the Iliamna area and the Cooper River area for some time.

It is my understanding that the Senator from Nevada seeks to establish a procedure under this amendment whereby there will be an orderly review of the lands of Alaska to determine what land should be added to the national parks and national wildlife and refuges. That is the intent of the amendment.

Mr. BIBLE. The Senator is correct. There will be an automatic review. The Secretary has to report every 6 months. He has to make his final recommendation to the Congress of the United States within 3 years after the final recommendation. At the end of 3 years, or any time within that 3 years, Congress must act affirmatively one way or the other within that additional period if additions to a national park or a new national park is proposed.

That is the intent of the measure. I know of the Senator's interest in a number of the national park areas. He mentioned the Central Brooks Range area. Certainly the Gateway to the Arctic is involved. There have been proposals that that be made a national park.

This makes it abundantly clear that for a period of 3 years the Secretary would be permitted to study the matter. Then, if he wants to recommend it as a national park or a recreation area, he would report back to Congress and Congress would have 5 years to act on it.

The Senator recalls recently that I was lucky enough to be able to get to his rather sizable State north of our State during our recent recess. I noted there at Mount Kennedy that all of the land around there was not completely within the national park. There is a possibility of that being added.

The same is true of the Mount McKinley National Park. There should be some slight increase in the size.

The same is true of the Glacier National Monument. I know that there are others.

Mr. STEVENS. Mr. President, I know of the Senator's great interest in our State. I am aware also of his trip this past summer to our State. We appreciate his interest in our park and wildlife areas.

I want to make certain that this amendment provides that if there is to be any additional land added to these areas—and some of them I do support—it will be done by an act of Congress under this amendment.

Mr. BIBLE. The Senator is correct.

Mr. STEVENS. Also, Mr. President, with respect to the lands that have presently been tentatively approved by the State on selections made prior to the so-called freeze—which has been in effect for some time—these tentative approvals that have been given before that date would not be affected by the amendment. This is a prospective amendment.

I appreciate the Senator's comment in that regard.

Mr. BIBLE. The Senator is correct. If they have been tentatively approved either by the Department or the Secretary of the Department or the Bureau of Land Management, they are in no way affected by the amendment.

Mr. STEVENS. Mr. President, I am grateful to the Senator for explanation of his amendment. The amendment is in the same direction as the Kyl amendment. However, I think the Senator has come up with an automatic review provision which puts the burden on the Secretary to come forth and puts the burden on Congress to act within a specific period of time.

While, if I had my druthers, I would not have them in the bill.

I understand the Senator's great interest and the interest of many other people in seeing that there is an orderly transition of 3 years. I am grateful to the Senator for presenting the amendment in the way in which he has.

Mr. BIBLE. Mr. President, I appreciate the statement of the Senator from Alaska.

Mr. JACKSON. Mr. President, the Senator from Wisconsin (Mr. NELSON) is unavoidably detained in the Senate Finance Committee. He had some questions that he wished to ask the author of the amendment. In his behalf, I shall propose the questions that he has prepared.

The Senator's amendment directs the Secretary of the Interior to "conduct detailed studies and investigations" of several categories of public lands in Alaska. Not only does this specifically include two areas of technically reserved Federal lands—namely, Pet 4 petroleum reserve and the Rampart Power Site Withdrawal—but all unreserved public lands and two areas which have heretofore been "classified" under the authority of the now terminated Classification and Multiple Use Act of 1964—namely, Copper River Classification and Iliamna Classification.

Now, I wish to ask the distinguished Senator from Nevada about one particular area in Alaska: the Central Brooks Range. As the Senator knows, some 24 million acres in the Central Brooks Range was proposed by the Secretary of the Interior to be classified under the authority of the Classification and Multiple Use Act of 1964. That proposal was formalized by publication in the Federal Register, but was never actually finalized because the authority of the Classification and Multiple Use Act terminated.

The Senator would agree, would he not, that this Central Brooks Range area—which he visited in detail during the recent recess—has enormous potential national interest and significance? This area as proposed in the published classification documents in the Federal Register, encompasses much of the heart of the Central Brooks Range, a pristine wilderness of enormous value for its natural beauty, wildlife, and wilderness character. This area, as the Senator knows, encompasses the area long proposed to be set aside as the Gates of the Arctic National Park.

My question to the Senator is this: would it be the intent of your amendment that this particular area, the Cenral Brooks Range, would be studied for possible recommendation by the Secretary under the provisions of the pending amendment?

Mr. BIBLE. The answer to the question the Senator proposed on behalf of the Senator from Wisconsin (Mr. NELSON), who is unavoidably detained, is yes. I covered that in my earlier statement. In response to Senator STEVENS I indicated that one of the proposed areas we would hope would be studied—and I might add, studied at an early date—by the Secretary of the Interior would be the Gates of the Arctic National Park.

I had the good fortune in August to fly to Anaktuvuk and the proposed Gates of the Arctic. It is an area of spectacular beauty. I would hope the Secretary and his people would study it at an early date and make their recommendations well within the 3-year study period which is authorized in my amendment. As the Senator knows, we will not do anything until the recommendation is made, but the amendment would protect the area during that period of time. I think it should be protected, and I hope the Secretary of the Interior will give this high priority in his study.

I am immensely impressed by the area's rugged beauty and natural values, its wildness, and its obvious national significance. I am familiar with the long-standing proposition that the heart of this area be added to our national park system as a magnificent new Gates of the Arctic National Park. The Department of the Interior and the National Park Service, as well as Alaskan and national conservation groups, have this proposal high on their list of priorities.

Now, technically speaking, this Central Brooks Range area is not classified under the now-defunct Classification and Multiple Use Act. It very nearly was so classified, and is presently in a temporary holding category owing to the fact that the classification proposal did get as far as publication in the Federal Register. But it is the definite intent of my amendment to assure that this area—and I mean the full area as proposed for classification—be studied for the various kinds of potentials outlined in my amendment. This land is all technically within the category of "unreserved public lands" which the Secretary is directed to study under the language of my amendment. It is my intention in this amendment to specify that this area be studied. Indeed, the long record of interest in this area and the possibility that it may otherwise quickly be endangered by alternative disposition or development make it requisite that it receive very high priority as the Secretary proceeds to carry out the duties assigned him by this amendment.

I thank the Senator for raising this point, and my response is affirmative, that the Central Brooks Range should receive priority study under the procedures of this amendment. It is my hope to see recommendations covering this area come up to the Congress in the first 6 month reporting period under this amendment, for this priority reporting will be the surest means of guaranteeing the interim protection this area so clearly requires until Congress has decided its ultimate best protection in the public interest.

Mr. JACKSON. I thank the Senator from Nevada on behalf of the Senator from Wisconsin who is not able to be here.

Mr. BIBLE. Mr. President, I do not

know if there are any further questions in connection with the amendment.

I am not necessarily soliciting questions, but unless there are other questions, I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's last unanimous consent request with regard to his amendment is agreed to.

Does the Senator from Washington yield back his time?

Mr. JACKSON. If I have any time to yield back, I am prepared to do so. I am a cosponsor of the amendment.

Mr. BIBLE. There does not appear to be any opposition.

Mr. JACKSON. I yield back whatever time I have authority to yield back.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Nevada (putting the question).

The amendment was agreed to.

Mr. BIBLE subsequently said: Mr. President, since calling up the amendment which I called up earlier, and which has been acted upon, I have been requested by the Senator from Wisconsin (Mr. NELSON), to add his name as a cosponsor of the amendment. I ask unanimous consent that the name of the Senator from Wisconsin (Mr. NELSON), be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 567

Mr. GRAVEL. Mr. President, I call up my amendment No. 567.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 164, line 3, insert the following: after "thereof," "including Tsimshians,".

Mr. GRAVEL. Mr. President, this amendment would include the Tsimshians, whose origins are from Canada, but who truly are Alaskan Natives. I believe there is no objection to the amendment on the part of the chairman. We are all in agreement on this amendment. I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I have discussed this amendment with the minority side and we have no objection to the amendment. We are glad to accept it.

Mr. STEVENS. Mr. President, is this my amendment No. 567?

Mr. GRAVEL. Our amendemnt.

Mr. STEVENS. Very well. I would like to make a little legislative history in connection with this amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Tsimshians are a group of Natives who were adopted, more or less, into the Alaskan Native group. We do have a provision in this bill that deals with Metlakatla. There are a great many of Tsimshians who do not live on Metlakatla. It is the intent of this amendment that those who do not reside on Metlakotla are included in the definition of Alaskan Native people even if Metlakatla decides not to be included under this bill. I want everyone to understand that is the total impact of the amendment. If Metlakatla decides to be included, all Tsimshians are included. If Metlakala decides not to be included, then all Tsimshians not residents of Metlakatla are included anyway.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senators from Alaska.

The amendment was agreed to.

AMENDMENT NO. 569

Mr. STEVENS. Mr. President, on behalf of my colleague (Mr. GRAVEL) and myself, I call up my amendment No. 569.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read the amendment, as follows:

On page 163, between lines 7 and 8, insert the following:

(f) No provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89–136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as these lands retain an exemption from State property taxes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum——

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold that?

Mr. STEVENS. I withhold it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 5 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC BUILDINGS AMENDMENTS OF 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 409, S. 1736. This has been cleared on both sides.

The PRESIDING OFFICER. The clerk will state the bill by title.

The second assistant legislative clerk read the bill by title, as follows:

A bill (S. 1736) to amend the Public Buildings Act of 1958, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment on page 1, after line 4, strike out:

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479) as amended (40 U.S.C. 601), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "SEC. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,";

(7) in sections 11 and 12, delete "(a)" after "Section 7";

(8) in paragraph (1) of section 13 redesignate clauses (x) and (xi) as (xii) and (xiii), respectively and insert immediately after "facilities," the following: "(x) Federal parking facilities, (xi) parking areas."; and

(9) insert at the end of section 13 the following:

"(8) the term 'Federal parking facilities' means any structure designed for parking or a parking lot that has been acquired or constructed pursuant to this Act for the express purpose of providing off street parking for official, employees', or visitors' vehicles, for Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or the government of the District of Columbia.

"(9) the term 'parking areas' means those grounds, areas, courtyards, or spaces within, adjacent to, around, near, or beneath buildings occupied either by Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or by the government of the District of Columbia, or any site owned or leased by the Federal Government suitable for parking which is specifically identified and designated by the Administrator for use for off street parking for official, employees' or visitors' vehicles."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby authorized to be established by the Secretary of the Treasury, a Federal building fund. Such funds shall be composed of (A) the assets of the buildings management fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1969, and the construction services fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended, and the fund shall assume all the liabilities, obligations, and commitments of the said buildings management fund and the said construction services fund; (B) any unexpended balances of funds appropriated to General Service Administration under the headings 'Operating Expenses, Public Buildings Service', 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Payments, Public Buildings Purchase Contracts', 'Additional Court Facilities', and 'Expenses, United States Court Facilities', in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970, or prior year appropriations; (C) the estimated fair market value as determined by the Administrator of Government-owned buildings or facilites carried in the active inventory of General Services Adminstration; and (D) such sums as may be appropriated thereto.

"(2) The fund shall be credited with (a) advances, reimbursements, and payments, including payment of charges made in pursuance of subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), and (b) all other reimbursements and refunds or recoveries resulting from operation of the fund, including receipts from carriers and others for loss of, or damage to property.

"(3) The fund shall be available without fiscal year limitations for use by and under the direction and control of the Administra-

tor for (a) public buildings construction, acquisition, or alteration projects: *Provided*, That such fund may be used for any individual project estimated to involve an expenditure in excess of $500,000 only when authorized by appropriation Acts, and (b) the performance of all other real property management and related activities, including personal services and administrative operations, and authorized by law in amounts not exceeding limitations imposed in appropriation Acts. The construction, acquisition, and operation of Federal parking facilities and parking areas shall be financed solely from the revenues derived from such parking facilities and parking areas and accounted for separately within the fund.

"(4) The Administrator shall prepare annually and submit to the Bureau of the Budget a business type budget in accordance with section 847 of title 31, United States Code, and the rules and regulations established by the President pursuant thereto."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding a new subsection reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any Federal agency, including General Services Administration, mixed ownership corporation (as defined in the Government Corporation Control Act), and the Government of the District of Columbia. Federal employee, private person, or organization furnished services, space, quarters, maintenance, repair, or other facilities, including parking, fees therefor at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. In establishing such rates and charges, the Administrator shall give consideration to the costs of providing space, services, or other facilities and shall provide for reserves for replacement and expansion: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such services. Funds available to any such agency shall be available to defray such rates and charges;

"(2) to operate by lease or otherwise Federal parking facilities and parking areas, and to issue all needful rules and regulations in connection therewith;

"(3) to alter Federal buildings;

"(4) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(5) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(6) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code."

SEC. 5. (a) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency the services set forth in subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490), shall charge the eligible agency to which such services are furnished fees therefor at rates determined by the head of the agency furnishing the services in the manner provided in subsection (j)(1) of section 210 of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 490), or, at the election of such agency head, at rates determined by the Administrator of General Services and charged by him for comparable services. Funds available to occupying eligible agencies shall be available to defray such rates and fees. Moneys derived by other agencies from such rates or fees may be credited to the appropriation or fund initially charged for providing the service, except that amounts included for replacement and expansion shall be credited to the fund created by subsection (f)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490).

(b) As used in this section, the terms "eligible agency" or "eligible agencies" shall have the same meaning as the term "Federal Agency" as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, Federal employees, private persons, or organizations.

(c) As used in this Act, the term "real property management and related activities" and similar terms shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies.

SEC. 6. This Act shall become effective upon enactment. The effective date of the rates to be charged pursuant to the regulations to be issued under subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, and section 5 hereof, shall be on the date of the beginning of the second fiscal year subsequent to enactment hereof.

And, in lieu thereof, insert:

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word ", maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (c) and (d);

(6) delete in subsection (a) of section 12 the following: ", as he determines necessary,"; and

(7) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design.".

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(i) User charges made pursuant to subsection (j)(1) of this section payable in advance or otherwise.

"(ii) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(iii) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts and for such purposes as specified in annual appropriation Acts: *Provided*, That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; (C) any funds appropriated to General Services Administration under the headings 'Repair and improvement of Public Buildings', 'Payments, Public Buildings Purchase Contracts', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational; and (D) such sums as may be appropriated thereto. *Provided*, That fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: Provided, That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum: And provided further, That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations, and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: Provided, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 14(5) of the Public Buildings Act of 1959 (73 Stat. 49), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approxi-

mate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies, may be exempted from the charges provided by this subsection, if the President of the United States determines that such charges would be infeasible or impractical. To the extent, any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demotion and improvement with respect to site authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170.

"(k) Any other executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j)(1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

"(l) As used in this section—

"(1) The terms, 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3(b) of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

SEC. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

"(a) Whenever the Administrator determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210(1)) of the Federal Property and Administrative Services Act of 1949, as Amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(b) Each such purchase contract shall include such provisions as the Administrator, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

"(1) amortize the costs of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

"(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

"(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

"(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose may be utilized by the Administrator to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

"(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

"(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: Provided, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), and in which no substantial change in scope has been made, and for which the estimated cost of construction has not increased by more than an average of 10 per centum per year, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes be considered as prospectuses for the purchase of space.

"(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

"(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment."

SEC. 6. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary.

SEC. 7. Funds available to any eligible agency may be used to pay user charges established under section 210(j) and (k) of the Federal Property and Administrative Services of 1949, as amended.

SEC. 8. The Public Buildings Act (73 Stat. 479), as amended (40 U.S.C. 601 et seq.) is amended by adding at the end thereof a new section 19, as follows:

"SEC. 19. Prior to the acquisition of real property for the construction or alteration of any Federal building under this Act:

(a) The Administrator of General Services shall file a statement with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration detailing—

(1) the total number of residential and small business units and structures to be demolished or removed by such alteration or construction;

(2) the measures taken to assure compliance with all provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

(b) The Secretary of Housing and Urban Development and the Administrator of the Small Business Administration shall justify to the Administrator that the measures taken in conjunction with the proposed construction or alteration are consistent with the Federal policy of assuring that, prior to displacement of any person or business, there be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the persons and businesses displaced, decent, safe, and sanitary housing and small business units and structures equal in number to the number of and available to such displaced persons or businesses who require such units and reasonably accessible to the dwelling places or places of employment of such displaced person or businesses.

SEC. 9. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j)(1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

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

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479) as amended (40 U.S.C. 601), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "SEC. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,";

(7) in sections 11 and 12, delete "(a)" after "Section 7";

(8) in paragraph (1) of section 13 redesignate clauses (x) and (xi) as (xii) and (xiii), respectively and insert immediately after "facilities," the following: "(x) Federal parking facilities, (xi) parking areas."; and

(9) insert at the end of section 13 the following:

"(8) the term 'Federal parking facilities' means any structure designed for parking or a parking lot that has been acquired or con-

structed pursuant to this Act for the express purpose of providing off street parking for official, employees', or visitors' vehicles, for Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or the government of the District of Columbia.

"(9) The term 'parking areas' means those grounds, areas, courtyards, or spaces within, adjacent to, around, near or beneath buildings occupied either by Federal agencies, mixed ownership corporations (as defined in the Government Corporation Control Act), or by the government of the District of Columbia, or any site owned or leased by the Federal Government suitable for parking which is specifically identified and designated by the Administrator for use for off street parking for official, employees' or visitors' vehicles."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 490(f)) is amended to read as follows:

"(f)(1) There is hereby authorized to be established by the Secretary of the Treasury, a Federal building fund. Such funds shall be composed of (A) the assets of the buildings management fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1969, and the construction services fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended, and the fund shall assume all the liabilities, obligations, and commitments of the said buildings management fund and the said construction services fund; (B) any unexpended balances of funds appropriated to General Services Administration under the headings 'Operating Expenses, Public Buildings Service', 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Payments, Public Buildings Purchase Contracts', 'Additional Court Facilities', and 'Expenses, United States Court Facilities', in the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970, or prior year appropriations; (C) the estimated fair market value as determined by the Administrator of Government owned buildings or facilities carried in the active inventory of General Services Administration; and (D) such sums as may be appropriated thereto.

