violent celebration, in a quest for some answer to the violence of the age, is useful, meritorious and worthy of our attention.

Now—look at the other side of the picture and try, if you can, to examine the purpose and goal of those who participate in anarchistic acts seeking to instill fear instead of courage, conflict instead of peace and cowardice instead of bravery to face the issues which never were unsolvable.

In a vain attempt to stop a war, never started by the men presently in charge of government, these anarchists resort to the same violence, death and punishment by destructive methods, the destruction of property belonging to all the citizens of our land, as are employed in the very war they seek to stop.

We agree with statements made by many to the effect that the war in Indo China and Asia never should have been started. We are in tune with those learned men, now dead, who said we will never understand the Asian mind. But to try to end a war by the same methods now prevalent in the present conflict seems to us to be a useless and senseless theory.

You need not be informed of the fact that the action of the anarchists is based on cowardice, deception and a distinct lack of what we call back-bone.

These acts are performed anonymously. They phone in secret, act in secret and obviously must be convinced in their own minds that they can go on forever intimidating what they must assume to be a spineless, scared-to-death, weak and timid people.

And you will note, most of them, after their purpose has been detected, flee to distant lands in the hope that the hands of lawful men will not lay hold on them.

They are mistaken theorists.

They are cowards and skunks and the sooner they carefully apprehend that our country is made up of many who understand that it takes courage to face not death—but life, unflinchingly, the sooner they will come to their inevitable end.

THE PRESIDENT, CONGRESS, AND SOUTHEAST ASIA

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 9, 1971

Mr. BERGLAND. Mr. Speaker, last Thursday, during his news conference on foreign policy, President Nixon stated that "the jury is still out" on the invasion of Laotian territory by the ground forces of the Government of South Vietnam and the air forces of the United States. I was not critical of the President when the invasion was first announced. I believed that he should be given the opportunity to demonstrate whether or not his policies would shorten this disastrous war. I now submit that the jury is, in fact, in and that the joint expedition into Laos has failed in its objectives.

The primary objective of the Laotian operation was, according to the President, to save lives. Yet, more Americans lost their lives in Southeast Asia last week than during any week of the past several months, and South Vietnamese casualties are at their highest level since the Tet offensive of 1968.

The second objective was to hasten the withdrawal of American troops. Yet the President conceded, during his state of the world message 3 weeks after the invasion of Laos was well underway, that he sees no early end to our involvement.

A third objective was to reduce the flow of troops and supplies, over the Ho Chi Minh Trail, from North Vietnam into the South. It seems that travel over this trail has, in fact, been slowed. Unfortunately a new trail is being constructed well out of reach of South Vietnamese units in Laos.

The final objective of the incursion into Laos was to demonstrate that the Government of South Vietnam can conduct large-scale military operations without extensive support from U.S. forces. Despite all claims to the contrary, reports from the field do not instill confidence in the South Vietnamese Army. Further, there was extensive and massive support, in the form of air power, from the American Forces.

Because the Nixon administration has not fulfilled its responsibility to the American people—to bring this tragic war to a rapid end—it is necessary for the 92d Congress to take the initiative.

Our first task must be to enact legislation, which I am cosponsoring, that prohibits U.S. forces from participating in—or supporting—any invasion of North Vietnam. The President, by his constant refusal to rule out such an act, has made this specific legislation essential.

Second, we must work for early passage of the Vietnam Disengagement Act of 1971. This legislation, which I am also cosponsoring, would require the removal of all American forces by December 31, 1971; encourage the return of prisoners of war; and provide for those South Vietnamese who believe their lives would be endangered by our withdrawal.

Our tasks are immediate. We can no longer tolerate the further sacrifice of our young men. Nor can we allow the continued drain on our national resources and economy.

SENATE—*Wednesday, March 10, 1971*

The Senate met at 11 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

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

O Thou Infinite Spirit, we bow before Thee with humble hearts. In Thy presence we would rekindle the fire of faith that we may better be prepared for the duties of life, to endure its trials, to bear its crosses, and to achieve its lasting joy and satisfaction. Give us strength for our daily duty, patience in unexpected crises, and in time of trial give us the hope that sustains and the faith that wins the victory of Thy kingdom.

While we work for the welfare of others may we in our personal lives enlarge the area of friendship and good will.

Grant a full measure of Thy grace and wisdom to the President and to the Congress that together they may concert their best efforts for the making of a new and better Nation, and for a world at peace.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read 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., March 10, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 9, 1971, be dispensed with.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech by the distinguished Senator from Indiana (Mr. HARTKE) today, there be a period for the transaction of routine morning business not to extend beyond 12 o'clock, with statements therein limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECOGNITION TOMORROW OF SENATORS McGOVERN AND MATHIAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent on tomorrow, follow-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ing the remarks under the order already granted for the Senator from Georgia (Mr. TALMADGE) and the Senator from Idaho (Mr. CHURCH), that the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 30 minutes for a colloquy.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Missouri (Mr. SYMINGTON) is now recognized for not to exceed 30 minutes for a statement and colloquy.

ANNOUNCEMENT OF SOVIET MISSILERY—HERE WE GO AGAIN

Mr. SYMINGTON. Mr. President, many new occurrences inevitably come with spring—some pleasant—warmer weather, Japanese cherry blossoms; some not so pleasant—proposed higher defense budget, warnings of grave new danger to this country because of new developments in Soviet weaponry.

Last week, in a session, secret to the point where no record was kept, the Senate Armed Services Committee was briefed about Soviet missile plans. This briefing included for the first time purported details of new Soviet missilery which was not known about when the Joint Atomic Energy Committee was briefed the previous week on the same subject by the same people.

One cannot fail to remember several comparable spring announcements of previous years—in the early 1950's those thousands of new long-range bombers the Soviets were going to build, but never built; in the late 1950's those hundreds upon hundreds of long-range missiles the Soviets were going to build, but never built.

As a result of these and other inaccurate intelligence reports, however, the American taxpayer is currently bearing the burden of tens of billions of dollars of additional weaponry we now know is not needed for his security.

In Kansas City last Sunday, a member of the news media asked me about this new Soviet threat. Based on the secrecy emphasis of the already noted classified briefing, I avoided answering.

On the following morning, however, there was a front page story in the Kansas City Times, "Mighty Soviet Missile Reported"; and I ask unanimous consent that this story be printed at this point in the RECORD.

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

MIGHTY SOVIET MISSILE REPORTED

WASHINGTON.—The Soviet Union is deploying huge, advanced intercontinental missiles qualitatively mightier than its known weapons, Sen. Henry M. Jackson (D. Wash.) said yesterday.

The Defense department, queried on his assertion, said "it is correct that we have detected some new I.C.B.M. construction in the Soviet Union. We are not sure exactly what it is or what Soviet intentions are." The statement was issued by Jerry W. Friedheim, Pentagon spokesman.

Military sources said Jackson disclosed as much about the construction as was known, but it was a little early to say exactly what the Soviet Union might be doing.

Defense department officials said evidence pointing in the direction of Jackson's report was collected in the last few weeks. Asked whether this changed the general picture of a Soviet missile deployment and construction slowdown one official said:

"Unfortunately, this can mean the slowdown on SS–9 missiles may not be meaningful."

The new weapon, "as big or bigger than the SS–9," currently considered Russia's most advanced missile, represents a system "superior to the SS–9 not necessarily in yield, but in quality," Jackson said.

Jackson spoke on the CBS–TV radio program Face the Nation and gave details later to the Associated Press.

"It will come as a shock to a lot of Americans, after much discussion that they (the Russians) have leveled off the deployment of SS–9's, to know that the Russians are now in the process of deploying a new generation, an advanced generation of offensive systems contrary to the position earlier indicated with the so-called leveling off of the number of SS–9 sites," Jackson said.

Jackson, a senior member of the Senate armed services committee, would not name the sources of his information about the new Soviet system, and said: "We do not know quite what it means."

He said the Soviet missile build-up would come not in the form of a first-strike nuclear attack against the United States, but the Soviets would "use this growing power to take bigger and bigger political risks" in the 1970's.

"These are huge new missiles that from a qualitative point of view certainly present a difficult problem for the United States to face in the 1970's," Jackson said.

He said he also believed Russia leveled off deployment of its SS–9 force to refit them for multiple nuclear warheads.

The question of Soviet missiles came up when Jackson was asked about U.S.-Soviet Strategic Arms Limitation talks. He said he completely backed President Richard Nixon's position that the talks and any agreement should include offensive as well as defensive strategic weapons. He called for continued U.S. development of a defensive, antiballistic missile to protect the integrity of U.S. retaliatory missile strike forces.

Mr. SYMINGTON. Mr. President, as one turns against building those weapons which, after study, look to be "an unnecessary burden" on our already overburdened taxpayers, one finds it more difficult to obtain facts about various proposed military policies and programs.

It is some consolation, however, to find out that this problem has become a problem of other organizations, including the General Accounting Office operating under the Comptroller General of the United States. This latter organization was known, and should continue to be known, as the watchdog of the Congress.

As evidence of their concern, recently the General Acounting Office issued a report entitled "Problems in Administration of the Military Assistance Training Program." In that report GAO calls attention to the difficulties they have had in obtaining access to executive branch materials; and I would read two pertinent paragraphs from that report:

During our review of the training program on behalf of the Senate Foreign Relations Committee, representatives of the Departments of Defense and State have withheld or delayed the release of MAP reports and records essential to a full and complete review and evaluation of the program which is financed by considerable appropriated funds. The access-to-records problems experienced by our staffs during this review are a continuation of similar problems the GAO has encountered over the years in reviewing DOD programs, particularly evaluations of military assistance programs.

We believe that this access-to-records problem involves a matter that critically affects our future ability to conduct on behalf of the Congress thorough and complete reviews of the MAP.

In order for GAO to carry out its legal authority to make independent reviews of MAP, it must have access to and make appropriate review and analysis of all DOD reports and records which evidence the expenditure of appropriated funds.

The General Accounting Office states that it has become increasingly difficult for them to obtain enough pertinent information in other fields so as to in turn make a proper report in accordance with their assigned function under the law.

In any case, and in reasonably good humor, I say to my colleagues and the taxpayers—"Here we go again."

If the defense budget is to be increased again this year, however, and the war is going to continue in the four countries of Laos, Cambodia, North and South Vietnam, and a large contingency of our troops is to stay in Korea, and a far larger contingency is to stay in Europe, and our balance of payments continues to deteriorate, and we make any reasonable practical effort to handle our growing economic and social problems here at home, when one realizes what this can only mean to the future value of the dollar, it is going to be difficult to preserve that good humor.

DRUGS SOLD OPENLY IN SOUTH VIETNAM

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an article entitled "Drugs Sold Openly in South Vietnam," written by Gloria Emerson, and published in the Kansas City Times of March 8, be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, as mentioned to the distinguished chairman of the Senate Armed Services Committee, if stories one hears about the use of drugs on the part of our military, not only in the Far East, Middle East, and Europe, but also back here in this country are true, from the standpoint of our true future security, this problem could well be a more serious problem than the outcome of the wars in Indochina.

EXHIBIT 1

DRUGS SOLD OPENLY IN SOUTH VIETNAM

(By Gloria Emerson)

SAIGON—It is so easy to buy heroin from peddlers in Vietnam wherever there are American troops or convoys that a tiny plastic vial can be purchased for $3 outside the headquarters of an American general.

On the 15-mile Bien Hoa highway, which runs from Saigon north to Long Binh, heroin can be purchased—and was, by this corre-

spondent—in a dozen conspicuous places within a few minutes.

At Long Binh, the largest United States military installation in Vietnam, a stand where Vietnamese children sell the narcotic nearly every day of the week can be found directly across the highway from the entrance to the headquarters of Lt. Gen. Michael S. Davison, who commands the II Field Force.

The stands in the Long Binh area, usually set up by boys, are U.S. Army ponchos held on poles to provide shade. No other goods—none of the fruits or soft drinks seen in other stalls—are on display.

The vials containing the heroin are about the size of the salt shakers served with meals by airlines in the U.S.

In a drive from Saigon to Long Binh, more than a dozen stalls and three individual vendors of heroin were seen.

The tiny vial of heroin can sometimes be purchased for a carton of American cigarettes, which costs GIs $1.75 at the post exchange. The Vietnamese sell the cigarettes on the black market for three times that, if not more.

The cost of a vial ranges up to $6, depending on where the sale is made. GIs can pay in military payment certificates, the Army currency equal to the dollar, or in Vietnamese piasters.

The drug is being used more frequently by enlisted men. The military command in Saigon, which will not comment on the increase, lumps the heroin situation with the rest of the drug problem which, in Vietnam, appears to involve marijuana for the most part.

CRACK-DOWN

In January a 64-page directive from Gen. Creighton W. Abrams, commander of United States forces in Vietnam, ordered officers to help combat the widespread use of marijuana.

"But you don't hear the generals sweating over marijuana," a soldier at Long Binh said today. "It's scag they worry about."

In a brigade headquarters at Long Binh there are unconfirmed reports that the use of heroin in the unit has risen to 20 per cent from 5 per cent. Most of the officers really do not know how many of their men are using the drug.

"You can salute an officer with your right hand and take a hit with your left hand," an enlisted man from New York said.

Some GIs prefer to smoke the heroin, which they mix with cigarette tobacco, because unlike marijuana, it has no distinctive aroma. It is said that few inject it into their veins. If they do not smoke it, they snort it; used like snuff, it is pushed into the nostrils and inhaled.

On the small road leading off to the 9th replacement battalion, where soldiers arrive in Vietnam and where they are processed to leave after one year, a small boy looking not much older than 7 sits under a poncho with a monkey on a leash and a parakeet in a bamboo cage. Not to be seen are the vials of heroin he cheerfully sells.

"That kid is really a landmark around here," a soldier said.

There were no national policemen whose responsibility is to stop sales to GIs near the stands. American military policemen are entitled to detain those soldiers caught in the act of buying or with heroin in their possession.

"If the kids don't sell, the mama-san in the hootches will, or the South Vietnamese troops," a soldier said. The mama-sans are the Vietnamese maids at Army posts.

At the tiny railroad station at Long Binh, where there is a commuter train to Saigon for Vietnamese employees at the base, a middle-aged Vietnamese woman in a green blouse and black pants sells watermelons. She also sells heroin which the Vietnamese call white opium. A boy at her side nods when he sees a soldier use a forefinger and thumb to indicate that he wants a tiny vial.

"Three bucks," the boy says.

An officer at Long Binh speaks of others who have climbed an observation tower to watch a sale with soldiers tossing cigarettes over the high fence to Vietnamese men.

"If I can see that," the officer said, "I wonder why the MPs don't know it."

CURB SERVICE

American convoy drivers are also good customers. It is believed that many of them buy for resale.

Large communities of Vietnamese who live near the Long Binh base or near highways where American convoys pass have made small fortunes selling marijuana and heroin.

In the little town of Tam Hie about 20 miles from Saigon on route 1, which curves by the Long Binh base, the sellers are adolescent girls. An older woman explained why.

"It is harder for boys to approach military convoys because they might be thought of as Viet Cong," she said in Vietnamese.

She has a 17-year-old daughter, still in school, who often sells on route 13.

"More white Americans buy heroin from us than the black ones do," the schoolgirl said. "If you see an American sniffing the white opium, you will certainly die laughing. His hands shake violently when he is handed it. Immediately he begins to sniff it. Then he closes his eyes as if he is going to faint."

The girl gave a chuckle and added: "Some minutes later he wakes up and looks more intelligent."

It is believed that most of the heroin—derived from morphine, one of the alkaloids in opium—comes from Laos, but the girl and her mother do not know its source. Both said, however, that the local supply probably came from Chinese merchants in Cho Lon, the huge suburb of Saigon and once its Chinese twin city.

Not all the drugs are pure. The schoolgirl said that dried grass or tea leaves were often added to marijuana and that sugar was added to heroin.

One reason American soldiers give for using heroin is that compared with prices in America, it is cheap.

"There aren't many bargains here, either," one soldier said glumly.

THE DEBT AND THE DANGER WHEN JOHNNY COMES MARCHING HOME

Mr. SYMINGTON. Mr. President, one of the sad aftermaths of this war, and one which will be with us at least as long as any other, is the problem of the returning veteran.

In this connection, I ask unanimous consent that an article by James Reston in the Kansas City Times of Monday, March 8, "The Debt and the Danger When Johnny Comes Home," be printed at this point in the RECORD.

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

THE DEBT AND THE DANGER WHEN JOHNNY COMES HOME

WASHINGTON.—So "the boys," as we call them, are coming back from the war.

What are they coming back to? And what are they bringing back with them—what thoughts, what dreams, what habits?

It is easier to answer the first question than the second. They are coming back to a divided country, which has five million unemployed and a dwindling market for unskilled labor; a fabulously rich country with a shortage of houses as well as jobs, and a surplus of inflation and social tension—scarcely "a land fit for heroes."

We do not know what they are bringing back with them, but we know they are no longer "boys." They are men trained in violence and guerrilla warfare, many of them no doubt resentful of their contemporaries who stayed at home, many more brutalized by battle or corrupted by cheap and strong drugs, all of them expecting, and rightfully so, useful work and a decent life.

No doubt a majority of them, as in past wars, will slip back under the orderly and civilizing routine of work and family. General Westmoreland, for example, is persuaded that the discipline of Army life will prove to be a stronger and more lasting force than the brutality or the corruption.

Still, even if he is right, even if they are not a problem or a danger, they are surely a debt. At least on this we should be able to agree, regardless of our views on the war. It is not a debt that can await the slow return of "full employment" or "stable prices," both of which may be far down the road. Many of them are going to be mental casualties or even prisoners of war at home—restless, frustrated and out of work.

The government, of course, is conscious of all this. There is a demobilization program designed to ease the transition back to civilian life, hospital care for the wounded, educational assistance for the yearners, medical and psychiatric help for the drug addicts—even a careful security watch just in case—but the sum of all this is pitifully small compared to the magnitude of the problem.

Lately there has been a lot of talk in Washington about priorities, allocation of resources, revenue sharing and local responsibility for local problems. The Congress is deeply divided on all these. The Senate has not even been able to agree on its own rules of procedure, let alone getting down to legislating on urgent questions of policy.

The returning veterans, however, are a special question, a first priority, an obvious test for revenue sharing and local responsibility, and they need federal money and special help much faster than they are getting it now.

What is happening in most cases, despite the help of veterans' organizations and federal assistance, is that most of them are thrown in with the rest of the unemployed to seek jobs or welfare as best they can.

During the autumn months of 1970, according to the latest figures, the amount of public welfare increased faster than ever before, partly as a result of returning veterans, and already threatens to drive welfare costs up at least 1.5 billion dollars above the estimates in President Nixon's 1972 budget.

In explaining the steep rise in the nation's unemployed during the last year the administration has "blamed" much of it on the reduction in the armed forces and the layoffs in factories working for the Pentagon, but very little has been said of the human plight of the returning veterans.

The politics of this problem is not an unsuperable barrier. Few federal legislators of whatever persuasion are prepared to vote against appropriations for veterans jobs—even if this means financing public service work under the states, cities, counties and municipalities of the country.

Meanwhile, much could be done by private employers in every community if separate lists of local veterans were compiled and local committees were established to help employ the veterans as a first priority.

At the present time, the major complaint in Washington, both in the executive and the legislative branches of the government, is that officials feel trapped in vast controversies and cannot get action on new welfare, housing or job training projects.

On the conduct of the war there is of course a bitter stalemate. On the conditions of a negotiated peace and on the future of Vietnam, Cambodia and Laos it is the same. But the problem of the veterans is not a

major divisive issue. The debt and the danger are widely recognized, but somehow they have been shoved aside by the more dramatic political and economic arguments.

Seldom is a speech made here about the war without verbal tribute being paid to the men of the expeditionary force and to the extraordinary sacrifices they have made under conditions unprecedented in the history of the armed forces.

But this does not really help the veterans. They need money and jobs, and the cost of providing them is likely to be far less in the long run than the cost of paying for the consequences of indifference.

LAOS, CAMBODIA, VIETNAM, AND TOMORROW

Mr. SYMINGTON. Mr. President, during the years that I paid periodic visits to South Vietnam in an effort to obtain the truth about this tragic war, no newspaperman appeared to know more about what was really going on out there than did Robert Shaplen.

In the March 6 issue of the New Yorker magazine, Mr. Shaplen has written from Saigon a thoughtful and penetrating analysis of current conditions in that war theater, including also recent relatively new developments in Laos and Cambodia.

I ask unanimous consent that this interesting military-political analysis of these present tragic wars be printed at this point in the RECORD.

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

LETTER FROM INDO-CHINA
SAIGON, FEBRUARY 25

The invasion of Laos by South Vietnamese troops with American support seemed to offer at best some dubious short-term rewards and at worst a potential disaster. The risk was great, for as we have been reducing the number of our forces in Indo-China we have actually been increasing our commitment and involvement here—first in Cambodia and now in what is described as an "incursion" into Laos, which began in full force on February 8th. It is still too soon to render a firm appraisal of the venture, whose purpose, according to the Americans who persuaded their South Vietnamese allies to attempt it, was to cut through some of the Ho Chi Minh Trail complex, thus "turning the tap," as one American commander put it, and reducing to a trickle the flow of North Vietnamese traffic southward. The traffic had been growing heavier. Between the first of January and mid-February, the North Vietnamese poured thirty-one thousand new soldiers in at the top of the Trail, and trucks carrying supplies were moving down at the rate of twelve hundred a month—a considerable increase in both men and materiel over the average monthly flow in 1970. Most of these resources were probably headed for South Vietnam, though perhaps a third of them were destined for Cambodia. But the severe fighting that has taken place indicates that from the start the odds were against the invasion's turning out to be a success, even if the weather—which has been worse than anyone anticipated—had been favorable.

In the third week of February, taking advantage of the mist and of the fact that invading South Vietnamese vehicles and armor had been slowed if not bogged down, the North Vietnamese troops of General Vo Nguyen Giap—whose response to the new developments in Laos had been described by associates in Hanoi as "enigmatic and smiling"—struck back hard at the advanced South Vietnamese fire bases. Giap's strategy has always been to wait and adapt himself to whatever new situation arises. (He did this brilliantly against the French at Dien Bien Phu in 1954.) Faced with heavy American air support of the South Vietnamese ground troops, he at first decided to pull back, apparently on the theory that the South Vietnamese attack would not be a major one of long duration. Then, when the weather got worse, he saw his chance. Still seeking to avoid a major confrontation, he moved elements of three regiments and many anti-aircraft and artillery units south toward the South Vietnamese positions along and around Route 9. First, he threw his heaviest and most modern Russian and Chinese rockets onto his opponents' hilltop posts. Then he sent in sappers and other ground troops, striking at the most vulnerable South Vietnamese outposts and mauling élite Ranger and airborne elements, which, with several thousand soldiers of the best of the regular South Vietnamese Army (ARVN) infantry divisions, the First, composed Saigon's invading force. Shooting from hidden anti-aircraft emplacements—many of them cleverly concealed platforms deep in the jungle that covers that forbidding region—Giap's forces took a heavy toll of American and Vietnamese helicopters delivering troops and ammunition. By February 23rd, about twenty-five helicopters had been destroyed on both sides of the border and at least that many were damaged. Casualties are already heavy, and they could become heavier if Giap decides to throw in more troops and, despite American and South Vietnamese air superiority, risk a larger battle on the ground. In any event, Saigon's early claim that its forces were enjoying a seven-to-one advantage over the North Vietnamese in men killed can no longer be substantiated—if it ever could have been.

At the beginning, the invading troops were obsessed by what one veteran American official calls "the Tchepone complex." Tchepone, on Route 9 about twenty-five miles inside the Laotian border, lies athwart the major invasion path. As a key station on the Trail, it had a hard-dirt airstrip capable of taking the Russian equivalent of DC–3 transports, and, as a liaison and communications center, it had sophisticated Russian equipment for guiding the Trail traffic to destinations farther south, west, and east. According to the invasion plans drawn up by General Creighton Abrams, the American commander in Vietnam, and his Vietnamese counterpart, General Cao Van Vien, Tchepone was to be seized and held, at least long enough for the South Vietnamese to conduct sweep-and-patrol operations around it in all directions in an effort to destroy as many major Trail supply caches as possible. Even after the South Vietnamese began running into trouble from bad weather and anti-aircraft fire, the airstrip remained an objective, although the communications equipment had already been carried off, and it became increasingly apparent that the basic concept of the attack would have to be altered "in time" as well as "in space"—to use the terms President Nguyen Van Thieu used in describing the operation.

By then, though the invading forces had destroyed some sizable North Vietnamese caches near the border, it was only too clear that the success of the attack would be severely limited by the redoubtable complexity of the Trail network. Nine major Trail routes fan down from the Mu Gia Pass and two other mountain defiles in North Vietnam. (These three defiles, through which nearly all traffic passes, have been hit constantly by American B–52 and other bombers over the years, but with only limited success, since pinpoint targeting is extremely difficult in such mountainous terrain.) Of the nine Trail arteries below the passes, the South Vietnamese apparently crossed over three in the first few days of the invasion and found some caches. Much of the truck traffic is believed to use these three routes, but I learned from South Vietnamese sources that the invading forces actually discovered and blew up only a few minor relay depots. From northern Laos down to the Bolovens Plateau, about a hundred and fifty miles south of the Mu Gia Pass, where the major routes turn eastward into South Vietnam or, dwindling into jungle trails, run on south into Cambodia, there are known to be forty-two major storage centers. So far, not one of these forty-two centers has been reached by South Vietnamese ground forces, though the centers have all been bombed regularly in the past.