"(2) The fund shall be credited with (a) advances, reimbursements, and payments, including payment of charges made in pursuance of subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), and (b) all other reimbursements and refunds or recoveries resulting from operation of the fund, including receipts from carriers and others for loss of, or damage to, property.

"(3) The fund shall be available without fiscal year limitations for use by and under the direction and control of the Administrator for (a) public buildings construction, acquisition, or alteration projects: *Provided*, That such fund may be used for any individual project estimated to involve an expenditure in excess of $500,000 only when authorized by appropriation Acts, and (b) the performance of all other real property management and related activities, including personal services and administrative operations, as authorized by law in amounts not exceeding limitations imposed in appropriation Acts. The construction, acquisition, and operation of Federal parking facilities and parking areas shall be financed solely from the revenues derived from such parking facilities and parking areas and accounted for separately within the fund.

"(4) The Administrator shall prepare annually and submit to the Bureau of the Budget a business type budget in accordance with section 847 of title 31, United States Code, and the rules and regulations established by the President pursuant thereto."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding a new subsection reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any Federal agency, including General Services Administration, mixed ownership corporation (as defined in the Government Corporation Control Act), and the Government of the District of Columbia. Federal employee, private person, or organization furnished services, space, quarters, maintenance, repair, or other facilities, including parking, fees therefor at rates to be determined by the Administrator from time to time and provided for in the regulations issued by him. In establishing such rates and charges, the Administrator shall give consideration to the costs of providing space, services, or other facilities and shall provide for reserves for replacement and expansion: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612 (5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such services. Funds available to any such agency shall be available to defray such rates and charges;

"(2) to operate by lease or otherwise Federal parking facilities and parking areas, and to issue all needful rules and regulations in connection therewith;

"(3) to alter Federal buildings;

"(4) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(5) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(6) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code."

SEC. 5. (a) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency the services set forth in subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490), shall charge the eligible agency to which such services are furnished fees therefor at rates determined by the head of the agency furnishing the services in the manner provided in subsection (j)(1) of section 210 of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 490), or, at the election of such agency head, at rates determined by the Administrator of General Services and charged by him for comparable services. Funds available to occupying eligible agencies shall be available to defray such rates and fees. Moneys derived by other agencies from such rates or fees may be credited to the appropriation or fund initially charged for providing the service, except that amounts included for replacement and expansion shall be credited to the fund created by subsection (f)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490).

(b) As used in this section, the terms "eligible agency" or "eligible agencies" shall have the same meaning as the term "Federal Agency" as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, Federal employees, private persons, or organizations.

(c) As used in this Act, the term "real property management and related activities" and similar terms shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies.

SEC. 6. This Act shall become effective upon enactment. The effective date of the rates to be charged pursuant to the regulations to be issued under subsection (j)(1) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, and section 5 hereof, shall be on the date of the beginning of the second fiscal year subsequent to enactment hereof.

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) delete the figure "$200,000" in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word ", maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (c) and (d);

(6) delete in subsection (a) of section 12 the following: ", as he determines necessary,"; and

(7) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design.".

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(i) User charges made pursuant to subsection (j)(1) of this section payable in advance or otherwise.

"(ii) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(iii) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts and for such purposes as specified in annual appropriation Acts: Provided, That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; (C) any funds appropriated to General Services Administration under the

headings 'Repair and improvement of Public Buildings,' 'Payments, Public Buildings Purchase Contracts', 'Construction, Public Buildings Projects,' 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational; and (D) such sums as may be appropriated thereto, *Provided*, That the fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: *Provided*, That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum: *And provided further*, That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations, and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 49), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies, may be exempted from the charges provided by this subsection, if the President of the United States determines that such charges would be infeasible or impractical. To the extent, any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170.

"(k) Any other executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j) (1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

"(l) As used in this section—

"(1) The terms, 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3 (b) of the Federal Property and Administrative Service Act, as amended (40 U.S.C. 472), and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

SEC. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

"(a) Whenever the Administrator determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210 (l)) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

"(b) Each such purchase contract shall include such provisions as the Administrator, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

"(1) amortize the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

"(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

"(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

"(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

"(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

"(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), and in which no substantial change in scope has been made, and for which the estimated cost of construction has not increased by more than an average of 10 per centum per year, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes be considered as prospectuses for the purchase of space.

"(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

"(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment."

SEC. 6. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary.

SEC. 7. Funds available to any eligible agency may be used to pay user charges established under section 210 (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 8. The Public Buildings Act (73 Stat. 479), as amended (40 U.S.C. 601 et seq.) is amended by adding at the end thereof a new section 19, as follows:

"SEC. 19. Prior to the acquisition of real property for the construction or alteration of any Federal building under this Act:

(a) The Administrator of General Services shall file a statement with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration detailing—

(1) the total number of residential and small business units and structures to be demolished or removed by such alteration or construction;

(2) the measures taken to assure compli-

ance with all provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

(b) The Secretary of Housing and Urban Development and the Administrator of the Small Business Administration shall justify to the Administrator that the measures taken in conjunction with the proposed construction or alteration are consistent with the Federal policy of assuring that, prior to displacement of any person or business, there be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the persons and businesses displaced, decent, safe, and sanitary housing and small business units and structures equal in number to the number of and available to such displaced persons or businesses who require such units and reasonably accessible to the dwelling places or places of employment of such displaced persons or businesses."

SEC. 9. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j)(1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, we are taking up this bill in the interim——

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Senate will proceed to act on passage of the bill.

Mr. BYRD of West Virginia. Mr. President, the Senator wishes to speak on the bill.

Mr. GRAVEL. Mr. President, I wish to speak prior to the passage of the bill.

The PRESIDING OFFICER. On the pending bill?

Mr. GRAVEL. Yes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRAVEL. Mr. President, the Senate this afternoon has the opportunity to set aright, for the first time in many years, the Federal Government's public buildings program.

For the past few years, as many Senators know who have been concerned about the postponement of public buildings in their home States, fiscal conditions have made it all but impossible to carry forward this program in a timely and efficient manner.

The General Services Administration, which under the authority of the Public Buildings Act of 1959 has charge of the construction, alteration, acquisition, maintenance, and operation of public buildings, has reported to the Committee on Public Works that no fewer than 63 public buildings are unconstructed today although their designs have been completed and their land acquired. Some of these buildings have been authorized for as long as 10 years.

Mr. President, these 63 buildings are in addition to many others which as yet have received no appropriations. They are to be constructed throughout the Nation and are located in nearly every State. Because of the chronic unavailability of funds for this program, other structures, such as the needed Federal buildings at Fairbanks and Anchorage in my own State of Alaska, have not even been considered for authorization.

If sufficient funds for the 63 buildings were available, their construction could begin promptly.

Together, they amount to nearly $1 billion in unconstructed public buildings. To give a more concrete example of their value, I have been informed that based on the present annual appropriation to the GSA for the construction of public buildings—some $115 million each year since 1959—it would require 10 years to clear the present backlog alone, much less to keep pace with the developing office needs of the executive branch.

No one doubts the fact that the continued delay of these projects is enormously costly to the Government. First, of course, whenever such a building is delayed, there is an inevitable rise in construction costs. That escalation was estimated at around 1-percent per month immediately prior to the wage-price freeze.

Then, adding further to the original cost, there is the fact that for every day that land for a building lies idle in the possession of the Federal Government, local jurisdictions are deprived of needed property tax revenue without enjoying the benefits of increased payrolls.

A further expense is entailed, Mr. President, if the plans for the public building itself become outmoded in the intervening period, as they often do. Next, there is the cost of the commercial rent paid to landlords by Federal agencies which are forced to scatter their personnel around in rented quarters rather than occupying a Government-owned facility. That situation also tends to breed inefficiency in an agency, which is a further drain on the Treasury.

Last, by not acting to overcome the backlog, the Government is leaving thousands of persons unemployed who might otherwise find work as part of an aggressive Federal building program.

The Public Buildings Amendments of 1971, reported last Friday by the Committee on Public Works, seek to put an end to those problems by greatly reducing the inflationary delay in the construction of Federal office buildings.

To summarize its provisions briefly, S. 1736 would create in the Treasury a new Federal buildings fund, to be composed primarily of rental equivalents paid into it by the various departments and agencies. These rental equivalents would be accounted for in the individual budgets of the departments and agencies, a radical departure from present practice, under which the General Services Administration bears the budgetary responsibility for the cost of most of the office space occupied by the executive branch. These rental equivalents, or "user charges," would be paid into the fund at rates established by the GSA, and would be based on the kind and location of office space which a department or agency occupies.

The committee anticipates that with the creation of this fund, it will be possible to have one-step financing of public buildings, rather than a continuation of present policy, under which the GSA must come before the Congress once for site and design money, and once again for appropriations to construct a building.

Further, since individual departments and agencies, instead of the GSA, would be assessed for the value of the space which they occupy, S. 1736 represents a significant step toward performance budgeting. Unless the entire cost of a Federal agency or program is reflected in its budget, including the cost of housing that agency or program, a valid performance budget is defeated.

The committee also expects that this provision will result in a substantial savings in office costs for the executive branch. Under present policy, since departments and agencies escape paying for the cost of their space, they have little incentive to conserve.

On the contrary, history shows that they tend to request from the GSA more space than they legitimately need, and then to hoard it. However, once these departments and agencies are required to pay rental equivalents into the Federal building fund, and to justify those sums to the Committees on Appropriations, they may well become more conservative in their demands for room. As it was brought out in the Subcommittee on Buildings and Grounds' hearings on S. 1736, a mere 1-percent reduction in the space demands on GSA-controlled buildings would result in an annual savings of more than $9 million for the Government.

In addition, Mr. President, S. 1736 would revive the Purchase Contract Act of 1954 for a 3-year period in order to enable the GSA to clear the present backlog in unconstructed buildings. Under this law, the Government would make installment payments to private contractors for buildings which would become the property of the United States at the conclusion of the contract term. Although the committee recognizes that in the short run, this method of acquisition is more expensive than direct construction by appropriation, it is felt that it will more than make up the additional expense by eliminating further inflationary delay.

Next, Mr. President, the Public Buildings Amendments of 1971 would update certain technical and limiting provisions contained by the Public Buildings Act of 1959 in order to make that law more attuned to today's conditions. I will discuss those revisions later in my remarks.

S. 1736 will also require the Administrator of General Services, in developing plans for future public buildings, to give due consideration to excellence in architecture and design. This provision was initiated in committee by the distinguished Senator from Delaware (Mr. BOGGS) and by the committee's distinguished chairman, Mr. RANDOLPH.

Last, the bill contains a provision, initiated by the distinguished Senator from Connecticut (Mr. WEICKER) to insure that the General Services Administration, in acquiring real property for the construction or alteration of public buildings, will adhere to all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

Mr. President, before I provide an analysis of the bill for the Senate, let me make a general statement about its effect.

As I have said, the purpose of S. 1736 is to expedite the construction of public buildings under the jurisdiction of the General Services Administration. However, let me state that in no respect does this legislation relax congressional oversight in this field. Under S. 1736, the GSA still has the responsibility to seek approval for individual prospectuses from the Committee on Public Works of the Senate and the House of Representatives. Neither does this bill relieve the GSA of the requirement that it seek appropriations for public buildings on a project-by-project basis. The amount of revenue which can be released from the fund in any fiscal year is subject to specific limitations in the annual appropriations acts of Congress. So the present safeguards are retained.

Far from diminishing oversight, Mr. President, I believe that by requiring each eligible department and agency to account for the value of the office space which it occupies, S. 1736 actually enhances congressional control.

As far as the individual sections of the bill are concerned, section 2 of S. 1736 makes the revisions in technical and limiting provisions of the Public Buildings Act of 1959 which I referred to earlier.

Limitations on the expense of work which may be undertaken by the GSA without congressional authorization would be raised to $500,000 by this bill. At present, those limitations are $100,000 in the case of construction and acquisition, and $200,000 in the case of alteration. The committee feels that these existing limits, which were set in 1959, have become outdated because of the rise in construction costs since that time, and that the $500,000 limitation would restore the degree of flexibility for the GSA originally contemplated in the law.

Otherwise, section 2 of the bill makes several technical changes in the Public Buildings Act of 1959, strikes the authority of the Committees on Public Works to rescind the approval of prospectuses which have not been funded within 1 year of their authorization, and lifts the 30-project ceiling on authorized but unappropriated public buildings. It also contains the provision I mentioned earlier concerning excellence in architecture and design.

Section 3 of S. 1736 amends the Federal Property and Administrative Services Act of 1949 to establish in the Treasury a new Public Buildings Fund, composed of user charges from the various departments and agencies together with appropriations and other funds now designated for the GSA.

Section 4 provides that the Administrator of General Services may assess user charges against the various departments and agencies and enables him to construct improvements on private property which are appropriate for the U.S. Secret Service in fulfilling its protective mission. In addition, other Federal agencies providing space are authorized to do so at rates approved by the Administrator of General Services.

Section 5 of the bill revives the Lease-Purchase Act of 1954, for a 3-year period in order to clear the existing backlog.

The maximum leasing period under the 1954 act is increased from 25 to 30 years. This section further provides that in the case of previously authorized public buildings whose construction cost has not increased by more than an average of 10 percent per year, the GSA may enter into purchase contracts without seeking new authorization from the Committee on Public Works.

Section 6 authorizes the Administrator of General Services to issue such regulations as he deems necessary to effect the provisions of S. 1736.

Section 7 specifies that the funds available to any eligible agency may be used to pay user charges established under this bill.

Section 8 requires that the GSA inform the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration of the measures it will take to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. In turn, the Secretary of Housing and Urban Development must certify to the Administrator of General Services that the measures contemplated by GSA are consistent with that law.

The final section, section 9, fixes the effective date of the Federal Buildings Fund at not later than the beginning of the third full fiscal year following its enactment.

As the committee stated in its report on the bill, Mr. President, although the deadline for the inauguration of this fund is set at the beginning of the third full fiscal year following the enactment of S. 1736, we hope that the GSA will be able to bring it into operation far sooner than that deadline.

The committee feels that this is critically needed legislation, both from the standpoint of matching the office needs of the executive branch and from the standpoint of moving toward true performance budgeting. I strongly recommend its enactment this afternoon.

Mr. President, I ask unanimous consent to insert some data at this point in the RECORD.

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

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE—APPROVED PROJECTS, POTENTIAL PURCHASE CONTRACTS

States, cities, and buildings	Estimated direct Federal construction cost
Arizona: Tucson—FOB	$5,533,000
Arkansas: Batesville—PO, CT, FOB	2,192,000
California:	
Los Angeles—PF	8,125,000
San Diego—CT, FOB, PF	44,955,000
Santa Ana—FOB	13,900,000
Santa Rose—FOB	4,502,000
Van Nuys—FOB	8,521,000
Connecticut: New Haven—PO, FOB	8,675,000
Delaware: Dover—FOB	1,577,000
Florida: Orlando—CT, FOB	8,555,000
Georgia:	
Athens—PO, FOB	1,868,000
Atlanta—CT, FOB	51,976,000
Griffin—PO, FOB	1,690,000
Rome—PO, CT	3,703,000
Waycross—PO, CT, FOB	3,946,000
Hawaii: Honolulu—CT, FOB	44,184,000
Idaho:	
Moscow [1]—PO, CT	$1,340,000
Sandpoint—FOB	2,168,000
Illinois:	
Chicago—GSA Federal Records Center	6,946,000
Mount Vernon—FOB	975,000
Indiana: Indianapolis—FOB	19,219,000
Iowa: Iowa City—PO, FOB	4,497,000
Louisiana: New Orleans—CT, FOB	27,533,000
Maine: Waterville—PO, FOB	2,152,000
Maryland: Baltimore—CT, FOB	19,541,000
Massachusetts:	
Fitchburg [1]—PO, FOB	4,438,000
New Bedford—PO, FOB	1,731,000
Michigan:	
Ann Arbor—FOB	4,167,000
Detroit—P.V. McNamara, FOB	48,224,000
Saginaw—FOB	2,625,000
Mississippi: Hattiesburg—CT, FOB	2,636,000
Nebraska: Lincoln—CT, FOB, PF	21,307,000
New Hampshire: Manchester—PO, FOB	6,563,000
New Mexico: Las Cruces—CT, FOB	3,146,000
New York:	
Albany—FOB	12,636,000
Auburn—PO, CT, FOB	4,589,000
Hempstead—FOB	74,342,000
New York [1]—CU, CT, FOB, Annex	58,740,000
Syracuse—CT, FOB	19,087,000
North Carolina: Winston-Salem—CT, FOB	12,144,000
Ohio:	
Akron—CT, FOB	16,168,000
Dayton—CT, FOB	8,890,000
Oregon:	
Eugene—CT, FOB	4,923,000
Portland—FOB	19,667,000
Pennsylvania: Williamsport—PO, CT, FOB	3,983,000
Puerto Rico: San Juan—CT, FOB	20,471,000
Rhode Island: Woonsocket—PO, FOB	2,041,000
South Carolina: Florence—PO, CT, FOB	5,192,000
South Dakota:	
Aberdeen—FOB	8,000,000
Huron—PO, FOB	7,645,000
Rapid City—CT, FOB	3,728,000
Tennessee: Nashville—CT, FOB	12,211,000
Texas:	
Denton [1]—PO, FOB	2,527,000
Fort Worth—FOB, PF	4,425,000
Houston—Federal motor vehicle facility	1,240,000
Pearsall—PO, FOB	347,000
San Agnello—PO, CT, FOB	4,209,000
Vermont: Essex Junction—PO, FOB	268,000
Virgin Islands: Charlotte Amalie—PO, CT, FOB	5,248,000
Virginia: Roanoke—FOB	11,169,000
Washington: Wenatchee—PO, FOB	4,489,000
Wisconsin:	
Madison—FOB	8,123,000
La Crosse—PO, CT	6,097,000
Total	735,709,000

[1] Amount as required by increase.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-412), explaining the purposes of the measure.

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

COMMITTEE AMENDMENTS

S. 1736, as reported, is a composite bill containing the essential features of S. 1736 and of S. 2479, a related bill. Purchase-contract authority for the accelerated construction of public buildings, which was a part of S. 2479 alone, is included in the reported version of S. 1736.

SUMMARY OF THE LEGISLATION

S. 1736, as reported, amends the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), to:

(1) update certain limiting and technical provisions in the public buildings law;

(2) require individual Federal departments and agencies to account in their annual budgets for the approximate commercial value of the office space which they will occupy during that fiscal year;

(3) create in the Treasury of the United States a new Federal buildings fund, to be composed primarily of rental equivalents

paid into that fund by departments and agencies at rates established by the Administrator of General Services, together with certain other revenues, collections, and money appropriated to the General Services Administration;

(4) issue to the General Services Administration for 3-year period authority to enter into purchase contracts in order to assist in clearing the existing backlog in the construction of public buildings;

(5) direct that in developing plans for future public buildings, the Administrator of General Services shall give due consideration to excellence of architecture and design; and

(6) insure compliance by the General Services Administration, in the acquisition of real property for the construction and alteration of public buildings, with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

NEED

In recent years, fiscal conditions have made it all but impossible to sustain a timely, efficient Federal building program. As a result, the General Services Administration often has been unable to supply the space demands of Federal agencies in Government-owned buildings.

The GSA has reported to the committee that no fewer than 63 public buildings, some of them authorized as long as 10 years ago, remain unconstructed today although the land for these facilities has been acquired and their designs completed. These 63 buildings are in addition to many other public buildings projects which as yet have received no appropriations. If sufficient funds were available, construction of the 63 could begin promptly. Clearly, their continued postponement is costly to the Government, and not simply in terms of the rise in construction costs which occurs as the years drag on.

For every year that these parcels of land lie idle in the possession of the Federal government, local jurisdictions are deprived of needed property tax revenues without experiencing the benefit of increased payrolls. The plans for the buildings themselves often become outmoded. The Federal agencies which are scheduled to occupy the facilities are forced to scatter their personnel around in rented quarters, an arrangement which is expensive both because of the rent paid to landlords and because of the inefficiency which may result when an agency's staff is badly dispersed. Moreover, by not acing to overcome this backlog, the government leaves thousands of persons unemployed who might otherwise have found work as part of an aggressive Federal building program.

The procedures now in effect for the funding of authorized public buildings only contribute to the delays in construction time. Under them, the G.S.A. must come before Congress two separate times in order to obtain, first, appropriations for the site acquisition and design of a public building, and second, appropriations for the actual construction of the facility.

Since this method has been in effect, the backlog of projects has risen to the point that based on the average annual appropriation to the G.S.A. for the construction of Federal buildings since 1959—$155 million per year—it would require 10 years to overcome the present backlog alone, much less to keep abreast of the developing office needs of the Executive branch.

Last, it is apparent to the committee that, at least in part, the government's current space problem may be attributed to a misallocation of existing office space among the Federal agencies. The G.S.A. presently bears the budgetary responsibility for the cost of the office space occupied by most of the Executive branch. Since the departments and agencies themselves are not assessed in their individual budgets for the value of the space which they occupy, they have little incentive to conserve. Instead, the tendency is for agencies to request from G.S.A. more space than they legitimately need, and then to hoard it. Aside from the fact that an accurate performance budget is defeated unless agencies are held accountable for all of their costs, the diseconomies of the present arrangement are clear.

HEARINGS

On September 28, 1971, the Subcommittee on Buildings and Grounds of the Committee on Public Works held hearings on S. 1736 and S. 2479, a related bill. Witnesses who testified at that time were Robert L. Kunzig, Administrator of the General Services Administration; Gregory J. Ahart, deputy director of the civil division, United States General Accounting Office; William Marshall, Jr., vice president of the American Institute of Architects; and Harold G. Tufty, vice president for communications of the American Society of Value Engineers. Each of these witnesses testified favorably as to the value of this legislation.

GENERAL STATEMENT

Legislation pertaining to public buildings has consisted of various measures going back to 1902, when the first general Act was passed. At the beginning of World War I, the entire government building program was suspended, and was not reinstated until the enactment of the Public Buildings Act of 1926. Under that Act, which until 1959 provided the basic authority for direct construction by appropriations of the Federal government, a total of some $620 million was authorized and appropriated.

In 1949, the Congress enacted the Public Buildings Act of 1949, known as Public Law 105 of the 81st Congress. In essence, P.L. 105 provided an authorization of $40 million for the acquisition of sites and preparation of plans for Federal public buildings outside the District of Columbia, and $30 million for improvements of existing buildings. Also during 1949, the Congress enacted Public Law 152, which created the General Services Administration.

In 1954, the Lease-Purchase Act became law (P.L. 519, 83d Cong.). That Act authorized a program for the acquisition of title to real property and construction of buildings by the G.S.A. and the Post Office Department through lease-purchase agreements, and also provided an expansion of authority for term-leasing agreements, not to exceed 30 years, for the accommodation of activities of the Post Office Department. Under the provisions of this Act, buildings were financed by private capital and installment payments on the purchase price were made by the government in lieu of rent. Title to the property vested in the United States at the end of the contract period, not less than 10 nor more than 30 years.

The authority for lease-purchase contracts pursuant to P.L. 519 expired on July 22, 1957. During the years of its operation, some Post Office Department buildings and 29 other public buildings had been placed under construction through lease-purchase agreements.

The Lease-Purchase Act was followed by the Public Buildings Act of 1959, which turned again to direct Federal construction of public buildings by appropriation. In the years since 1959, a considerable backlog of authorized but unconstructed public buildings has come into being, largely as a result of fiscal restraints. It is at this backlog which S. 1736 is directed.

COMMITTEE VIEWS

The committee believes that passage of this legislation will enable the General Services Administration to act promptly to clear the present backlog of unconstructed public buildings. Although this legislation would become operative not later than the beginning of the third full fiscal year following its enactment, it is desired that the Federal buildings fund be inaugurated in advance of that deadline if at all possible.

It must be noted that while S. 1736 is intended to expedite the construction of public buildings, in no respect can it be considered as a relaxation of Congressional oversight in this field. Under this legislation, the G.S.A. retains the responsibility to seek approval for individual prospectuses from the Committees on Public Works of the Senate and the House of Representatives. Neither does S. 1736 relieve the G.S.A. of the requirement that it obtain appropriations for public buildings on a project-by-project basis. The amount of revenue which can be released from the fund in any fiscal year is subject to specific limitations in the annual appropriations Acts of Congress.

Far from diminishing oversight, by requiring each eligible department and agency to account in its individual budget for the value of the office space which it occupies, S. 1736 enhances Congressional control. It represents a significant step toward performance budgeting. No longer will the G.S.A. carry in its budget the office expense of most of the Executive branch. The committee feels that once Federal agencies are held accountable for the expense of their own office space, they may well become more conservative in their demands for room.

One further point must be made concerning section 4 of S. 1736, which provides that the rates charged to eligible agencies "shall approximate commercial charges for comparable space and services." The General Accounting Office has estimated that between $760 million and $800 million each year will be generated through this provision. However, in adopting this clause, the committee is not encouraging the G.S.A. to establish its rates so high as to produce an inordinate surplus of monies in the fund. On the contrary, the committee desires that the rates charged pursuant to section 4 be sufficient only to defray the cost of constructing, maintaining, and replacing public buildings and facilities, and to provide related services.

In conclusion, the committee believes that S. 1736 is economical legislation which is consistent with sound budgetary principles and recommends its enactment.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1736) was ordered to be engrossed for a third reading, read the third time, and passed.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE DEFEAT OF THE FOREIGN AID BILL

Mr. JAVITS. Mr. President, in connection with the problems we are dealing

with today in respect of the Alaska Natives bill, developing country problems are not very different. U.S. bilateral involvement with these problems could could have terminated here in what the world considers to be a debacle Friday night regarding the foreign aid bill.

The Committee on Foreign Relations met this morning to consider what should be done. I participated in that discussion.

I said Friday I considered the Senate defeat of the foreign aid bill to be a black day for the United States. The reason I said that was that I felt that it would create a vacuum in the world. The theory that the other friendly western, industrialized nations would take care of what we relinquish is bound to be frustrated and defeated because it is my judgment that the other super power, the Soviet Union, with its own methods and the force and the way it uses its resources, and the way it uses its military, and so forth, will take over tthe prime position in a major part of the world, if a vacuum is left.

It is infinitely more in the interest of the world that the kind of approach we have had be the dominant approach, one that is conducive to freedom and peace, and the integrity of nations.

Let me set forward my concerns which extend beyond the AID program, since the defeat of the AID bill is only one step of many that has contributed to a deterioration of the relations between the United States and the developing world. Other important developments which contributed to this situation were:

First, the gap between rhetoric and action in attempting to secure congressional passage of the generalized preferences scheme particularly after this scheme was adopted by the Common Market and Japan. I recognize fully that the protectionist sentiment in the Congress contributed to the administration's decisions on this issue—but it is also my view that this was never given the priority attention it deserved.

Second, the application of the 10-percent import surcharge to the products of the developing world caused wide resentment. The United States continues to enjoy a large balance of trade surplus with the developing world and they viewed the application of the surcharge as an unnecessary punitive measure that would have an adverse effect on their plans for economic development and human betterment.

Third, the efforts to prevent the multilateral lending institutions from making loans to countries in which there were outstanding investment disputes have had an adverse effect. Again this seemed to contravene administration philosophy which held that moneys channeled through the international banks and multinational lending institutions should be used for long-term development purposes and the criteria of eligibility of such loans should be divorced from the immediate political conflicts of the day.

Fourth, the monetary instability triggered by the events of August 15 have had a seriously detrimental effect on primary commodity prices and in turn, export earnings of the developing world.

It was against this backdrop that the drama of the China vote in the U.N. was played and the AID bill defeat adds an additional major element.

Given this series of actions tremendously adverse to the aspirations of the developing world, James Reston's words of warning are well taken. Mr. Reston wrote in Sunday's New York Times:

> The gap between the rich and poor nations of the world is getting wider every passing year. This is not only a human tragedy but a danger to the peaceful development of the changing world.
>
> For there is now a kind of class war developing in the world between the rich nations and the poor nations, and this is likely to get increasingly worse unless all the power centers in the industrial northern hemisphere revise their programs of aid to the underfed majority of the human family now living below the equator.

Mr. President, let me outline very briefly the effects of the November 15 termination of assistance of one area of the world—Latin America.

Apart from the profound political and developmental consequences, the following immediate effects will include:

First, Public Law 480 feeding programs reaching 16.6 million persons daily in 21 countries will terminate—the most of these people being children;

Second, cessation of AID would require "walking away" from the $1 billion in pipeline investments in education, agriculture, health, housing, and so forth since AID could no longer administer or monitor the course of project implementation;

Third, 235 technical assistance projects in Latin America aimed at increasing agricultural production and rural equity, improving education and health systems, strengthening family planning services, and enhancing the ability of Latin American governments to bring the benefits of development to their people would terminate;

Fourth, population planning programs would be affected and at least 1 million women and men in Latin America are totally dependent for contraceptives and family planning counseling on programs heavily supported by AID;

Fifth, the multilateral programs going on under the auspices of the AOS and the CIAP would be adversely affected.

The gap between the less developed countries and the developed countries is widening, it is not narrowing. If there is one thing we do not want in the world it is a vacuum in which headlines evidence the fact that people hate us. Some people always argue that whether they like us or not we are not worried.

But, Mr. President, the feeling that we are opting out of the world, notwithstanding our resources and our authority and power, is very dangerous, especially with the developing countries. It can be very harmful to our country and cause an enormous increase in our defense budget, as well as grave jeopardy to the peace.

It is for that reason that I shall do my utmost to continue with a furtherance of the policy of the United States in respect to aid until we come up with a more creative—and I thoroughly agree with that—and more constructive approach, phasing out development aid loans, but phasing in multinational lending, which is more effective, institutionalizing bilateral technical assistance, rationalizing our military aid so that it coordinates soundly and directly with the alliances and regional arrangements and responsibilities which we have.

Mr. President, as we consider the future, I think that the recommendations of the Presidential Task Force on International Development which resulted in the legislative proposals the President sent to the Congress earlier this year be given our close attention. The key recommendation was that:

> U.S. international development programs should be independent of U.S. military and economic programs that provide assistance for security purposes. Both types of programs are essential, but each serves a different purpose. Confusing them in concept and connecting them in Administration detract from the effectiveness of both.
>
> All types of security assistance—military assistance grants, use of surplus military stocks, military credits, economic assistance in support of military and public safety programs, budget support for political purposes, and the contingency fund—should be covered in one legislative act. The State Department should exercise firm guidance over these programs.

Mr. President, it could be strongly argued that one of the reasons the AID program went off the track this year was through the failure of the Congress to act on the widesweeping reform proposals put forward by the administration.

I would support a proposal to separate security assistance programs from development assistance programs.

Turning to security assistance programs, it is my view that the position of the administration during the past floor debate on the AID bill may not have reflected fully the implications on our Southeast Asia policy or the administration's new China policy. Could it not be argued, for example, that the high Cambodia ceiling of $341 million is obsolete given the President's upcoming visit to the People's Republic of China? Again, in an era of policy transition, perhaps too much emphasis was placed by the administration on the policies of the past, rather than on the hopes of the future for better relations between the United States and China.

I think we need to follow much of the Peterson commission report in that regard.

I close as follows: We are facing a very grave crisis in our time. This crisis shows a very grave fissure in the outlook of some toward our relationships with the world. It could teach us a great deal or could hurt us in a way that presently is beyond comprehension.

I myself feel, and I believe a majority of the Senate feels, that this vote will, like an apocalptic vision, be the occasion for enabling us to do a better job in restructuring our future developmental and security assistance programs which remain an important part of our Nation's foreign policy, our Nation's relations with the rest of the world—factors which form an integral part of our national security and economic well-being.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that

when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This order was subsequently changed to provide for the Senate to convene at 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR ALLEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following recognition of the two leaders tomorrow, the distinguished Senator from Alabama (Mr. ALLEN) be recognized first in the list of Senators who are to be recognized under special orders for 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 569, offered by the Senator from Alaska (Mr. STEVENS) for himself and Mr. GRAVEL.

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

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time for the quroum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi be recognized for not to exceed 20 minutes, without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi is recognized.

DEATH OF FORMER SENATOR A. WILLIS ROBERTSON, OF VIRGINIA

Mr. STENNIS. Mr. President, I have learned, within the last few minutes, of the passing of one who was a very dear friend to many of us and who was a beloved and outstanding Member of this body for a great number of years—former Senator A. Willis Robertson, of Virginia. He passed away approximately an hour and a half or 2 hours ago at Lexington, Va., his home.

Mr. President, on the floor of the Senate, in the Council Chambers, in the committee rooms, and at work and in his recreation, he was always interesting, likeable, attractive and gave everything and every moment his very best. I have never had a finer friend or finer associate, or one who I appreciated more. I loved him most dearly and esteemed him highly.

Senator Robertson was a man of extraordinary ability. He served his State for more than 50 years in public service, beginning as a member of the assembly of his State. Later he was a district prosecuting attorney, a Member of the House of Representatives, and then he served in the U.S. Senate for more than 20 years.

He had a very refreshing outlook on life. He was a man of fine spirit, with a good sense of humor, and be believed in the wholesome things of life. He put true values first, including high spiritual values. He had a true, firm, solid belief in God. No man could have had a higher purpose in his approach to public affairs, as the Senator Robertson I knew, and his record will reflect that. His record also shows he stood for principles and that he worked hard and conscientiously. He was a rugged individualist and a great debater, with a fine sense of fairness. He represented those things in public life that I think a man should represent. I shall always cherish his memory and his noble life of service and friendship.

I will have more to say about Senator Robertson's passing and his life, as I am sure others will, at a later time.

The Senator from Virginia (Mr. SPONG) is in the Chamber; and, under the time of the special arrangement, I yield such time to him as he may desire. The senior Senator from Virginia (Mr. BYRD), is on his way to the Chamber and I know he will have some remarks to make.

Mr. SPONG. Mr. President, I appreciate the Senator from Mississippi yielding to me. I think it is appropriate that he should announce to the Senate the passing of former Senator A. Willis Robertson. Senator STENNIS and Senator Robertson were devoted friends.

As Senator STENNIS has said, Senator Robertson served the Commonwealth of Virginia for half a century. He was a diligent member of our State Senate. I believe he served as Virginia's first Commissioner of Game and Inland Fisheries. He represented the Seventh Congressional District of Virginia, the area that encompasses the beautiful Shenandoah Valley, and he served Virginia with great distinction in this body.

It was my privilege to succeed Senator Robertson. He was a man of deep spiritual conviction, a dedicated public servant, a clean political opponent.

I join the Senator from Mississippi in grieving at Senator Robertson's passing and in announcing his death to the Members of the Senate.

I thank the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from Virginia (Mr. BYRD) is on his way to the Chamber. I am sure the assistant majority leader would like him to have the floor shortly. I yield back the remainder of the time I have.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes and that the time not be charged against either side on the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the distinguished senior Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, I was very distressed to learn a few moments ago of the death of a distinguished former Member of this body, the Honorable A. Willis Robertson. Former Senator Robertson died at his home in Lexington this morning.

Senator Robertson served in the U.S. Senate with distinction for 20 years. Prior to that, he served the Seventh Congressional District of Virginia in the House of Representatives for 14 years.

The people of the Shenandoah Valley knew Willis Robertson long and well, and throughout his distinguished and long political career he had the firm support of his fellow citizens in the valley of Virginia.