The sixteen thousand South Vietnamese committed to the enterprise, it is now clear, were incapable of reducing the total Trail traffic to a trickle. The most that could have been done, military experts now concede, was to slow the flow for a short time—perhaps for two or three months. This might have served the oft-stated American purpose of "protecting" the withdrawal of our troops and helping the Vietnamization program. It seems doubtful, however, under any circumstances short of a miraculous stroke of luck, that a limited Trail attack could have made a really big difference at this late date. Back in 1968, there was serious talk of having American and South Vietnamese troops cut across Route 9 all the way to the border of Thailand. That would have required upward of seventy-five thousand men, and, if it had been synchronized with an invasion of the Cambodian sanctuaries, might have altered the course of the war. Of course, it might also have brought in the Chinese Communists, who are again making noises about responding to "a grave menace." Conceivably, the Chinese could still make an "incursion" of their own into Laos, moving toward Thailand from the northwest along a new road they have been building on and off for eight years. Recently, the Chinese have extended this road from Muong Sai, in the northwest Laotian province of Luang Prabang, to a point fifty miles from the Thai border. They have also extended a road eastward from Muong Sai to connect with one that runs through Dien Bien Phu, in western North Vietnam. The Chinese have some seven thousand troops in northern Laos, mostly engineers but including some combat elements. Yet even if there should be any truth in rumors of large Chinese troop movements into Yunnan Province, in southern China, during the past month—rumors that are not substantiated by responsible Western intelligence reports—most observers do not believe that the Chinese will move in strength into either Laos or North Vietnam to reinforce the North Vietnamese, who don't particularly want them to anyway. Nevertheless, the new west-to-east road can certainly be of help to the North Vietnamese in the attack they have been mounting in northern Laos—an operation that seems to be more serious this year than it has been at any other time since 1964.

Depending on both military and political events, of course, the whole picture could change drastically overnight. The Laos invasion could escalate into a new major war, or it could place the North Vietnamese in such a difficult position that, as the Americans hope, they might be willing to negotiate seriously, or at least seriously enough to give themselves a respite. This is what President Nixon keeps talking about, but it actually seems less likely now than it did before the Trail attack was launched. Another possibility is that as we pull out of South Vietnam the South Vietnamese, primarily as a result of our planning and urging, will find themselves in the difficult position of fighting alone over ever-widening fronts in three and possibly even four countries, the fourth being North Vietnam itself. This might accord quite well with the revolutionary dynamics

of the North Vietnamese and their Chinese—if not necessarily their Russian—allies. Though it would strain the Hanoi war machine to the limits of its capacity, it would also gravely interfere with all the paramilitary and political programs that have been undertaken to bring a measure of stability to South Vietnam, with the result that this beleaguered country, still the prize of Indo-China, would be torn apart beyond repair. Thus, far from having been helped as a result of the Cambodian and Laotian ventures, as many Americans would like to believe, South Vietnam could well be on the way to being lost irrevocably.

One important factor influencing those who conceived the Laotian "incursion" was that the loss by the Communists of the southern-Cambodian port of Kompong Som (formerly Sihanoukville) had made the long overland routes more vital than ever, and therefore more vulnerable. Because of a number of considerations, including terrain and logistics, the Laotian operation promised to be tougher than the Cambodian one, but, perhaps in part out of consideration for public opinion back home, no American ground troops were to take part, as they had in Cambodia. Most of the South Vietnamese divisions (including airborne and Marine elements) are now rated good or better, and giving them a chance to score a victory on their own may have been another factor in the planning. Nevertheless, contrary to some early predictions, the invading troops did not intend to stay in Laos until the end of the dry season, in May, though the possibility may not have been totally excluded. The idea was simply to stay as long, and do as much damage, as possible.

Almost six weeks ago, General Abrams' intelligence sources detected movements of North Vietnamese ground troops south toward the Demilitarized Zone. (The equivalent of about four divisions had been poised north of the Zone.) Even before the decision was made to go into Laos, it was decided to place an American blocking force along Route 9 in Quang Tri Province, where, at Khe Sanh and elsewhere, some of the fiercest fighting of the war had previously taken place. This was considered a separate preemptive measure, and it would have been taken no matter what occurred in Laos. From a public-relations standpoint, the airlift north from Saigon at the end of January of this American force and of the first South Vietnamese forces for the Laotian operation was badly botched. The now famous "embargo" of any news about troop movements in the northernmost military region of South Vietnam (Military Region 1) was quickly breached, simply because no one told correspondents they were not allowed to "speculate"—in fact, they were virtually given a license to go ahead and do so—and because, by mistake, some Japanese and Korean writers attended a briefing at American military headquarters that was supposed to be restricted to American correspondents and to one representative each from Reuters and Agence France-Presse. When the Japanese wrote stories about what they had heard (and one or two American correspondents managed to tip off their home offices), there was intense speculation in Washington about an invasion of Laos, and the possible use of America airpower "anywhere in the Indo-China area" was also discussed by various Administration spokesmen.

The entire operation has been marked by an absence of accurate information and a plethora of misinformation. During President Nixon's press conference of February 17th, more than a week after the invasion had begun, he said that "the South Vietnamese have run into very heavy resistance on the road into Tchepone." It seems that in a cable from military headquarters in Saigon a "not" was inadvertently dropped out after the word "have"—at that point there was virtually no resistance on the ground and, furthermore, the South Vietnamese had scarcely got started on the road to Tchepone. The President made a number of additional statements that can at best be described as rash, such as his declaration that the Communists "have to fight here"—which is to say, where the Trail is—"or give up the struggle to conquer South Vietnam, Cambodia, and their influence extending through other parts of Southeast Asia." Even the most sanguine American generals in South Vietnam never regarded the invasion as more than a temporary effort to stem the flow of men and supplies, and, from General Abrams on down, they fully expected the North Vietnamese to start building new trails at once. ("They never quit," one officer said.) There are few, if any, political observers who would agree with the President's statement that the long-term capabilities and intentions of the North Vietnamese might be seriously affected by the invasion.

In refusing "to place any limitation upon the use of air power," except for banning the use of nuclear weapons, the President indicated that his orders would apply even if the South Vietnamese decided to attack the Communists in the southern part of North Vietnam. Frequently mentioned by South Vietnamese hawks as likely targets are Vinh, about a hundred and fifty miles northwest of the D.M.Z., and Thanh Hoa, still farther north. Though commando raids cannot be ruled out—in fact, small ones have taken place regularly, and Hanoi also claims that defoliation raids have been made just above the D.M.Z.—one can only wonder how thinly the South Vietnamese can possibly spread themselves, what with the invasion of Laos, the activities in Cambodia, which have been stepped up considerably in recent weeks, and the preparations that are being made to deal with anticipated new Communist offensives across the Laotian and Cambodian borders in the highlands of South Vietnam. Some of the best South Vietnamese generals have recently adopted a very self-confident manner, but there is tragic irony in a joking remark made to an American visitor several weeks ago by General Do Cao Tri—who has just been killed in a helicopter crash en route to Cambodia. The visitor, a congressional investigator, asked Tri how far he intended to go. Tri, probably the ablest of the South Vietnamese generals, waved his swagger stick at his questioner and replied, "India!" The American blanched. Surely, at this point, an attack on North Vietnam by the South Vietnamese forces under American air cover could lead only to further disaster, and might well set off a larger Asian war.

The war in northern Laos, some three hundred miles northwest of the action around the Ho Chi Minh Trail, has no immediate military bearing on this action, but it is bound to affect the course of political events in Laos and produce military repercussions throughout Indo-China. In brief, the Communists, who have been launching annual attacks during the dry season in the provinces of Sam Neua, Xieng Khouang, and Luang Prabang, in northern Laos, are at least three weeks ahead of last year's schedule. Elements of two North Vietnamese divisions, supported by Pathet Lao (native Communist) troops and porters, are threatening the two large bases of Long Tieng and Sam Thong, which are operated by General Vang Pao and supported by the C.I.A. Despite reinforcements by Royal Lao Government and Thai forces, the chances that the two bases will fall to the Communists are greater at this moment than ever before. The North Vietnamese are attacking hard from the northern rim of the Plaine des Jarres and have also moved west, again threatening the royal capital of Luang Prabang. They are likely to harass that capital and turn to the south to control the road to the administrative capital of Vientiane, which might also be subjected to harassment. King Savang Vatthana, who has been courted by Hanoi for the past two years, is under heavy pressure from the North Vietnamese in the east as well as from the Pathet Lao and the Chinese Communists to the north and east of his capital, and under these circumstances Prince Souvanna Phouma, the Prime Minister in Vientiane, might be forced to resign or face being overthrown by a right-wing generals' coup. He might resign anyway. He has offered to in the past, but his bluff has never been called by the right-wingers. It is hard to imagine how Laos could survive without Souvanna, but he himself may have come to believe that by stepping down, if only temporarily, he might be in a better position to bring about some sort of political solution for his country's problems.

Though Souvanna issued a mild statement of objection to the joint South Vietnamese-American action against the Trail, he has repeatedly made the point during the past year that what happens there is no longer his business but, rather, that of Hanoi and Washington. The right-wing generals have long been discontented with Souvanna's efforts to effect a political compromise with the Communists in Laos, which would restore the coalition government established in 1962 but would increase the Communists' strength in it. Souvanna has regularly insisted that the North Vietnamese must first get out of Laos, but since this now seems more unlikely than ever, the right-wingers have become increasingly impatient with him, and they therefore welcomed the invasion in the hope that it would bring the issue to a decision. When the invasion began, Prince Souphanouvong, Souvanna's half brother, who is the leader of the Pathet Lao, recalled the delegate who had been in Vientiane negotiating with Souvanna on beginning new peace talks to restore the 1962 formula. Souphanouvong also called on all the Lao people, including elements of the Army, to rise up against his half brother's Vientiane government, which he described as a "stooge" of the Americans; in effect, he all but urged the rebellious right-wing officers to move against Souvanna. Souvanna has since ordered a general mobilization under the leadership of officers he thinks he can trust, but his situation remains extremely precarious. The more ardent right-wingers, both in the Vientiane area and in the south, are biding their time, but if the situation gets worse in the north and along the Trail, and if the central and southern heartland of Laos is threatened by more Communist pressure, Souvanna could very well be ousted. The right-wingers would then openly seek increased military help from the Thais and the Americans, and this would be another way in which the scope of the Indo-China war would be further broadened, with consequent international complications.

Ignoring the open North Vietnamese aggression in northern Laos, Souphanouvong and his followers have taken advantage of the Trail invasion to call on Russia and England, the cochairmen of the 1962 Geneva Conference on Laos, to "take effective and firm measures to compel the United States and its lackeys to halt their aggressive operation immediately." Poland, which, along with Canada and India, is a member of the International Control Commission set up under the Geneva formula—and which has for years been chiefly responsible for stalling the Commission and keeping it from functioning—has belatedly seconded Souphanouvong's complaint. There seems little the Commission or any other international body, including the United Nations, can do right now to keep the war from spreading. The Communists are surely not going to relax

their pressure on Laos, and if they repel the Trail invasion their appetite for gains in that country is likely to be even greater. Souvanna will thus become increasingly isolated, especially since the southern Lao of the Champassak family—notably Prince Boun Oum and the generals around him—will undoubtedly seek to save their own skins. General Phasouk Somly, the only good "fighting general" in the country besides Vang Pao, has been doing practically nothing in Pakse, on the Mekong, for several months while the Communists have overrun most of the Bolovens Plateau, widening the Ho Chi Minh Trail complex in order to funnel men and materiel into Cambodia as well as into South Vietnam. If Souvanna and his weary Royal Lao Government forces should be able to hold out until May, when the dry season ends, the situation could again become "normalized," as they say in Vientiane, and Souvanna's and Souphanouvong's delegates might resume negotiations. However, the chances that these talks could get anywhere are not nearly as bright as they seemed a few weeks ago. If Souvanna should fall, a markedly conservative alliance of "practicality" would undoubtedly take his place, and even without a wider war the Nixon Administration's policy would be put to a new test. How far would the President go to help such a new combination of shady "allies" save their territory and their long-held political and commercial privileges? Would he supplement the C.I.A.'s long-existing counter-insurgency support to General Vang Pao with a new military-assistance program for the rest of Laos, and send Military Equipment Delivery Teams (MEDT is the newest acronym for American advisers) to central and northern Laos to stop the Communists, as he is doing in Cambodia? And how would Congress and American public opinion react to that?

The situation in Cambodia, which must also be taken into account, is no less difficult. In recent days, the Communists have continued to apply pressure on the Phnom Penh government, which is being run by Acting Prime Minister Sirik Matak in the absence of General Lon Nol, who suffered a stroke several weeks ago and is now recuperating in Hawaii. Immediately after Lon Nol became ill, there was some fear that there might be a power play by a group of officers who were disturbed about the slow pace of the government's fight against the Communists, but Sirik Matak has so far given every indication that he will prove to be an able administrator; though there have been rumblings among students and intellectuals about corruption and inefficiency, no upset has taken place. This relative stability can possibly be attributed to the presence of more and more American advisers upon whose continuing aid Cambodia obviously depends. The total of MEDT personnel inside Cambodia is only about a score, but about sixty more who are based in South Vietnam shuttle in and out by way of the Phnom Penh airport. (Late in January, the airport was partly destroyed in a Communist raid, and the Combodians lost most of their small air force of T–28 fighter-bombers and helicopters and other small planes and equipment. Both the Americans and the Australians had warned them that such an attack was to be expected, but the casual Cambodians did nothing to avert it.)

The South Vietnamese invasion of Laos coincided with a new "incursion" of more than fifteen thousand South Vietnamese troops into Cambodia. This action, being carried out by crack troops that had originally been commanded by the late General Tri, has been concentrated in the same sanctuary areas across the border that were struck last May, but this time Tri was hoping to go northwest to Kratie, on the Mekong. No matter what purposes the Communists may be hoping to accomplish in Cambodia—whether to topple the Phnom Penh government or use the country as a springboard for fresh offenses in South Vietnam—the Kratie area is probably their main communications and supply center. Fighting in relatively flat country, Tri soon ran into trouble, as was the case in Laos, and had to send for reinforcements. By the third week in February—just before he was killed—he had still not reached his first main objective, which was the bend of the Mekong north of the vast Chup rubber plantation, and so he was still a good sixty miles from Kratie.

At this point, it should have been quite apparent that the Americans as well as the South Vietnamese had all along underestimated the Communists' capacity for continuing to fight on all three Indo-China fronts, despite the loss of the port of Kompong Som and the difficulty of sending fresh supplies, especially ammunition, down the Trail. Perhaps the Communists had hidden some supply dumps west as well as east of the Mekong long before the attacks on their sanctuaries last May; they may also have managed to get a lot of what was in the sanctuary areas out before the Allied attacks occurred. At any rate, they obviously have enough materiel to keep up a staunch fight and to go on cutting all the main Cambodian highways virtually at will.

There is no doubt that the Cambodians are becoming better fighters; their army of some thirty thousand ill-trained troops has now grown to a force of more than a hundred and fifty thousand which is beginning to learn the rudiments of spreading out along the sides of the roads to avoid ambushes and is beginning to dig trenches at night. In view of these and other changes, many observers here believe that the Communists may make a serious attempt to overthrow the government before it grows too strong. American supplies, especially M–16 rifles, have undoubtedly made a difference, but the difference has created new problems for the Americans. As one European diplomat here put it, "It's a rule that when you help someone very weak you create a link by which your fortunes are bound to his." Americans in Phnom Penh now privately admit that the United States has committed itself to helping Cambodia indefinitely. This may involve more help than some people imagine. Perhaps the clearest indication of the Communists' intentions has come from a defecting North Vietnamese lieutenant, Tran Van Hong, who said late in January that Hanoi has formulated two strategies for Cambodia—designated as "a glass half full of water" and "a glass full of water." The former phrase, Hong said, denotes using the North Vietnamese, the Vietcong, the local Khmer Rouge, and elements still supporting the deposed Prince Sihanouk to occupy as much of the countryside as possible, gain food suplies, build up an infrastructure among the Khmer population, denote moving as fast as possible to establish a Communist government in Phnom Penh.

Sihanouk, who in late January and early February was allowed by his Chinese Communist "hosts" in Peking to visit Hanoi and Sam Neua, in Laos, and then to return to China, is obviously in favor of the "full-glass" policy, insisting that his government-in-exile, the National United Front of Kampuchea, has now "liberated" two-thirds of Cambodia's territory and half of its population of more than seven million. Though Sihanouk has made fresh appeals for unity and solidarity throughout Indo-China since the South Vietnamese invasion of Laos, it seems clearer than ever that his principal use to Peking and Hanoi is as window dressing. Lieutenant Hong remarked that the Communists knew eight months before Sihanouk was deposed last March by Lon Nol that he was on his way out—a statement that lends further credence to the conclusion that the Chinese do not take him very seriously, since they apparently took no steps to save him. Even if Sihanouk should someday be permitted to return to Cambodia as a Communist puppet, he wouldn't be allowed to stay there long, and he himself has all but admitted this in some recent speeches. The man whom Peking has designated to head a new Cambodian regime seems to be a former Paris exile named Thiounn Prasith, whose present job is described as Minister for the Coordination of Efforts of the Struggle for National Liberation. Hanoi has a different choice—Son Ngoc Minh, an alias for an underground Khmer leader who has not been heard of in some time but who is believed to be somewhere around Kratie or farther north.

Whatever differences North Vietnam may have with its allies, and whatever difficulties it may be experiencing internally, one thing that is abundantly evident is that Hanoi's leaders are determined to prosecute the Indo-China war to a successful conclusion, no matter how long it lasts and how many lives it takes. This determination is matched in strength by a determination to remain independent of both Moscow and Peking in as many ways as they can, despite their need for military supplies. Ultimately, the policy may prove suicidal, but one must always remember that the Vietnamese people have been at war for most of the last two thousand years and that they are both inured to it and obsessed by a desire for unity, which they have very seldom enjoyed. Consequently, if in the pursuit of that elusive goal the North Vietnamese at present appear to be courting their own destruction, one must also remember that the South Vietnamese have been unable to get together and create anything approaching a non-Communist version of North Vietnam's solidarity. To say that North Vietnam is a dictatorship is far too simple. It is one, of course, but Thieu's government in the South also has many dictatorial aspects—shadowy and ineffectual though they may be—and is far less given to self-appraisal and self-criticism. Right now, the North Vietnamese, tired of war but morally exalted, are making effective use of the Communist process of self-examination, which results in fresh exhortations to fight harder and make more sacrifices. And the people are being offered as their own "light at the end of the tunnel" the prospect of eventual victory and domination of the entire Indo-China peninsula.

Under these circumstances, the recent extension of the war in Indo-China, with the South Vietnamese spreading themselves thin as the Americans leave, may be just what Hanoi wants. In the past month, Le Thanh Nghi, the Hanoi Politburo's leading economic expert, paid visits to Peking and Moscow. In both capitals, he exacted promises of continued all-out aid. A chorus of propaganda has since been heard throughout the Communist world, warning the United States of the consequences of the new move in Laos, which one Moscow writer said might lead to "the Koreanization of the Indo-China conflict." The Chinese have been even more bellicose than usual. In mid-February, Vice-Premier Li Hsien-nien said, "The revolutionary situation is getting better and better," and, after praising the North Vietnamese for "raising the national revolutionary war against imperialism to a new level," he declared, "The Chinese people will on no account permit the United States aggressors to ride roughshod over Indo-China." Invective is cheap, of course, and it may only be that Peking is prepared to fight to the last North Vietnamese—just as, to a lesser but nevertheless sadly comparable degree, there are increasing indications that the Nixon doctrine implies an American willingness to fight to the last South Vietnamese.

Within North Vietnam, there continue to be incessant campaigns for the improvement of various cadre elements, and so far the

campaigns are clearly not producing results. Oddly, on the day after the Laos invasion Hanoi announced that the election for the fourth North Vietnamese National Assembly, three years overdue, would be held on April 11th. This will be the first such election held since 1964, and the fact that it is being called now, under the leadership of Truong Chinh, the chairman of the Assembly's standing committee—who at least for a time appeared to be the chief rival of Le Duan, First Secretary of the Workers' Party, for the mantle of the late Ho Chi Minh—may be connected with reports that Chinh is dying of cancer.

Now that Chinh, who is known to be pro-Peking, realizes he will not be around much longer, he may want to leave as many of his supporters in power as possible. On the other hand, there are those who maintain that the power struggle in Hanoi is a superficial matter and that Le Duan and Truong Chinh are agreed on persevering to ultimate victory, whether this takes a few more years or a full decade. In sum, the differences may be over minor questions of priorities rather than over basic strategy, and this could be one reason the North Vietnamese feel that they can afford the unusual luxury, for a Communist country, of airing their differences in public, as they have been doing in a surprising number of pronouncements and speeches. These statements range from detailed accounts of grave economic and management problems, especially in agriculture, to criticism of the failures of workers' and peasants' organizations to perform better—both ideologically and in terms of production. The theme underlying the usual Communist self-flagellation is one of supreme confidence, and if there is an anti-Communist underground waiting to be summoned to action in North Vietnam—as some South Vietnamese, American, and neutral observers maintain—Hanoi is obviously convinced that it can be smothered by a certain amount of controlled criticism and dissent, to the accompaniment of chauvinistic appeals for more patriotism and party loyalty.

The situation in South Vietnam is far different. There is less nationalistic fervor, more concern for personal goals, and scarcely any loyalty to a cause or a man, including President Thieu. Thieu, already campaigning to be reelected, not only is concentrating on building up his apparatus of military men and government bureaucrats around the country but is travelling about more, and attempting to play the democratic politician by joking with his audiences. During Tet, the Vietnamese New Year, he is said to have spent some twenty million piastres—the current rate of exchange is two hundred and seventy-five piastres to the dollar—on printing and distributing more than a million fancily printed personal greeting cards (they were virtually small pamphlets); these were handed down the line through province and district chiefs to village chiefs and, eventually, a miscellaneous collection of citizens, ranging from rich businessmen to cyclo drivers. The trouble with Thieu, his critics contend, is that he has a political apparatus but no firm policy. (This, of course, can also be said of just about all South Vietnamese politicians.) One of the Vietnamese I have known longest and admire most remarked recently on "the sense of malaise and the immobility that still characterize this administration." There is a persistent atmosphere of intrigue and uncertainty, he said, despite the obvious progress in some areas of pacification and in the steadying of the economy. "The political air must be cleared," he went on, "but this is difficult to manage when there are so many indefinite factors, such as not knowing what either the Communist or the Americans are really going to do next year or the year after." This appraisal points up one of the dangers of escalating the war into Laos now, at a huge cost in money and possibly in men. Most experts believe that President Nixon wants to have no more than fifty thousand Americans left in the country by mid-1972—though some recent reports put the figure closer to a hundred thousand—but, whatever the number turns out to be, no one has as yet come up with an inexpensive way to fight a three- and possibly four-front war, which is still costing the United States about fourteen billion dollars a year. (Three, or sometimes four, billion dollars annually is generally regarded as the maximum the Congress would allocate to South Vietnam once most of the American troops have left.) Gerald Hickey, of the Rand Corporation, observed the other day, "The next thing that has to be done is to Vietnamize Vietnamization, and no one has thought that through yet."

The question of what the American role will be in the forthcoming South Vietnamese elections—for a new House of Representatives, late in August, and for President, early in October—is an increasingly touchy one, particularly since so much hinges, both for Thieu and for Nixon, on the progress of the military campaigns in Cambodia and Laos and on the degree of stability that can be maintained in Vietnam under the present process of Vietnamization. One astute American military leader took note of this problem the other day by commenting that it is all well and good to be happy about the progress ARVN has made but that if the rest of the present program fails to hold together—the improvement of the police and the territorial forces; the establishment of proper lines of authority for pacification all the way from Saigon, at the top, down to the villages and hamlets; and the economic programs to help ordinary people struggling to make ends meet—the whole structure will collapse and the Communists will take over. Most of the American bureaucracy, in Saigon and throughout the country, remains optimistic—though its most experienced members are less so, and skeptics have usually turned out to be the soundest prophets here. Most of my Vietnamese friends remain cynical and despairing, but then that is their nature. There has been a steady increase in xenophobia here, and, particularly, a growing anti-Americanism. For this reason, and because the policies of Thieu—never a popular figure—are so closely tied in the eyes of all Vietnamese to American policies, most people agree that the best thing President Nixon could do now is make it emphatically clear that Washington will remain completely neutral in the forthcoming Presidential contest.

Vice-President Nguyen Cao Ky assured me two weeks ago that he would definitely run for President, on a platform of "unity, integrity, social reform, and social justice," and that under no circumstances would he be Thieu's running mate again. The American mission insists that Ky will either run with Thieu once more or stay out of the race. A few days after I spoke with Ky, he saw Thieu and spoke to him openly about the political issue, thus beginning to untie the knot that has bound them together so uncomfortably. The two men now apparently detest each other, and I doubt whether even the Americans can bind them together again. If the Americans tried, all sorts of trouble might ensue, including the kind of chaos and violence that followed the overthrow of President Ugo Dinh Diem, in 1963. Whether Ky follows through on his decision to run or, as has been hinted, decides to make some sort of bargain on the Presidency with former General Duong Van Minh (Big Minh, who was once chief of state, the Americans are surely underestimating Ky's perseverance and his drawing power. He is popular with many young military men, with wide segments of the country's youth in general, and with many Catholics; he is even improving his standing among the Buddhists, whom he crushed during the so-called Struggle Movement in 1966, when he was Prime Minister. Money, of which Thieu has plenty, is a problem for Ky, but he is confident that in the next few months he can raise enough to run. People here are always willing to make bargains, and there are enough rich Vietnamese and resident non-Communist Chinese around to bargain with Ky and support either him or Minh against Thieu, who has made many enemies and, quite apart from his failure to fill the stomachs of the poor and of people on fixed salaries, is still widely regarded as being too isolated and too devious.

"No Northerner can be President of this country," the Americans say with assurances they have said so many things before, only to be proved wrong. The fact that Ky is from the northernmost part of North Vietnam is a mark against him, but things have changed over the years in South Vietnam, and many people here are now beginning to realize that if the South is to survive in its struggle with the North it may be sensible to come up with a Northern-Southern mixture in their leadership. Thieu himself, who comes from central Vietnam, is surely aware of this as he shops around for an alternative running mate. As for Minh, a southerner, he is still undecided about whether to run. He probably will, but, unlike Ky, he vacillates, believing one day that he can beat Thieu and musing the next upon the impossibility of a fair election as long as Thieu controls the nation's military and civilian bureaucracy and its purse strings. If Minh doesn't run, it will perhaps be because he is figuring on improving his chances by biding his time, in the belief, which he shares with a number of other Vietnamese, that Thieu, if he were reelected, would not be able to sustain himself in power for another four years. If all three men run, and if Ky and Minh agree not to attack each other and perhaps even agree that one will withdraw in favor of the other at a propitious moment, Thieu could lose.

In the light of the uncertain military and of the Communists' apparent intention of doing no negotiating in Paris until after the October election in South Vietnam—and possibly none until after the American election of 1972—it becomes increasingly important that a fair vote be cast here, both for the new House of Representatives and for President. Not only does the future of the still hazy Vietnamization program hang on it but the whole American policy of prematurely force-feeding Western-style democracy to the Vietnamese will very probably be put to its final test. Of course, all this must be seen against the backdrop of international politics. If Moscow and Washington show any ability to agree on some other issues—notably, on strategic-arms-limitation talks and on the Middle East—it is conceivable that they might, together, apply enough pressure to force a neutralization of the whole Indo-China area, which is what many South Vietnamese are now urging. This might momentarily outflank Peking, and thus arouse its anger as well as Hanoi's, but in the long run both the Chinese and the North Vietnamese would also benefit by such an outcome. For the fundamental truth is that there can be no winners in this awful war, and that some sort of compromise or accommodation is the only way out for everyone.

SENATOR RICHARD B. RUSSELL

Mr. SYMINGTON. Mr. President, Woodrow Wilson once said:

> There is no question what the role of honor in America is. The role of honor consists of the names of men who have squared their conduct by ideals of duty.

Such a man was Richard Brevard Russell, Governor of, and then Senator from,

the State of Georgia, President pro tempore of the U.S. Senate, and chairman, successively, of the Senate Armed Services Committee and the Senate Appropriations Committee.

Very early in life Dick Russell must have "squared his conduct by ideals of duty," for he was a gentleman in the finest sense of the word, one with ingrained integrity and a deep devotion to those principles which he believed best for the people of his country and his State. In the annals of our land, his name will stand forth always among those most deserving of a place on that roll of honor.

In many ways Senator Russell was almost unique. He combined the simple dignity and forthrightness of the common man with an amazing memory and an analytical power which gave his judgments a profundity envied by his peers. He had an unerring and seemingly instinctive ability to probe to the heart a subject, to elevate its merits, and to reject what was fallacious or superfluous. He possessed a vast storehouse of knowledge, a richness of experience, and a breadth of vision that made his advice sought and cherished by all those who knew him.

In the area of national defense he was preeminent, quick to first discern the needs of the United States, then to act upon those requirements with vigor and determination.

It was back in 1946 when, as Assistant Secretary of War, I first became acquainted with Dick Russell, who in due course would succeed Senator Millard Tydings as chairman of the Armed Services Committee. Those were times of sharp controversy, heated opinions, and brittle tempers, but I found him to be amiable, perceptive, and invariably objective.

In the years that followed, I came to know him well, and learned to cherish, as I do today, the bonds of friendship which grew between us.

Knowledge does not always breed greater respect, but with Dick Russell, to know him well was to enjoy a rare privilege given to relatively few men. My association with him after I became a Senator is filled with treasured memories of pleasant camaraderie, serious discussion, and wise counsel. We were not always on the same side of every issue, but I always respected and appreciated his point of view. He never espoused a cause because it was popular and he never ducked an issue because it was not.

I was on a vacation trip with him in Florida when he first received the news that President Truman had relieved General MacArthur; and the way he handled the subsequent hearings is a proud page in American history and a noble memorial to him.

Just as I feel singularly fortunate in having known Dick Russell, so, too, do I know that our country was graced in having the benefits of his leadership during the 38 years in which he served in the U.S. Senate. His rare qualities as he dealt with so many of the critical problems of those turbulent years have been of inestimable value to the security and progress of our country.

We all do and shall miss Dick Russell, but his memory provides us all, in the Senate and elsewhere, with a desire to accomplish our own missions with integrity and devotion to the public welfare.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. CHILES). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the Journal on Friday next the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for 30 minutes for the purpose of engaging in a speech and a colloquy.

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

APPOINTMENTS TO BOARDS OF VISITORS

The PRESIDING OFFICER (Mr. CHILES). The Chair, on behalf of the Vice President, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Connecticut (Mr. RIBICOFF) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Oregon (Mr. HATFIELD) as members of the same Board of Visitors.

The Chair, on behalf of the Vice President, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from Alaska (Mr. GRAVEL) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Alaska (Mr. STEVENS) as members of the same Board of Visitors.

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 second assistant legislation clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATE RESOLUTION 9 POSTPONED INDEFINITELY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 9, amending rule XXII of the Standing Rules of the Senate be indefinitely postponed.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Indiana is recognized for not to exceed 15 minutes.

(The remarks of Mr. HARTKE when he introduced S. 1162, the Revenue Adjustment Act of 1971, appear in the RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HARTKE. Mr. President, I yield my remaining time to the Senator from South Carolina (Mr. HOLLINGS).

SENATE RESOLUTION 70—SUBMISSION OF A RESOLUTION WITH RESPECT TO THE NATIONAL NUTRITION SURVEY

Mr. HOLLINGS. Mr. President, I submit, for appropriate reference, a sense-of-the-Senate resolution on the National Nutrition Survey.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 70), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 70

Whereas, the Congress of the United States in 1967 issued a mandate to the Secretary of Health, Education and Welfare to make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States; and

Whereas, the Nutrition Program of the United States Public Health Service was designated by the Secretary to plan, develop and carry out the mandate; and

Whereas, Dr. Arnold E. Schaefer, Chief of the Nutrition Program, National Center for Chronic Disease Control, Bureau of Disease Prevention and Environmental Control, Public Health Service, Department of Health, Education and Welfare, was placed in charge of the National Nutrition Survey; and

Whereas, Dr. Schaefer and his team of experts, using methodology devised in 33 international surveys since 1956, did conduct the National Nutrition Survey in the states of Texas, Louisiana, New York, Kentucky, Michigan, Massachusetts, California, Washington, West Virginia, and South Carolina; and

Whereas, The National Nutrition Survey has been completed with the examination of more than seventy thousand persons at a cost in excess of $5,000,000, and has produced data approved as valid by the Food and Nutrition Board of the National Academy of Sciences; and

Whereas, official results have been produced on only two states, Texas and Louisiana, in April, 1970, but no other results have been forthcoming, despite the fact that the raw data is available to be fed into computers for results; and

Whereas, the Department of Health, Education and Welfare has announced plans to undertake a continuing "probability survey"

without reporting on or implementing any findings of the National Nutrition Survey, but has yet to examine the first patient; therefore, be it

Resolved, that it is the sense of the Senate that the Secretary of Health, Education and Welfare should, not later than 60 days after the date on which this resolution is agreed to, submit to the Congress the results of the comprehensive survey, required by Section 14 of the Partnership for Health Amendments Act of 1967, of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States, together with his findings and recommendations with respect thereto.

Mr. HOLLINGS, Mr. President, on April 10, 1967, members of the Senate Subcommittee on Employment, Manpower, and Poverty held a hearing in Jackson, Miss. During that hearing, the Senators present heard testimony that many poor persons in Mississippi were suffering the effects of serious hunger and malnutrition. Twenty-four hours later, two of those Senators, Joseph Clark of Pennsylvania and the late Robert F. Kennedy of New York, toured sections of Mississippi's delta to see hunger firsthand. Their report to Secretary of Agriculture Orville Freeman touched off a controversy in this Nation which is still simmering—and one which is yet to be resolved.

Those two Senators found that women and children showed evidence of acute malnutrition, that families existed without discernible income and were unable to purchase the bare necessities of life, and that many families could not meet the purchase requirements for food stamps. Those two Senators, joined by other members of the subcommittee, dispatched a letter to President Johnson asking him to evoke emergency authority to feed the poor in Mississippi and other States. Within a week, the Office of Economic Opportunity had announced an emergency $1 million program to help poor families buy food stamps in 20 counties in the South.

The publicity and spotlight of public attention on this Nation's problem of hunger and malnutrition prodded response from the Government. The U.S. Department of Agriculture issued a study memorandum which pointed out shortcomings within its own food programs for the needy. The Field Foundation sponsored a medical study in the Mississippi Delta, and its report, "Children in Mississippi," has become part of the legend of hunger in America. It dramatically testified to the horrors of living poor and hungry.

At about that same time, July 11, 1967, to be exact, the subcommittee held further hearings.

Then Surgeon General William H. Stewart testified:

We do not know the extent of malnutrition anywhere in the United States. I cannot say what the extent is because we just don't know.

It hasn't been anybody's job to find out.

We can do it all over the world, but not in the United States.

This was an appalling situation.

The U.S. Public Health Service had conducted surveys of population nutrition in 33 countries around the world—but we had never looked at our own.

Two Senators, JACOB JAVITS and Robert Kennedy of New York, then proposed such a survey of this country.

After being shunted back and forth from committee to committee and from Senate to House, an amendment was finally approved.

The text was substantially as follows:

The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto and shall report his findings and recommendations for dealing with these conditions within six months from the date of enactment of this section.

Mr. President, that survey was launched in 1968.

Ten States were chosen—Texas, Louisiana, New York, Kentucky, Michigan, California, Washington, South Carolina, West Virginia, and Massachusetts.

Health officials from the Federal Government, the States, and from medical universities were brought together to conduct these studies.

Methodology was devised based on surveys in foreign countries which could be adapted to our domestic situations.

Early in the study, it was determined that a carefully developed, high priority, major effort of nationwide significance was required to combat malnutrition as a health problem.

The supporters of the National Nutrition Survey argued that to do a good job, it would have to involve the States.

Former HEW Secretary Finch promised that HEW would be responsive to State requests.

Thirteen States asked to be included in the survey, but all were turned down.

Now, Mr. President, that survey of the 10 States is finished.

Reports on each of the States have been turned over to the National Academy of Sciences but have not been released to the public.

Three million punch cards have been amassed after thorough physical examination of 70,000 persons.

Those cards, possessing valuable information about the health and nutrition of poor Americans, are stored in cardboard boxes.

Eighty percent of the data on individual examinations have been audited and is complete.

Previous experience on that auditing as well as auditing of surveys in foreign nations has showed a level of inaccuracy of less than 2 percent, which is an acceptable level and which will not affect any significant change in the overall statistics.

Now, however, most of the highly skilled staff which conducted the survey has been dismissed or transferred to other programs.

The highly respected director, Dr. Arnold E. Schaefer, has left the Public Health Service after more than 15 years of work to take an assignment with the Pan American Health Organization.

The survey results, as reported by Dr. Schaefer, can be projected to show that there are 15 million hard-core hungry and malnourished citizens in the United States.

Mr. President, that is 15 million medically found. Heretofore, you and I, as public servants, have been talking about those politically below poverty levels. We have been speaking of those politically found hungry, with no medical basis in fact. Now we have that medical basis. It shows 300,000 in South Carolina, my own State. The survey proves beyond doubt that the poorer the family, the more hunger and health problems it has. Two out of five persons below the poverty level have serious medical problems caused by malnutrition. These are startling figures, Mr. President, figures which ought to be brought before the American public. But no—those computer cards are still sitting in storage at the Center for Disease Control in Atlanta, Ga., and it will probably take an act of Congress to get them out.

That is just what I am proposing today. I am asking the Senate of the United States to state, in clear and unequivocable language, that we demand the production of the results of the National Nutrition Survey. Together with other Senators, I am introducing today a sense-of-the-Senate resolution which would have the Department of Health, Education, and Welfare produce this survey within 60 days of the date the Senate acts on the resolution.

Mr. President, there will be those who will oppose this resolution because the White House will oppose it. The White House has been critical of the National Nutrition Survey in the past. I do not know why. Perhaps it is because the findings are so alarming that they would undermine present confidence in existing programs aimed at feeding our needy citizens. Perhaps it is because the administration does not believe the American people capable of looking so deeply and critically into the moral fabric of our Nation.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, if no other Senator seeks recognition, and if the Chair will recognize me, the Senator from South Carolina may use my time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. HOLLINGS. I am grateful to the distinguished Senator from West Virginia.

Whatever the reasons, I do know that certain persons within the administration have criticized the survey and have questioned its scientific validity.

And yet, no less an authority than the Food and Nutrition Board of the National Academy of Sciences, composed of eminent authorities in the field, have said the sample is valid and that the data itself is also valid.

So why the delay?

One can only wonder.

We have spent $5 million in public funds to find out about our problems of hunger and malnutrition.

The survey is finished.

The results are in.

But what does the administration do?

It simply tells us, "We need more study."

Does that not have a familiar ring to it?

This month, our Government is supposed to start a brandnew nutrition survey to last through 1973.

This survey, sponsored by the National Center for Health Statistics, is supposed to tour 64 cities.

Scientists will test a "cross section" to find out who is eating too little or too much and about such esoteric subject matter as cholesterol levels.

The Advisory Committee on the survey is composed of representatives of the American Academy of Pediatrics Committee on Nutrition, the Food and Nutrition Council of the American Medical Association, and the Food and Nutrition Board of the National Academy of Science.

This committee recommended against this so-called probability survey advocated by Dr. David H. Sencer of HEW.

So did the White House Conference on Food, Nutrition, and Health, which stressed the need to target in on high-risk elements of the population.

All I can say to this, Mr. President, is that we have already studied the problem and have come up with answers.

People who are poor are often malnourished.

People who are malnourished get sick easily and suffer from diseases which prevent them from being productive members of society.

In other words, we know what our real target is—the very poor.

It may be fine scientific business to survey a cross section of our public to find out if some people are too fat or others are not varying their diet properly.

In such a survey, we might even find that, on the average, Americans are not eating properly.

That should not really surprise us.

What we must look at, however, is those who are simply not eating—not those who do not eat properly.

That is a problem we can take up some other year.

We have to solve hunger and mainutrition before we start making scientific pronouncements on the average citizen's diet.

We must do this now.

The millions of dollars dedicated to the National Nutrition Survey, the hard work by doctors in my own State and in the other nine, and the dedicated service of the survey staff demand that we produce this study.

Our Nation's poor—and the future development of American society—deserve no less.

I ask unanimous consent that the entire text of my resolution be printed in the RECORD.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SENATE PROCEDURE

Mr. SAXBE. Mr. President, I rise with a great deal of reluctance to call the attention of the Senate to the fact that we are trying to operate under a new set of rules. I know that it is a difficult time, because the pressure of business in the Senate is not so great that we cannot give time to every Senator who wants time. But if we are going to avoid the rules now, it is going to be extremely difficult to reinstate these rules when the time comes.

I hesitate to criticize my good friend, the Senator from South Carolina, and his is a minor indiscretion. But the ways to do this are so many that it requires the cooperation of all of us if we are going to maintain our limits.

It is easy to say we are going to have a colloquy and then reserve an hour or a half hour for a colloquy when there is no one with whom to have a colloquy—this is the very essence of colloquy—or to send out an invitation to a Senator to come in and debate so that there will be a colloquy.

I admire very much the stand taken by the majority leader and the majority whip. They have made a real effort to make these suggestions work. We want to cooperate. I have discouraged the Senators on this side of the aisle—and I know that the minority leadership has discouraged the Senators on this side of the aisle—from taking advantage of easy times in the Senate when there is no great pressure of business.

I suggest that we do everything possible. There is nothing to prevent the Senator from saying, "My time is up. I ask unanimous consent to have the rest of this statement put in the RECORD." When no other Senator is on the floor and no great crowd is in the gallery, it escapes me why 15 or 30 minutes must be used to read a statement, when the Senator can say, "My time is up. I ask unanimous consent to have the remainder of my statement put in the RECORD." It goes in the RECORD. The two Senators on the floor know it. The few people in the gallery know that it was not read. And it does go into the RECORD. If a news release is made, there is no indication that the speech was not made on the floor.

I think that even as we proceed in this, we must realize that it is going to become worse unless we take a firm stand at this time. Therefore, I think we should watch this matter very closely. I am going to urge on the other regional whips who occupy the position I now occupy, and also urge the minority whip—I know that the Senator from West Virginia (Mr. BYRD) is going to watch it—that when the time speakers reserved runs out and no one is there to enter into a colloquy, objection be raised to a continuation. It is the only way we are going to be able to establish firm and orderly rules.

Mr. MANSFIELD. Mr. President, the point raised by the distinguished Senator from Ohio is well taken, and I am delighted that he has made these remarks.

I also wish to commend him, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from California (Mr. CRANSTON), and the Senator from Iowa (Mr. HUGHES) for undertaking, at the request of the joint leadership, the monitoring of the very worthwhile suggestions the Senator has mentioned, which they were responsible for putting into effect this year.

There have been some practices which are open to question. In this respect, I must say that the minority leadership has done a better job than have we on this side of the aisle. But I assure the distinguished Senator from Ohio that we will try to do a better job in the future and endeavor to put into effect, as we agreed, the worthwhile rules, regulations, and procedures on which he and his three colleagues worked so long and so hard in developing and which are highly worth while.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mr. Philip V. McGance, a clerk to Senator RANDOLPH, may be permitted the privilege of the floor today during the roll-call votes on Senate Joint Resolution 7.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CHILES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION PREVENTING LOSS OF PAY AND ALLOWANCES BY OFFICERS DESIGNATED FOR PERFORMANCE OF CERTAIN DUTIES

A letter from the Secretary of the Navy transmitting proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility

(with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION MAKING PERMANENT THE AUTHORITY TO MAKE PAYMENT OF SPECIAL ALLOWANCES TO DEPENDENTS OF MEMBERS OF THE ARMED SERVICES FOR EVACUATION EXPENSES

A letter from the Assistant Secretary of the Air Force transmitting proposed legislation to make permanent the authority to pay special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation (with accompanying papers); to the Committee on Armed Services.

INSTITUTIONAL INVESTOR STUDY REPORT

A letter from the Commissioner of the Securities and Exchange Commission transmitting, pursuant to law, the Institutional Investor Study Report (with accompanying report and papers); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED LEGISLATION RELATING TO THE DOCUMENTATION OF VESSELS

A letter from the Secretary of Transportation transmitting proposed legislation to revise and improve the laws relating to the documentation of vessels (with accompanying papers); to the Committee on Commerce.

REPORT ON ADVERSE EFFECTS OF PRODUCING THE AN/SQS–26 SURFACE SHIP SONAR SYSTEM BEFORE COMPLETION OF DEVELOPMENT AND TESTING

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the adverse effects of producing the AN/SQS–26 surface ship sonar system for service use before completion of development and testing (with an accompanying report); to the Committee on Government Operation.

REPORTS TO CONGRESS RELEASED IN FEBRUARY 1971

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Officer for February 1971 (with an accompanying report); to the Committee on Government Operations.

SUMMARY OF THE ACTIVITIES OF THE OFFICE OF SALINE WATER, 1970

A letter from the Secretary of the Interior transmitting, pursuant to law, a summary of the 1970 activities of the Office of Saline Water (with an accompanying report); to the Committee on Interior and Insular Affairs.

ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA FOR 1970

A letter from the Chief Scout Executive of the Boy Scouts of America transmitting, pursuant to law, the annual report of the Boy Scouts of America for 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

ANNUAL REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator of the Environmental Protection Agency submitting, pursuant to law, the annual report to Congress on Progress in the Prevention and Control of Air Pollution (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia):

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 23

"Expressing the sense of the General Assembly as to the continued federal imposition of standards in the Virginia Unemployment Compensation Program

"Whereas, the Unemployment Compensation Program of the Commonwealth of Virginia is well recognized throughout the Nation and has the support of the business and labor communities of the Commonwealth; and

"Whereas, the employers of the Commonwealth enjoy one of the lowest tax rates of any state, while benefit payments have been increased in a manner commensurable with the advancement of the economy of the Commonwealth; and

"Whereas the federal government is now imposing upon the states certain standards and requirements which are not necessary for those states with an excellent program of low tax rates and equitable benefit payments as exist in the Commonwealth of Virginia; and

"Whereas, the experience in the Commonwealth of Virginia does not justify the application of Unemployment Compensation Programs to employers with only one employee, as now required under the federal laws; now, therefore, be it

"Resolved, by the Senate of Virginia, the House of Delegates concurring, That the General Assembly objects to the continued federal imposition of standards in the Unemployment Compensation Program.

"Resolved, further, That the General Assembly expresses its objections to the inequitably low return to the Commonwealth of Virginia of the Federal Unemployment Taxes paid by Virginia employers.

"Resolved, further, That the several federal acts applicable be amended to exempt the Commonwealth of Virginia and other states with low tax experience from the recently adopted extensions of coverage imposed by the federal law.

"Resolved, further, That the Clerk of the Senate be, and hereby is, directed to send copies of this resolution to the President and Vice-President of the United States, to each member of the Virginia delegation to the Congress of the United States, to the Secretary of Labor and to the Secretary of the Department of Health, Education, and Welfare."

A resolution of the Legislature of the State of Nebraska; to the Committee on Finance:

"LEGISLATIVE RESOLUTION 24

"Whereas, health security is important, not only to millions of Americans who need quality medical care at a cost they can afford, but will also mean genuine revenue sharing for state governments; and

"Whereas, there are two bills pending in the Ninety-Second Congress, bills Senate bill 3, and House Roll 22; and

"Whereas, these two bills are creating a National Health Security Program which will provide complete medical care benefits and institute needed reforms to insure all Americans the right to quality medical care; and

"Whereas, the National Health Security Program will assume full medicaid and medicare costs, amount to savings to states and local governments of three billion dollars, permit state employees to be covered at no cost to the state, and compensate states for participation in planning, coordination, and licensing of health education and care facilities.

"Now, therefore, be it resolved by the Members of the eighty-second Legislature of Nebraska, first session:

"1. That the Legislature endorses such program and urges the Congress of the United States to enact either Senate bill 3 or House Roll 22 into law.

"2. That copies of this resolution be sent to the President of the Senate, the Speaker of the House and to each member of Congress from Nebraska."

Resolution adopted by the Council of the City of Beverly Hills, California, approving the concept of Federal Government revenue sharing; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on on the Judiciary:

Rene Desolge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents.

By Mr. THURMOND, from the Committee on the Judiciary:

John K. Grisso, of South Carolina, to be U.S. attorney for the district of South Carolina.

By Mr. ANDERSON, from the Committee on Aeronautical and Space Sciences:

James C. Fletcher, of Utah, to be Administrator of the National Aeronautics and Space Administration.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. CHURCH, Mr. EAGLETON, Mr. PASTORE, Mr. PERCY, Mr. HOLLINGS, Mr. INOUYE, Mr. PELL, Mr. BIBLE, Mr. HARRIS, Mr. CRANSTON, Mr. HUGHES, and Mr. TUNNEY):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

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

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ELLENDER (for himself and Mr. LONG):

S. 1165. A bill to provide for the holding of terms of the District Court of the United States for the New Orleans Division of the Eastern District of Louisiana in Houma, La. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 1166. A bill to confirm the private land claim of William Kinchen. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself and Mr. MAGNUSON, Mr. BELLMON, Mr. BENNETT, Mr. CHURCH, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. PASTORE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENSON, Mr. CASE, Mr. HARRIS, Mr. NELSON, and Mr. PELL):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing

of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

By Mr. SCHWEIKER:

S. 1170. A bill for the relief of Gaetano Reale, Elisabetta Reale, Rosanna Reale, Dario Reale, Valerio Reale; and

S. 1171. A bill for the relief of Antonio Gargano, Giovanna Gargano, Francesco Gargano, Anita Gargano. Referred to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HANSEN, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MOSS, Mr. MONDALE, Mr. PEARSON, Mr. PELL, Mr. MCGEE, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. THURMOND, Mr. TOWER, Mr. PERCY, and Mr. TUNNEY):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. BIBLE, Mr. BURDICK, Mr. CASE, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of Title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

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

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

By Mr. MCINTYRE:

S. 1178. A bill for the relief of Christos Adam. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1179. A bill for the relief of Magdalena Pisga Mulato. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

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

S. 1181. A bill to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. WEICKER, and Mr. YOUNG):

S. 1182. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 1183. A bill to amend the Public Health Services Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 1162. A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the federalization of the welfare programs authorized by the Social Security Act, and, pending such federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service. Referred to the Committee on Finance.

THE REVENUE ADJUSTMENT ACT OF 1971

Mr. HARTKE. Mr. President, it is clear that the extraordinary fiscal problems now faced by too many of our State and local governments will not be solved without additional assistance from the Federal Government. In an attempt to help the States and localities help themselves, I introduce for appropriate reference legislation designed to encourage the better use of the State and local income tax device and to substantially lighten the welfare cost burden.

Entitled the "Revenue Adjustment Act of 1971," it would help the States and localities meet their vital responsibilities in the following specific ways:

First, it would furnish an incentive to make fuller use of the individual income tax, by allowing taxpayers to write off 50 percent of their combined State and local income taxes against their Federal income tax liability.

Second, it would require the speedy federalization of welfare programs now authorized under the Social Security Act, and pending such federalization would increase the Federal share of the cost of these programs.

Third, it would permit the collection of State and local income taxes by the Internal Revenue Service upon the request of the authorized representative of a State or locality.

Although it is clear that a large and growing number of State and local governments are in desperate need of Federal aid, it is also clear that too few of these governments have done everything they can to help themselves. The fact that 13 States do not yet levy a personal income tax, and that in the majority of others the tax rate is negligibly small, does not speak well for the resourcefulness of the States. While understandable that the prospect of instituting a new tax, or raising the rates of an old one, does not ordinarily generate great enthusiasm among elected lawmakers, it is nevertheless incongruous that the vast revenue potential of the personal income tax remains untapped in most States while at the same time the Governors lobby feverishly on behalf of revenue sharing.

Having said this, I should emphasize that some of the demands being made upon the States and localities cannot, and should not, be answered by any government other than the national. Most importantly, it must be recognized that the problem of providing adequate levels of public assistance to the needy is national in origin and is susceptible of solution only at the Federal level. Today, the cost to State and local governments of their public assistance programs is almost $8 billion and increasing dramatically.

Disturbed that the States and localities have not more fully faced up to their revenue-raising responsibilities, but aware that the problem of welfare should not be viewed as other than a national responsibility, I am introducing legislation which I think fairly apportions responsibility for change between the Federal and State and local governments.