Prior to being elected to the House of Representatives in Washington, Willis Robertson served as a member of the Virginia Senate, and he also served as chairman of the Fish and Game Commission of the State of Virginia.

The people of Virginia held Willis Robertson in great esteem and honored him many times when his name was on the ballot for public office.

I knew Senator Robertson from my childhood. He and my father went to the Virginia Senate on the same day in 1916. Both, incidentally, were born in West Virginia. Both were born in the city of Martinsburg. Both were born in the same

year on the same street. So they became close friends.

Both came to Washington, D.C., on the same day, March 4, 1933—Willis Robertson to the House of Representatives and my father to the Senate.

Thus, I have had a long and affectionate relationship with the splendid resident of Lexington, Va., in Rockbridge County.

I regret his passing this morning. I feel that he rendered his State and Nation fine and valuable service over the years.

During the 20 years he served in the Senate, he was held in high esteem and with great affection by all of his colleagues here.

The people of Virginia will miss this fine son of hers who served Virginia so well, and who served the Nation so well.

Mr. SPARKMAN. Mr. President, I have heard with great sorrow of the death of our late colleague, former Senator Willis Robertson of Virginia.

I feel this loss very keenly. Willis Robertson came to the House of Representatives 2 years before I did. He and I came to the Senate on the same day—November 6, 1946.

During the entire time he was here in the Senate, I sat next to him on the Senate Banking and Currency Committee. During the last several years he was a Member of the Senate, he was chairman of that committee. I ascended to the chairmanship of the committee following his departure from the Senate.

Willis Robertson was one of the finest men that I have ever known. He was equal to all occasions, in seriousness and in fun, when that was called for. He was a great storyteller. He had a great rich store of Southern stories, Confederate stories, and stories of every kind. He was a man who worked hard in all of his committee assignments. He was a great manager of legislation on the Senate floor.

I enjoyed my years with him. I lament his passing, and I extend to all of his loved ones my deepest sympathy.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 35) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time on the pending amendment, which is amendment No. 569?

Mr. STEVENS. Mr. President, I have a modification at the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The legislative clerk read as follows:

On page 163, between lines 7 and 8, insert the following:

(f) No provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89–136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as such lands remain subject to the restrictions on alienation provided in the Act.

Mr. STEVENS. Mr. President, I yield myself such time as I may require.

The purpose of the amendment is to make certain that the activities of the Federal Government, such as the Economic Development Administration and other entities of the Federal Government which are conducting loan and grant programs in Alaska, particularly before the Alaskan Natives people, will continue to have the authority to do so during the period of the settlement as provided under the act. EDA, for instance, deals with restrictions on Indians owning land. There are restrictions on land which the Alaskan Natives will own pursuant to the act.

The purpose of the amendment is to assure that the Economic Development Administration, the Farmers Home Loan Administration, and other Federal entities will understand that this is restricted Indian land as long as the restriction on alienation provided in the act remains in effect.

At present, it will be 20 years under the bill. The worst thing we could do to those people would be to withdraw the authority of the agencies to continue to assist the Alaskan Native people at a time when they are getting the ability to participate under some of the programs.

I have talked the amendment over with the chairman, and I am sure that although it is an amendment which is technical in nature, it is necessary in order to be assured that the land owned by the Alaskan Natives, as long as there is a restriction on alienation, will be treated as restricted Indian land for the purpose of Federal primary loan programs.

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

Mr. GRAVEL. Mr. President, the amendment has been agreed to by the chairman of the committee and by myself and I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, offered by the Senator from Alaska for himself and Mr. GRAVEL.

The amendment, as modified, was agreed to.

Mr. GRAVEL. Mr. President, I send an additional amendment to the desk on behalf of my colleague (Mr. STEVENS) and myself and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 240, after line 8, insert "Afognak." and on the next line insert "Akhiok."

Mr. GRAVEL. Mr. President, I yield myself such time as I may need to explain the amendment.

This is an amendment agreed to by the chairman of the committee. It has the cosponsorship, of course, of both Senators from Alaska.

Simply put, the two Native villages in the Kodiak area, Afognak and Akhiok were inadvertently left off the list.

We are including them by this amendment.

I yield back the remainder of my time.

Mr. STEVENS. Mr. President, 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 Alaska (Mr. GRAVEL).

The amendment was agreed to.

Mr. STEVENS. Mr. President, I call up my amendment No. 565.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 342, between lines 2 and 3, insert the following:

"(3) Nothing in this section shall prohibit the search for, acquisition of, and application for mineral properties under procedures now set forth in general mining laws, except that the Secretary must approve and classify the land for mining or mineral leasing prior to production from such properties."

On page 342, line 3, strike "(3)" and insert "(4)".

On page 342, line 10, strike "(4)" and insert "(5)".

On page 343, line 3, strike "(5)" and insert "(6)".

Mr. STEVENS. Mr. President, I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The legislative clerk read as follows:

On page 342, between lines 2 and 3, insert the following:

Provided, That notwithstanding the provisions of this Act, so long as any lands are withdrawn or classified under the authority conferred on the Secretary under this Act as not available for patent under the general mining laws, an applicant under (c) (2) may locate and evidence his claim to metalliferous deposits but such claim shall not be valid and shall create no rights as against the Federal Government until the Secretary classifies land as suitable for mineral location.

Mr. STEVENS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. Mr. President, the amendment as originally introduced was prepared by the Alaska Miner's Association. Under the so-called freeze that has been in effect for 5 years, location of metallifersus claims under the mining laws has been possible. Under the bill and particularly the amendment offered this morning, there is a procedure which requires classification of land before it can be available for final disposition under

the public land laws, including the mining laws.

Alaskan miners have in fact been searching for metal-bearing deposits in the last 5 years and they have, in fact, found claims that they would have staked. They have not done so because once they stake them, they create a land rush. Knowing that they had an exception under the land freeze, they have not staked them.

The amendment will provide that they can establish rights as against any other person, other than the Federal Government, prior to the time that the lands are classified as being available for mining.

I would much rather have the original provisions of the amendment I offered. However, after consultation with other members of the committee and with the chairman of the committee and with people involved in the bill, the amendment has been modified. We have also consulted with representatives of the Alaskan Miners Association. While they would prefer the original version, under the circumstances we are faced with a proposition of taking what we can secure in terms of protection for mining claims at this time and I believe this will protect the priorities of the claimants and give our Alaskan miners the opportunity of searching for and locating mining claims. However, the validity of the claims as against the Federal Government will not be determined until the Secretary of the Interior determines that they are suitable for mining.

Mr. GRAVEL. Mr. President, I agree with my colleague. I have reservations. My reservations will be addressed to the conference committee. We have no provisions to protect companies. Companies can expend sums of money and, at the whim of the Secretary of the Interior, be denied any rightful return on the money or the money itself. However, we cannot solve this problem at this point in time.

Mr. STEVENS. Mr. President, if the amendment is agreed to, we would have an opportunity in the conference to work out a provision which is in the best interest of the miners.

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

Mr. GRAVEL. Mr. President, 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 Alaska (Mr. STEVENS).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 311, strike line 25 and on page 247, after line 14, insert "Tatitlek, Gulf of Alaska."

Mr. GRAVEL. Mr. President, I yield such time as I require in which to explain the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, Tatitlek is a village of some 110 Natives located near the Gulf of Alaska and should be treated in the bill in the same way as other Native villages outside of southeastern Alaska.

Inadvertently it has been listed in the southeastern villages which participated in the Tlinget-Haida settlement and therefore would have been barred from certain benefits of S. 35 for villages located elsewhere.

Tatitlek was not a part of that settlement, and therefore should be dropped from this list and added to the general list of eligible villages on page 247.

Mr. President, I yield back the remainder of my time. The chairman is in agreement with the amendment. The amendment is offered by myself and my colleague, the senior Senator from Alaska.

Mr. STEVENS. Mr. President, on behalf of the chairman of the committee, I send an amendment to the amendment to the desk. This matter has been discussed with my colleague.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. STEVENS. It has not.

The PRESIDING OFFICER. The amendment is not in order until all time has been yielded back. If the Senator offers it as a modification and if the junior Senator from Alaska agrees to it, it is in order. It is his amendment.

Mr. GRAVEL. Mr. President, I accept it as a modification of my amendment.

The PRESIDING OFFICER. The amendment is accordingly modified.

The clerk will read the modification.

The legislative clerk read as follows:

On page 257, after line 14, add a new subsection 13(1) as follows:

"Any Native Village found eligible for land grants under this section which is located in a National Forest may select and receive patent to no more than forty six thousand and eighty acres of such lands."

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

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. STEVENS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 170, line 7, strike "$350,000" and insert "$600,000".

Mr. STEVENS. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. STEVENS. Mr. President, this is an amendment to increase the amount that can be repaid by the Alaskan Native people for work performed on the land claims bill prior to the enactment of the bill, without the prior consent of the beneficiaries. Of the total settlement, we previously provided $350,000, which we considered to be sufficient.

It has been pointed out that the Indians at Yakima and the Tlingit-Haida Indians and the Tyonek Indians have, in fact, advanced money to the Alaskan Federation of Natives that would exceed the limit.

The purpose of the amendment is to increase the amount to $600,000 so that the money advanced by these Indians or guaranteed by those three organizations may be paid by the excess.

Mr. President, I yield back the remainder of my time. The amendment has been discussed with the chairman of the committee and in our conference prior to deliberations on the floor. He was not opposed to the amendment that I know of.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment was agreed to.

AMENDMENT NO. 571

Mr. GRAVEL. Mr. President, I call up my amendment No. 571 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On pages 170 and 171, strike subsection 5(g)(2) in its entirety and on page 197, line 24, strike the period, insert "; and" and thereafter insert a new paragraph as follows:

"(8) Upon the establishment by local option or State legislative action of borough or municipal governments in areas of the State which do not have formally organized borough government, to make grants to assist in funding the costs of governmental administration, the training of governmental employees, and to improve the quality of municipal and borough government."

Mr. GRAVEL. Mr. President, this is an amendment that I initiated in the committee. As I said, there is $20 million to pay costs of initiating training and operating of local governments in the rural areas of Alaska.

This amendment modifies that concept to permit the local option by Natives if they decide to undertake this type program and requires the State legislature to pass appropriate legislation in this regard.

The amendment is agreed to by the chairman of the committee and also my colleague, the senior Senator from Alaska.

I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

AMENDMENT NO. 568

Mr. STEVENS. Mr. President, I call up my amendment No. 568.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 327, line 24, strike "12" and insert "5".

Mr. STEVENS. Mr. President, I yield myself 2 minutes.

This is the provision of the bill that requires that timblerlands in the Tongass National Forest be managed in accordance with principles set for the forest and prohibits the exportation of round logs.

The time in the bill is 12 years. This would make it 5 years. The intent is to be sure there will be time to set up a management pattern on the lands in the for-

est that are needed by the Native villages of southeastern Alaska.

There is some controversy about the amendment in respect of changing the years from 12 to 5. The matter has been discussed with the members of the committee.

I urge that the amendment be agreed to.

Mr. GRAVEL. My colleague and I have a difference of opinion on the concept. In a spirit of compromise, he made it 12 years to 5 years. We find ourselves in agreement.

I wonder if we could dot the "i," and provide the 5 years would run from enactment of this legislation. Would my colleague agree on that point?

Mr. STEVENS. This would make it 5 years. That could be discussed in conference.

Mr. GRAVEL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At page 321, after line 22, insert a new paragraph (v) to read as follows:

"(v) shall issue deeds, without payment of any consideration, to the State or to the appropriate municipal corporation, if such lands are within the boundaries of a municipal corporation, to existing airport sites together with such additional acreage as is necessary to provide related services and to insure safe approaches to the airport runway; and"

At page 321, line 23, strike "(v)" and insert "(vi)".

Mr. GRAVEL. Mr. President, I yield myself as much time as I may need to explain the amendment.

I have two amendments in tandem. This is one amendment and I will send another amendment to the desk shortly.

There are many airports around various villages which were acquired under verbal agreement. This gives title for the airports and airways so that title can be vested with the State of Alaska, so that these services can continue. It is in the best interest of the State and the individual villages in question. That is why I have offered the amendment.

The chairman is in agreement with the amendment and I offer it on behalf of myself and my colleague from Alaska.

The second amendment would do the same thing. The amendments are in tandem.

I yield back the remainder of my time on the bill and I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send the tandem amendment to the last amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. And, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At page 266, after line 11, insert a new paragraph (E) to read as follows:

"(E) shall issue deeds, without payment of any consideration, to the State or to the appropriate municipal corporation, if such lands are within the boundaries of a municipal corporation, to existing airport sites together with such additional acreage as is necessary to provide related services and to insure safe approaches to the airport runway; and"

At page 266, line 12, strike "(E)" and insert "(F)".

Mr. GRAVEL. Mr. President, I yield back all my time on the amendment. The chairman is in agreement. This is offered under the cosponsorship of the senior Senator from Alaska and myself.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

At page 294, line 16, strike "States," and insert "including the selection rights of the State under the Alaska Statehood Act."

Mr. STEVENS. Mr. President, I yield myself 2 minutes to explain the amendment.

This is an amendment suggested by the Attorney General's Office of the State of Alaska to make certain if there remain at the time this bill is enacted a reservation of any surface rights those rights may be selected by the States under the Alaska Statehood Act.

This is a perfecting amendment and it has been discussed with the counsel in this regard and with the committee chairman.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield back the remainder of my time.

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Alaska.

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 249, line 22, after "Kenetzie Indians" insert "and the Natives of Sitka, Juneau, and Kodiak."

Mr. GRAVEL. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, just as we provide for the Tsimshians Indians to make land selections elsewhere where there is a hardship, we should make the same exception for the Natives of Sitka, Junaeu, and Kodiak.

The chairman is in agreement with the amendment. I offer the amendment for myself and the senior Senator from Alaska.

I yield back the remainder of my time.

Mr. STEVENS. Mr. President, this is the same as the other amendment. The Natives of these areas do not have a recognized village site. There is under this bill a section on hardship land which may be made available from Federal lands in the vicinity of these villages of Sitka, Juneau, and Kodiak to give these people a land base so that they may have a portion of the land settlement under this bill.

I yield back the remainder of my time.

Mr. GRAVEL. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the junior Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. GRAVEL. Mr. President, I send to the desk one final amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 284, line 23, strike "in any manner the operation" and insert "the legality or constitutionality"; on page 285, lines 7 and 8, strike "contests in any manner the operation" and insert "initiates litigation to contest the legality or constitutionality".

Mr. GRAVEL. Mr. President, this is an amendment that goes to the issue of what we call the blackmail provision of the bill. It limits the type of actions initiated by the State of Alaska which would trigger a punitive feature on selection rights.

The amendment is agreed to by the chairman of the committee. It is offered on behalf of myself and the senior Senator from Alaska.

It is an amendment that has been discussed with the State administration. They are in full accord with it.

I yield back the balance of my time.

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

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment offered by the Senator from Alaska (Mr. GRAVEL).

The amendment was agreed to.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes on the bill.

There may be other matters that will come up as a result of the conferences that we have had in the various rooms surrounding the Chamber this morning to arrive at various points of agreement on the bill.

One point I feel very strongly about that I had to compromise on I feel compelled to address myself to. That is the question of changing the Commission from a membership of two Natives to three Natives. As the language is now written, it cannot be fewer than two Natives. Of course, if the President so desires, he can select more than two Natives for the Commission. It was felt that, in order to arrive at an agreement and not force any rollcalls on any amendment today, this amendment not be offered.

I hope to take this concept to the conference committee. I would hope that in the conference if this is not accepted, another area of compromise will be. That is that the names submitted to the President for selection on the Native Commission would be names submitted by the Natives themselves. Both Natives and whites, or anybody else who was not a Native, would have to have his name submitted on a list of the various regional corporations to the President of the United States, and if those names were not satisfactory to the President, he could reject them. I would hope we could achieve that as a compromise in conference.

However, I would like to make clear that those discussions were held in private with the chairman and members of the committee and that there was some receptivity to the concept that the Natives would submit the names to the President for selection on the Commission.

This is not unlike the system we employ for the selection of judges in Alaska. The Judicial Conference selects a list of names and submits them to the Governor, and the Governor selects from that list those who will serve on the bench of Alaska. It has stood us in good stead in Alaska. We would hope we could do it with respect to the Native Commission so that we could at least guarantee that the Natives and those who are non-Natives who would serve on this particular Commission could be named by them.

There are other compromises that we reached. However, I think I will wait on the chairman of the committee before discussing those, particularly one with reference to PET–4 and the allocation of North Slope lands to the Natives.

In this regard, I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. On whose time?

Mr. GRAVEL. I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CANNON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 162, line 23, add a period after "Alaska" and delete the remainder of the sentence.

Add new subsection 2(f) as follows:

"(f) No provision of this act shall be construed to effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of Title 10 of the United States Code and any conveyance of lands located within Naval Petroleum Reserve Numbered 4 shall convey the surface estate only."

On page 251, line 24, add the following:

"(F) the selection of lands located within Naval Petroleum Reserve Numbered 4 will involve the conveyance of the surface estate only."

On page 292, line 14, change the comma after the word "subsection" to a period and delete the remainder of the sentence.

On page 294, lines 5 through 7, delete the words "except that for the purposes of this subsection 19(b)(2)(D) lands within Naval Petroleum Reserve Numbered 4 are included."

On page 298, line 3, delete the words "other than" and substitute therefor the word "including".

On page 342, line 14, delete the words "of Naval Petroleum Reserve No. 4 and".

Mr. CANNON. Mr. President, the amendment is designed to protect the Government's interests in the mineral rights in over 1 million acres of Naval Petroleum Reserve No. 4.

Section 19(b)(2)(D) of the bill permits the selection of minerals in 2.5 million acres of public lands in Alaska. Approximately 550,000 acres of this total—24 townships—can be selected from Naval Petroleum Reserve No. 4. A maximum of six noncontiguous tracts of four townships in size could be selected within the reserve.