TAX CREDITS

Title I of the Revenue Adjustment Act would allow taxpayers to take a credit against their Federal income tax liability in an amount equal to 50 percent of their combined State and local income taxes.

This credit would be in addition to the Federal deduction for State and local tax which is already allowed.

In practice, this 50 percent credit would enable a taxpayer who owed $1,200 to the Federal Government and $200 in State and local income taxes, to substract $100 of that $200 amount from his Federal tax for a total of $1,100.

It is anticipated that such a credit would act as a very powerful incentive to the States and cities to make better use of the personal income tax. As things are now, it is often contended by State and local officials that the enormous efficiency of the Federal personal income tax has made it difficult for other levels of government to develop their own income tax levies. They point out that the Federal income tax is progressive and very responsive to economic growth, and so brings in increasing amounts of income each year, whereas the tax structure at the State and local structure is largely regressive and inelastic. Allowing that this contention is basically correct, the purpose of tax credits is to enable the States and localities to compete more effectively with the Federal Government for potential revenue. As noted above, a taxpayer would be permitted to write off 50 percent of his State and local income tax liability against his Federal income tax liability. The only limitation placed on the value of this credit is that it may not exceed 19 percent of the taxpayer's Federal income tax liability. A table prepared by the staff of the Joint Committee on Internal Revenue Taxation at my request, and appearing at the end of these remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue raising device. Columns 4 and 5 of that table show that the potential benefit to the States and localities under a 50 percent credit is more than $24 billion, or almost five times the benefit promised under the President's general revenue sharing proposal.

Clearly, the States and localities are furnished a powerful incentive to raise—or in the case of those 13 States mentioned above, institute—their personal income taxes to a level which will take full advantage of the credit without placing the entire burden of increased taxation on the shoulders of the taxpayer. In that regard, it should be carefully noted that under this proposal a taxpayer may take both a credit and a deduction against his State and local income taxes. Presently the deduction saves the average taxpayer—with earnings between $8,000 and $12,000—approximately 25 cents on every dollar he pays in State and local income taxes. By allowing this same taxpayer to take both a 50-percent credit and a deduction, the saving to him is 70 cents on every dollar he pays to the State and local governments in income taxes.

INCREASING THE FEDERAL SHARE OF WELFARE COSTS

Title II of the Revenue Adjustment Act declares it to be the policy of the Congress that at the earliest practicable date there should be developed and considered by the Congress a national program for the provision of aid to the needy; and pending the enactment of this program, that the Federal share of public expenditures for welfare programs be increased to 90 percent. Column 6 of the Joint Committee's table indicates that this increase in the Federal share would result in an immediate saving to the States and localities of more than $2 billion. Under the proposal those large urban States with the greatest welfare cost loads would benefit the most since they currently receive proportionally less from the Federal Government than do most small, rural States.

The absolute importance of acting quickly to relieve the States and localities of what has become an oppressive and unfair burden, is underscored by the provision in title II which provides that the Secretary of Health, Education, and Welfare shall formulate and submit to the Congress, a plan for the complete federalization of welfare no later than January 1, 1972, and that the increase in the federally financed share of welfare costs to 90 percent shall not extend beyond January 1, 1973. This latter provision is designed to insure that Congress and the President will act quickly on a program for federalization of the welfare system; for if no legislation is agreed upon by the end of 1972, the Federal share of welfare costs will revert back to the level presently maintained.

FEDERAL COLLECTION OF STATE AND LOCAL INCOME TAXES

In recent years, States have increasingly tended to conform their income taxes to the Federal model. Title III of the Act capitalizes on this tendency and would permit the Federal Government and the representatives of State and local government to enter into agreements giving the Federal Internal Revenue Service responsibility for collecting State and local incomes taxes. The benefits of such a system are twofold: First, it would immediately relieve the States and localities of the administrative costs involved in collecting income tax revenue—estimated at $200 million currently for all jurisdictions—and, second, it would cut down dramatically on the rate of noncompliance with State and local income tax laws, thereby generating additional State and local revenue without any increase in tax rates. Although it is impossible to say with any real accuracy what the percentage rate of noncompliance with State and local income tax laws is in this country, it has been conservatively estimated that upward of $1 billion in additional revenue would be collected if the Federal Government and not the States were doing the job.

A SCENARIO FOR STATE AND LOCAL GOVERNMENT

I believe firmly that the Revenue Adjustment Act of 1971 is a reasonable way to help the States and localities meet their rightful responsibilities while largely relieving them of the unfair burden of welfare costs.

If the States and localities were fully to respond to the incentives contained in titles I and II of this legislation, and if the Federal share of welfare costs is increased to 90 percent, the benefit to them would be in excess of $27 billion; a sum sufficient to meet the problems of State and local government for a very long time.

The basic thrust of this proposal is to give State and local governments the opportunity to broaden, and thereby strengthen, their own tax structures in answer to the increased demand for public services. It accomplishes this objective without giving Federal funds to the State and local governments on a "no strings attached" or block-grant basis. Nor does it contemplate any radical reduction in the number of federally administered grants-in-aid programs. While it is indisputable that there are shortcomings in the administration of many grants-in-aid programs, it is my feeling that the grant-in-aid concept is still the best one available for quickly targeting and solving problems of national importance. For that reason, while I would certainly favor an exhaustive review of all grants-in-aid programs with the objective of consolidating and rationalizing whenever possible, I cannot support a program such as the revenue sharing proposal advanced by the administration which contemplates their eventual elimination.

It is estimated that this legislation will produce $15 billion in new revenue for the States during its first year of operation. In its third year more than $25 billion in new revenue will be generated. It, in short, is both more generous and more effective in its operation than is the administration's revenue sharing proposal.

Mr. President, I ask unanimous consent that the bill and the table to which I have referred be printed in the RECORD immediately following my remarks, and that the bill be appropriately referred.

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

S. 1162

A bill to permit the States and local governments to increase State and local income taxes by allowing a credit against the Federal income tax for a portion of such taxes; to provide for the Federalization of the welfare programs authorized by the Social Security Act, and, pending such Federalization, to increase the Federal share of the cost of such public welfare programs; and to authorize collection of State and local income taxes by the Internal Revenue Service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Revenue Adjustment Act of 1971".

TITLE I—FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAXES

ALLOWANCE OF CREDIT

SEC. 101. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the State and local income taxes imposed on such individual and paid by him during the taxable year.

"(b) Limitations.—

"(1) State income taxes.—The credit under subsection (a) for any taxable year attributable to State income taxes paid during the taxable year shall not exceed an amount equal to 12 percent of the tax imposed on the taxpayer by this chapter.

"(2) Local income taxes.—The credit under subsection (a) for any taxable year attributable to local income taxes paid during the taxable year shall not exceed an amount equal to 7 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(3) Application with section 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local income tax deduction benefit for the taxable year, shall not exceed the amount of State and local income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the State and local income taxes were not allowable as a deduction under section 164.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) State or local income taxes.—A State or local income tax includes only an income tax imposed by a State, a political subdivision of a State, or the District of Columbia.

"(2) Taxes on partnerships.—State or local income taxes imposed on and paid by a partnership shall be treated as imposed on and paid each partner in an amount equal to his distributive share of such taxes.

"(3) Taxes on subchapter S corporations.—State or local taxes imposed on and paid by an electing small business corporation (so defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(d) Adjustment for Refunds.—

"(1) In general.—The amount of State and local income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of State or local income taxes which caused such underpayment.

"(e) Regulation.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 102. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.

"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

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

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—FEDERAL FINANCIAL RESPONSIBILITY FOR PUBLIC ASSISTANCE PROGRAMS

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 201. (a) The Congress finds and declares that—

(1) existing Federal programs (under titles I, IV, X, XIV, and XVI of the Social Security Act) to assist States in providing aid or assistance to needy individuals have resulted—

(A) in a great and unjustifiable disparity (as among the various States) in the level of aid or assistance provided to needy individuals; and

(B) in the imposition of a disastrously heavy financial burden upon the States, and, in particular, upon those States which have made the greatest efforts to provide adequate levels of aid or assistance to needy individuals; and

(2) the provision of aid or assistance to the needy through a national welfare program administered and financed by the Federal Government would not only more adequately and fairly meet the needs of the poor and needy, but would relieve the States of responsibility for a problem which is national in scope and with which they lack the resources effectively to deal.

(b) Therefore, it is hereby declared to be the policy of the Congress that—

(1) at the earliest practicable date, there be developed and considered by the Congress, a national program for provision of aid to the needy which will be Federally financed and administered; and

(2) pending the development and enactment of the national program referred to in paragraph (1), that the Federal share of public assistance expenditures under existing Federal programs be increased to 90 per centum.

DEVELOPMENT OF FEDERAL WELFARE PROGRAM

SEC. 202. (a) The Secretary of Health, Education, and Welfare shall develop, and submit to the Congress, a legislative proposal under which—

(1) the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act would be repealed; and

(2) the Federal Government would, through a Federally financed and administered program, undertake to provide aid and assistance to the categories of needy individuals for whom aid or assistance is currently provided under State programs established pursuant to such titles.

(b) The legislative proposal referred to in subsection (a) shall be developed and submitted (in completed form) to the Congress not later than June 30, 1972.

INCREASED FEDERAL MATCHING UNDER PUBLIC ASSISTANCE PROGRAMS

SEC. 203. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1122. The amount of the Federal payments to which any State is entitled under section 3 (a), 403 (a), 1003 (a), 1403 (a), or 1603 (a) for any quarter shall, at the option of the State, be determined by application of a Federal share of 90 per centum, instead of the fractions and percentages provided under such section, to the expenditures under its State plan approved under title I, X, XIV, or XVI, or part A of title IV (as the case may be), which would be included in determining the amounts of the Federal payments to which such State is entitled under such section. The preceding sentence shall also be applicable, at the option of any State, in determining the amount of the Federal payments to which such State is entitled for any quarter by reason of any modification of a State plan (referred to in the preceding sentence) of such State pursuant to section 1121."

(b) The amendment made by subsection (a) shall be applicable with respect to expenditures (under titles I, IV, X, XIV, and XVI of the Social Security Act) in the case of calendar quarters beginning after the date of enactment of this Act, and ending before January 1, 1973.

TITLE III—COLLECTION OF STATE AND LOCAL INCOME TAXES BY INTERNAL REVENUE SERVICE

AUTHORIZATION TO ENTER INTO AGREEMENTS

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. COLLECTION OF STATE AND LOCAL INCOME TAXES.

"(a) EXAMINATION OF STATE AND LOCAL LAWS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary or his delegate shall examine the income tax law, and related laws, of such State or political subdivision and advise such chief executive of the extent to which, and the manner in which, officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, could collect the income tax imposed by such law and otherwise perform functions in the administration and enforcement of such law.

"(b) AGREEMENTS.—At the request of the chief executive officer of a State or political subdivision thereof, the Secretary is authorized to enter into an agreement with such State or political subdivision under which officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, will, to the extent and in the manner provided in the agreement, collect the income tax imposed under the law of such State or political subdivision and otherwise administer and enforce such law."

(b) The table of sections for such chapter 77 is amended by adding at the end thereof the following new item:

"SEC. 7517. Collection of State and local income taxes."

(c) Section 7809 of such Code (relating to deposit of collections) is amended by adding at the end thereof the following new subsection:

"(d) DEPOSIT OF MONEYS RETAINED UNDER AGREEMENTS.—Moneys retained from collections of State or local income taxes pursuant to an agreement entered into under section 7517(b) shall be deposited in a separate account which may be used to reimburse appropriations which bore the costs incurred by the United States in carrying out its obligations under such agreement."

The table is as follows:

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF (a) GENERAL REVENUE SHARING AND (b) INCOME TAX CREDITS[1] COUPLED WITH AN EXPANDED FEDERAL ROLE IN PUBLIC ASSISTANCE

[In thousands]

State	Estimated Federal individual income tax liability, calendar year 1970[2]	State individual income tax collections, fiscal year 1970[3]	State income tax revenue under 50 percent credit proposal[4]	Gain to States under 50 percent tax credit proposal[5]	Local income tax revenue under 50 percent tax credit proposal[6]	Additional Federal expenditures for public assistance with Federal share at 90 percent[7]	Column (4) plus column (5) plus column (6)[8]	General revenue sharing first full year under President's program
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Alabama	$853,549	$85,081	$204,852	$119,771	$119,497	$18,031	$257,299	$82.089
Alaska	122,667	32,455	29,440	0	17,173	3,524	20,697	8,590
Arizona	633,499	64,974	152,040	87,066	88,690	4,368	180,124	51,395
Arkansas	438,210	42,548	105,170	62,622	61,349	9,993	133,964	43,028
California	9,434,493	1,150,604	2,264,278	1,113,674	1,320,829	511,683	2,946,186	590,219
Colorado	851,441	129,097	204,346	75,249	119,202	22,318	216,769	60,116
Connecticut	2,130,568	4,916	511,336	506,420	298,280	34,625	839,325	59,237
Delaware	272,448	68,486	65,388	0	38,143	2,775	40,918	13,411
District of Columbia	351,549	83,044	84,372	1,328	49,217	9,080	59,625	22,915
Florida	2,906,022	0	697,445	697,445	406,843	18,935	1,123,223	167,438
Georgia	1,405,578	184,943	337,339	152,396	196,781	16,556	365,733	107,519
Hawaii	348,517	105,019	83,644	0	48,792	7,589	56,381	23,453
Idaho	201,127	36,662	48,270	11,608	28,158	2,837	42,603	20,077
Illinois	6,270,292	575,601	1,504,870	929,269	877,841	125,352	1,932,462	219,760
Indiana	2,120,799	216,384	508,992	292,608	296,912	32,046	621,566	115,772
Iowa	995,037	112,746	238,809	126,063	139,305	23,860	289,228	74,488
Kansas	834,170	78,423	200,201	121,778	116,784	18,054	256,616	54,230
Kentucky	840,236	121,423	201,657	80,234	117,633	13,202	211,069	78,194
Louisiana	1,023,247	47,993	245,579	197,586	143,255	22,150	362,991	101,465
Maine	331,556	18,885	79,573	60,688	46,418	5,356	112,462	22,885
Maryland	2,099,087	413,366	503,781	90,415	293,872	25,870	410,157	92,664
Massachusetts	2,921,553	517,952	701,173	183,221	409,017	106,028	698,266	136,160
Michigan	3,946,210	415,345	947,090	531,745	552,469	84,065	1,168,279	229,149
Minnesota	1,349,636	345,733	323,913	0	188,949	25,161	214,110	107,791
Mississippi	416,949	44,162	100,068	55,906	58,373	5,930	120,209	61,295
Missouri	1,795,417	129,654	430,900	301,246	251,358	29,069	581,673	96,432
Montana	176,183	38,871	42,284	3,413	24,666	2,466	30,545	18,766
Nebraska	487,410	44,444	116,978	72,534	68,237	8,839	149,610	38,992
Nevada	306,176	0	73,482	73,482	42,865	1,483	117,830	13,868
New Hampshire	295,206	3,462	70,849	67,387	41,329	3,352	112,068	14,958
New Jersey	3,992,783	17,643	958,268	940,625	558,990	121,083	1,620,698	153,773
New Mexico	279,486	35,730	67,077	31,347	39,128	4,482	74,957	31,814
New York	10,704,081	2,506,435	2,568,979	62,544	1,498,571	411,519	1,972,634	534,083
North Carolina	1,498,247	270,945	359,579	88,634	209,755	21,372	319,761	113,288
North Dakota	130,604	15,379	31,345	15,966	18,285	2,310	36,561	20,502
Ohio	4,948,710	0	1,187,690	1,187,690	692,819	55,035	1,935,544	212,535
Oklahoma	781,367	50,516	187,528	137,012	109,391	21,779	268,182	63,683
Oregon	791,099	213,053	189,864	0	110,754	16,580	127,334	56,860
Pennsylvania	5,094,214	0	1,222,611	1,222,611	713,190	113,783	2,049,584	246,210
Rhode Island	406,366	18,644	97,528	78,884	56,891	11,159	146,934	20,823
South Carolina	653,023	95,398	156,726	61,328	91,423	2,623	155,374	56,701
South Dakota	156,360	0	37,526	37,526	21,890	3,197	62,613	18,826
Tennessee	1,235,344	12,113	296,483	284,370	172,948	13,239	470,557	86,809
Texas	4,361,088	0	1,046,661	1,046,661	610,552	43,404	1,700,617	243,034
Utah	318,884	61,335	76,532	15,197	44,644	5,424	65,265	28,704
Vermont	176,419	43,668	42,341	0	24,699	3,641	28,340	11,942
Virginia	1,738,262	282,769	417,183	134,414	243,357	15,856	393,627	104,608
Washington	1,537,580	0	369,019	369,019	215,261	36,728	621,008	91,958
West Virginia	508,138	40,061	121,953	81,892	71,139	5,842	158,873	41,685
Wisconsin	1,707,296	489,944	409,751	0	239,021	25,752	264,773	124,370
Wyoming	113,117	0	27,148	27,148	15,836	1,281	44,265	11,436
Other	230,698		55,368		32,298	11,884		
Total	87,521,998	9,265,906	21,005,279	11,838,022	12,253,079	2,142,570	26,189,489	5,000,000

[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed, in the case of the credit for State individual income taxes, 12 percent of the Federal individual income tax and, in the case of the credit for local individual income taxes, 7 percent of the Federal individual income tax. The credit, when added to the taxpayer's State and local individual income tax deduction benefit, would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State-by-State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstanding of instructions on where to file.

[3] State Tax Collections in 1970, GF No. 1, Bureau of the Census.

[4] 24 percent of the estimated Federal individual income tax in column (1). This is the minimum State income tax which would bring into play the maximum allowable credit under the proposal: 12 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States, in need of greater revenues, to enact individual income taxes which would exceed 24 percent of the Federal individual income tax, even though the limitation on the credit would remain at 12 percent of the Federal individual income tax.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1970 tax which would take full advantage of the 12 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

[6] 14 percent of the estimated Federal individual income tax in column (1). This is the minimum local income tax which would bring into play the maximum allowable credit under the proposal: 7 percent of the Federal individual income tax. See the last sentence in footnote 4.

[7] Included public assistance programs are: Old age assistance, aid to the blind, aid to the permanently and totally disabled, aid to families with dependent children, and payments to intermediate care facilities.

[8] To the extent to which States do not employ individual income taxes as high as 24 percent of the Federal individual income tax and local governments now have individual income taxes and do not employ individual income taxes as high as 14 percent of the Federal individual income tax, to that extent do the figures in this column overstate the additional resources made available to the State and local governments under the proposal for individual income tax credits and 90 percent Federal sharing in the indicated public assistance programs.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. CHURCH, Mr. EAGLETON, Mr. PASTORE, Mr. PERCY, Mr. HOLLINGS, Mr. INOUYE, Mr. PELL, Mr. BIBLE, Mr. HARRIS, Mr. CRANSTON, Mr. HUGHES, and Mr. TUNNEY):

S. 1163. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NUTRITION FOR THE ELDERLY

Mr. KENNEDY. Mr. President, on behalf of myself and a bipartisan group of 14 Senators, I introduce for appropriate reference the Nutrition Program for the Elderly Act.

For many of the 20 million Americans over 65, inadequate income, inadequate education, and forced isolation mean that they cannot buy the food they need for an adequate diet. Thousands are induced to accept institutionalized care because they cannot obtain adequate nutrition.

The problem is becoming more rather than less serious. For the first time, the number of elderly persons living on income below the poverty level increased from 4.6 to 4.8 million from 1968 to 1969. This jump reversed the promising 10-year trend in which the numbers of poverty-level elderly persons had decreased from 6 to 4.6 million. The recent upsurge in the number of poor older Americans is even more disturbing when it is contrasted with a 1.2 million decline in the number of poor persons under 65 during the same 1968–69 time span.

The costs alone of providing adequate nutrition are impossible for many of the elderly to meet. They spend some 27 percent of their income on food and rising food costs while the average American

spends only 16 percent of his income on food.

Today adequate nutrition is recognized as a matter of primary concern for the elderly citizens of this land. The White House Conference on Food, Nutrition, and Health in 1969 spelled out the Federal responsibility to assure adequate nutrition to every elderly citizen, a responsibility that this Nation can and should meet.

The President's Task Force on Aging recently highlighted the extent of the problem:

> The lonely older person who can afford an adequtae meal, but does not eat properly, the older person who finds going to the store too great a burden, the older person who is nutritionally ignorant, the chronically ill older person unable to prepare a hot meal—all are part of the problem.

Under the Older Americans Act of 1965, some 30 demonstration projects to meet the problems of nutrition for elderly persons have been carried out by the administration on aging of the Department of Health, Education and Welfare. These projects, have demonstrated the utility of providing meals in a group setting. The first reports on the evaluation of those programs noted that the group meal approach "fosters social interaction, facilitates the delivery of other service, and meets emotional needs of the aged while improving their nutrition. It offers an effective device for teaching by example the importance of a nutritionally adequate diet and what is essential to such a diet. It provides a framework dealing with such everyday problems as transportation and housing arrangements which contribute to the nutrition problem."

In testimony last year John B. Martin, Commissioner of the Administration on Aging said that pilot projects had demonstrated that the "meals were not the only service which had to be provided through them—reaching out into the community to locate and reassure those in need of the program; providing nutrition education; and offering a wide variety of other supportive services, such as transportation, recreation, and health and social information and referral," are other essentials of a nutrition program.

In my own State of Massachusetts, the pilot projects were so successful that the State has adopted its own plan to try and keep the nutritional program in operation. Some 23 Massachusetts communities now provide hot meals for the elderly. The program applications are double that amount and the State Council on Aging estimates many times that number would have applied if there had been any chance for funding.

Building on the experience of these programs, Congressman CLAUDE PEPPER introduced a bill last year to provide these services on a permanent basis. He has reintroduced his bill with some 108 House cosponsors this year. The bill I am introducing today is identical except for its shift of the direct administration of the program from the Department of Agriculture to the Administration on Aging in the Department of Health, Education, and Welfare. Mr. President, I believe that Congressman PEPPER should be congratulated for his leadership in this field. Last year, in hearings he conducted on the bill, it was clear that there is general support for a measure such as this both from the elderly citizens themselves and from specialists in the field of nutrition and aging assistance.

The bill which I am introducing today establishes the Administration on Aging as the focus for the programs. The bill's key features are:

First. States would guarantee that nutrition projects would provide at least one hot meal per day for elderly persons within its jurisdiction and that meals would contain a minimum of one-third the recommended daily dietary allowance for an elderly person. The program would provide those meals a minimum of 5 days a week.

Second. The project would be carried out in sites easily accessible to the majority of elderly residents within the community. Schools, senior citizen centers, community centers, churches, and other public and non-profit private settings could be used for the program.

Third. Outreach services to locate the isolated elderly, and assure the maximum participation of the elderly would be required.

Fourth. The sponsor would provide a setting conducive to the expansion of the nutritional program to include information, recreation, health, and welfare counseling and referral services.

Fifth. In addition, preference for staffing positions, full or part time, will be given to persons aged 65 or over. There is no reason why the programs run for elderly persons cannot be run by elderly persons.

Under this bill, the Federal Government will underwrite the cost of equipment, labor, management, supporting services, and food under a 90–10 matching formula with the States. For fiscal year 1972, $50 million is authorized. For fiscal year 1973, $100 million and for fiscal year 1974, $150 million.

Mr. President, the time is long overdue for the Federal Government to assume the challenge of providing the elderly citizens of this Nation with adequate nutrition. By offering an opportunity for a balanced diet to elderly citizens and breaking the circle of isolation and loneliness, this program can assuredly reduce the number of men and women who are forced to enter nursing homes because they cannot provide themselves with an adequate diet.

There is a special urgency to the consideration of this bill. The title IV pilot programs have been serving some 14,000 meals a week to thousands of elderly persons.

Ninety-two percent of these older persons reported incomes of less than $3,000 a year. Forty percent have incomes under $1,000. In the next few months, many of these projects are scheduled to end.

Yet the need remains great and resources exist to make those programs permanent. Passage of this legislation will not only protect the elderly person who has been receiving a hot meal a day and other social services under the pilot program, but it will also extend the proven benefits of this program to thousands of other senior citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

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

S. 1163

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) Administer the program through the Administration on Aging.

"(2) consult with the Secretary of Agriculture and make full utilization of the Federal Extension Service, the Food and Nutrition Service and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of

the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a) (1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged sixty-five or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amount allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"SEC. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants of contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each State agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals to the extent such costs are not provided by grants for these services from the Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"(B) to provide for the proper and efficient administration of the State plan: *Provided*, That the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency—

"(i) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal fund under this title, and

"(ii) in providing satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to

affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council;

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals');

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance;

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program;

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services;

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons;

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program; and

"(9) to give preference to persons aged sixty-five or over for any staff positions, full- or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary of Agriculture may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed $50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less—

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. CHURCH. Mr. President, for many older Americans, hunger is an everyday reality.

In all probability, malnourishment affects the elderly to a much greater degree than any other age group in our population. One leading expert—Mrs. Sandra Howell of the Gerontological Society—has estimated that perhaps 8 million Americans have diets insufficient for optimum health.

Many are simply too poor to buy food. Others may lack incentives to cook for themselves, especially those who live alone. Transportation difficulties and insufficient knowledge about proper eating habits also add to the problem.

In 1968 a special emphasis research and demonstration program was launched under the Older Americans Act to improve nutrition services for the elderly. Ten projects have been completed, and 22 are still in operation.

These projects, I believe, have amply demonstrated the need for establishing a permanent nutrition program on a nationwide basis to meet the special needs of the aged. And the Nutrition Program for the Elderly Act would help to accomplish this purpose.

First, it would provide low cost and nutritious meals for the elderly in strategically located centers—such as schools, churches, senior citizen centers, and other public or private nonprofit institutions. In addition, older persons would have an opportunity to meet and talk with other people. This, in itself, could be of important therapeutic value for isolated individuals living alone.

At the White House Conference on Food, Nutrition, and Health, the need for this type of program was recognized. In fact, the very first recommendation of the Panel on Aging called for legislation contemplated in the bill that I cosponsor today. And the President's Task Force on Aging has also emphasized that:

> The Federal Government should encourage the development of local arrangements for social dining for ambulatory elderly in addition to home-delivered meals for shut-ins so that those older persons who choose to do so can receive a prepared meal once a day.

Moreover, this bill would provide the badly needed Federal funding to help local nonprofit groups serve the elderly more effectively. For example, under this measure, Idaho could be apportioned funds sufficient for as many as 300,000 nutritious meals a year at prices that the elderly can afford.

For these reasons, I urge the adoption of the Nutrition Program for the Elderly Act.

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

S. 1164. A bill to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am today introducing legislation for myself and the senior Senator from Utah (Mr. BENNETT) which would limit membership on securities exchanges to firms and corporations which are primarily engaged in business as a broker or dealer in securities. This legislation incorporates the bill which Senator BENNETT and I introduced in the last Congress—S. 4004—as later amended to exempt persons who were members of an exchange on June 23, 1970.

This bill concerns an issue of fundamental importance to the economic life of the Nation. Our economy is largely affected by the quality of the market for securities. The health of American business to a large extent depends upon its access to a democratic, open market which permits large and small companies to raise capital from the American investing public. Public investment—public confidence—depends upon the ability of the investing public confidently to rely upon an auction market operated by firms which are primarily agents for public investors, and in which the public can buy or sell securities under fair rules equally applicable to everybody, free from the domination of a few large financial institutions.

At the heart of this mechanism are the National Securities Exchanges and particularly the New York Stock Exchange which accounts for about 80 percent of the trading on all exchanges.

The New York Stock Exchange prohibits institutional membership for the fundamental reason that the primary interest of institutions must be in trading for their own account. The prohibition of institutional members is based on the principle that the exchanges should be composed of firms which primarily serve the general public as agents and as brokers and dealers in securities. The theory has always been that financial institutions which are primarily interested in trading for their own account should not be direct participants in the operation of the exchanges because their mem-

bership on the exchange would unavoidably involve a conflict of interest between their interest in buying and selling for their own account and the general public responsibility which is implicit in exchange membership.

Various regional exchanges, in a desire to increase their own volume, have admitted financial institutions to membership. The result of this diversity of rules among the exchanges has been to permit a few institutions, including some mutual fund managers, insurance companies and others, through regional exchange membership, to obtain a competitive advantage over other mutual funds, insurance companies, and so on by directly or indirectly avoiding the necessity of paying commissions for executing trades in securities.

As a consequence of the regional exchanges' action in permitting institutional membership, there has been a gradual diversion of trading in securities from the principal market in which the ordinary investor trades. The Wall Street Journal for February 24, 1971, contains an interesting and important article entitled "The Little Guy: Small Investors Fear They're at Growing Handicap." This article points out the dangers to small investors which the growth of institutions creates, and the adverse effect upon the confidence of the small investor which has resulted from the enormous increase in the activities of the great financial institutions in the securities market. I should like to read two paragraphs from the article in the Wall Street Journal:

While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.

Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

I ask that the entire article from the Wall Street Journal be printed in the RECORD as part of my statement.

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

THE LITTLE GUY: SMALL INVESTORS FEAR THEY'RE AT GROWING HANDICAP

(By David McClintick)

The worst is over. The securities industry leaped alive from last year's gloom. And in spite of future brokerage house troubles, Congress has insured individual accounts for up to $50,000.

So the small investor, his spirit renewed and his pockets loaded with savings accumulated during the market slump, is about to jump back into common stocks.

That is at least the rosier view on Wall Street these days. But Michael J. Asbell will have none of it. "I'm never never, never going to invest in the stock market again," swears the Philadelphia attorney whose stocks have declined sharply in recent years. "The deck is stacked against the small investor."

Like a growing number of anxious investors, Mr. Asbell is convinced the corporate world and securities markets are organized and sometimes manipulated to serve big financial institutions, leaving the small investor a victim of forces he can't control.

Disenchantment is widespread. In a nationwide Trendex Inc. poll of 1,000 Americans earning $10,000 a year or more, 28% of those who had made market transactions in the past two years said they definitely or probably won't invest in stocks again. Among previous investors who hadn't traded in the last two years, the figure was 46%. The Trendex poll, taken for The Wall Street Journal, found that —% of the cross-section surveyed had a "negative" opinion of the stock market as a place to invest. Of these, 48% gaves as the reason: the growing handicap for the small investor.

THE BIG BOYS GET BIGGER

Of course, if the current bull market continues, some of these dissidents may return to the market. But many investors think the rise of the big institution is hurting the small stock buyer more every year. One big factor in this assessment: Institutions and brokerage houses trading for their own interests now account for more than two-thirds of all New York Stock Exchange volume, up from around 40% in the mid-1950s.

Institutions have gained in influence as they have increased their trading activity. Together with some abusive practices by investment concerns, this has put the small investor at a serious disadvantage, many such investors contend. Among their allegations:

Mutual and pension funds, insurance companies, banks and other financial institutions often receive vital information from companies and investment concerns before small investors get it. This frequently enables the institutions to buy and sell stock before the small trader and at more advantageous prices. Investing on the basis of material information known only to corporate insiders violates federal law. Despite efforts to curb the practice, it still flourishes (though more discreetly than in the past), charges a source close to the House Banking Committee.

Brokerage house stock analyses prepared for the small investor may be declining in quality. Critics have historically charged this research was often superficial. And now, to cut overhead costs, many brokerage houses have slashed their research staffs. Small investors who commonly rely on broker recommendations are thus often led into unwise decisions, they complain.

Investment firms and salesmen sometimes push stocks in which they have a major financial interest. "From first-hand experience, I know of at least two or three member firms of the New York Stock Exchange where this is a common practice, and I have more than a speaking acquaintance with the same thing at many other houses," asserts a former partner in a big New York investment house.

The securities industry shows less interest in serving the small investor—and is less able to do so—than at any time in recent years.

TIGHTENING THE RULES

Of course, the small trader can still make money in the market, and in some ways he is better protected today than even a few months ago. Late last December, Congress created the Securities Investor Protection Corp. to insure individual accounts in case of a brokerage house failure. And the Securities and Exchange Commission is moving to tighten rules governing the financial structure of investment firms.

But a look at the movement in Fairchild Camera & Instrument Corp. stock shows why some small investors still believe they are being taken advantage of. As one of the Big Board's most volatile glamor stocks in recent years, Fairchild shares ranged in price between $96 and $18 last year. Yesterday the stock closed at $33.

Last Jan. 25, C. Lester Hogan, president of the Mountain View, Calif., electronics concern, spoke at a private meeting in New York. Mabon, Nugent & Co., a securities firm, arranged the session for several of its institutional clients. Among other items, Mr. Hogan told the institutions that Fairchild finished 1970 in a strong financial position without any bank debt and that incoming orders the previous month were the best since March. (Monthly orders in semiconductors, one of Fairchild's specialties, are a closely watched indicator in the industry. Semiconductors are devices used in certain types of electrical transmission.)

Apparently the institutions liked what they heard. On the three trading days following the meeting, Fairchild common stock faded in price. But on Jan. 29 and the first three days of February it climbed sharply on the Big Board to $32.625 a share from $24.50.

The first report on the Jan. 25 meeting to reach the general public was apparently in The Wall Street Journal of Feb. 4—too late for small investors to enjoy the stock's earlier price surge. (Inquiring about possible reasons for the stock's price rise, the Journal learned of the meeting.)

To be sure, an article in Business Week giving a fairly favorable impression of Fairchild's general prospects reached some readers Jan. 29, the day the stock began its sharp advance. That article reported that Sherman Fairchild, the company's founder and chairman, had in recent months bought additional Fairchild stock on the open market. Wall Street observers say the Business Week article and a generally buoyant market at the time influenced some investors but the Jan. 25 meeting was the key reason the stock rose so sharply.

But that session wasn't Mr. Hogan's first private meeting with institutions. On Wednesday evening, Oct. 29, 1969, the executive reportedly told institutional clients of William D. Witter Inc., a New York securities concern, of a slowdown in sales that month.

Though Mr. Hogan said he didn't know whether the slowdown was part of a longer trend, or merely a one-month problem, the stock dropped $2.125 a share the day after the meeting. The heavy volume that day of 326,500 shares included four blocks totaling 88,500 shares. The next day the price fell another $2.625 on volume of 97,200 shares. Neither the statement about the October sales nor any explanation for the stock's decline reached the national financial media until Nov. 4—six days after the private meeting had reportedly warned institutions about the unfavorable news.

The Securities and Exchange Commission is looking into trading in Fairchild stock and Mr. Hogan's disclosure record to determine whether any federal securities laws might have been violated.

But Mr. Hogan denies there is anything improper about Fairchild's disclosure policy. To question on whether he feels he has disclosed any material inside information privately to analysts or institutions, the official says: "I don't think so. We're very careful about that. We've tried to be pretty direct with anyone who calls, but we have a strict policy against giving out material information."

MASS CONFUSION FROM PRESS RELEASES

Asked whether the company had considered issuing press releases after the private meetings with institutions, Mr. Hogan replies: "If we issued a press release after each meeting or phone talk with an analyst, it would mean mass confusion." Fairchild is no isolated example; other major companies also meet privately with groups of analysts.

Besides meeting with company presidents, institutions often acquire useful information when a corporation issues new securities. Prior to an underwriting of the new securities, for instance, the principal investment banker in the deal usually prepares a "con-

fidential underwriting memorandum." Such documents commonly contain earnings projections for years into the future and a vast amount of other information obtained from the company that isn't available to other investment concerns or to the general public.

These memoranda are supposed to be prepared solely for the guidance of underwriters, but leaks occur. "Sometimes the memo is kept completely confidential, but sometimes its contents become known to every institution in the country," says one securities industry official.

Rep. Wright Patman, chairman of the House Banking Committee, also criticizes certain aspects of the often-close relationships between companies and their commercial bankers. Sometimes bank trust officers responsible for buying and selling a company's stock have access to the bank's confidential credit files on the company, sources say.

BAILING OUT OF PENN CENTRAL

Often inside information makes a dramatic difference. A congressional subcommittee last September released figures that it said showed 12 stockbrokers and seven financial institutions including banks had probably used inside information in the Penn Central Co. debacle. Knowing of the company's shaky finances, the insiders apparently unloaded several hundred thousand shares of Penn Central common stock before the extent of the company's problems was generally realized, the subcommittee alleged.

After knowledge of the problems became widespread late last May, Penn Central stock declined to about $13 a share from about $18 earlier in the month and later declined to a low of $5.50. The SEC and Congress are continuing to investigate the alleged insider activity.

Many less-dramatic practices that critics consider abusive to small investors are deeply entrenched and routinely accepted. Much of the stock market's liquidity is widely felt to depend on institutions' getting the information first, buying a particular stock and driving its price up, then unloading on the small investor who gets "the word" last. The result—that small investors tend to buy stocks as they approach their peak—is an accepted indicator of market cycles.

Besides getting inside information from companies, institutions often receive brokerage research and analysis well before it is passed to the brokers smaller customer. With its large high-commission trades, institutional business is generally more profitable to brokers than "retail" or small investor trading. Brokers compete avidly for this institutional volume, and giving tips to institutions on future research reports is a common tactic. Even if a brokerage report doesn't contain new information, the opinion the report expresses often affects the price of the stock discussed.

To show how important this advance information is, a former official of a big New York securities firm recalls his experience seeking a new institutional sales manager. The prime candidate refused to take the job unless his department could receive the firm's research reports 60 days before they were released to the firm's retail department. The official says he suggested a 30-day lag. The two men compromised at 45 days.

Institutions sometimes use pressure to get tips. Equity Research Associates, a respected New York investment advisory service, sometimes "got some heat" from institutions because it distributed reports simultaneously to all clients, says William G. Prime, former executive vice president. Equity didn't succumb to the pressure for favoritism, Mr. Prime adds.

Fearing accusations of favoritism toward institutions, some securities concerns are switching to a simultaneous release policy, it is understood. But even when reports carry identical release dates, advance word on a major report's contents is often passed to institutions informally, sources say.

A SEQUENCE OF CALLING

One analyst for a big New York securities company says his firm's written reports are indeed distributed simultaneously, but he adds: "Half to two-thirds of the analysis we dispense goes over the phone and obviously there's a sequence of calling. You tend to favor your best clients."

While getting influential brokerage advice early can help an institution make millions, there is evidence many securities concerns are watering down the quality of the research itself. In the year through last Oct. 1, brokerage houses laid off more than 400 of their 2,700 analysts belonging to the New York Society of Security Analysts. Meanwhile, banks, insurance companies and mutual funds increased their employment of society members to 937 from 678. While institutions can draw on their own beefed-up research staffs as well as brokerage recommendations, the small investor often relies mainly on his broker, of course.

And the broker isn't always playing straight. Some securities concerns pay their salesmen bonuses to push a stock in which the concern has a major interest, sources say. Sometimes the concern's partners give salesmen shares of the same stock as an added incentive to sell it. Many salesmen will tend to recommend such stocks more enthusiastically than others, the sources add.

THE POOR DOPE OFF THE STREET

In case unfavorable news should threaten such stocks, "the partners who were in the stock in the beginning usually get tipped in time to get themselves and the salesmen out before the fall," says one broker. "So the guy who suffers is the poor dope who walked in off the street and bought on the salesman's recommendation."

In addition to these problems, many brokers in the past two years have purposely shunned small clients. Several big firms have stopped compensating salesmen on transactions that generate very small commissions. In a confidential memorandum to its account executives dated Jan. 29, Burnham & Co., New York, apparently became the latest firm to make this move.

REGIONAL CORRALS FOR THE THUNDERING HERD

Some firms are trying new ways to handle little accounts. After a successful two-year experiment, Merrill Lynch, Pierce, Fenner & Smith, Inc., the nation's largest brokerage house, moved about 50,000 of its accounts worth less than $5,000 into 23 large offices around the country. One junior representative handles all the 2,000 or so accounts in each office.

Unless the customer calls the office, the only service he receives is a monthly statement and a quarterly letter containing the firm's stock recommendations.

Though the service is far from personal, Merrill Lynch executives feel it's an improvement over the old system, which placed small and large accounts alike under an account executives' supervision "These (small) accounts got overlooked," concedes Robert Nathane, a vice president of Merrill Lynch and director of its individual sales division. "The account executive knew he couldn't do a good job on them. It's human nature to concentrate on the large accounts."

Merrill Lynch recently canceled an experimental "stock alert system" by which it mailed customers written reports when the research department's recommendation on a stock changed. A Merrill Lynch official said the program was scrapped because the firm's internal processing system wasn't handling the alerts fast enough and its distribution methods—mainly the U.S. mail—didn't prove sufficiently reliable. Changes in recommendations now are distributed by wire to account executives who are expected to inform their clients.

One Merrill Lynch customer, however, says he found the mail alerts "very helpful, but I never hear from my account executive."

It's understood part of the reason the program was canceled was fear that an opinion of a company expressed through the stock alert system might not conform to the investment banking division's opinion of the same company. "This could jeopardize an underwriting, although our internal controls are supposed to prevent things like this from happening," Mr. Nathane explains. He adds he doesn't know of any instance where an underwriting was actually affected by a stock alert recommendation during the experiment.

SWITCHING TO THE PROS

Some investors who are dissatisfied with brokerage service are apparently seeking professional management for their money. Management Asset Corp., a small New York investment advisory firm founded last October by Leonard Heine, says it has received 7,000 inquiries about its service and signed up more than 200 clients. Mr. Heine, a former executive of two large securities companies, says dissatisfaction with brokerage house service accounts for much of the new business. But unlike Management Asset, most portfolio management companies handle only fairly large accounts (most set a minimum of $25,000 or more).

While critics complain of the small investor's plight today, they fear the future could be worse. For instance, many brokers and institutions are pressing for "negotiated" or "competitive" commission rates on stock trades. Such competition would probably reduce commissions for the big trades institutions make and raise rates on the small trades that many individuals make.

Moreover, the New York Stock Exchange is considering letting financial institutions become members. Besides fostering commission rate cuts for institutions, this move could give institutions even more influence in the market than they already enjoy, critics fear.

Mr. SPARKMAN. Mr. President, the vast concentration of capital in our financial institutions such as mutual funds, insurance companies, pension plans, and banks is a source of considerable concern generally, with respect to the economic and financial welfare of the Nation. Specifically, they now account for well over 50 percent of all trades on the New York Stock Exchange alone. The securities laws enacted more than 30 years ago did not contemplate this development, particularly the tremendous growth of mutual funds and their vast influence on the securities markets.

A committee of the New York Stock Exchange has been considering the question of institutional membership for a good many months. It has recently announced that it is deferring a recommendation to the board of governors of the exchange pending completion of a study by Mr. William McChesney Martin who was retained by the New York Stock Exchange.

At the direction of the Congress, the Securities and Exchange Commission has conducted a study of institutional trading. Other agencies and groups have been studying the problem.

Inescapably, however, the Congress has the duty and responsibility of inquiring into the question of the role which the great financial institutions play and should play in the financial

and economic structure of the country. Central to this is the question of their role on the national securities exchanges.

It is unavoidably the responsibility of the Congress to consider and analyze this question in terms of the broad national interest, including its economic and competitive implications. The implications and ramifications of institutional membership on the national securities exchanges are so great that the ultimate decision as to the advisability of such membership may have to be made by the Congress.

For example, consideration must be given to the fundamental question of whether the exchanges can continue to perform their function if their historic character as open, auction markets controlled by members who are agents for the public is subjected to the fundamental change that will result from institutional membership.

We must also consider the possible competitive disruption and discrimination that will result if some institutions become members of the exchanges and their competitors do not. Necessarily, the number of members on any exchange is limited. Not all banks, insurance companies, mutual funds, and so forth can possibly be members. Careful consideration must be given to the impact of institutional membership upon those who are not exchange members while their competitors have achieved this favored position.

It is also of fundamental importance to consider whether, if any institutions are permitted to be members, all types of financial institutions should be eligible. For example, there is a serious question as to whether banks should be permitted to become members.

Careful study must be made of the fundamental question of whether exchange membership by enormously powerful institutions will result in a further and undesirable concentration of financial power over the Nation's financial life and its economy.

Finally, consideration should be given to the question of what should be done with respect to institutions that have already achieved membership on the regional exchanges, and to those members of the exchanges which, although their business may be primarily that of brokers and dealers acting as agents for the public, nevertheless have organized or acquired and operate mutual funds.

This is by no means an all-inclusive list, but it suffices to show the enormous ramifications and implications of the problem with which the bill that I am introducing is concerned.

By Mr. MOSS (for himself and Mr. MAGNUSON, Mr. BELLMON, Mr. BENNETT, Mr. CHURCH, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HUMPHREY, Mr. MONDALE, Mr. PASTORE, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STEVENSON, Mr. CASE, Mr. HARRIS, Mr. NELSON, and Mr. PELL):

S. 1167. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to prohibit the mailing of unsolicited samples of cigarettes; to the Committee on Post Office and Civil Service.

MAILING OF UNSOLICITED CIGARETTES

Mr. MOSS. Mr. President, for myself and Senators MAGNUSON, BELLMON, BENNETT, CASE, CHURCH, CRANSTON, HARRIS, HART, HATFIELD, HUMPHREY, MONDALE, NELSON, PASTORE, PELL, PROXMIRE, RANDOLPH, and STEVENSON, I introduce for appropriate reference a bill to amend title 39, United States Code, to prohibit the mailing of unsolicited samples of cigarettes.

Mr. President, now that congressional action has stopped cigarette advertising on the broadcast media, the cigarette industry is engaging in promotion activities so excessive and bizarre that they offend common decency. There has been an untold influx in print media advertising; there have been innumerable cigarette billboards erected; the country has been bombarded with promotional material for a new brand Eve, blatantly aimed at widening the cigarette market among women, young and old. Now we witness at least one company—American Brands—unleashing a broadscale unsolicited mailing of cigarette samples to millions of homes.

There is ample precedent for the enactment of the legislation which I introduce today. The use of the mails is a privilege which the Government provides for its citizens. Whenever the mails have been used in a manner which offends the public, such as pornography, the Government has moved to prevent continued use for such purposes. Similarly, in order to protect the public against unwarranted personal hazard, we have established regulations prohibiting the mailing of explosives and bottles of poisons. In the case of unsolicited sampling of cigarettes by mail, we are faced again with both a hazardous product and one which is offensive to the large majority of our people.

I am sure many of you have received letters and telephone calls from constituents resenting the stuffing of their mailboxes with cigarettes packages. On several occasions, indignant parents have called to tell of finding their young children playing with packages of cigarettes conveniently left at the door by their mailman. Others have called worrying whether their names were on the mailing list. Its not that they really wanted the cigarettes that other houses in the neighborhoods received. Their concern was aroused because their 12-year-old son brings in the mail and they did not receive a "gift" of cigarettes. What a convenience for the curious child.

And talking about minors getting their hands on these complimentary cigarettes, a woman in Arlington called and told of her daughter receiving two packages of Silva Thins in the mail. Her daughter, aged 16, had a telephone listed in her own name and the makers of Silva Thins thought it proper to use the telephone directory in compiling their mailing list.

The makers of one brand sent an invitation to smoke to Mr. R. R. Jackson of Atlanta, Ga. Imagine the feelings of his sister when she opened the package and discovered cigarettes addressed to her late brother, a heavy smoker, and victim of lung cancer.

I have asked the Federal Trade Commission to investigate the current advertising and promotional tactics of the industry. If information which I have received is correct, this legislation would not go far enough. There have been reports reaching my office from San Francisco and Kansas City that representatives of cigarette firms are passing out free samples on the street. Picture the lineup of 13-, 14-, and 15-year-olds, coming out of school and stopping off to pick up free samples from the street pushers. If, as I suspect, the Federal Trade Commission confirms that this is one of the current practices in which the industry feels free to indulge, then we shall have to see that this practice, too, stops immediately.

By Mr. PROUTY:

S. 1168. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION ACT OF 1972

Mr. PROUTY. Mr. President, at the request of the administration, I introduce for appropriate reference the National Science Foundation Act of 1972.

The National Science Foundation program in the authorization bill I introduce for the administration includes strong support for fundamental research to broaden the base of scientific understanding and to sustain effective U.S. research capabilities in science and engineering. It is only with the strong foundation of fundamental research that the Nation can use its scientific capabilities to the fullest. Consequently, this bill proposes a major expansion of research support aimed at extending our understanding of the fundamental processes of nature, which is a principal mission of the National Science Foundation.

Basic research increases the store of knowledge we have about the world we live in. Such knowledge does not become obsolete; on the contrary, its value improves with use and with our expanding horizons of comprehension. But scientific knowledge is useful only in the hands of men and women who are familiar with its dimensions, who are experienced in working with it, interpreting it, and relating it to the major needs and interests of our society. This capability is required in order not only to produce new knowledge, but also to be ready for its exploitation. Maintaining this capability can only be guaranteed through actively supporting research in essentially all areas of science. This bill, Mr. President, will help the National Science Foundation and the Nation make that guarantee in all fields of science.

In addition to continued strong support for basic research projects, the NSF is placing significant emphasis on problem related research efforts. I believe that the Foundation can and must play an important role, along with other Federal agencies, in providing the basic knowledge and understanding necessary to help solve major national problems. This authorization bill will provide for

significant research efforts to gain this knowledge and understanding as we attempt to resolve environmental, social and technological problems of national and regional concern. It is intended to provide new and expanded opportunities for science to contribute significantly to efforts to improve the quality of our environment, to improve technology and economic productivity, and to enhance the quality of life. A principal objective of the NSF program is to couple more directly the capabilities and knowledge of science and technology to the needs of society.

The NSF has taken action to focus and stimulate the application of science and technology to major national, regional, and local problems; to increase societal benefits from research; to exploit scientific and technological opportunities; and to advance national economic productivity. Several major ongoing research efforts have been grouped to form a focused interdisciplinary effort to take advantage of the scientific and technological talents in academic and other institutions and focus research efforts on targeted areas such as pollution and crime. This interdisciplinary program, in addition to other problem focused research work in NSF, implements the 1968 amendments to the NSF Act, and promises to contribute much to the Nation.

Times does not permit me to dwell on the other important NSF activities; however, they include an exciting array of exploration efforts directed toward the oceans, the atmosphere, the polar regions of the earth, and many social and economic aspects of our society. Special emphasis is being placed on the biological sciences. Ecological Studies will be supported, as will studies of fundamental life processes. The molecular biology of the human cell will be studied to provide new knowledge needed to understand and control diseases and to understand the cellular basis of drug dependency.

While this NSF authorization will provide less than 10 percent of the total Federal support for research and only about one-fifth of the Federal funds for academic science, it will have considerable impact. The programs of NSF extend over the entire range of scientific discipline and throughout the geographic regions of the country.

It is agreed that a strong, ever renewing science and technology is essential to our economic development, our national security, and to our national welfare. However, there may be some disagreement as to the yields of alternative investments in the various NSF programs.

This authorization bill reflects new priorities and directions within the NSF. While the total authorization for fiscal year 1972 exceeds the fiscal year 1971 appropriation by $116.1 million, science education programs have been cut back or discontinued. Whether we can afford to reduce the NSF support for science education will, I trust, be a key element in consideration of this bill in the Special Subcommittee on the National Science Foundation and the full Labor and Public Welfare Committee.

Mr. President, I ask unanimous consent that the bill and a sectional analysis of this measure be printed in the RECORD.

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

S. 1168

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $619,000,000.

SEC. 2. Appropriations made pursuant to authority provided in sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1972."

SECTIONAL ANALYSIS

A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes

SECTION 1

This section authorizes appropriations to the National Science Foundation for fiscal year 1972 in the amount of $619,000,000.

SECTION 2

This section provides that appropriations made pursuant to sections 1 and 4 shall remain available for obligation and expenditure for such period, or periods, of time as may be specified in appropriation acts.

SECTION 3

This section authorizes an allowance of up to $2,500 for official reception and representation expenses to be expended at the discretion of the Director.

SECTION 4

This section authorizes, in addition to the funds appropriated by section 1, an appropriation for fiscal year 1972 not to exceed $3,000,000 for expenses of the National Science Foundation incurred outside of the United States to be financed from foreign currencies which are determined by the Treasury Department to be in excess of the normal requirements of the United States.