In addition, section 19(c) of the bill authorizes the Arctic Slope Regional Corporation to select 500,000 acres within Naval Petroleum Reserve No. 4, including both surface and mineral rights. The bill would, therefore, divest the reserve of 1 million acres of mineral rights.

Jurisdiction and control of the naval petroleum and oil shale reserves is vested in the Secretary of the Navy by statute (10 U.S.C. 7421). His trusteeship of the reserves is monitored by the Committees on Armed Services of the Senate and the House of Representatives in accordance with 1C U.S.C. 7431. The bill before us, S. 35, would modify the statutory purpose of the reserve, which is to conserve oil in the ground for future use when needed.

Now, Mr. President, even though the Department of the Navy has jurisdiction and control over this important oil reserve, it is my understanding that they were not consulted or asked to testify concerning the effect this legislation might have on Naval Petroleum Reserve No. 4, and they were not aware of the proposals contained therein until the bill was reported. I might also state that, as chairman of the Subcommittee on the National Stockpile and Naval Petroleum Reserves of the Senate Armed Services Committee, I did not hear of the details of the matter until this morning.

Naval Petroleum Reserve No. 4 is situated on the arctic slope of Alaska. It is approximately 50 miles west of the gigantic Prudhoe Bay oil field. It is estimated that this reserve may contain up to 33 billion barrels of recoverable oil which is almost the equivalent of the current total U.S. proved reserve. Dollarwise, the market value would amount to somewhere between 60 and 100 billion dollars.

While divesting ourselves of the mineral rights in 1 million acres out of some 23,680,000 acres comprising the reserve may not seem great, I should like to point out that it is conceivable that the number of tracts authorized to be selected by the Natives could encompass the principal reservoirs underlying Naval Petro-

leum Reserve No. 4. Even if the tracts contain only a portion of such reservoirs, they would be capable of draining them unless offset protection was undertaken by the Navy.

As custodian of the reserves, the Secretary of the Navy is required by 10 U.S.C. 7422 to protect them from drainage, even though a protective production program would defeat the statutory purpose of the reserve and would require the expenditure of millions of dollars by the Navy.

In conclusion, I might state there is absolutely no objection on the part of the Navy or the administration to the granting of surface rights to certain lands within Petroleum Reserve No. 4. This was provided for in the administration's proposal, S. 1571, and is also provided for in the House-passed bill, H.R. 10367, but mineral rights are specifically excluded.

Now, Mr. President, in the best interests of the Government, and to avoid any possibility of the ruination through depletion of this vast oil reserve, I hope that the amendment I have offered will be agreed to.

Mr. JACKSON. Mr. President, I rise in opposition to the amendment. This is a question of doing justice to the Alaska Natives who have resided in this area covered by Navy Petroleum Reserve No. 4 for centuries.

A number of Native villages are located within the boundaries of Naval Petroleum Reserve No. 4 and because other villages are located near Naval Petroleum Reserve No. 4 in areas where there are little or no available public lands to be granted to them, the committee faced a difficult choice of granting some lands out of Naval Petroleum Reserve No. 4 or denying the Native people who have always lived on Naval Petroleum Reserve No. 4 any right to the lands they and their ancestors have historically used and occupied. The committee chose to grant a small portion—approximately 3 to 4 percent of the reserve's 27 million acres—to the Native people as part of the settlement for the final extinguishment of their land claims. These claims cover all of the 27 million acres in Naval Petroleum Reserve No. 4 as well as most of the land in Alaska.

Mr. President, I emphasize that the Natives' land claim has some legal justification, to all of the land in the reserve amounting to almost 23 million acres. The committee decided to grant only 3 to 4 percent of that in Naval Petroleum Reserve No. 4.

The reserve is treated no differently under the terms of S. 35 than is any other federally reserved area in Alaska. National parks, national forests, and wildlife refuge areas, for example, have all been made subject to lands grants for Native villages and Native people. It was the committee's view that all federally reserved areas should be treated in a like manner and that all Native people in Alaska, regardless of where they live, should receive uniform and just treatment in this settlement of the Alaska Native land claims.

One alternative form of settling the Alaska Native land claims that has been proposed is to let the Federal courts adjudicate the question. This could result in one of two determinations: One, that the claims are invalid; or two, that the claims are valid. If they are valid, the Congress would have to either one, grant all of Naval Petroleum Reserve No. 4 to the Native people, or two, compensate the Native people for the Federal Government's taking of the land for use in connection with the Nation's defense and national security policies.

It was the committee's view that sound public policy and the best interests of all the parties—Natives, the State of Alaska, the Federal Government—are not served by such an approach. It was the committee's view that this settlement required the certainty, the detail, and the equity of a legislative settlement. To cite only one example which bears on the Nation's natural security and defense posture, it is clear that the tremendous petroleum reserves of Prudhoe Bay in Alaska cannot be developed unless a pipeline or other transportation facilities are constructed to deliver the oil and gas. Yet, however badly this petroleum may be needed as an alternative source to Mideast supplies, the necessary transportation facilities probably cannot be developed until there is a settlement of the Alaska Native land claims.

Mr. President, it seems to me that the committee's legislative adjudication of this claim involving Naval Petroleum Reserve No. 4 is a wise one, a prudent one, and in the best interests of the Natives themselves. It is also in the best interest of the Federal Government.

We have to look at all aspects of this problem. We came to the conclusion that this solution, involving only the disposition of 3 to 4 percent of this huge reserve, was a wise one. It was under those circumstances that we made the decision we did, after very careful consideration.

I would point out that the Senate approved the bill last year that contained a large part of the land in fee simple that is included in this measure. We added to it in the committee. However, the Senate last year, by the final approval of the bill to settle the Alaska Native claims, did make provision for the conveyance of a portion of the land involved in the Naval Petroleum Reserve.

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

Mr. JACKSON. I yield.

Mr. CANNON. Mr. President, I ask the distinguished Senator from Washington whether the committee has complied with the provisions of title 10 of the United States Code, section 7431, which provides in part as follows:

> The Committees on Armed Services of the Senate and the House of Representatives must be consulted and the President's approval must be obtained before any condemnation proceedings may be started under this chapter and before any of the following transactions authorized by this chapter may be effective:
>
> (2) A contract to alienate from the United States the use, control, or possession of any part of the naval petroleum or oil shale reserves (except that consultation and Presidential approval are not required in connection with the issuance of permits, licenses, easements, grazing and agricultural leases, rights-of-way, and similar contracts pertaining to use of the surface area of the naval petroleum and oil shale reserves).

Mr. President, I ask the Senator that question because, to the best of my knowledge, the Armed Services Committee has never been notified nor consulted with respect to this matter. I am advised by the chief counsel of the Subcommittee on National Stockpile and Naval Petroleum Reserves that we have not been consulted nor received any notification in accordance with subparagraph (1) of section 7431.

Mr. JACKSON. Mr. President, the statutory provision, in my judgment, to which the Senator refers, has nothing to do with the legislative procedures of the Senate or House of Representatives.

I would point out that those procedures are constitutional in that we could not by statute attempt to change the constitutional rights of Congress to enact appropriate legislation.

I would point out that the Navy has been on full notice regarding this matter. They reported on both bills, and they did not ask to testify.

We have had hearings on this for the last 4 years. The Navy has never requested an opportunity to be heard that we did not grant them that right. However, the statute the Senator refers to could not change the constitutional procedures of the Congress.

Mr. CANNON. The answer to the question is that the Armed Services Committee of the Senate has not been considered or notified.

Mr. JACKSON. Mr. President, the point I want to make is that the Senate approved the bill last year which provided for a conveyance in fee of approximately 800,000 acres out of the reserve. So there has been ample notice and I know the Department of Defense or the Navy, in its report, addresses itself to the administration bill, but they also allude to S. 35, the bill now before us.

The Navy had an opportunity to make it clear and to be completely explicit at that time that they objected specifically to the provisions in S. 35 providing for a conveyance of the land in Naval Petroleum Reserve No. 4. They failed to do so. I am amazed they did not comment on it. Their responsibility ran specifically, it seems to me, to the question of the Naval Petroleum Reserve No. 4. They did not do so.

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

Mr. JACKSON. I yield.

Mr. GRAVEL. The Navy was silent on the subject. If one reads the record he will find they skirt the issue. Now they come on at the 11th hour on the day of passage. One can come to only one conclusion. Their objection is technical and they do not have any logic on it.

In a conference a little while ago I asked a representative of the Navy what reason they have. The reason is simple: It has been that way all along.

What we are confronted with is bureaucratic inertia inherent to Parkinson's principle. A few people are tied to a function and they cannot come forward with the light of day as to why these should continue. They just object.

The Natives of Alaska were there a long time before the Navy. If there is reason to have custodianship, it should be in the Department of the Interior and not in the Navy Department. It might be worthwhile to find out why Warren Harding, years ago, in order to make brownie points, turned over the reserve to the Navy. He could not turn it over to the Interior at that time, because that is where the scandal was. The record of the Navy in Alaska in this area is terrible. In fact, is it inhumane. The representatives of Alaska had to fight tooth and toenail to get this. The Navy wanted to sit on that gas while people froze to death. How unconscionable, how bureaucratic.

I will tell the Senator today that the Navy is not making any friends in this situation. The situation is simple. We have a lot of Federal land in Alaska. It is the Federal Government, not the State government that is speaking today. It is the Federal Government saying here that we are going to settle these claims for the people of Alaska. The U.S. Navy is a part of that Government, just as the U.S. Forest Service is. These segments are giving up their Federal proprietorship to settle these claims. There is no reason why the Navy should not do the same thing.

We are talking about a miniscule parcel of ground and land that will not deplete resources that belong to the Federal Government and not to the Navy. I understand the Navy is very much a part of the Federal Government. We here make policy. We can make policy today or cop out because a person at flag level or under flag level says, "We need this."

Are we here to make our own decisions or just to say because somebody said we need it, we adhere to it.

I wish to quote from the "Alaska Land Study" of the Public Land Law Review Commissioon where it considers the issue of the Navy's role in Pet. 4:

> The present treatment of naval Petroleum Reserve No. 4 appears to be more like a complete lack of policy than the existence of a policy. At present resources are tied up, serving no real purpose.

That is what we have here; resources tied up with no logical plan of development or use. The Navy has it and therefore the Navy keeps it. This makes no sense.

I plan to offer legislation to take Pet. 4 out of the stewardship of the Navy and place it in the Interior.

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

Mr. GRAVEL. I yield.

Mr. CANNON. The Senator stated exactly the action that should be taken. The Navy did not ask to be awarded this. This was done by Congress. They were prescribed as custodians by Congress. The Senator's argument is not with the Navy. He should offer legislation to change it rather than try to castigate the Navy or someone who is trying to carry out responsibilities vested with them by law.

Mr. GRAVEL. They see their responsibilities one way and we see them another way. Since we are the higher body we can establish it the way we see it. Congress gave it to them and Congress can take it away. We are talking about taking it away and giving some of it to the people it belongs to, the Alaskan Natives.

Mr. STEVENS. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I would like to put this matter in historical perspective. I respect the feelings of the chairman of the committee that has jurisdiction over these reserves. I think we should keep some things in mind. In the first place—and I have a map over here if anyone cares to see it—we are dealing with a small little segment of Arctic coastline and the question of confirming the claim to a portion of the land that the descendents of the people who resided there for centuries have asserted. This is a two-way street. I would urge the Senate to consider the facts. We are not only confirming title to a portion of this land and extinguishing the balance of the claim, but also, we are clearing title of the Federal Government to the balance of the 25 plus million acres in Naval Petroleum Reserve No. 4. When the courts decided the question of title to the Tongass National Forest after 35 years it was determined the Tlingit-Haida people did have a valid claim.

In this circumstance what we are saying is if these people do not get the subsurface rights here they will get them elsewhere. If we are talking about the value question, that is really immaterial, because if they do not get valuable rights here they will have to get them somewhere else.

The real question is: Are we going to be responsive to the request of these people who have claimed this land as theirs for centuries, to confirm to them a portion of the land that they claim, rather than making some decision that, "You can have the surface here, but the subsurface somewhere else."

I am willing to see whatever action taken that is necessary to protect the primary purpose of this area. We have done this in connection with the forest area. We have done it in connection with the wildlife reserve areas and we could do it here. But I urge the Senator to follow through with the concept here that we are dealing with confirming title in some areas and compensating for extinguishment of the claim in other areas. We seek to confirm subsurface rights in this area, notwithstanding the fact that the President in 1926 created this area for the Navy petroleum reserve. He did that notwithstanding the title—we are trying to clear that title. It has always been subject to these overriding claims of title. These claims have been to the Supreme Court, and the Supreme Court said Congress has the right to determine the nature and extent of these rights. All we are asking today is a settlement of this matter. We are extinguishing the claim to the total reserve—they claim the whole reserve—and we are going to confirm to them title to six to eight to 10 townships.

Mr. CANNON. I am quite happy to see them try to settle the entire matter and get it resolved and disposed of.

The problem I find as chairman of the subcommittee is this. Suppose these selections are made and drillings are made and they tap the vast pool of oil covered by Naval Petroleum Reserve No. 4.

Would the Senator not admit that it would be possible for them, under such circumstances, to go ahead and deplete the reserves in Pet. 4?

Mr. STEVENS. No. As the Senator knows, I do have the background of being Solicitor of the Interior Department. Any Secretary of the Interior would be derelict if he permitted that to happen, because he has a duty to stop drainage whenever there is drainage from a Federal reserve. The Secretary of the Navy still has the same duty with reference to naval reserves.

We are willing to enter into any limitation in conference to prevent drainage from the lands that are under the portion of the reserve that are owned by the Federal Government. There is no problem there. We can clear up this matter in conference and take care of the reserve the Senator is concerned about. The real point here is: Are we going to adhere to the principle of providing these people at least a portion of the claim they are entitled to?

Mr. CANNON. My subcommittee or committee have not received any notification in accordance with the provisions of the United States Code.

I would like to ask the distinguished Senator and the distinguished Senator from Washington if I could have the assurance that, if this amendment were adopted and if a resolution were worked out in conference, it would contain adequate protection for the U.S. Government? I feel that under the bill as it is now written there is not adequate protection as required by law for the interest of the Government of the United States in and to those oil reserves in Pet. 4.

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

Mr. CANNON. I yield.

Mr. JACKSON. I would make it very clear, speaking for myself as chairman of the committee, that the oil reserves in this area which the Natives would be entitled to under the bill should be administered in such a way as to be consistent with the provisions of the declared statutory policy of the Congress making this reserve available for strategic purposes. I cannot see any reason why that cannot be done and, at the same time, convey the property interest to the Natives as part of a settlement, with the Federal Government reserving the right to determine as to when and how that property, namely, the leasable mineral interest, is to be administered so as to insure the protection of our national security.

I would assure the Senator that I would take a very strong position in conference, and to the extent that I could be influential in that regard, to fully insure the security interests of the United States.

I would address myself primarily to the

property right here, that is, to giving the Native people of Alaska the leasable mineral estate as a part of the settlement, but the final overall administration of the disposition of the assets would have to be handled in such a way as not to do violence to the security reserve.

In light of the international situation we face today in the petroleum area, this reserve may have to be developed in the very near future.

I would point out that we are now importing 25 percent of our petroleum products, and by the end of this decade we will be importing 50 percent. The oil reserves for North America are going to be of crucial importance.

It is my understanding that, with the developments that are taking place in the Middle East, we could be facing a critical situation, as far as our own country is concerned, in trying to provide just for our domestic needs, let alone what reserves might be required for the national security forces of the United States.

I do believe that this area is affected with the interest that we are talking about. It is unique. It is different. I would go to conference on that line of reasoning, so that nothing would be done to in anyway interfere with the national security requirements of our Government.

The only element would be the conveyance of a property right—the leaseable mineral estate—subject to the national security requirement.

Mr. CANNON. Mr. President, of course, I may say to the Senator, he well knows, that traditionally in the Western States, where the Government owns huge portions of real property, it is customary and regular procedure for the Government to retain mineral rights. That is done. It is almost impossible for anyone to get mineral rights without a lease or purchase method from the Government on the properties underlying the public domain. So the reservation of mineral rights is nothing startling or new here.

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

Mr. JACKSON. If I have the floor.

Mr. ALLOTT. Mr. President, will the Senator yield to me for just a moment?

Mr. STEVENS. Certainly.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. STEVENS. I will yield the Senator from Colorado such time on the bill as he may need for this colloquy.

Mr. ALLOTT. Mr. President, following the line of reasoning of the Senator from Alaska, may I say that for each Member there is a different approach to this bill. Personally, I believe the amounts granted in this bill are excessive and not justified by the historical or legal precedents in the case.

Having said that, I want to follow what the distinguished Senator from Washington has just said by saying simply that, as far as this Senator is concerned, if the 550,000 acres under section 19 stays in—and it is my personal hope it will not, but if it does—then I would want to reinforce the statement of the chairman of the committee by saying that, as far as I am personally concerned, as ranking Republican member of the Committee on Interior and Insular Affairs, there would be no bill if in any way the protection of the Federal Government in is open to further amendment. If there be no further amendment to be proposed, the Naval Reserve is not secured. In other words, any development of those lands shall be under the rules, regulations, and criteria of what now is the management of the Navy, they being empowered, as the Senator pointed out, to do this by act of Congress.

People get off the track when they talk about Navy oil. It is not Navy oil. It is oil for all of us. The Navy is the custodian of it for all the people of the United States. The Senator understands that well.

I want to assure him that I personally would do everything I could to see that what causes him great concern does not occur, and that is that the actual oil reserves of the naval petroleum reserve be drained away into the hands of Native individuals without the full protection of the Government in being able to call to terms the development, drilling, and exploitation.

Mr. CANNON. I thank the Senator.

Mr. JACKSON. Mr. President, will the Senator yield to me?

Mr. STEVENS. I am glad to yield, if I have the time.

Mr. JACKSON. I will yield myself some time.

I just wanted to say to the Senator from Nevada that I would undertake, as chairman of the committee and, of course, the senior Member on the Senate side, to confer and meet with the Senator from Nevada and the ranking member on the committee or subcommittee before we do anything, and work with them in trying to work out a solution in conference.

Mr. CANNON. I thank the Senator for that assurance.

Mr. JACKSON. I will definitely make that commitment, and I am confident that we can resolve this rather complicated problem, at least along the lines I have previously indicated in my statement, and any other approaches that would be necessary to protect the country's national security interests. Being a member of the Committee on Armed Services myself, I feel a special responsibility to see that that is done, and I give that assurance.

Mr. CANNON. I thank the Senator for that assurance, and I am willing to yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. Does the Senator from Washington yield back his time?

Mr. JACKSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nevada (Mr. CANNON).

The amendment was rejected.

The PRESIDING OFFICER. The bill the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 35) was ordered to be engrossed for a third reading, and was read the third time.

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 10367.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I ask unanimous consent that the Senate proceed to the immediate consideration of that bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. JACKSON. Mr. President, I move that all after the enacting clause of H.R. 10367 be stricken, and that the language of S. 35, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10367) was read the third time.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Do we have the yeas and nays?

The PRESIDING OFFICER. We have them on the Senate bill, but not on the House bill.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, before the final rollcall vote, I ask unanimous consent to have printed in the RECORD, for comparison purposes, a tabulation of awards by the Indian Claims Commission over a period of years.

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

AWARDS BY THE INDIAN CLAIMS COMMISSION AS OF MAY 25, 1969

Docket Nos.	Tribe or claimant	Amount claimed	Acres recovered	Amount of final award	Date funds appropriated	Disposition legislation and citation	No. of participants
22-B	Apache, Mescalero		18,860,000	$8,500,000.00	May 29, 1967	Mar. 12, 1968 (82 Stat. 47)	1,740
329-D	Arapaho, Northern		[1] 51,210,240	3,230,000.00	Jan. 6, 1964	Aug. 8, 1958 (72 Stat. 541)	2,635
279-A	Blackfeet and Gros Ventre		13,970,008	8,679,814.92	Oct. 21, 1968		[2] 12,763
31, 37	California						
80, 80-D	Mission						
347	Pit River	$126,240,000	64,425,000	29,100,000.00	Oct. 7, 1964	Sept. 21, 1968 (82 Stat. 860)	[3] 75,000
333	Shasta						
215	Yana						
176	Yokiah						
237	Chehalis	45,658,000	838,200	754,380.00	June 9, 1964	Oct. 24, 1967 (81 Stat. 335)	1,370
351, 351-A	Chemehuevi		3,600,000	996,834.81	Apr. 30, 1965		[2] 1,000
173	Cherokee, Oklahoma		6,022,745	14,364,476.15	Sept. 30, 1965	Oct. 9, 1962 (76 Stat. 776)	41,824
329-C	Cheyenne, Northern		[1] 51,210,240	4,360,886.19	Jan. 6, 1964	Sept. 1, 1964 (78 Stat. 768)	2,906
329-A, B	Cheyenne-Arapaho, Southern		[1] 51,210,240	15,000,000.00	Oct. 31, 1965	Oct. 31, 1967 (81 Stat. 337)	5,229
23	Chickasaw, Oklahoma	2,355,674	1,214,888	902,008.11	Jan. 6, 1951	May 24, 1949 (63 Stat. 76)	10,966
269	do	190,000	266,433	190,934.78	Mar. 31, 1961	Sept. 28, 1968 (82 Stat. 883)	5,250
18-B	Chippewa, Mississippi		[1] 10,333,726	1,671,262.18	Oct. 31, 1965	Sept. 27, 1967 (81 Stat. 230)	14,647
18-B	Chippewa, Pillager, Lake Winnibigoshish		[1] 10,333,726	2,260,942.90	do	do	6,340
18-A	Chippewa, Pembina		[1] 7,488,280	237,127.82	June 9, 1964	Oct. 13, 1964 (78 Stat. 1093)	[2] 14,566
18-A	Chippewa, Red Lake		[1] 7,488,280	1,797,761.74	do	do	4,663
16	Choctaw, Oklahoma	7,067,024	3,374,663	2,587,835.47	Jan. 6, 1951	May 24, 1949 (64 Stat. 76)	26,828
81	Coeur d'Alene	4,250,000	3,347,663	4,342,778.03	Aug. 27, 1958	July 17, 1959 (73 Stat. 221)	582
181	Colville		1,729,761	1,000,000.00	Apr. 13, 1960	Apr. 24, 1961 (75 Stat. 45) Sept. 26, 1961 (75 Stat. 639) Aug. 31, 1964 (78 Stat. 755).	5,187
181-A, 181-B	Colville		2,416,600	3,500,000.00	June 19, 1968	Sept. 28, 1968 (82 Stat. 882)	5,187
222, 224, 161	Colville-Yakima		8,176,000	3,446,700.00	Apr. 30, 1965	Mar. 30, 1968 (82 Stat. 69)	[2] 13,000
1	Creek, Loyal	690,000	[4]	600,000.00	June 5, 1952	Aug. 1, 1955 (69 Stat. 431)	[2] 1,158
276	Creek, Oklahoma		2,037,414	1,037,414.62	Oct. 27, 1966	Sept. 21, 1968 (82 Stat. 859)	[2] 35,000
21	Creek Nation as of 1814	29,084,500	8,986,653	3,913,000.00	Apr. 30, 1965	Sept. 21, 1968 (82 Stat. 855)	[2] 40,000
54	Crow	29,530,764	30,530,765	10,242,984.70	Sept. 30, 1961	June 20, 1936 (49 Stat. 1543)	4,343
337	Delaware		3,859,000	1,627,244.64	Oct. 7, 1964	Sept. 21, 1968 (82 Stat. 861)	[2] 7,500
109	Duwamish	30,000,000	54,790	62,000.00	June 9, 1964	Oct. 14, 1966 (80 Stat. 910)	1,093
61	Flathead (Salish and Kootenai)	18,445,039	12,005,000	4,431,622.18	Oct. 27, 1966	Apr. 22, 1967 (81 Stat. 13)	5,477
90, 122	Hualapai		4,459,500	2,950,000.00	Oct. 21, 1968		[2] 950
79	Iowa		[4]	11,394.67	Oct. 27, 1966	Dec. 14, 1967 (81 Stat. 583)	[2] 2,087
79-A	do		99,249	[1] 1,367,701.90			2,087
138	do		[1] 10,380,000	1,372,267.50	Apr. 30, 1965	Dec. 14, 1967, (81 Stat. 583)	[2] 2,087
94	Kalispel		2,373,000	3,000,000.00	May 17, 1963	Aug. 10, 1964 (78 Stat. 387)	167
33	Kaw	10,930,018	4,559,040	1,600,220.02	Apr. 22, 1955	Aug. 9, 1955 (69 Stat. 559)	249
35	do	2,289,000	2,000,000	798,000.00	do	do	249
145	Kickapoo		[4]	11,511.53	Oct. 27, 1966		[2] 1,500
193	do		1,868,500	540,000.00	July 9, 1968		[2] 1,500
316	do		618,000	771,441.26	June 19, 1968		[2] 1,500
32	Kiowa, Comanche, Apache	14,268,664	2,033,583	2,067,166.00	May 20, 1959	Sept. 21, 1959 (73 Stat. 598)	7,669
258, 259	do		[5]	6,000,000.00	June 19, 9168	Sept. 28, 1968 (82 Stat. 880)	13,640
100	Klamath		5,020,000	2,500,000.00	June 9, 1964	Oct. 1, 1965 (79 Stat. 987)	2,133
154	Kootenai		1,160,000	425,000.00	Sept. 8, 1960	Dec. 23, 1963 (77 Stat. 472)	67
124-A	Miami, Indiana		[2]	64,738.80	Sept. 30, 1961	Oct. 14, 1966 (80 Stat. 909)	3,066
124-D, E, F-256	Miami		239,588	1,373,000.10			4,292
124-C, 255	do		64,038	66,966.00			4,292
251-A	Miami, Oklahoma		10,000	10,000.00			814
251	do		254,158	349,193.59	Sept 30, 1961	Oct 14, 1966 (80 Stat 909)	814
67, 124	Miami Nation as of 1818		4,291,500	4,647,467.67	May 17, 1963	Oct 14, 1966 (80 Stat 909)	4,292
98	Muckleshoot	3,500,000	101,620	80,377.00	May 29, 1967	Sept 28, 1968 (82 Stat 882)	253
175-A	Nez Perce		6,932,270	4,157,605.06	Sept 8, 1960	Apr 24, 1961 (75 Stat 45)	2,097
180-A	do		[6]	3,000,000.00	do	Apr 24, 1961 (75 Stat 45)	2,097
46	Nooksack	3,375,600	80,590	49,383.50	Apr 30, 1965	Oct 14, 1066 (80 Stat 906)	682
138	Omaha		[1] 10,380,000	1,750,000.00	June 9, 1964	Nov 2, 1966 (80 Stat 1114)	3,088
225-A, 225-B, 225-C, 225-D	do		4,982,098	2,900,000.00	Apr 13, 1960	Sept 14, 1961 (75 Stat 508)	2,660
75	Oneida (emigrant New York)		4,037,000	1,313,472.65	May 29, 1967	Sept 27, 1967 (81 Stat 229)	7,100
9	Osage	3,480,627	844,633	864,107.55	Aug 4, 1955	June 28, 1955 (34 Stat 539)	2,229
11-A	Otoe-Missiouria		10,380,000	1,750,000.00	June 9, 1964	Oct 14, 1966 (80 Stat 911)	1,378
11	Otoe-Missouria		1,879,893	1,156,034.35	May 19, 1956	May 9, 1958 (72 Stat. 105)	1,987
40-K	Ottawa, Grand River		1,140,740	932,620.01	Oct. 21, 1968		[2] 2,000
303	Ottawa, Oklahoma		20,642	406,166.19	Apr. 30, 1965	Aug. 11, 1967 (81 Stat. 166)	630
17	Paiute, Malhuer	3,500,000	1,449,305	567,000.00	Apr. 13, 1960	Aug. 20, 1964 (78 Stat. 563)	892
87	Paiute, Northern:						
	Area I		3,188,000	935,000.00	Oct. 21, 1968		
	Area II		11,614,726	15,790,000.00	do		[2] 3,000
	Area III		10,500,000	3,650,000.00	Sept. 30, 1961		
88, 330, 330-A	Paiute, Southern		26,400,000	7,253,165.19	Apr. 30, 1965	Oct. 17, 1968 (82 Stat. 1147)	[2] 1,200
10	Pawnee	30,503,697	23,067,219	7,316,097.70	May 17, 1963	Aug. 21, 1964 (78 Stat. 585)	1,897
65	Peoria		[4]	[1] 1,133,404.97			1,040
324	Ponca		[4]	2,458.30	May 13, 1966		1,906
71-A	Potawatomi, Citizen		[1] 5,909,566	2,112,185.60	Sept. 8, 1960	Sept. 6, 1961 (75 Stat. 474)	10,077
96	do		362,832	797,508.99			10,077
111	do		[1] 338,127	233,154.36	July 27, 1956	July 17, 1959 (73 Stat. 221)	7,777
15-B	Potawatomi, Prairie	1,212,100	[1] 338,127	126,306.24	July 27, 1956	July 17, 1959 (73 Stat. 221)	2,128
15-J	do	2,057,564	[1] 5,909,566	1,176,789.30	Sept. 8, 1960	Sept. 6, 1961 (75 Stat. 474)	2,128
14	Quapaw	56,724,320	1,161,285	927,668.04	Aug. 26, 1954	July 17, 1959 (73 Stat. 221)	1,144
319	Quechan		1,549,188	520,000.00	Oct. 31, 1965	Sept. 28, 1968 (82 Stat. 881)	[2] 1,200
155	Quileute and Hoh		197,660	112,152.60	Jan. 6, 1964	Oct. 14, 1966 (80 Stat. 905)	507
242	Quinault and Queets		369,900	205,172.40	do	May 27, 1965 (79 Stat. 118)	950
138	Sac and Fox—Oklahoma, Kansas, Iowa		[1] 10,380,000	1,096,533.42	Apr. 30, 1965	Aug. 31, 1967 (81 Stat. 193)	2,889
143	do		2,294,400	1,789,201.45	Oct. 31, 1965	do	2,889
158, 209, and 231	Sac and Fox		7,256,000	3,530,578.21			2,889
219	do		418,376	899,408.54	Oct. 21, 1968		2,889
195	Sac & Fox, Missouri		96,000	192,000.00			227
220	Sac & Fox, Oklahoma		391,188	692,564,15	June 19, 1968		1,883
150	Seminole, Oklahoma	1,050,000	320	34,053.66	Sept. 29, 1959	Oct. 17, 1968 (82 Stat. 1148)	7,000
248	do		[7]	63,680.00	May 13, 1966	do	7,000
334	Shawnee, Absentee, Shawnee, Cherokee, Shawnee, Eastern.		1,404,764	1,269,338.02	Sept. 30, 1961	Aug. 20, 1964 (78 Stat. 555)	1,421 3,475 813
326-D, E, F, G, H 366,367	Shoshone-Bannock		38,703,864	15,700,000.00	June 19, 1968		5,588
63	Shoshone, Wind River	6,118,840	700,642	433,013.60	June 21, 1967	Aug. 8, 1958 (72 Stat. 541)	1,959
157	do	2,643,130	[8]	120,000.00	Apr. 30, 1965	do	1,959
279-A	Sioux, Fort Peck		2,955,271	1,161,354.41	Oct. 21, 1968		[2] 3,600
142	Sioux, Eastern		[1] 22,971,200	5,079,575.00			
359	do		2,243,200	1,552,929.00			
360	do		3,778,700	1,129,359.00	June 19, 1968		[2] 18,000
361	do		155,520	64,680.00			
362	do		[1] 22,971,200	4,338,517.00			
363	do		275,800	66,940.00			

AWARDS BY THE INDIAN CLAIMS COMMISSION AS OF MAY 25, 1969—Continued

Docket Nos.	Tribe or claimant	Amount claimed	Acres recovered	Amount of final award	Date funds appropriated	Disposition legislation and citation	No. of participants
332-A	Sioux, Yankton		2,200,000	$1,250,000.00			[2] 4,000
92	Skagit, Upper		453,000	385,471.42	Oct. 21, 1968		[2] 2,000
296	Skokomish		355,800	373,577.00	Jan. 6, 1964	Oct. 14, 1966 (80 Stat. 913)	206
125	Snohomish	$30,000,000	164,265	136,165.79	May 29, 1967		[2] 2,400
93	Snoqualmie		361,000	257,698.29	Oct. 21, 1968		[2] 2,000
331, 331-A	Spokane		2,140,000	6,700,000.00	May 29, 1967	June 10, 1968 (82 Stat. 175)	1,646
239	Tillamook (Siletz)	8,000,000	191,799	416,240.85	Aug. 27, 1958	Sept. 9, 1959 (73 Stat. 477)	929
240	Tillamook (Nehalem)	50,000,000	233,750	72,162.50	May 17, 1963	Aug. 30, 1964 (78 Stat. 639)	251
240	Tillamook, Tillamook			97,025.00	do	do	251
264, 264-A, B	Umatilla	20,200,000	3,559,000	2,450,000.00	May 13, 1966		1,393
327	Ute, Confederated		3,766,636	7,908,586.16	Apr. 30, 1965	Aug. 1 ,1967 (81 Stat. 164) June 7, 1968 (82 Stat. 171).	3,13
44, 45	Ute, Uintah		7,613,017	7,700,000.00	Sept. 8, 1960	Aug. 21, 1951 (65 Stat. 193) Aug. 28, 1954 (68 Stat. 868).	1,273
349	Ute, Uncompahgre		[8]	300,000.00	Apr. 30, 1965	Aug. 21, 1951 (65 Stat. 193) Aug. 28, 1954 (68 Stat. 868).	1,273
314	Wea (Peoria)		815,000	876,477.30	July 29, 1963		1,040
314-E	do		27,331	33,262.92	June 19, 1968		1,040
47, 164	Yakima		27,648	2,100,000.00	Nov. 14, 1968		5,627
47-A	do		17,669	61,991.40	Oct. 31, 1965		5,627
162	do		23,000	49,000.00	do		5,627
22-E, F	Yavapai-Apache		9,238,600	5,010,000.00	Mar. 13, 1969		[2] 1,000

[1] Tribe had less than full interest in acreage shown.
[2] Rough estimate.
[3] Accounting claim.
[4] Accounting.
[5] Plus interest.
[6] Gold claim.
[7] Gas and oil claim.
[8] For reservation never created.

Mr. STEVENS. I would also like to go on record as thanking the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. ALLOTT) for their leadership in guiding this bill through. I think, after going to conference, we will end up with a bill that will really represent a fair and equitable settlement of these claims.

The PRESIDING OFFICER (Mr. STAFFORD). The bill having been read the third time, the question is, Shall it pass? 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 Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER) and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from Kentucky (Mr. COOPER). the Senator from Florida (Mr. GURNEY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) and the Senator from Nebraska (Mr HRUSKA) are detained on official business

On this vote, the Senator from New York (Mr. BUCKLEY) is paired with the Senator from New Hampshire (Mr. COTTON). If present and voting, the Senator from New York would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Tennessee (Mr. BROCK). If present and voting, the Senator from New York would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced--yeas 76, nays 5, as follows:

[No. 285 Leg.]