SECTION 5

This section repeats the provision of the National Science Foundation Authorization Act for 1971 relating to campus unrest.

SECTION 6

This section permits the citation of the Act as the "National Science Foundation Act of 1972."

By Mr. BAKER:

S. 1169. A bill to preserve, for purposes of study and research, nationally televised news and public interest programs. Referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I introduce and ask that it be appropriately referred a bill to preserve, for purposes of study and research, nationally televised news and public interest programs. I ask unanimous consent that the text of the bill be printed in full at the conclusion of my remarks.

Mr. President, this legislation is identical to S. 3720, which I introduced in

the 91st Congress. It would direct the Librarian of Congress to obtain, preserve, and index nationally televised evening news programs and other nationally televised programs that he determines to be of substantial public interest.

The need for such legislation was first brought to my attention by Vanderbilt University, where such a project has been underway since August 1968. The university has done a remarkable job in preserving some of this broadcasting, but it has neither the resources nor the facilities to undertake such a program on the requisite scale.

For many years historians and other scholars have relied extensively on contemporary news accounts in their research into the American past. Universities, libraries, and other institutions have long realized the value of preserving newspapers, periodicals, and other printed matter for the future use of historians and other interested persons. The advent of microfilm techniques has made this reproduction and storage a far more attractive and practicable practice.

However, few would disagree with the assertion that television has become one of the major news forces of our age. Although the print media continue to exert great influence and are capable of providing the kind of in-depth coverage often beyond the capacity of television, due to time limitations, television news reporting has become an inestimably potent factor in our national life.

I try to shy away from the use of hyperbolic or emotional adjectives, but I am prepared to assert that the failure to preserve a record of television news broadcasts is no less than tragic. It is tragic because no future historian could hope to write an accurate chronicle of this turbulent American era without access to television accounts of fast-moving world events. Because America and the world are in such ferment at the present time, it is essential that future generations be given a reasonably accurate picture of what was going on in the 1960's and 1970's. Such a picture would be impossible without reference to television news coverage.

The issue has been given an added immediacy by the controversy ignited by the Vice President over the objectivity of television news reporting. During his televised press conference on foreign policy last week, President Nixon himself asserted his belief that some news media had distorted the facts during their coverage of the Laos operation. Although anyone interested in trying to substantiate or refute the President's view might be able to do so by drawing on the Vanderbilt tape file, as I indicated earlier, I do not feel that the university should continue to bear the full burden of a project that has broad public significance, now and in the future.

Regardless of which side of this controversy one takes—and few are neutral on the question—the controversy itself only heightens the need for this legislation. I want to be determinedly explicit in making clear that this proposal in no way is meant to suggest that the Federal Government should monitor television news broadcasts for any sinister purpose, now or in the future. What it is intended to provide is a central source for research by present and future scholars and other interested individuals. If a doctoral candidate chose to seek support from these tapes for a thesis that television news had been unfair to the President or to the Sierra Club, he could attempt to make his case. If someone else chose to seek in the tapes support for the opposite view, he would be free to do so.

The Librarian of the Congress is responsible solely to the National Legislature. These video records would be as freely available for any purpose as are existing records of the printed media. The Vanderbilt project began long before the current controversy, and the need for a permanent record of television news broadcasts far transcends the objectivity controversy.

Mr. President, the estimated cost of this project is very small when compared to the great cost to future scholarship that will accrue if the project is not undertaken. The Librarian has estimated that the annual cost of maintaining the project, once it is established, would be $162,100 per year.

I am most hopeful that the committee to which the bill has been referred will take prompt and favorable action on the proposal. I feel that the need for it is virtually self-evident.

By Mr. CANNON (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HANSEN, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MOSS, Mr. MONDALE, Mr. PEARSON, Mr. PELL, Mr. MCGEE, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. THURMOND, Mr. TOWER, Mr. PERCY, and Mr. TUNNEY):

S. 1172. A bill to exempt citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. Referred to the Committee on Interior and Insular Affairs.

EXEMPTION OF SENIOR CITIZENS FROM PAYING ENTRANCE FEES TO NATIONAL PARKS AND RECREATION AREAS

Mr. CANNON. Mr. President, the highly popular Golden Eagle Passport program, providing year-long access to designated Federal recreation areas throughout the Nation, has been extended only through December 31, 1971, at which time the program will come to an end unless it is extended by legislative action. In addition the passport fee has been raised from $7 to $10—just one more inflationary pressure on the American taxpayer.

Although the passport can be used without limit to the number of visits or the number of persons in a single private vehicle, in many areas there are additional user fees for camping and other activities.

I am aware that the admission fees to Federal recreational areas do not constitute the greatest expense of recreational travel. Nonetheless, our senior citizen retirees, who usually have an abundance of free time, are often not financially able to take advantage of many leisure-time opportunities available in our national parks and recreation areas.

I am therefore introducing a bill designed to provide a tenth of the Nation's citizens, 20 million people, with an expanded opportunity to enjoy the beauty and splendor of our national parks and forests. These people—our senior citizens—are to a large extent living on fixed, small incomes which in the face of rising costs grow even smaller.

A recent report by the Senate Special Committee on Aging has come up with a pretty grim picture of income problems among older Americans. Coming after a 2-year study of the economics of aging the report finds that aged Americans live on less than half the income of those under age 65, despite the stopgap 15 percent social security increase of December 1969.

An earlier report cited the spending habits of older people. It noted older consumers followed a pattern more closely related to low income groups in general:

> For instance, the older units spent proportionately more on food, housing and household operation, and medical care than did the younger units. Younger units, on the other hand, spent proportionately more on house furnishings, clothing, transportation, alcohol, tobacco, recreation, and education.

I believe that by eliminating the entrance fee for our elderly, we will be expressing, in some small degree, our appreciation for the contributions these people have made during their working years. This is an altogether fitting and proper contribution on our part to their leisure years.

Such action is not without precedent, for in many States and municipalities there are provisions to exempt those over 65 of property or other taxes.

The State of Nevada, which has long understood the social and financial requirements of the over 65 age group, grants them exemptions from payments of hunting and fishing licenses. In addition the Nevada State Legislature is considering extending this exemption to other areas.

Mr. President, I urge the acceptance by my colleagues of this proposal to make in part a present of our country's magnificent scenery to the golden age people of our Nation.

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. BIBLE, Mr. BURDICK, Mr. CASE, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. STEVENS, and Mr. WILLIAMS):

S. 1173. A bill to amend title II of the Social Security Act so as to make more realistic and equitable the criteria for determining disability thereunder. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, prior to its approval of the social security amend-

ments bill in 1967, the Senate by a vote of 34 to 20 approved my amendment to redefine disability for purposes of social security benefits. Unfortunately, the amendment was lost in conference.

In 1969, I reintroduced it as S. 1132, with 40 cosponsors, and in 1970, as an amendment to the social security bill. Today, 21 other Senators and I offer the proposal to amend the Social Security Act.

In passing the 1967 social security amendments the House of Representatives narrowed the definition of "disability" by injecting a geographical element. The original definition in the 1956 amendment, said that a finding of disability would be made only if the worker's disability "was expected to result in death or to be a long-continued and indefinite duration." In 1965, the definition was broadened to eliminate the long-continued and indefinite duration requirement. Through the years of amendment of the Social Security Act, however, disability was always held to be the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment." In 1967, the House restricted the definition by adding to the words "substantial gainful activity" the words "which exists in the national economy."

In speaking to the Senate in 1967 in behalf of my amendment to remove the geographic restriction approved by the House and return to the earlier definition, I said:

> Actually, what the Secretary could apply under this conclusion is that a man would have to leave the geographic area in which he lived and he would have to engage in work in which he had no experience either by age, education, or training, and if such work were available in the national economy, whether he could get to it or not, whether he would be available or not, whether a vacancy existed, he would still be disqualified because of disability.

In 1970, we had the anomaly of the restrictive definition in the Social Security Act—since the House did not accept our amendment in 1967—and a broadening of the definition of disability in the administration's October revision of the family assistance bill for purposes of State aid to the disabled. It read in part:

> An individual shall be considered to be severely disabled for purposes of this title if he is unable to engage in any substantial gainful activity (available to him within a reasonable distance from his residence) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months * * *.

Mr. President, this was a rational approach by the administration. We should do no less for a worker whose contributions to social security trust funds were intended to secure a minimum income to him in the event of the personal tragedy of a disability.

I hope that the administration will support revision of H.R. 1 for State aid to the disabled in line with its previous recommendation and I hope further that the Congress will approve our conforming amendment to redefine disability for social security purposes, as provided in the bill we introduce today.

By Mr. SCHWEIKER:

S. 1174. A bill to amend chapter 17 of title 38, United States Code, to authorize the treatment of certain veterans suffering from drug addiction or drug dependency. Referred to the Committee on Veterans' Affairs.

VETERANS DRUG REHABILITATION ACT OF 1971

Mr. SCHWEIKER. Mr. President, today, I introduce the Veterans Drug Abuse Rehabilitation Act of 1971, to provide authorization for drug abuse treatment in veterans' hospitals for veterans who have been discharged from active duty under less than honorable conditions for reason of drug abuse, and who currently are barred from receiving any veterans' benefits.

This bill is identical to the bill I introduced late in the 91st Congress, S. 4424, and incorporates into law recommendations of the Department of Defense Task Group on Drug Abuse Policy. The bill specifically amends the section of the United States Code dealing with the duties and responsibilities of the Veterans' Administration. Under the current law, anyone discharged under less than honorable conditions is barred from any use of veterans' medical facilities. This bill will make a narrow exception: where the reason for a less than honorable discharge is drug abuse, that veteran will be permitted to receive drug abuse treatment and rehabilitation at veterans' facilities.

Veterans' benefits are not granted to servicemen discharged under dishonorable conditions, or to servicemen receiving undesirable and bad conduct discharges as a result of offenses involving moral turpitude or willful and persistent misconduct. Since a drug user is considered by the military to have rendered himself unfit for further service, his discharge falls under one of these categories, and he is barred from using veterans' facilities for drug abuse treatment, and rehabilitation.

My bill will change this policy by adding a new section to the United States Code, providing that the Veterans' Administrator "within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care or services."

To insure that a full rehabilitation program can be carried out, the bill authorizes the Administrator to, first, require the veteran seeking treatment to agree in writing to a minimum period of time he will be required to undergo treatment, second, set any terms and conditions for treatment to insure a thorough and effective rehabilitation program, and, third, refuse further treatment of any veteran who violates the terms of any agreements and conditions under which the treatment began.

I want to emphasize that this is a voluntary program for the individual veteran. We are not forcing drug abusers onto veterans' facilities. We are however, opening the resources of our veterans' program to those individuals who seek help in eliminating drugs, and the need for drugs, from their lives.

The task group considered a proposal to modify the general discharge regulations by allowing drug abusers to receive a general discharge for unsuitability which does not bar veterans' benefits. However, the report concluded that the discharge system now in effect in the Armed Forces represents a fair and proper method of categorizing service. Rather than lower the standards and criteria within the military for discharge, a better solution would be to amend existing law, to permit treatment of drug abusers discharged under less than honorable conditions. My bill carries out this recommendation.

I feel that the serious problem of drug abuse must be handled by all levels of society: There must be cooperation between Federal, State, and local governments; there must be coordination between public and private groups; and there must be continuity between military and civilian drug education and drug abuse rehabilitation efforts.

The problem of drug abuse is not the fault of the military, and as a matter of fact, studies have shown that 15 percent of the men entering the service are already drug users. However, the DOD task group has also cited the effect of combat pressures and high availability of drugs in Vietnam on the increase of drug use among servicemen.

Therefore, I feel the military has an obligation to do whatever is feasible to treat the servicemen who have been addicted to drugs, and to make this small contribution to drug rehabilitation. With the vast resources of the Veterans' Administration already available for medical and rehabilitative care, we should take advantage of them and allow drug-addicted veterans to receive this treatment.

Although the category of men involved in this bill is narrowly drawn, since it only refers to men specifically discharged because of drug abuse, the problem is large, and I hope Congress can take this important step.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Drug Abuse Rehabilitation Act of 1971."

SEC. 2. Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof a new section as follows: "620A. Hospital and medical care for veteran suffering from drug addiction or drug dependency.

"(a) As used in this section the term 'eligible veteran' means any person who served on active duty for a period of more than 60 days and who was discharged therefrom under conditions other than honorable for reasons of drug abuse.

"(b) Notwithstanding any other provision of this title, the Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care and medical services for the treatment of drug addiction or drug dependency to eligible veterans who request such care of services.

"(c) If the Administrator determines it necessary to the effective treatment of any eligible veteran applying for treatment under the provisions of this section, he may require, as a condition to providing such treatment, that such veteran agree in writing to make himself available for such treatment for such minimum period of time and on such terms and conditions as the Administrator may prescribe. The Administrator may refuse further treatment under this section to any veteran who violates the terms of any agreement entered into with the Administrator under this section."

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting

"620A. Hospital and medical care for veterans suffering from drug addiction or drug dependency."

immediately after

"620. Transfers for nursing home care."

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

S. 1175. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce a bill to amend the Land and Water Conservation Fund Act of 1964, as amended.

This legislation was submitted and recommended by the Department of the Interior and was referred to in that part of President Nixon's environmental message dealing with the land and water conservation fund which was submitted to the Congress on February 8, 1971. Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior accompanying this draft proposal and an analysis of the bill be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Land and Water Conservation Fund Act of 1965, as amended."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with the Land and Water Conservation Fund which was submitted to the Congress on February 8, 1971.

The proposed legislation will accomplish several reforms in the administration of the Land and Water Conservation Fund, designed to increase the effectiveness of the expenditures in providing public recreation opportunities and open spaces where the unmet demands are greatest. The formula for apportionment of assistance among the States would be altered to give increased emphasis to the demands for additional recreation opportunities and open spaces in and near heavily populated urban areas. The Secretary of the Interior will be given added authority to review State implementation plans in order to assure compliance with this goal.

The bill will also authorize a State to use up to 25% of its total annual allocation to develop indoor recreation facilities within areas where the unavailability of land or climatic conditions provide no other feasible or prudent alternative to serve identified unmet demands for recreation resources.

These amendments are recommended as a part of the President's program which he mentioned in his State of the Union Message on January 22, 1971, as follows:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the Nation's parks, recreation areas, open spaces, in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

A detailed analysis of this draft bill is enclosed.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

ANALYSIS OF DRAFT BILL

Subsection (a) would remove the requirement in the Land and Water Conservation Fund Act that financial assistance to the States for recreation planning, acquisition, or development be for *outdoor* facilities only.

Subsection (b) would change the existing formula for apportioning Land and Water Conservation Fund Moneys to the States. At present 60 percent of such moneys is apportioned on the basis of need, as determined by the Secretary of the Interior in accordance with certain prescribed considerations. One such consideration is the proportion which the population of each State bears to the total population of the United States.

The proposed apportionment in subsection (b) is based upon the following formula:

1. 20 percent on an equal basis;

2. 75 percent on the basis of need as determined by the Secretary; and

3. 5 percent on the basis of special or emergency needs as determined by the Secretary.

Subsection (c) would change the present annual limitation on the total apportionment of Fund moneys to an individual State from 7 to 10 per centum of the total amount allocated under paragraphs (1) and (2) to the several States, and would provide that if such apportionment has not been paid or obligated within a prescribed period it will be reapportioned on the basis of need as determined by the Secretary without regard to the 10 per centum limitation. In addition, the subsection would delete the provision under which the populations of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa are included in the population computation of the United States since under subsection (b) such a computation would no longer be made.

Subsection (d) modified one of the existing requirements of State comprehensive recreation plans which must be approved by the Secretary before financial assistance may be given to the States for acquisition or development projects. The subsection requires such plans to contain an evaluation of present and future demands for and supply of outdoor recreation resources and facilities in the States.

Subsection (e) would permit a State to use up to 25 percent of its total annual allocation to develop indoor recreation facilities in those areas where the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources.

Subsection (f) would require that the Secretary withhold payments to States until he is satisfied that they have taken appropriate action to ensure, consider, or provide for certain items listed in said subsection.

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

S. 1176. A bill to provide for the cooperation between the Federal Government and the States with respect to environmental regulations for mining operations, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MINED AREA PROTECTION ACT OF 1971

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Mined Area Protection Act of 1971. This measure is proposed by the administration as a part of the President's environmental message of February 8, 1971.

At the present time there are two other measures relating to surface and strip-mine protection and reclamation pending before the Senate Interior and Insular Affairs Committee. These measures will all receive active consideration in this session of the Congress.

Mr. President, I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying the administration's draft proposal together with a section-by-section anaysis be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 10, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

This legislative proposal was referred to in that part of President Nixon's environmental message dealing with environmental regulations for mining operations which was submitted to the Congress on February 8, 1971.

The adverse environmental effects that can result from mining operations has been a subject of growing national concern in recent years. The ever-increasing demand for minerals coupled with dramatic developments in or ability to recover them has led to an increase in mining activity, particularly surface mining.

These activities are an important part of the American economy and will continue to be. But we are coming to realize that they may contain hidden costs in terms of environmental deterioration that do not appear in the market transaction of the commodity.

Recent studies and investigations in the past 5 years documented some of the adverse environmental effects that may result from surface mining. Over 3.2 million acres of land had been disturbed by surface mining, with approximately 150,000 acres being added annually. By 1980, if this trend continues unchecked, 5 million acres will have been affected by mining activity, an area roughly the size of the State of New Jersey.

Underground mines also pose a serious threat to the environment. Like surface mines, underground mines can produce unsightly spoil-heaps which disfigure the countryside and contribute to water pollution. Mine fires and unintentional subsidence are

also major problems associated with underground mines in some areas.

In varying degrees State legislatures and mining companies have responded to the problem with the result that much land is being reclaimed by the mining industry as a part of the mining operation. Twenty-two States have laws regulating some aspects of surface or underground mining. This effort, however, suffers from lack of uniformity and lack of unanimity.

There are two distinct problems involved in meeting the challenge which mining operations can present to the environment:

(1) requiring ongoing and future mining activities to be conducted in a way as to minimize the environment impact, and

(2) healing the wounds that have been inflicted by past mining operations.

The proposed bill deals only with the first problem, the solution to which is largely a matter of developing regulations which will require environmental considerations to be built into the mining operation. An integral part of this effort will be research programs promoted by the Secretary of the Interior with Federal funds.

The proposed bill recognizes that the initial responsibility for developing and enforcing regulations should rest with the States. It also recognizes, however, that the effort must be nationwide and based, to the fullest extent possible, on national standards, so that industry will be placed on an equal footing in every State.

The proposed bill therefore gives the States the opportunity to develop and submit regulations for approval by the Secretary of the Interior in accordance with certain specific criteria set forth in the bill.

If a State fails to develop an acceptable program within two years after enactment, the proposed bill authorizes the Secretary to promulgate regulations for mining operations within the State.

The problem of healing damage inflicted in the past is more complicated. Typically, the party responsible is not available for legal action to require him to repair the damage he has caused. Consequently the solution is largely a matter of spending taxpayers dollars. In order to justify a massive Federal grant program to clean up past mined-areas, a detailed cost-benefit analysis must be undertaken to assure that this problem deserves top priority among the great number of other environmental problems the solution to which requires Federal funds. The tools for such an analysis are in the formative stages. Until they have been further refined, it is felt that a restoration program is premature.

A section-by-section analysis of the bill is enclosed.

This legislation is long overdue. The longer it is put off, the larger the ultimate cost will be.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

SECTION-BY-SECTION ANALYSIS

To provide for the cooperation between the Federal government and the States with respect to environmental regulations for mining operations, and for other purposes.

TITLE I

Section 101—contains definitions. "Mining operations" includes surface and underground mining but excludes extraction of minerals in a liquid or gaseous state through pipes. "Reclamation" means environmental protection built into mining operations.

Section 102—contains Congressional findings and declarations and states specifically that mining operations affect interstate commerce but that the initial and principal continuing responsibility for regulating them rests with the States.

TITLE II

Section 201—permits each State to submit for approval by the Secretary of the Interior environmental regulations for mining operations. Such regulations must cover all land within the State except Federally-owned land or land held in trust for Indians. The section contains criteria for secretarial approval, including provision that the regulations contain requirements designed to insure compliance with air or water quality standards and control or prevention of other specific types of environmental damage. The section sets up an Advisory Committee to establish guidelines further elaborating upon the criteria. The section allows the Secretary to withdraw his approval of State regulations if he finds that the State has failed to enforce the regulations adequately or otherwise failed to comply with the purposes of the Act.

Section 202—provides that if, after two years from the date of enactment of this Act, a State has failed to submit regulations to the Secretary for approval, the Secretary shall issue regulations for mining operations within that State.

Section 203—provides that, when the Secretary administers and enforces the program for a State, he shall recover the cost of so doing through permit charges levied on the mining operations within that State.

Section 204—provides that Federal regulations issued under section 202 shall cease to apply whenever the Secretary approves regulations submitted to him by the State.

Section 205—authorizes the Secretary to make inspections of mining operations in carrying out his responsibilities under the Act.

Section 206—authorizes the Attorney General to institute a civil action in the Federal district court to enforce Federal regulations, and to enforce certain other provisions of the Act.

Section 207—prescribes penalties for violation of Federal regulations.

Section 208—authorizes the Secretary to conduct research or training programs to carry out the purposes of title II.

Section 209—authorizes the Secretary to make grants to States to cover 80% of the cost of developing the regulations during the year prior to approval and to cover the following portion of the administering and enforcing costs for the four years following approval; 60% the first year, 45% the second year, 30% the third year and 15% the fourth year. The section also authorizes the Secretary to provide technical assistance to the States.

Section 210—authorizes the Secretary to utilize the services of the Secretary of Agriculture in extending technical assistance to the States.

Section 211—authorizes the Secretary to promulgate rules and regulations.

Section 212—authorizes appropriations as necessary.

TITLE III

Section 301—authorizes heads of Federal agencies to issue environmental regulations governing mining operations on lands under their jurisdiction. It directs such agency heads to require at least the same degree of environmental protection and regulation as is required by the State on other lands within the State. The section also provides that the Act shall not conflict with certain other Federal laws.

Section 302—provides for the separation of any provisions of the Act held invalid.

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

S. 1177. A bill to establish a Council of Consumer Advisers in the Executive Office of the President and to establish an independent Consumer Protection Agency in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations; thereafter to the Committee on Commerce.

CONSUMER PROTECTION ORGANIZATION ACT OF 1971

Mr. RIBICOFF. Mr. President, on behalf of the Senator from New York (Mr. JAVITS) and myself, I introduce the Consumer Protection Organization Act of 1971 and ask unanimous consent that the bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it be referred to the Committee on Commerce for 30 days for consideration of subject matters in the bill which are within its jurisdiction if the chairman of that committee desires such reference.

Mr. GRIFFIN. Mr. President, reserving the right to object, I should like to inquire of the Senator from Connecticut is he now introducing the bill; is that right?

Mr. RIBICOFF. That is right.

Mr. GRIFFIN. Is there any particular time limit or requirement insofar as when the bill must be reported by the initial committee?

Mr. RIBICOFF. None at all. This is the same bill that passed the Senate on December 1, 1970, by a 74-to-4 vote. We follow exactly the same procedure followed in the last Congress. After it was reported by the Committee on Government Operations, it was referred to the Commerce Committee, and after working it out with the Senator from Washingon (Mr. MAGNUSON), they had 30 days to make their decision. We are following exactly the same procedure now that we followed in 1970.

Mr. GRIFFIN. Has this been cleared with the chairman of the Commerce Committee?

Mr. RIBICOFF. I have not talked to him personally but we are following the same procedure. Both the Senator from Washington (Mr. MAGNUSON) and I saw eye to eye on it last year. I have no doubt he feels the same way. I worked this out with the Senator from New York (Mr. JAVITS), the ranking Republican on the committee, and we are following the same procedure that the Senator from Washington (Mr. MAGNUSON) and I agreed to last year, and I assume he agrees to it this year. Both of us support this legislation. I believe we understand one another completely.

Mr. GRIFFIN. Mr. President, I withdraw my objection.

Mr. COOK. Mr. President, reserving the right to object, and I may very well object, the only thing that I might object to is the fact that while the Government Operations Committee is not given a limited time, the Commerce Committee is given 30 days.

Mr. RIBICOFF. That is because the main jurisdiction is within the Committee on Government Operations. It is customary, where we deal with matters on the Commerce Committee.

Basically, I could report this out because we held complete hearings last

year and it had complete consideration. It came out with the agreement of both the Republicans and the Democrats on the Government Operations Committee. We worked it out in this way. This was the procedure we worked out with the Senator from Washington (Mr. MAGNUSON), so we are following the same procedure we followed last year.

Mr. COOK. One reason I hope the Senator does not mind my bringing this up is that I am the ranking member on the Consumer Subcommittee and we are in hearings now on consumer legislation and will continue to be. My only objection would be to allocating the 30 days. We may very well get it out in far less than 30 days.

Mr. RIBICOFF. I will be pleased to remove that.

Mr. President, may I ask unanimous consent that this bill be referred to the Committee on Government Operations, and when the bill is reported by that committee that it then be referred to the Committee on Commerce for consideration of subject matters in the bill which are within its jurisdiction, if the chairman of that committee desires such reference. We will delete the 30 days.

Mr. COOK. Mr. President, I withdraw my objection.

Mr. RIBICOFF. Mr. President, I introduce the Consumer Protection Organization Act of 1971 for appropriate reference.

This bill is virtually the same as S. 4459, which passed the Senate 74 to 4 on December 1, 1970.

The bill would establish, first, a Council of Consumer Advisers in the Executive Office of the President to recommend policy and coordinate consumer programs, second, an independent Consumer Protection Agency with the authority to advocate the consumer interest before Federal departments, agencies, and courts, and three, a program of grants to States, localities, and private nonprofit consumer organizations for consumer protection programs.

The Council of Consumer Advisers will be composed of the Director of the independent agency and two other persons appointed by the President and confirmed by the Senate.

Similar in design to the Council of Economic Advisers, the new council will coordinate and review the effectiveness and efficiency of the many consumer programs and activities—there were 76 separate programs in 1969. The Council will evaluate these programs, help settle disputes within the executive branch, and suggest means of eliminating waste and duplication.