YEAS—76

Aiken	Fulbright	Moss
Allen	Gambrell	Nelson
Allott	Gravel	Packwood
Anderson	Griffin	Pastore
Bayh	Hansen	Pearson
Beall	Harris	Percy
Bellmon	Hart	Proxmire
Bennett	Hartke	Randolph
Bentsen	Hatfield	Ribicoff
Bible	Hollings	Schweiker
Boggs	Hughes	Scott
Brooke	Jackson	Smith
Burdick	Jordan, N.C.	Sparkman
Byrd, Va.	Jordan, Idaho	Spong
Byrd, W. Va.	Kennedy	Stafford
Cannon	Long	Stennis
Chiles	Magnuson	Stevens
Church	Mathias	Stevenson
Cook	McClellan	Symington
Cranston	McGee	Taft
Curtis	McGovern	Talmadge
Dole	McIntyre	Tower
Dominick	Metcalf	Tunney
Eagleton	Miller	Young
Ervin	Mondale	
Fong	Montoya	

NAYS—5

Fannin	Roth	Thurmond
Goldwater	Saxbe	

NOT VOTING—19

Baker	Ellender	Mundt
Brock	Gurney	Muskie
Buckley	Hruska	Pell
Case	Humphrey	Weicker
Cooper	Inouye	Williams
Cotton	Javits	
Eastland	Mansfield	

So the bill (H.R. 10367) was passed.

Mr. JACKSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. STEVENS and Mr. GRAVEL moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I move that S. 35 be indefinitely postponed.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees.

The motion was agreed to; and the Chair appointed Messrs. JACKSON, BIBLE, CHURCH, METCALF, GRAVEL, ALLOTT, FANNIN, and STEVENS conferees on the part of the Senate.

Mr. JACKSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical changes and corrections in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, a word is in order with respect to the efforts of the distinguished Senator from Washington (Mr. JACKSON) who has performed yeoman service in the interest not only of the Alaskan Natives but of the entire Alaskan community as well.

On this specific legislation, the Committee on Interior and Insular Affairs spent more time than it has on any other issue in its entire history. I rise to commend the distinguished chairman and his able staff, including Bill Van Ness and Jerry Verkler, and other members of the committee staff, as well as the membership of the committee, who performed so well in this task. It should go on the record that the chairman asked the Federal Field Committee some years back to make a study of this subject matter; and, with that one act, the chairman showed that he had the vision to see the need for a definitive study and that document—Alaska Natives and the Land—brought the entire matter into focus.

This was done under the able leadership of Mr. Joseph Fitzgerald and Dr. Douglas Jones, now a member of my staff, and others, but the real leadership for this whole area must be placed at the doorstep of the very distinguished Member of this body, the Senator from Washington (Mr. JACKSON), whom I count my friend. I speak on behalf of the entire Alaskan Native community. Thank you, Senator, very much, from the bottom of our hearts.

Mr. JACKSON. Mr. President, I thank the distinguished Senator from Alaska very much. I want to express my deep appreciation to him and to his colleague, Mr. STEVENS, and to all the Native groups who worked with us on this very difficult task.

There were differences of opinion within the committee. In the end, however, we were able to hammer out what I believe to be the most generous settlement that has ever been made to a Native group in our history. I say generous in the sense of doing justice and trying to be fair.

I also want to express my deep appreciation for the undivided support given me in the final and difficult decisions which we had to reach. As we went along we had our differences, but we were able in the end to come together and bring forth as good a bill as we possibly could.

I thank the two Senators from Alaska very much for their support and help on this very important measure.

MESSAGE FROM THE HOUSE— ENRCLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 30) to establish the Arches National Park in the State of Utah.

THE 25TH ANNIVERSARY OF THE STUTTGART ADDRESS OF SECRETARY OF STATE JAMES F. BYRNES

Mr. MOSS. Mr. President, on the 17th day of October 1971, I participated in a ceremony held at the Opera House in Stuttgart, Germany, to commemorate the 25th anniversary of the Stuttgart address of Secretary of State James F. Byrnes. It was a most impressive occasion and I was pleased to have a part in the ceremony.

The address of welcome was delivered by the Minister President of Baden-Wurttemberg, Dr. Hans Filbinger, and the principal address was made by Dr. Walter Hallstein, Member of Parliament, entitled "American Peace." Both were significant speeches and I think of considerable interest to the members of the Senate. I therefore ask unanimous consent that they be printed in the RECORD.

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

WELCOMING REMARKS OF THE MINISTER PRESIDENT OF BADEN-WUERTTEMBERG, DR. HANS FILBINGER

Honored guests, Ladies and Gentlemen: Twenty-five years ago the stage of this Opera House was the platform for a declaration by the then American Secretary of State, Mr. James F. Byrnes. It is to commemorate this highly significant event that we have met here today.

In view of the large number of representatives from American and German public life I would ask you to forgive me for not naming you individually. May I extend to you all a most cordial welcome in the name of the Government of Baden-Wuerttemberg.

When we were planning this ceremony we hoped that we would be able to have Mr. Byrnes himself in our midst as our most distinguished guest of honor. But the delicate state of health of Mr. Byrnes, who can look back upon 92 years of active life, has dashed these hopes.

With your permission I should like to read out the message which we shall send today to the man whom we have come to remember and to honor with deep gratitude at this hour:

OCTOBER 17, 1971.

"Dear Mr. Byrnes: It is a quarter of a century since you delivered your Stuttgart Speech which made history as the turning point of post-war policy, as the silver lining on the horizon of German despair, and as the prelude to friendship between Americans and Germans.

"In commemoration of this event and in deep gratitude for what you have initiated for the benefit of the German people and the future of Europe, a German-American assembly in the Stuttgart Opera House sends you its cordial greetings and sincere wishes for your good health!

THE MINISTER PRESIDENT OF BADEN-WUERTTEMBERG".

Ladies and Gentlemen: Skeptics maintain that the study of history yields little more than the recognition of how little we have learned from history. Nevertheless we must not forget that only the knowledge of the past gives us a reasonably reliable yardstick for judging the present.

In view of the speed at which the kaleidoscope of contemporary history is changing we easily overlook and forget the patterns of events leading up to the present day.

This is the reason why the Government of the State of Baden-Wuerttemberg has considered it appropriate to commemorate the speech which State Secretary Byrnes gave in Stuttgart on September 6, 1946; to commemorate how the political structure, which determines our life today, was begun. This commemoration ceremony is also designed, however, to give a glimpse into the past for those for whom the fateful years between 1945 and 1949 are no longer fresh in mind.

For the darkest hour of German history was also the time when vital decisions affecting the present day were taken. It is not true that the history of our democracy began only with the creation of the Federal Republic in 1949.

At zero-hour in 1945, when the guns ceased firing, the German Reich was at war with 58 countries. To the bitterness of the military collapse, with its death and terror, were added hunger and distress, the hard fight for survival, the misery of the refugees in the greatest migration of people in history—and this against the background of the total collapse of national life. The collapse of civic life and the complete loss for many people of their homes and very livelihood were followed by a searing of our hearts and minds when it became fully apparent what had been done in the name of this people.

In that darkest hour, we owe our thanks today to those men who did not succumb to despair and numbing hopelessness. How complete the confusion was is clearly shown by the words of General Lucius Clay. In his book "Decision in Germany" he writes: "In retrospect I believe that we would have certainly considered our task hopeless if we had had at that time a complete picture of the chaos."

We Germans are grateful that men of the stamp of a General Clay, who later initiated the Berlin airlift, took responsibility in Germany on behalf of the USA. But our gratitude is not something we have only recently learned. The same is true of the Head of the Stuttgart Military Government, Colonel Dawson, who was far more sympathetic to the Germans than was officially permitted so shortly after the capitulation.

The general attitude of the American victors in their zone was laid down—couched in hard, but correct terms—by Directive No. 1067 of the US General Staff ICS dating from April 1945, which stated: "It must be made clear to the Germans that Germany's ruthless waging of the war and the fanatical resistance on the part of the Nazis have destroyed German industry and made chaos and suffering inevitable and that they cannot escape responsibility for what they have brought upon themselves. Germany will be occupied not for the purpose of being liberated but as a conquered enemy country. More tersely—and just as unequivocally in spite of the ostensibly milder tone—the Allied Commander-in-Chief, General Eisenhower, had stated in his first proclamation to the Germans: "We come as conquerors, not as oppressors."

So much, Ladies and Gentlemen, for our flash-back to the past: a healthy memento for us Germans and a reminder of the months preceding the speech which State Secretary Byrnes delivered here in Stuttgart 16 months after the end of hostilities.

Perhaps the Stuttgart Opera House owes the honor of being chosen as the platform for an epoch-making speech to the fortunate fact that it was one of the very few buildings of its kind in Germany that had survived the war undamaged. Stuttgart was moreover the seat of the Laender Council. State Secretary Byrnes readily agreed to a suggestion—coming doubtless from General Clay—that he should make his pronouncement in Stuttgart. He came here from the Conference of Foreign Ministers in Paris, after making a short stop in Berlin.

The Secretary of State had been engaged on thorny—and unsuccessful—negotiations on the subject of Germany's future and her unity. The knot had only become increasingly tighter. President Truman and his Secretary of State considered that the time had come to cut the knot in classic fashion and to announce a new turn in American policy towards Germany.

On September 6, 1946 the Opera House was full a quarter of an hour before the meeting began, when the convoy of the Secretary of State was still driving through the ruin-lined streets of Stuttgart. Popular feeling might well have been divided: "Yet another speech!" People showed the same apathy as towards the Nuremberg trials which were drawing to an end during these very weeks. And yet many people had the vague feeling that something new was about to happen. The fact that the foreign minister of a victorious country was visiting the vanquished country to deliver a politically highly important speech in the assembled presence of representatives of the occupying powers and no fewer than 150 Germans from the regional government authorities was of itself a novelty.

The stage of the Opera House was decorated with flowers. There were four chairs on it for Senators Connally and Vandenberg, for Ambassador Murphy and for General McNearney, the Military Governor. General Clay sat in the orchestra pit behind Dr. Reinhold Maier, the Minister-President of the then "Land" Wuerttemberg-Baden, who was sitting with the heads of the Laender governments of Bavaria, Hesse and Bremen. As Secretary Byrnes stepped onto the stage a military band played a piece of music called "Stormy Weather." In his memoirs Mr. Byrnes writes that he hadn't yet been able to figure out whether General Clay's protocol had also taken account of the symbolism of the music. The Military Governor introduced the Secretary with brevity: "Ladies and Gentlemen, the Secretary of State, the Honorable James F. Byrnes."

What followed was described by Josef Eberle in the "Stuttgarter Zeitung" of September 7, 1946 as follows: "The speaker, a grey-haired gentleman of medium height in a simple blue suit spoke without exaggerated emotion and pose. Markedly sparing of gesture and yet speaking with urgency, he immediately won the attention of the assembly not only by *what* he said (very likely not all present were able to follow his English) but *how* he said it. For all his impulsiveness, which could certainly be felt, his tone of voice was moderate and balanced and his style relaxed and reflecting human warmth.

This manner which was so new to us in a high-ranking member of a government, the manner of a free citizen among his equals, was expressed most forcefully at the end of his speech when Mr. Byrnes acknowledged the applause with a laugh and a casual wave of the hand." Ladies and Gentleman, there are not many speeches that have truly made history, but the Stuttgart speech of State Secretary Byrnes is one of them. It is a historic turning-point—not only for German history.

The subject of the speech was Germany. The vanquished received but little comfort; it was indeed no soft, indulgent speech. Mr. Byrnes did not hesitate to speak his mind when he came to apportion responsibility. The Germans had perforce to listen to bitter words, yet these words were no longer hostile. The tone of condemnation was absent. Mr. Byrnes instead pointed to a constructive goal: "The American people will help the German people to find its way back to an honored place among the free and peace-loving peoples of the world."

This closing passage had an electrifying effect on the German audience and on the German public listening over the radio. A shimmer of hope that a new epoch would come appeared on the horizon: it was now time, the Secretary had said, that the Germans should have a government of their own; Germany must not be allowed to become a poorhouse. What words for the German people in the midst of their ruins—Germany must not be allowed to become a poorhouse!

Ladies and Gentlemen, in the atmosphere of our affluent society today, we Germans must not underestimate the chance of a new beginning that was offered us in those days. It behooves us today to remember with gratitude this turning-point in our national fortunes. To my fellow countrymen I feel constrained to say that we should not take it for granted today that a victorious country—calling for great sacrifices from its taxpayers—should begin with such energy to help the vanquished enemy. It was, indeed, as ex-President Hoover remarked, "something new in the history of mankind for the victor to do such a thing . . ."

The Byrnes speech led further both to the creation of the bi-zone and to the Marshall Plan. In its effectiveness this program of aid became *the* model of development aid in the world at large. For the Marshall Plan brought not only economic relief but economic recovery. Continuing the policy initiated by Mr. Byrnes in Stuttgart, his successor, General George Marshall, said: "Governments and parties that seek to preserve human misery in order to profit from them politically will meet with the opposition of the USA."

Thus precautions were taken against attempts to bolshevise the free part of Germany in terms of Marx's theory of the impoverishment of the masses—witness the Soviet Union, which pursued its expansionist policies everywhere in the east by using trained, native communists. The logical conclusion, which came out of the Byrnes Stuttgart speech, was the recognition that starvation and unemployment—and also the withering of national self-confidence—are the best aids to communist imperialism.

Immediately after the speech of the American Secretary of State in this Opera House, a number of questions were put to the South German minister-presidents by the German and foreign press. Quite spontaneously Dr. Reinhold Maier seized upon the two crucial points referred to in the section of the speech devoted to foreign policy.

The first point was that the USA would not return to a policy of isolationism. This was announced in clear terms to the world. Byrnes said: "I do not wish to be misunderstood . . . we shall abide by our duty . . . we shall not withdraw . . . we shall stay here . . ." Up to then the Germans had been unable to obtain a final answer on this point. The fear that the Americans might one day tire of their position was thus removed. Here, too, we must acknowledge our gratitude for a quarter of a century of vigilant presence by the American forces that has given the German security of peace in freedom.

The second important element that Dr. Maier seized upon was the statement that Germany's eastern frontier was not final. The Secretary of State, who had taken part in the Yalta and Potsdam meetings, quoted the minutes of the Potsdam Conference, according to which the heads of government had not agreed to the cession of Silesia and other eastern territories and that the extent of the cession would be reserved for a final settlement.

This, too, is the purpose of our commemoration today: to reflect upon the past—an activity so necessary in the hectic atmosphere of day-to-day politics. And in doing so we shall not only become patently aware of the advantage of a quarter of a century of the Federal Republic's Western policy; the thoughtful among us will also recognize—bearing in mind the permanent obstruction from the east—the necessity and logical inevitability of this Western European policy.

Let us briefly review the stages of Soviet expansionist policy, from the Prague coup in February 1948 to the Hungarian Revolution. from the Seventeenth of June 1953 to the Berlin Wall and the invasion of Czechoslovakia—a chain of violence. It is this power politics that has stood in the way of German reunification and is the real cause of political tensions in Europe. Not the policy of former Federal German governments, as Soviet propaganda would like to suggest—not quite unsuccessfully—to the German public.

To recall and reflect on Byrnes' speech with its consistent refusal to continue a policy of appeasement vis à vis the Soviet Union may be particularly interesting today in view of the change of America's attitude to China—this change is, after all, the decisive geopolitical fact of the last twenty-five years of our century.

In those days the "Pravda" abused Mr. Byrnes as "the protector of the Germans" after he had for the first time, with his speech in Stuttgart, abandoned the disruption and hopelessness of the cooperation between the Western allies and the Soviet Union and officially named the constructive aims of the "New Look" of American policy.

From Geneva Mr. Byrnes received a spontaneous and cordial telegram of congratulation from Winston Churchill, who in his speech a week later in Zurich took up Mr. Byrnes' leitmotif of reconciliation—this time stressing a fundamental change in Franco-German relations as a prerequisite for the creation of a "United States of Europe." May I mention with gratitude that European efforts towards unity have always and from the very beginning enjoyed the disinterested good wishes of our American allies.

Honored guests, Ladies and Gentlemen,

Twenty-five years ago was a beginning. This beginning was heralded, in this House, by words of reconciliation and has been followed by friendship. To remember these words in gratitude is the purpose of our gathering here today.

American Peace

(Remarks by Professor Dr. h.c. Walter Hallstein, Member of Parliament)

What was completed? What was begun? What still remains? Those are the three questions which must be answered if we are to give this speech of James Byrnes on September 6, 1946 the status of a historical event. The content of the speech itself provides the answer to our questions.

But it is not only the substance of the speech which impresses us. We were summoned hastily from the various parts of the American zone—a group of Germans who had begun to take responsibility again for German affairs. I myself took part as Chancellor of the University of Frankfurt and as President of the first freely elected Conference of Chancellors of German universities. The day is particularly memorable to me because in the morning I visited and got to know the then Minister of Culture for Wuerttemberg, Theodor Heuss, not knowing that very soon I would be spending years—decisive years—in his presence.

Following the introduction by the Commanding General of the American Forces in Europe, General McNearney, James Byrnes spoke. He spoke impressively, but simply and winningly, yes, with warmth, with few gestures, without heroics, He spoke as one citizen to another.

Should I sketch in the gloomy background once again?

Germany had just suffered a defeat which was as total as the war itself. It was no longer a country of Germans. It seemed to be snuffed out. Would it be the Carthage of the 20th Century? There were some plans to graze sheep in the Ruhr where previously chimneys belched smoke. Millions of houses and factories and means of communication were destroyed. Wrecking of the rest had begun. The people were starving and looking for work.

There was no longer any German executive power. The enemy of yesterday had installed himself, as an occupation power and as executive government. The allied coalition first had to reach agreement about its opinions on aims and methods of its occupation policies. In addition, peace had to be prepared. Finally, reparations were wanted. Only partial decisions for all this had been made in Yalta.

At the meeting on the highest level in Potsdam on July 17, 1945—no longer Roosevelt, but Truman for the United States, no longer Churchill, but Attlee for Great Britain—this was the climax of the wartime coalition; little of the euphoria of the alliance would be felt again. Some principles were confirmed—the decentralization of the political structure, local self-administration, representative system in country, province and regional administration, no central government for the time being, but administrative authorities for finance, traffic and communications; industry and foreign trade as part of the Allied Control Council.

One year had passed since then. It had been full of efforts to end the war in a formal way, too, by peace treaties with Italy, Rumania, Bulgaria, Hungary, and Finland and with the preparation of peace regulations with Germany and Austria. James Warburg had called 1946 the "Year of Uncertainties." It is true: predecisions, especially the provisions of the Potsdam Agreement of August 2, 1945 on the political and economic treatment of Germany as a whole became more and more questionable; the outlines of future organization of Germany, which were to form from 1947 on, could already be seen. The wartime alliance of the western powers with the Soviet Union broke down quickly. There were still common texts, especially those of the Potsdam Conference, but they were interpreted and applied in different ways. The revolutionary turnover of the social and economic conditions in the East of Germany by the Russian occupation could not be stopped any more by peaceful means. The Allied Control Council for the coordination of the administration of the zones became more and more incapable of functioning. Especially the question of reparations aroused sharp differences of opinion: the Soviet Union did not stick to the agreement that no reparations should be taken out of the current production.

Thus it became especially apparent that there was no longer any agreement about the maintenance of the unity of Germany. The

experienced and far-sighted American historian and diplomat George Kennan raised his warning voice: "What the Russians want in Germany is to be the dominating power in the country—to possess the power to control the internal affairs as well as Germany's foreign policy." He doubted the further usefulness of the Potsdam Agreement. However, the American and also British diplomacy still found it difficult to admit this to themselves; at first they energetically defended themselves against the threatening division of Germany into the zones. Economic and financial arguments stood in the foreground, the draft of a four-power contract on Germany was submitted. The discussion was raised to the level of the Foreign Ministers in the summer of 1946; but it ended without results, with a postponement, as called for by the Soviets who were supported in this request by the French.

All this was reflected in the speech of Byrnes and made again clear to us the almost unlimited degree to which we depended on the insight, but also on the generosity of the victor. What the Secretary of State explained in its outlines was a new program of the American European policy. The author, the American Military Governor Lucius Clay—a statesman who was given us by fate at a time when there was no German to do this and who has the merit to lead us on our way out of nowhere into a free German state. General Clay, whom I just met in Washington for a few days, has asked me to assure the Stuttgarters, the country and its government of his friendly remembrance and of his friendship and attachment.

The unity of Germany was the unchanged aim as it was already in Potsdam. Economic and political unity was closely linked with it. The borderlines were to fall. On the day before the Byrnes speech Generals Clay and Robertson had signed the American-British agreement on the establishment of an Allied Two-Power Office. Common politics should be made. Central authorities should be established. At the top was a central government for all of Germany. Germany should have a constitution again. The German people should itself take over the responsibility for its fate. It should be free, not the tool of foreign power. It should be able to take care of itself, at first in a modest way, but with the chance of improvement which should not be limited by reparations.

As for the frontiers, there should be the principle that a peace treaty would decide about them; that was especially said about the Oder-Neisse line. This Germany was understood as part of Europe, and—so it was said—the resources of the Ruhr area should be used "for the construction of a free and peaceful Europe." Above all: America declared to stand for this policy. Byrnes said: "We have learned whether we like it or not that we live in one world from which world we cannot isolate ourselves. We have learned that peace and well-being are indivisible and that our peace and well-being cannot be purchased at the price of the peace and well-being of any other country. . . . We intend to continue our interest in the affairs of Europe and of the world." It was a sober pathos which accompanied these statements, but they contained the natural force and decisiveness of a clear conviction, and they were honest and did not hide the many knots of the net which had to be disentangled. Ambassador Murphy, the diplomatic adviser of the general and soldier, who had our destiny in their hands, the "diplomat among the warriors," as he called himself, he sat in this House behind his Secretary on that day. Later on, Robert Murphy wrote in his honoring of the bi-zone, which was the first concrete realization of this program: ". . . no one of us foresaw which decisive role the bizone would play in Europe. Basically, it laid the foundation for the most powerful state in Europe, for the Federal Republic, without which a strong non-communist Europe would not have been possible."

But what became visible here, went much farther than our own personal destiny. It was more than occupation policy, more than German policy, more than European policy. It was a fundamental turning-point in American foreign policy altogether. When President Roosevelt died on April 12, 1945, an epoch came to an end. With solid public support, he had pushed for the establishment of the United Nations in order to introduce a new epoch. The United Nations would form a world regime of five Powers, with right of veto, to secure the status quo, which clearly did not yet exist. The usual methods of foreign policy—spheres of influence, alliances, balance of power—would be superficial in the organization of "One World." It was a piece of idealistic, Wilsonian tradition, which once again came to life in this plan. Its authors were blind to the contradictions between the key powers of the new institutions, which were already visible at Yalta. The Americans, thinking statically of maintaining the wartime coalition, were over-trumped by the goal-oriented dynamics of the Soviets who only paid lip service to the words of alliance. The Americans were neither prepared nor aware of the enormous power which the explosion of the atomic bomb conferred on them.

So, in 1945, we saw the powerful drive of th Soviets on the West, especially the enclosure of Eastern and Central Europe in their sphere of domain. But they grabbed even further—toward Central and Western Europe. Consequently, it was the Central European showplace where confrontation occurred. Few recognized it so quickly and clearly and reacted so consequently and firmly as General Clay. As early as May 4, 1946 he ordered a halt to dismantling of industry in his Zone. But even in China, the success of the Communists was obvious at latest by the beginning of 1947. It caused an enormous shock.

The disillusionment of the Americans and of the political world was complete, even if it took some time. (It didn't even leave such idols as Thomas Jefferson unaffected, to whom the realist Alexander Hamilton was preferred). For 17 months, the interpretation of the Potsdam Agreement was negotiated, but once the sobering effect had been accomplished, the construction of a new policy was started with unexcelled adaptability. The Truman Doctrine, promulgated a few months after the Byrnes speech, was the basis. The elementary vital interests of the United States, the President declared, were affected wherever freedom was at stake. Therefore, the United States should do its part to help the free peoples to protect their institutions and national integrity. The security of the United States depended on whether it was possible to contain direct or indirect totalitarian aggression. That was the transformation of the Monroe Doctrine. The advancing of the Soviets toward Iran, Turkey and Greece had given the last push.

It was on this basis that the strategy of containment came about. It was first realized in Europe. After military aid for Turkey and Greece, economic aid came along, with the Marshall Plan which was promulgated in June, 1947, which was followed by the OEEC as European recipient. More than 12 billions of Dollars were appropriated for European reconstruction in three years. The success was great. It also comprises the beginning of European economic integration. In the field of politics, the establishment of a West German state was prepared. The Soviets replied with the blockade of Berlin, but it broke down in May, 1949. The victory of Truman in the presidential elections of November 1948 was deserved. He extended his program by a plan of technical aid for developing countries, the so-called Point Four Program. But finally, it proved necessary to secure the eastern border of the political and economic area. For our continent this was the last of the actions which were based on the plan of One World, a world reigned by the United Nations and which knew only collective security.

All this was contained in the logic of the program which was developed here on that day in September, 1946. We were made an offer and it contained nothing less than the American peace—durable peace, guaranteed and secured by the United States. For 25 years we have lived off it in the literal sense of the word:

That strong political centers and potential partners in West Europe and Japan have emerged;

That new nations have been founded in the world which, increasingly, stand on their own feet;

That the Communist world has suffered a loss, not only because of Soviet-Chinese competition;

That relative to each other, the USA and USSR have achieved military parity, with the USSR ahead in certain sectors;

That there are not only two, but many poles in world politics; and

That entirely new problems have created inter-dependence of nations without regard to ideologies, for example the opening of space, the deep oceans, and the environment, above all, however, that the dominating role of the United States, militarily and economically, is an event of the past.

From this flow two basic consequences. First, the proposition that national interests as criteria for foreign policy decisions must be more narrowly defined; and, secondly, the readiness to share world-wide political objectives with others, on the basis of partnership. What that means concretely was best explained by American Secretary of State William Rogers on August 15: "The time is past when we must carry the main burden of defense for our friends and allies; the time has arrived when the load can be distributed more broadly. The time is past when we should take on the dominate role in the solution or the responsibility for all the problems of the Western world. The time has arrived when we must share leadership with allies and friends. The time is past when America's overwhelming economic strength permitted us an unequal generosity. The time has come when strong economics elsewhere in the world should take on a fairer share of the load."

That is dramatic speaking. What has happened?

Changes have been in the offing for a long time. The foreign policy of John Kennedy—the image of an interdependent world—showed the development of basic considerations. But, with hindsight, it was more a change of style by the young and energetic President than the setting of new goals. The economic assistance program was broadened and encouraged, a "grand design" was drafted for Europe, Latin America, for the Atlantic Community's trade policy (Kennedy round with the European Economic Community), plans for closing the missile gap and for the Peace Corps were implemented, nuclear defense was redefined to mean flexible response instead of massive deterrence—just to cite a few points. The expectations were large everywhere, but the judgment of the results is very skeptical, especially in the USA. That the intervention in Vietnam was among the Presidential initiatives may well have contributed a good deal to the judgment.

Under President Lyndon Johnson, difficulties increased. The race problem was a heavy burden on domestic policies. The difficulties of the big cities, inflation, the overwhelming questions in education, and unemployment all added to the picture. Once again, disillusionment seized the people—a disillusionment no less deep and no less inclusive than

at the end of World War II, but this time with exactly the opposite symptoms.

Disengagement, disentanglement from the chains of the links that have become too heavy, from the overcommitment, retrenchment, those are the calls. Don't the Germans show us that we have to cut back our aims? That's what you hear the Americans say. On the other hand, the wish for disengagement produces a dangerous wishful thinking.

With such a public opinion, the President is looking for the consensus, which he needs, to stabilize and extend his government. The massive retreat from Vietnam has begun; also troop reductions in South Korea, Thailand, Okinawa and Japan. Military and foreign aid have been curtailed. In such soil, the demand for retreat of the troops from Europe thrives, which would be fatal. Spheres of interest are being recognized in the Far and Middle East. We already hear warning voices. Is the status quo in the East of Europe also being silently legitimated, including the permanent division of Germany? Will even the central demand of the Soviets for the European Security Conference be accepted and European integration be stopped, especially in the political field and in defense policies? It is obvious that the military force of the Eastern Bloc is constantly growing, that it reaches the limit of the balance of power in a threatening way, and that the Brezhnev Doctrine openly justifies the use of military power for the support of Russian foreign policy.

Indeed, the question of the foreign policy content of the Nixon Doctrine is especially vital for Free Europe. Nixon has answered it unambiguously in his congressional message: "If we want to base the building of peace on the cooperation of many nations, then our relations to Western Europe must doubtlessly be the pillar . . . Western Europe is—among other reasons—in the center, because its nations are rich in traditions and experience, because they are economically strong and full of dynamics in the field of diplomacy and culture. Thus they are able to take over an essential part in the construction of a world of peace." Thus the priority of Europe in the American foreign policy, which had been lost to Asia for some years, has been restored. We owe the President our thanks for it.

This is not yet a formula for the Europeans which would allow them to look forward in self-satisfaction to the further achievements of their great ally. For an undifferentiated guarantee of security and protection by the Americans for all those whose freedom is at stake—putting a little in each pot—this system is gone. It would be careless and unfair not to hear the new tougher tone, to interpret it only as a momentary neurosis of public opinion or the need of a government to get profile by heavy propaganda for its policy. However, then what is new? It certainly is not the return to isolationism. No word has been said which would allow this interpretation, and the experience of the 20s and 30s is still too close when this mistake was made and ended in terrible crisis. Those who like Hegel's formula will be tempted to say: Between the thesis of isolationism and the antithesis of globalism there is the synthesis of conditional globalism. It is the continued readiness to cooperate in the community of world politics with an adequate contribution, but only under three conditions and qualifications. Participation, firstly, is not arbitrary, but selective, and national interest decides more about the selection, Secondly it demands an adequate participation of the recipient himself to contribute his own adequate share; "burden sharing" is a condition. Thirdly, there is an American readiness to enter into foreign policy partnership with the recipient whose own accomplishment is a matter of record. Nothing of this is completely new; but there is no change in politics which brings only completely new things. What is new is the stronger categorical character of the demand.

For Europeans, who are again and again confronted with these demands of the American side, the new Doctrine is reason for serious contemplation and effort. We will not get along with the Americans if we do not satisfy their newly accentuated expectations. This, by the way, is also true for the side show of development and reconstruction in our relationship with the United States: for the American-European foreign economic policy, where difficult questions keep a controversy alive which should not last too long—I mean the reproaches which are directed against our agrarian trade policy and our association policy especially with a view to the Mediterranean countries.

The solution of all that which worries us on both sides of the Atlantic in our relationship, should not be so difficult. We should finally really recognize that the basis of all that seems to separate us or really separates us lies in the disappointment of the Americans that the political unification of Europe still has not been achieved. In it they have always seen the real pay-off from Europe for all their achievements and advancements, and they still do so. Even more: achieving European self-reliance, which is no longer thinkable without economic and political unity, means the great, even if never the full relief of America from its European responsibility and thus the highest form of "burden sharing." But there are no reasons for omitting political unification and thus no excuse—not even for ourselves.

The European peace has brought us thus far. Will it be strong enough for the future?

Peace is no static expression, no dogma. It is a political word and thus full of life, a part of life itself, subject to the change of conditions, of powers, of the intellectual and psychological and moral motivations which keep politics flowing constantly; the change which makes of politics the fascinating phenomenon which it is. For peace is more than the absence of war, and it is this "more" which allows us to distinguish between several kinds of peace, e.g., the Soviet peace from the American. The American peace has been a secure peace for us. In the protection of this peace we have worked ourselves up from the depth of the defeat to material riches; we have created a responsible national order; we are reintegrated in the family of peoples from which we were separated; we have started the secular work of European unification and brought it halfway to completion; we have made efforts for an adequate contribution to the defense of the free world.

It has been a peace in freedom, without force. We were not subject to any other will. But the security we reached came from the American guarantee and from the ability and readiness of the United States to fulfill this guarantee. No matter what may change—it is too early to say anything exact about it—we will rely in the future on this security which no other power of the world can give us in a comparable way. We will ourselves have to do more for it than hitherto, but that is no surprise for anyone who has followed the development within our alliance with care. In any case, the goal is worth the effort: the maintenance of the American Peace.

FEDERAL WATER POLLUTION CONTROL ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 411, S. 2770. I do this for the purpose of making it the pending business. I also ask unanimous consent that time under the agreement not start running on the bill today.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered, and the clerk will state the bill.

The legislative clerk read as follows:

S. 2770, to amend the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REVISION OF ORDER FOR RECOGNITION OF SENATORS TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I want to revise the order in which certain Senators will be recognized on tomorrow, each for not to exceed 15 minutes.

I ask unanimous consent that, immediately following the recognition of the two leaders under the standing order, the Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes and that he be followed by each of the following Senators, each to be recognized for not to exceed 15 minutes: Senators MCCLELLAN, RIBICOFF, PERCY, GURNEY, and ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, it is my understanding that an order has been previously entered for the transaction of routine morning business tomorrow morning for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. The Senator is correct.

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

ORDER FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the Senate the unfinished business, presently the pending business, Calendar No. 411.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, there will be no additional rollcall votes today. The leadership had intended to call up one or two other bills this afternoon which had been cleared for action. However, the leadership has now been notified that the senior Senator from Kentucky (Mr. COOPER) cannot be on the floor for the consideration of one of these measures that it was thought could be called up at this time. The other measure has been postponed for similar reasons.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER RECOGNIZING SENATOR GAMBRELL ON WEDNESDAY, NOVEMBER 3, 1971, INSTEAD OF TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished junior Senator from Georgia (Mr. GAMBRELL) for 15 minutes on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the recognizition of the two leaders, the distinguished Senator from Georgia (Mr. GAMBRELL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I announce the following program for tomorrow. The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. MCCLELLAN, Mr. RIBICOFF, Mr. PERCY, Mr. GURNEY, and Mr. ALLEN.

Following the recognition of the foregoing Senators, there will be a period for the transition of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business—the so-called water quality bill, S. 2770.

There is a time limitation of 4 hours on the bill, 2 hours on the Proxmire amendment, 2 hours on the Nelson amendment, 1 hour on any other amendment in the first degree, 30 minutes on any amendment in the second degree, any motion or appeal, with the exception of nondebatable motions. Undoubtedly there will be one or more rollcall votes on that bill tomorrow.

After the disposition of the water quality bill the Senate will take up S. 986, the consumer product warranty bill. It is hoped that action will be completed on that bill tomorrow, but in the event action is not completed thereon the measure will be resumed and completed on Wednesday morning. Rollcall votes are expected on the consumer product warranty bill.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, there being no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 28 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 2, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 1971:

U.S. NAVY

Adm. Jackson D. Arnold, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Arthur R. Gralla, 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 following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Herbert, Anthony B., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate on November 1, 1971:

DEPARTMENT OF DEFENSE

Albert C. Hall, of Maryland, to be an Assistant Secretary of Defense.

U.S. AIR FORCE

Maj. Gen. Glenn A. Kent, [redacted]FR, Regular Air Force, 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.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Arthur William Oberbeck, 081–32–7478, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. William Allen Knowlton, 031–30–1059, Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

Rear Adm. Kent L. Lee, 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.

IN THE AIR FORCE

The nominations beginning John C. Aarni, Jr., to be captain, and ending George W. Ziegler, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 1971.

IN THE ARMY

The nominations beginning Norbert E. Touchette, to be lieutenant colonel, and ending Randall R. Miller, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 29, 1971; and

The nominations beginning Bruce H. Bailey, to be major, and ending Robert A. Ellis, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1971; and

The nominations beginning Jerome Aaron, to be colonel, and ending Edward Kurlansik, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 19, 1971.

IN THE NAVY

The nominations beginning Brian David Aaronson, to be lieutenant, and ending Farrell D. Warren, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the Congressional Record on September 29, 1971; and

The nominations beginning Drexel M. Ace, Jr., to be ensign, and ending William A. Ingram, to be lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 1971.

IN THE MARINE CORPS

The nominations beginning James W. Abraham, to be colonel, and ending Hensley C. Williams, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 1, 1971.