A principal responsibility of the council will be to provide policy guidance to the President and recommend new legislation. A related duty is to assist him in preparing an annual consumer report to the Congress.

The Consumer Protection Agency will be headed by a Director, nominated by the President and confirmed by the Senate, who will serve a 4-year term coterminous with the President.

The Agency's mandate covers a wide spectrum of activities—represent the consumer interest before Federal departments, agencies, and courts; publish information useful to consumers; conduct economic surveys and research; provide financial and technical support to State, local, and private nonprofit consumer organizations; promote consumer education; cooperate with business in consumer protection; perform or supervise such product testing as may later be authorized; and publish a Federal Consumer Register.

The most novel and important function of the Agency is consumer advocacy. Every day the Federal Government makes decisions or administers programs which affect the pocketbooks, health, and safety of millions of consumers. The Agency will intervene in the policymaking, regulatory, and judicial proceedings of the Federal Government wherever there is a significant consumer interest in the outcome.

The regulatory commissions are a place where the consumer interest has been unrepresented often in the past. In license, rate, and route hearings, for example, the Agency will be the watchdog of the consumer. It will actively oppose inflationary price hikes and unjustifiable service cutbacks.

In bringing the interest of consumers to bear on the decisionmaking processes of Government, the bill merely provides something which the business community, and other private interests, already enjoy. Business has its trade associations, a vast lobbying operation, and a Cabinet department which promotes its interests.

Consumers should have the same organization and representation. Although every American is a consumer, each person devotes only a part of his time to his role as a consumer and usually spends only a tiny fraction of his money on a given item which may prove unsatisfactory. This is one reason why the buyer has historically been less organized than the seller in the marketplace and underrepresented in the councils of Government.

This bill will help to redress this imbalance. It gives the consumer representation in the Government, improved implementation of existing programs, and a more active Federal role in promoting fair play in the private enterprise system.

I regret that the President in his consumer message to Congress has not taken a firm position on the critical issue of the advocacy function. While last year he said that advocacy belonged in the Justice Department, he now suggests that it should be given to the Federal Trade Commission, pending action to reorganize the FTC. I feel strongly, as did the vast majority of the Senate in December, that only an independent agency can provide the vigorous advocacy that the consumer needs.

The Consumer Protection Agency will be a clearinghouse for consumer complaints. It will refer them to the appropriate authorities, including the Justice Department, in cases where violations of Federal laws are alleged.

The bill authorizes the Agency to conduct and publish the results of research, surveys, and investigations on a wide variety of consumer matters. A closely related function is the publication and dissemination of information useful to consumers. Specifically authorized in this category is brand name data supplied by other agencies on products purchased for their own use.

Consumer protection is also the responsibility of the States and the localities; and remedies are often applied more effectively at these levels. In addition, nonprofit organizations make a major contribution in fighting fraud, deception, unsafe goods, and other illegal practices.

Since many States lack the funds necessary to establish effective consumer protection programs, the bill authorizes the Consumer Protection Agency to make grants to strengthen these efforts. Funds are to be distributed according to a formula similar to that used by the Law Enforcement Assistance Administration—each State submits a plan, which, after approval, entitles it to a base amount plus additional funds based on population.

The Consumer Protection Agency will be the advocate of the consumer interest and, therefore, will be immersed in specific issues and disputes on a daily basis. The Council of Consumer Advisers will provide an overview of Federal consumer programs, and, by virtue of its location in the White House, will have the visibility and the access to the President essential to the fulfillment of its policy formulation role.

The American consumer is frustrated today not only by the poor quality and high prices that he perceives in so many goods and services, but also by the indifference to his needs and desires. The Senate Commerce Committee has placed a $200 billion annual price tag on consumer fraud and deception.

The consumer rightfully is demanding action by the Federal Government. There has been a call for the enactment of a "consumer bill of rights," which I enthusiastically support. This bill recognizes that first we need the organizational framework through which we can work to guarantee the rights of consumers.

Passage of this bill is potentially the most important event in the history of the movement for consumer rights in this country.

I am delighted that Senator JAVITS, who has a longstanding interest in consumer affairs, is cosponsoring this bill with me. The bill will serve as a useful starting point for consideration this year. Neither Senator JAVITS nor myself are bound to all provisions of this bill and we are willing to consider other suggestions in the interest of passage of the best possible consumer legislation early this session.

Mr. JAVITS. Mr. President, there are a few remarks I wish to add to those of the Senator from Connecticut.

I am cosponsoring this bill principally because I wish to make it clear that the thought that a new organizational structure is needed on the Federal level to promote and safeguard the interests of consumers is not just the desire of any one political party. Republicans as well as Democrats wish to see a new, better, and more comprehensive Federal mechanism to assure the consumer that his in-

terests will be presented and considered before decisions are made. If a separate agency with the authority to intervene before other agencies, Departments, and Federal courts, with the courts' discretion, is the best way this can be accomplished, then such an agency must be established.

This bill passed the Senate last year by the overwhelming majority of 74 to 4. It was a bipartisan effort to which many Senators on both sides of the aisle contributed. At that time I believed, as did the Senate, that its provisions—the independent agency, the three-man Council of Consumer Advisers, and the consumer protections grants—were the best vehicles to insure that the performance of Government in the area of consumer protection did in fact reflect the stated commitments of Government in this area. The provisions of the bill itself were delicately balanced to insure the most effective but responsible governmental effort for the consumer, allowing the Government to act where there were serious and substantial consumer interests which needed asserting or protecting, yet limiting the Government's actions from unduly infringing upon the legitimate activities of both Government and business.

I am cosponsoring this legislation this year because I continue to believe that this bill is substantially sound and would aid the consumer greatly. There will be alternative proposals—the President's—and I am sure the Congress will consider them carefully. Any alternative, however, must provide the balance between the consumer interest and the interest of responsible business, which this bill does, and would require the broad bipartisan support which this bill has. Both are necessary if we are to see, as I hope we will, a bill pass this year.

As Senator RIBICOFF has said this bill will serve a most useful starting point for further consideration of consumer organization legislation and in the interests of providing the best consumer legislation possible this year, I would urge all those responsible for the outcome of this and related legislation to maintain an open mind on changes so that a bill serving the interests of all may actually be passed. I believe it now may be wiser, for example, to give the newly-created Office of Consumer Affairs in the Executive Office of the President statutory permanence rather than create the three-man Council of Consumer Advisers which this bill would do, for the present Office may function just as adequately and provide the same benefits as would the Council.

Further, it remains to be seen what the President will recommend to Congress concerning consumer organization legislation—whether he will adopt the Ash Council's recommendation that the FTC be reorganized or adopt what is now his interim position of giving the FTC the authority to advocate before other departments and agencies on behalf of the general consumer interest. The details of any legislation the President may propose must be examined closely before any final decision on the provisions of this bill can be made and although Congress will undoubtedly—and should—be acting quickly on consumer legislation this year, I believe it will recognize the President's views and will not reject his proposals before it has offered him an opportunity to detail and explain his plans.

By Mr. MATHIAS:

S. 1180. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 so as to exclude from gross income certain compensation received by members of the Armed Forces of the United States, and for other purposes. Referred to the Committee on the District of Columbia.

Mr. MATHIAS. Mr. President, I am today introducing a bill to amend the District of Columbia Income and Franchise Tax Act of 1947 to bring to the residents of the District of Columbia serving in the Armed Forces certain tax advantages with respect to local income tax which accrue to them under the Federal Internal Revenue Code.

Over half of the States now have enacted special legislation affecting the liability of members of the Armed Forces for State income taxes and returns. Members of the Armed Forces returning from tours of duty in combat areas to their homes in the District of Columbia are presently given no special consideration with respect to District income taxes. Their income earned while serving in combat areas is subject to local income tax the same as other income.

The Federal Internal Revenue Code gives special treatment to income earned by members of the Armed Forces while serving in combat zones or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone, and the bill I introduce today would grant to residents of the District of Columbia the same tax treatment with respect to local taxation as they are afforded under the Federal Internal Revenue Code.

The bill in general provides that income of enlisted personnel earned while serving in a combat zone or while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone shall not be included in gross income for District of Columbia tax purposes.

With respect to commissioned officers, the bill provides that the first $500 of compensation received each month while in a combat zone or while hospitalized, as a result of wounds, disease, or injury incurred while in a combat zone shall not be included in gross income for District of Columbia tax purposes.

The bill further provides that personnel serving in the Armed Forces, or serving in support of the Armed Forces, shall have 180 days after returning from a combat zone or hospitalization outside the United States to file their tax return for District of Columbia taxes.

It is evident that our local residents serving in the Armed Forces in combat zones are being given no special treatment, as their counterparts are in many States. The taxing statutes provide for no exclusions and no grace period for the filing of returns. This is a situation which is inequitable and works a hardship on those who are giving so much to their country. Every effort should be made to equalize treatment of our returning service personnel. I urge Senators to join me in supporting this measure which will bring to members of the Armed Forces from the District of Columbia, who have served in combat zones, the same considerations which are given to them under Federal income tax laws.

By Mr. JAVITS (for himself, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. WEICKER, and Mr. YOUNG):

S. 1182. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, I introduce on behalf of myself and Senators BAKER, BEALL, BELLMON, COOPER, DOLE, DOMINICK, GRIFFIN, MATHIAS, PERCY, PROUTY, SAXBE, SCOTT, STEVENS, TAFT, YOUNG, FANNIN, JORDAN of Idaho, CASE, WEICKER, and FONG, the administration's Health Maintenance Assistance Act of 1971.

This bill would implement those recommendations in the President's February 18, 1971, health message relating to the reorganization of the delivery of health services through the stimulation of the development of health maintenance organizations.

To provide form and direction and to change the dangerously haphazard organization of health care in America, I introduced in the 91st Congress—and reintroduced this year—my "Local Comprehensive Health Services Systems Act." To accomplish that end—by putting into motion initiatives that ultimately will reshape the inequities and hardships of our present health care system—the President's health message urged we help such an organization get started and develop.

This new approach can have a variety of forms and names and sponsors. The term applied to all of these units by the President, and in the bill I introduce today on behalf of the administration, is HMO's—health maintenance organizations.

Whether these organizations be called HMO's, local comprehensive health service systems, or prepaid group practice, this new concept has two essential attributes. It brings together a comprehensive range of medical services in a single organization so that a patient is assured of convenient access to all of them. And it provides needed services for a fixed contract fee, which is paid in advance by all subscribers.

To stimulate such an innovative medical care delivery system this bill provides:

First, a program of assistance during the period January 1, 1972–June 30, 1976, to public or private organizations to

plan and develop health maintenance organizations and to expand existing ones.

Second, the assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; up to 90 percent loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

Third, review of and opportunity to comment on applications by State and local health planning authorities is required.

Fourth, joint funding for all Federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

Fifth, Secretary of Health, Education, and Welfare is authorized to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

We can no longer depend upon an already overburdened health care system to provide medical services; we must rationalize our health care system to benefit all Americans. I urge early enactment of such legislation. It increases the value of the services a consumer receives for each health dollar because HMO's or such similar organizations provide a strong financial incentive for better preventive care and for greater efficiency.

I ask unanimous consent that the letter of transmittal of the Secretary of Health, Education, and Welfare and a summary of the bill be made a part of my remarks.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

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

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes." The bill has the short title of the "Health Maintenance Organization Assistance Act of 1971."

Also enclosed for your convenience are copies of a brief summary of the major provisions of the bill.

This proposed legislation is designed to carry out certain of the recommendations in the President's February 18, 1971, health message relating to stimulation of the development of health maintenance organizations.

The proposal would do this through grants to and contracts with private and public sponsors for planning the establishment or expansion of health maintenance organizations, and for the initial operation of such organizations in medically underserved areas. The proposal would also authorize the guarantee of loans by private lenders to private sponsors of such organizations for the construction of ambulatory care facilities and for initial operation of such organizations.

Finally, the proposal would authorize Federal loans to public sponsors in medically underserved areas for their initial operating costs.

We would appreciate it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

SUMMARY OF THE HEALTH MAINTENANCE ASSISTANCE ACT OF 1971

1. During the period January 1, 1972–June 30, 1976, provides a program of assistance to public or private organizations to plan and develop health maintenance organizations and to expand existing ones.

2. The assistance is in the form of grants and contracts for planning costs with priority for medically underserved areas; grants and contracts for costs of initial operation in medically underserved areas; loan guarantees to private organizations to cover construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas; and direct loans to public organizations to cover initial operating costs in medically underserved areas.

3. Review of and opportunity to comment on applications by State and local health planning authorities is required.

4. Authorizes joint funding for all federal assistance to any health maintenance organization, and waiver of normal contracting procedures if necessary.

5. Authorizes Secretary to carry out his responsibility for health care of Indians by contracting with health maintenance organizations.

Mr. DOMINICK. Mr. President, I am pleased to cosponsor the Health Manpower Assistance Act of 1971 and the Health Maintenance Organization Assistance Act of 1971, introduced today by Senator JAVITS on behalf of the administration. These bills will implement a substantial part of the legislative program proposed by the President in his health message. The bills will be referred to the Labor and Public Welfare Committee, and as the ranking minority member of the Health Subcommittee, I will be active in supporting them.

The Health Manpower Assistance Act of 1971 is designed to meet the personnel needs of our growing medical system. Since other portions of the administration's health program will greatly increase the demand for medical services by assuring everyone equal access to health care, it is absolutely essential that the additional health manpower necessary to meet that demand is made available. The "Health Manpower Assistance Act" would extend the expiring health professions education assistance and nurse training authorities for 3 years, but would make significant changes and additions. It would expand and reform medical education through an approach that would provide a more secure financial base for medical schools, and expand the production of physicians and other medical personnel with emphasis on primary care and physician's aides.

The bill provides for $6,000 per graduate capitation funding for medical schools. The present support is $500 per enrollee per year, or about $2,000 per graduate. This change would provide a more stable "first dollar" financial base for medical schools. At the same time, and equally important, it would give the medical schools strong incentives to expand their enrollments and shorten their curriculums. This feature is based in part on recommendations by the Carnegie Commission on Higher Education.

Special project grants would be authorized for priority goals such as emphasized development of physicians' assistants. There would be increased support for low-income and minority students through expanded scholarship funds and guaranteed loans, and loan forgiveness where such students failed to graduate. To deal with the shortage of general practitioners and maldistribution of physicians' problems, the bill would provide for postgraduate loan forgiveness for doctors who practice in primary care specialties and those who practice in scarcity areas. The bill also contains new loan guarantees and interest subsidies for construction of medical education facilities.

Finally, the bill would provide for new efforts in preventive health by establishing a private, nonprofit health education foundation, and expanding Federal programs in health education.

The Health Maintenance Organization Act of 1971 would implement the portion of the President's health message dealing primarily with reorganization of the system of delivering medical services. The purpose of the bill is to help change the orientation of our medical system from one which emphasizes the treatment of sicknesses to one which emphasizes keeping people healthy. It is also intended to help keep down rising medical costs, and to deal with the problem of maldistribution of medical care personnel which has resulted in inadequate access to medical care in many inner city and rural areas. These efforts would be advanced through Federal support for the development of "health maintenance organizations" which create incentives for efficient, low cost care, stress prevention, and offer convenient centralized quality care.

A "health maintenance organization" is defined essentially as a public or private organization which provides comprehensive health care to a defined population on a per capita prepayment basis. The definition is flexible enough to maintain a wide range of choice for doctors as well as patients. HMO's would not be limited to the so-called "closed-panel group practice." As long as the organization contracts to provide comprehensive health care on a prepaid basis, the doctors who are members of the organizatin are free to practice in groups or individually, and could be paid on a salaried, per capita, or fee-for-service basis. For instance, a medical foundation comprised of the members of local medical societies could qualify as an HMO, and none of the member doctors would have to change their methods of practice—provided the foundation agrees to provide comprehensive medical care on a prepaid basis, and meets other criteria established by the Secretary of Health, Education, and Welfare, such as quality standards.

The assistance for health maintenance

organizations will be in the form of grants and contracts for costs of planning and initial operation, with priority for medically underserved areas. There will be loan guarantees to private organizations to help them finance construction or acquisition of ambulatory care facilities and initial operating deficits with priority for medically underserved areas. Provision is also made for direct loans to public organizations to cover initial operating costs in medically underserved areas.

State and local health planning authorities would be guaranteed the opportunity to review and comment on applications for Federal assistance. The Secretary of Health, Education, and Welfare would be authorized to contract with health maintenance organizations in order to carry out his responsibility for health care of Indians.

Mr. President, I think these two bills are part of a very imaginative, comprehensive, and well-thought-out program to deal with the substantial health care problems of this country, and I hope that we all can put politics aside and examine their merits objectively.

Mr. President, I have been following the testimony emerging from the Senate Health Subcommittee with great interest. I certainly do not want to be an ostrich and stick my head in the sand saying that no financial crisis exists among some of our institutions that train our Nation's future physicians, but I feel that the administration's well-thought-out health manpower proposals should not be dismissed out of hand as inadequate before they are even introduced and examined.

If the President's health manpower legislation is enacted with the requested appropriations, this Nation will have almost $545 million as the Federal share of the health manpower bill in fiscal year 1972. This will be more than 55 per cent higher than the $350 million that was obligated in 1970 and more than 27 per cent higher than the 1971 amounts which, I understand, will amount to $428 million.

I would ask the officials of our country's great medical teaching institutions like Drs. Russell Nelson and David Rogers to examine how their institutions might gain a greater sense of financial stability by adapting their practices to make the most out of the administration's far-reaching health manpower proposals.

The $6,000 for each graduate of medical school provides a splendid incentive for any school to increase its production of physicians while at the same time obtaining increased Federal funding for its successful efforts.

In this one area alone, medical student education, the administration is proposing increases that amount to almost 250 percent of the 1970 funding levels. In 1970, only $59 million was obligated for this support. This year the figure will rise to $73 million, and next year, medical education will receive more than $149 million. This is just for medical student education and does not include additional support which medical schools stand to gain from their participation in the proposed expansion of health maintenance organizations and establishment of area health education centers.

The statements that refer to the financial distress of schools that we hear from testimony really need some further explanation since medical centers are in a poor position to provide information on the operating costs of their various programs. The sad fact is that many of these institutions may not even know these costs themselves and therefore may not even know why they are losing money.

I understand that a study is now underway in a group of these institutions which will provide more factual information. The most recent information from the Bureau of Health Manpower Education of the NIH is that for this year some 45 institutions have applied for continuing, new, or supplemental support for schools in financial distress and not the 61 as stated in the testimony before the Health Subcommittee.

I do not have the total budget figures from Johns Hopkins University Medical School but I do know that in the field of health manpower education, that institution received grants totaling $629,000 in 1970, and will probably receive increased grants totaling $785,500 in 1971—certainly not a downward trend for medical education.

All great medical educational institutions in the Nation, like Johns Hopkins, will, I hope, constantly reevaluate their mission. It is so essential that these schools recognize the needs of society. As they respond to these appropriately, they will receive the support of society. Research at such institutions must continue and even expand but an even greater expansion in manpower production must occur if we are ever to solve our health care problems. The great educational institutions must recognize this need and adapt their programs to these balanced objectives.

By Mr. JAVITS (for himself and Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. JORDAN of Idaho, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. STEVENS, Mr. TAFT, Mr. TOWER, Mr. WEICKER, and Mr. YOUNG):

S. 1183. A bill to amend the Public Health Services Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes. Referred to the Committee on Labor and Public Welfare.

HEALTH MANPOWER ASSISTANCE ACT OF 1971

Mr. JAVITS. Mr. President, this Nation faces a deepening crisis in the provision of health and medical care for all its people. Our resources for meeting increasing demands for medical services are not keeping pace with requirements for health manpower.

This Nation must have larger numbers of the right kind of health manpower personnel, located in the right places, and utilized in the right way, to give health services to the people who need them. To put the Federal Government in the forefront of efforts to meet these needs for health personnel, I am introducing for myself and Senators BAKER, BEALL, BELLMON, BENNETT, COOPER, DOLE, DOMINICK, GRIFFIN, PERCY, PROUTY, SCOTT, STEVENS, TAFT, YOUNG, FANNIN, JORDAN of Idaho, TOWER, WEICKER, and FONG the administration's Health Manpower Assistance Act of 1971. I ask unanimous consent that the letter of transmittal of the Secretary of the Department of Health, Education, and Welfare for this legislation, a summary of its provisions, and the full text of the bill entitled "Health Manpower Assistance Act of 1971" be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. JAVITS. Mr. President, I cannot overemphasize the urgency of the Federal Government's strengthening its programs to increase the supply and improve the use and distribution of health manpower. Not only must we expand and improve our resources for obtaining health personnel, but also we must take steps to keep existing educational programs in operation.

The financial burdens of health-professions schools have become so great that a number of existing schools today are considering closing their doors and it was for that reason that I introduced a bill in the 91st Congress to provide $100,000,000 in disaster relief to medical and dental schools, which passed the Senate but was modified in conference. If appropriate action is not taken soon to strengthen our health-manpower training resources, our already inadequate output of personnel could actually decline.

We must do more than simply increase the numbers of persons trained to do traditional jobs in a traditional way. Because health service needs are increasing so rapidly we will not catch up on manpower requirements on a "business as usual" basis. We must capitalize on opportunities to shorten curriculum, to make greater use of allied personnel, and otherwise to train and employ manpower in the most efficient and economical way consistent with assuring adequate quality of health care. The bill I introduce today would encourage such new approaches.

On February 18, 1971, the President transmitted a message to the Congress calling for a new health strategy built upon the cardinal principles of assuring all citizens equal access to our health care system, balancing supply and demand for care, organizing for efficiency in the provision of services, and building on existing strengths in our present system as we move toward reform in health care in America. As part of the program to carry out this strategy, a number of measures were recommended to help us use medical manpower more effectively and to produce more health professionals especially to perform critically needed services.

To implement the President's recommendations relating to health manpower training, the Health Manpower Assistance Act of 1971 provides:

First, capitation grant authority to pay $6,000 per graduate to schools of medicine, dentistry, or osteopathy. This authority would be in lieu of existing formula grant authority under which appropriated funds are divided among the above schools, plus schools of optometry, pharmacy, podiatry, and veterinary medicine, on the basis of relative enrollments and numbers of graduates. Capitation grants for graduates only would give the schools an incentive to increase their output rather than just expanding first-year enrollments; the grants would encourage the schools to shorten their curricula, promote advanced placement, and replace students lost through attrition. An almost threefold increase in the dollar amount of formula aid currently provided would establish a base of Federal support which would give financial viability to most of the schools assisted.

I believe that our Nation's schools of optometry, pharmacy, podiatry, and veterinary medicine also make an invaluable contribution to our Nation's health and capitation grant authority—at perhaps a lesser amount—should be provided to such schools for their institutional support, not provided in the bill.

Second, separate special project grant authorities for schools of medicine, osteopathy, and dentistry, and for schools of optometry, pharmacy, podiatry, and veterinary medicine, instead of a single combined authority as under existing law. Existing purposes of grants would be continued. In the case of medicine, osteopathy, and dentistry, new authority would be provided to aid students in securing a part of their education under a preceptor in family practice, pediatrics, internal medicine, or other fields designated by the Secretary. Both of the new authorities would add specific provision for grants to increase educational opportunities for disadvantaged students and to improve the geographic or specialty group distribution of such health manpower.

Third, there would be separate special project authority for aid to alleviate financial distress of schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine, under certain conditions as to disclosure of financial information and implementation of operational and financial reforms. While the proposed capitation grants to schools of medicine, osteopathy, and dentistry would help many of those schools get on a sound financial basis, this separate authority would allow the Federal Government to devote a portion of its resources to a direct effort to solve the exceptional financial problems of health professions schools.

Fourth, Health Manpower Education Initiative Awards would permit the Federal Government to attack special health manpower problems through support of projects to improve the supply, distribution, utilization, and efficiency of health personnel. The new authority would allow targeted aid without regard to categorical restraints for the establishment of area health education centers, consortia, and other cooperative arrangements among institutions—both educational and service—for the training of needed manpower. It would permit the development of programs to train staff for health maintenance organizations, to provide team training of physicians and allied health personnel, and otherwise to relate health manpower education more directly to the delivery of health services, with particular emphasis on interdisciplinary approaches.

Fifth, new consolidated construction assistance authority would be in lieu of five separate authorities in existing law for the construction of: health professions teaching facilities, nurse training facilities, allied health training facilities, medical research facilities, and medical library facilities. This authority would provide more flexible assistance for construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities. Among eligible applicants would be schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine, public health, nursing, and allied health, including their affiliated hospitals, and other agencies, organizations, institutions, or combinations thereof. Grants could be made in an amount up to 67 percent of total costs. New provisions for guaranteed loans and interest subsidies would help private nonprofit schools tap private resources for the financing of construction. I would emphasize that it is my understanding that the purpose of this guaranteed loan and interest subsidy provision is to supplement the existing grant program, not to supplant it. In the face of hundreds of millions of approved but unfunded grant applications, I believe we can no longer rely solely upon the grant mechanism to meet our schools' needs but must take this innovative step of guaranteed loans and interest subsidies to overcome the substantial unmet needs.

Sixth, student aid provisions would make significant changes in existing scholarship and loan programs to help disadvantaged students, and would be coupled with incentives to improve distribution of manpower.

Health professions scholarship aid would be targeted toward low-income disadvantaged students in schools of medicine, osteopathy, and dentistry, with the maximum amount of assistance for a student increased from $2,500 to $3,000 a year. Scholarship grants would be distributed among schools of medicine, osteopathy, and dentistry on the basis of the number of low-income, disadvantaged students enrolled at those institutions. Schools of optometry, pharmacy, podiatry, or veterinary medicine would receive grants upon the Secretary's determination that such grants would help fill a national need for practitioners in these professions.

In the case of loans for health professions students, provision would be made for increased reliance on the Office of Education's guaranteed loan program. The authority for this program would be amended to allow loans up to $5,000 a year for students of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine; to extend the repayment period for these students; and to make a new provision for forgiveness of loans made to graduates who practice in a shortage area and to low-income students who fail to graduate. The new provision for forgiveness of loans for graduates who practice in a shortage area would be one important step toward improving the distribution of health personnel in our Nation.

However, I am concerned that there is no provision for direct student loans. I am not convinced that reliance solely upon a guaranteed loan program will provide the necessary assistance our students require.

Seventh, a separate 3-year authorization of such sums as may be necessary to accomplish the purposes of the act.

I am confident that not only will specific authorization levels of funding be provided before this measure is reported out to the Senate but also, that rather than a single authorization for all purposes of the act, the committee will seek to establish separate authorizations for the various purposes herein contemplated.

Although existing statutory health manpower advisory councils are abolished by this legislation, I am assured that administrative action will be taken to establish such advisory councils as are appropriate.

Although this bill does recognize that the health of the Nation depends in large measure on the availability and quality of nursing services and has many innovative provisions to meet the critical nurse shortage, I am concerned that its provisions do not provide a sufficiently balanced program of support to nursing schools and nursing students. I therefore intend to introduce a National Nursing Education Act to achieve such objectives.

The Health Manpower Assistance Act of 1971 would make possible an expanded Federal health manpower training program designed to produce the manpower resources essential to achieving national health care objectives, and I am confident this bill will receive the most serious consideration in forthcoming attempts to determine how best to extend and strengthen Federal programs of aid for training of health personnel. We must move toward early enactment of legislation to provide the health manpower required to meet national needs for health and medical care.

EXHIBIT 1

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 3, 1971.

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

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes". The draft bill has the short title of the "Health Manpower Assistance Act of 1971".

Also enclosed for your convenience is a brief summary of the major provisions of the draft bill.

The enclosed draft bill is designed to carry out certain recommendations of the President, contained in his February 18, 1971, message on health, relating to the health manpower problem. It is designed to assist in increasing the supply of adequately trained health personnel, improving the distribution of such personnel, particularly in medically underserved areas, and abetting the more efficient and effective utilization of such personnel through health maintenance organizations and otherwise.

We would apprecite it if you would refer this draft bill to the appropriate committee for its consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

EXHIBIT 2

SUMMARY—HEALTH MANPOWER DRAFT BILL

The Health Manpower draft bill extends existing health professions education assistance and nurse training authorities for three years, but makes the following significant changes and additions:

1. Formula grant authority is provided to pay $6000 per graduate plus an additional $2000 (or $1500, depending on the length of the curriculum) per student who represents an enrollment increase, to schools of medicine, dentistry, or osteopathy, except that no more than $60000 in capitation formula grants may be paid to any school for any student during his entire course of study.

2. The above is in lieu of existing authority under which the appropriated funds are divided among the above schools, plus schools of pharmacy, optometry, podiatry, and veterinary medicine, on the basis of relative enrollment and enrollment increases (75 per cent) and the number of graduates (25 per cent).

3. Separate special project grant authorities are provided for schools of medicine, dentistry, and osteopathy and schools of pharmacy, optometry, podiatry, or veterinary medicine, instead of a single combined authority, as under existing law. Under both authorities, new authority to make grants to add disadvantaged students and to improve area or specialty group distribution of such health manpower is added. In addition, new authority to make grants to schools of medicine, dentistry, and osteopathy for traineeships is included.

4. A separate subsection for special project grants to health professions schools to alleviate financial distress is created and authority to require recipients to disclose all relevant financial information and to implement reforms recommended by the Secretary is added to existing authority.

5. New authority for Health Manpower Education Initiative Awards is added to enable the Secretary to make project grants and contracts to assist agencies, organizations, and institutions, and combinations thereof, to improve the training or retraining of health manpower personnel, to initiate new types and patterns of training, including establishment of area health education centers, to improve the distribution, supply, or utilization of such personnel, to encourage training for better delivery of personal health service through use of the team approach, health maintenance organizations, and otherwise; and including regional arrangements among schools and institutions to accomplish the objectives of this new authority.

6. Five existing advisory councils in the health manpower and medical library fields, which are established by statute, are abolished. Administrative action will be taken to establish such advisory councils as are appropriate.

7. A consolidated construction assistance authority (in lieu of five separate construction grant authorities in existing law) is provided, including authority to make grants (up to 67 per cent), and guarantee loans, and pay up to 3 per cent interest subsidies in the case of private sponsors, to assist in construction of teaching facilities, advanced or continuing education facilities, medical library facilities, and health research facilities for 7 health profession schools, schools of public health, nursing schools, affiliated hospitals, and, under certain circumstances, other agencies, organizations, institutions, or combinations thereof.

8. Formula grant authority to aid schools of nursing is repealed and existing authority to make project grants for traineeships for professional nurses is extended.

9. (a) Increases maximum insured loans to health professions students (under Higher Education Act of 1965) from $1,500 to $5,000 annually (or $2,500 for nursing students), liberalizes repayment terms, and includes Federal repayment of such loans to students who practice general, family, internal, or pediatric medicine in medically underserved areas (or, if prescribed by the Secretary, loans to students who practice other aspects of medicine, osteopathy, or dentistry, or who practice podiatry, pharmacy, optometry, or veterinary medicine, in such areas), and of such loans to students of medicine, osteopathy, dentistry, or nursing who are from low-income or disadvantaged families and who fail to complete their health studies.

(b) The existing scholarship programs for health professions students (including nurses), which are due to expire at the end of the current fiscal year, are extended for three years.

(c) The bill also makes dicretionary the present mandatory program of grants for scholarship aid to schools of optometry, podiatry, pharmacy, or veterinary medicine, but continues grants to schools of medicine, osteopathy, and dentistry on the present mandatory footing.

(d) Increases maximum health professions scholarships from $2,500 to $3,000 and limits scholarships to exceptionally needy students from low-income or disadvantaged families.

EXHIBIT 3

S. 1183

A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Manpower Assistance Act of 1971".

INSTITUTIONAL GRANTS

SEC. 2. (a) The heading of Part E of title VII of the Public Health Service Act is amended to read as follows:

"PART E—INSTITUTIONAL GRANTS TO IMPROVE THE PRODUCTIVITY AND QUALITY OF HEALTH EDUCATION"

(b) Subsection (a) of section 770 of such Act (42 U.S.C. 295f) is amended to read as follows:

"(a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years, for special project grants to schools of medicine, dentistry, and osteopathy under subsection (a) of section 772, for special project grants to schools of pharmacy, optometry, podiatry, or veterinary medicine under subsection (b) of such section, and for financial distress special project grants to health professions schools under subsection (c) of such section, and for manpower educational initiative awards under section 773. For the fiscal year ending June 30, 1975, and the succeeding fiscal year, there are authorized to be appropriated such sums as may be necessary to make grants and carry out contracts for continuation of projects, programs, or activities for which a grant has been made or a contract entered into under section 773, for a fiscal year ending prior to July 1, 1974.

CAPITATION GRANTS

SEC. 3. (a) The heading of section 771 of such Act (42 U.S.C. 295f–1) is amended by striking out "INSTITUTIONAL GRANTS" and inserting in lieu thereof "CAPITATION GRANTS".

(b) Subsection (a) of such section is amended to read as follows:

"(a) (1) Except as provided in paragraphs (3) (B) and (4), any school of medicine, dentistry, or osteopathy with an application approved under section 774 shall be entitled, for any fiscal year ending prior to July 1, 1974, to an amount equal to $6,000 multiplied by the number of students of such school who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1)) from such school in such year.

"(2) Any such school with such an application for a fiscal year ending prior to July 1, 1974, which will not graduate any students in such year shall be entitled, for such fiscal year, to an amount equal to—

(A) $2,000 multiplied by the number of full-time first and second-year students pursuing a course of study leading to a degree in three years, or

(B) $1,500 multiplied by the number of full-time first, second, and third-year students pursuing a course of study leading to a degree in four years or longer, or

(C) $1,500 multiplied by the number of full-time first and second-year students pursuing a two-year course of study or its equivalent,

who will graduate (as determined by the Secretary in accordance with the provisions of subsection (b) (1) of this section) in a subsequent year from a school of medicine, dentistry, or osteopathy.

"(3) (A) Any school of medicine, dentistry, or osteopathy with such an application for a fiscal year ending prior to July 1, 1974, shall also be entitled, for such fiscal year, to an amount equal to—

"(i) $2,000 in the case of a school with a course of study leading to a degree in three years, or

"(ii) $1,500 in the case of a school with a course of study leading to a degree in four years or more,

multiplied by the number of students who are enrolled in any year-class preceeding the class which will graduate in such year; who are in excess of the number of students in the year-class which will graduate in such year; and who will graduate from such school (as determined by the Secretary in accordance with the provisions of subsection (b) (1)).

"(B) In no event shall any school be entitled under this subsection to an amount which exceeds $6,000 for any student during his entire course of study in such school (and the school, if any, from which he transferred).

"(4) The amount which any school shall be entitled to be paid under paragraph (1) for any year may be reduced for any student who will graduate in such year if a portion of his medical, dental, or osteopathic training was acquired at another school. The amount of such reduction shall be determined by the Secretary on the basis of the

relative period of training received by such student in each school and such other factors as he deems appropriate."

(c) Such section is further amended by striking out subsection (b) and redesignating subsections (c) and (d) thereof as subsections (b) and (c), respectively.

(d) Paragraph (2) of the subsection of such section herein redesignated as subsection (b) is amended by striking out everything after "doctor of dentistry," and inserting in lieu thereof "or an equivalent degree, or doctor of osteopathy (and for purposes of part F, such term also means students pursuing a full-time course of study leading to a degree of bachelor of science in pharmacy or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree)."

(e) The subsection of such section herein redesignated as subsection (c) is amended to read as follows:

"(c) Any new school of medicine, dentistry, or osteopathy with an approved application under section 774 shall be entitled, for the fiscal year preceding the fiscal year in which it will admit its first class, to an amount equal to $2,000 multiplied by the number of full-time students who the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school in the fiscal year after the fiscal year for which the grant is made."

SPECIAL PROJECT GRANTS

SEC. 4. Section 772 of such Act (42 U.S.C. 295f–2) is amended to read as follows:

"SEC. 772. (a) Grants may be made, from sums available therefor from appropriations under section 770, to assist schools of medicine, dentistry, and osteopathy, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to conduct research in the various fields related to education in such health professions, to develop training for, and to train, new levels or types of health service personnel, including physician's and dentist's assistants, to plan experimental teaching programs or facilities, to increase educational opportunities for disadvantaged students, to train students and other groups to use a team approach to the delivery of health services; projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation; and projects to provide traineeships (including costs of training and fees, stipends, and allowances for the students, including travel and subsistence expenses) for full-time students to secure part of their education under a preceptor in family practice, pediatrics, internal medicine, or other health fields designated by the Secretary.

"(b) Grants may be made from sums available therefor from appropriations under section 770, to assist schools of pharmacy, optometry, podiatry, and veterinary medicine, and combinations thereof, in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions, including projects to effect significant curriculum improvements, to develop training for, and to train, new levels or types of health service personnel, to plan experimental teaching programs or facilities, to expand educational opportunities for disadvantaged students, and to promote preventive medicine; and projects to otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply, or improve the distribution by area or by specialty group, of adequately trained personnel in such health professions necessary to meet the health needs of the Nation. In determining eligibility of any such school to receive a grant under this subsection and in determining the amount of such grant, the Secretary shall consider the particular needs of such school, the nature and scope of the Nation's health personnel needs, and the relative capability of alternative programs for helping to fill those needs.

"(c) Grants may also be made, from sums available therefor from appropriations under section 770 for any fiscal year, to assist any school of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, or veterinary medicine, which is in serious financial straits to meet its costs of operation or which has special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress; (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary; and (3) to implement any operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

HEALTH MANPOWER EDUCATIONAL INITIATIVE AWARDS

SEC. 5. Part E of title VII of such Act is amended by redesignating sections 773 and 774 as sections 774 and 775, respectively, and by inserting after section 772 the following new section:

"HEALTH MANPOWER EDUCATION INITIATIVE AWARDS

"SEC. 773.(a) In order to improve the distribution, supply, quality utilization, and efficiency of health personnel and the health services delivery system, the Secretary is authorized to make grants to public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, and to make contracts with public or private schools, agencies, organizations, and institutions, and combinations thereof, for programs or projects (including programs or projects to assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out the objectives of this section)—

"(1) to encourage the establishment and maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by area or by specialty group;

"(2) to utilize health personnel more efficiently through use of health maintenance organizations and otherwise;

"(3) to initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers,, administrators, specialists, and paraprofessionals (particularly physician's and dentist's assistants and pediatric nurse practitioners), and including establishment of area health education centers and other new organizational units for this purpose;

"(4) to encourage new or more effective approaches to the organization and delivery of health services through use of the team approach to delivery of health services, use of health maintenance organizations, and otherwise; and

"(5) to otherwise help solve the Nation's health personnel or delivery of health services problems.

Grants and contracts under this section may also be made for the discovery, collection, development, or confirmation of information for, the planning, development, demonstration, establishment, or maintenance of, or the alteration or renovation of existing facilities for, any of such programs or projects.

"(b) The Secretary is authorized, during the period beginning January 1, 1972, and ending with the close of June 30, 1974, to make grants to, or to enter into contracts with any school of medicine or osteopathy, which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), to assist such school in developing or operating a health maintenance organization, or in utilizing the facilities and personnel of a health maintenance organization, in providing training for its students and for other health personnel. The amount of any grant or contract made pursuant to this subsection may not exceed the additional cost which the Secretary determines to be reasonably necessary to enable the school to utilize the facilities and personnel of a health maintenance organization (whether or not developed or operated by the school) to provide training.

APPLICATIONS FOR GRANTS

SEC. 6. (a) Subsection (a) of the section of such Act herein redesignated as section 774 (42 U.S.C. 295f–3) is amended by striking out "Surgeon General" after "The" and inserting in lieu thereof "Secretary"; and by striking out "771 or 772" after "section" and inserting in lieu thereof "771, 772, or 773".

(b) Subsection (b) of such section is amended by striking out "Surgeon General" wherever it appears therein and inserting in lieu thereof "Secretary".

(c) Such section is further amended by striking out subsection (c) thereof; redesignating subsection (d) as subsection (c); and by striking out subsection (e) thereof.

(d) The subsection herein redesignated as subsection (c) of such section is amended to read:

"(c) A grant under this part may be made only if the application therefor—

"(1) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (b) of this section, in the case of a health professions school;

"(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of medicine, dentistry, or osteopathy, as the case may be, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the amount of funds expended by such applicant for such purpose (excluding expenditures of a non-recurring nature) in the fiscal year immediately preceding the fiscal year for which such grant is sought, in the case of an application for a grant under section 771, except that this clause shall not apply in the case of Howard University;

"(3) contains such additional information as the Secretary may require to make the determination required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(4) provides for such fiscal-control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to an applicant under this part."

NATIONAL ADVISORY COUNCIL

SEC. 7. Effective July 1, 1971, the section of such Act herein redesignated as section 775 (42 U.S.C. 295f–4) is repealed.

HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

SEC. 8. Part A of title VII of the Public Health Service Act is amended to read as follows:

"PART A—HEALTH MANPOWER, RESEARCH, AND LIBRARY FACILITIES CONSTRUCTION ASSISTANCE

"CONSTRUCTION ASSISTANCE

"SEC. 701. (a) (1) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary for grants under paragraph (3) to assist in the construction of teaching facilities (including interim facilities), facilities for advanced or continuing education, medical library facilities, or facilities for the conduct of research in the sciences related to health. Sums appropriated for construction grants for a fiscal year shall remain available for obligation until expended.

"(2) (A) For the purposes of this part, 'construction' with respect to any project means the construction of new buildings, and the acquisition, expansion, remodeling, renovation, rehabilitation, and alteration of existing buildings; equipping new and existing buildings (whether or not expanded, remodeled, renovated, rehabilitated, or altered), including, in the case of medical libraries, provision of automatic data processing equipment but not books, pamphlets, or related material; and the 'cost of construction' includes architect's fees in connection with any construction but shall not include the cost of the acquisition of land (except in the case of acquisition of an existing building), nor the cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

"(B) For the purposes of this part, 'teaching facilities' means areas dedicated for use by students, faculty, administrative, or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education, but shall not include off-site improvements or living quarters.

"(C) For the purposes of this part and Part E, 'nonprofit' as applied to any agency, organization, or institution, or combination thereof, means an agency, organization, or institution, or combination thereof, which is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and a "combination" of agencies, organizations, or institutions means a consortium or other cooperative arrangement between or among such agencies, organizations, or institutions;

"(D) For the purposes of this part, 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

"(E) For the purposes of this part, 'Affiliated hospital' means a hospital as defined in section 645, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, any school, agency, organization, or institution, or combination thereof, which meets the eligibility conditions for assistance under this subsection;

"(F) For the purposes of this part, part E, and part F, 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', 'school of veterinary medicine', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or any equivalent degree of doctor of podiatry, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school;

"(G) For the purposes of this part and part B, 'school of nursing' means a collegiate, associate degree, or diploma school of nursing, as defined in subsections (c), (d), and (e), respectively of section 843, or a graduate school of nursing;

"(H) For the purposes of this part, 'interim facilities' means teaching facilities designed to provide teaching space on a short-term (less than 10 years) basis while facilities of a more permanent nature are being planned and constructed; and

"(I) For the purposes of this part, 'medical library' means a library related to the sciences related to health.

"(3) The Secretary is authorized to make grants in amounts not to exceed 67 per centum of the cost of construction of projects for public or nonprofit private—

"(A) schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, veterinary medicine, or public health, or combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide a program of education leading to the first professional degree in such discipline;

"(B) graduate, collegiate, associate degree, or diploma schools of nursing;

"(C) agencies, organizations, and institutions, and combinations thereof, which are accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, or which provide reasonable assurance that the applicable accreditation standards will be met within a reasonable time, and which provide on or more programs of education in an allied health field specified by regulations of the Secretary;

"(D) agencies, organizations, and institutions, and combinations thereof, which the Secretary determines need teaching facilities for the support of any health personnel educational program;

"(E) agencies, organizations, and institutions, and combinations thereof, which are determined by the Secretary to be competent to engage in the type of health research for which a facility is to be constructed; and

"(F) affiliated hospitals with applications which are approved by the schools, agencies, organizations, or institutions with which such hospitals are affiliated and which otherwise comply with the requirements of this section.

"(4) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects which have been approved under this section for the construction of such facilities as are specified in paragraph (1), the Secretary, during the period beginning May 1, 1971, and ending wtih the close of June 30, 1974, may guarantee in accordance with this section, to non-Federal lenders making loans to such schools, agencies, organizations, and institutions, and combinations thereof, for such projects, payment when due of the principal of and interest on loans for construction of the projects. The Secretary is also authorized to make commitments, on behalf of the United States, to make such guarantees prior to the making of such loans. No such loan guarantee may, except under such special circumstances and such conditions as are prescribed by regulations, apply to any amount which, when added to any grant under this or any other law of the United States, exceeds 90 per cent of the cost of construction of the project; not may any such guarantee apply to more than 40 percent of the loss of principal of and interest on the loan.

"(5) In order to assist nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, specified in paragraph (3), to carry out needed projects for the construction of facilities specified in paragraph (1), the Secretary, during the period beginning July 1, 1971, and ending with the close of June 30, 1974, may pay, to the holder of any loan guaranteed under paragraph (4) for and on behalf of such school, agency, organization, or institution, or combination thereof, amounts sufficient to reduce by not to exceed 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) (1) The Secretary may from time to time set dates (not earlier than the fiscal year preceding the year for which assistance under this section is sought) by which an application therefor must be filled, except that no such application may be approved unless it is submitted to the Secretary prior to July 1, 1974. Assistance applied for under this section may be provided only if the application therefor is approved by the Secretary upon his determination that—

"(A) the applicant is among the schools, agencies, organizations, or institutions, or combinations thereof, which are eligible for the assistance applied for;

"(B) the application contains or is supported by reasonable assurances that (i) for not less than twenty years after completion of construction (or such shorter period as the Secretary may specify in the case of an interim facility), the facility will be used for the purposes for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship, (ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (iii) sufficient funds will be available, when construction is completed, for effective use of the facility for the time specified in clause (i) for the purpose for which it is being constructed;

"(C) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(D) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5); and the Secretary of Labor shall have, with respect to the labor standards specified in this subparagraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

"(E) in the case of an application for assistance under this section in the construction of a facility intended, at least in part, for the provision of health services, an opportunity has been provided for comment on the project by (i) the State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and (ii) the public or nonprofit private

agency or organization responsible for the plan or plans referred to in section 314(b) and covering the area in which such project is to be located or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions;

"(F) contains adequate assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information as the Secretary may reasonably require;

"(G) in the case of an application for a loan guarantee or interest subsidy payment, the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

"(H) in the case of an application for a loan guarantee, the loan would not be available on reasonable terms and conditions without the guarantee under this section.

"(2) Within such aggregate monetary limit as the Secretary may prescribe, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B)(ii) of paragraph (1) of this subsection) fail to meet the requirements for approval set forth in this subsection may be approved upon condition that the applicants give the assurance required by such clause (B)(ii) within a reasonable time and upon such other reasonable terms and conditions as are prescribed by the Secretary.

"(c)(1) Upon approval of any application for a grant under this section, the Secretary may reserve from any appropriation therefor, the amount of such grant as determined pursuant to paragraph (3) of subsection (a); and the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Secretary may determine. The Secretary's reservation of any amount under this subsection may be amended by him either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility. Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(2) In determining the amount of any grant under this section there shall be excluded from the cost of construction an amount equal to the sum of (A) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by the grant under this section, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(3) If, within twenty years (or the shorter period specified by the Secretary pursuant to section 701(b)(1), in the case of construction of interim facilities) after completion of any construction for which a grant has been paid under this subsection—

"(A) the applicant or other owner of the facility shall cease to be an eligible school, agency, organization, or institution or combination thereof, under subsection (a), or

"(B) the facility shall cease to be used for the purposes for which it was constructed (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), or

"(C) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"(4)(A) The United States shall be entitled to recover from the applicant for a loan guarantee under paragraph (4) of subsection (a) the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(B) To the extent permitted by paragraph (5), any terms and conditions applicable to a loan guarantee under this section may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(5) Any loan guarantee made by the Secretary pursuant to this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(6) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriations Acts.

"(7) There is hereby established in the Treasury a loan guarantee and interest subsidy fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this section and (ii) for payment of interest authorized by subsection (a)(5). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. There shall be deposited in the fund amounts received by the Secretary or other property or assets derived by him from his operations under this section, including any money derived from the sale of assets. If at any time the sums in the fund are insufficient (i) to enable the Secretary to discharge his responsibilities under guarantees issued by him under this section or (ii) to make payments of interest authorized by subsection (a)(5), he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriation Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which the securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(8) The Secretary is authorized to provide technical assistance (A) to applicants under this section and other public or nonprofit private schools, agencies, organizations, and institutions, and combinations thereof, in designing and planning the construction of any facility for which financial assistance may be provided under this section, and (B) to State or interstate planning agencies established to plan programs for relieving shortages of training capacity for health personnel."

NURSE TRAINING GRANTS AND CONTRACTS

SEC. 9. (a) Subsection (a) of section 805 of the Public Health Service Act (42 U.S.C. 296–296g) is amended by striking out "803" after "section" and inserting in lieu thereof "803"; by striking out "for the fiscal year ending June 30, 1970, and the next fiscal year" and inserting in lieu thereof "for the fiscal year ending June 30, 1972, and the next two fiscal years"; by inserting "or to develop training for, or to train, new levels or types of nursing or related health personnel," after "fields of nursing education," and by inserting "or to promote the full utilization of nursing skills" after "adequately trained nursing personnel".

(b) Subsection (b) of such section is amended to read:

"(b) The Secretary is authorized to enter into contracts with any public or private agency, organization, or institution, or combination thereof, for any of the purposes specified in subsection (a)."

(c) Such section is further amended by inserting after subsection (b) the following new subsection:

"(c) Any grants under subsection (a) to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to implement operational and financial reforms recommended by the Secretary on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information."

(d)(1) Part A of title VIII of such Act is further amended by striking out sections 801, 802, 803, 804 and 806 of such Act and redesignating sections 805, 807, and 808 as sections 801, 802, and 803, respectively.

(2) The section of such Act herein redesignated as section 802 (42 U.S.C. 296f) is amended by striking out "805 or 806" and inserting in lieu thereof "801" in subsections (a) and (c) thereof; by striking out "805" in clause (1) of subsection (c) and inserting in lieu thereof "801"; and by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(3) The section of such Act herein redesignated as section 803 (42 U.S.C. 296g) is amended by striking out "(a)" after "803."; by striking out subsection (b) thereof; by inserting "and such sums as may be necessary for the fiscal year ending June 30, 1972, and for each of the next two fiscal years," after "1971"; and by striking out "under section 805 and institutional grants under section 806" and inserting in lieu thereof "under section 801."

(e) Section 841 of such Act is repealed.

(f) Section 843 of such Act (42 U.S.C. 298b) is amended by inserting "and for the purposes of title VII," after "(c)", "(d)", and "(e)".

(g) Section 860(d) of such Act is amended by striking out "after consultation with the National Advisory Council on Nurse Training".

(h) Section 868 of such Act (42 U.S.C. 298c–7) is amended by striking out "enter into contracts, not to exceed $100,000 per year, with" and inserting in lieu thereof "make grants to, or enter into contracts with," in subsection (a) thereof; by striking out "organizations" and inserting in lieu thereof "agencies, organizations," in such subsection; and by striking out all in clause (1) thereof before "training in the field of nursing," and inserting in lieu thereof "identifying potential nursing candidates and encouraging them to undertake training, retraining, or education which is a prerequisite for, or part of, educational".

(i)(1) Subsection (a) of section 821 of such Act is amended to read:

"(a) There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next two fiscal years, such sums as may be necessary to cover the cost of traineeships for the training of professional nurses to teach in the various fields of nurse training (including practical nurse training), to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(2) Subsections (b) and (c) of such section are amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary" wherever it appears therein.

FEDERALLY INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 10. (a) Subsection (b) of section 423 of the Higher Education Act of 1965 (limiting the issuance of Federal loan insurance certificates in States where the Commissioner of Education determines that all eligible educational institutions have access to non-Federal loan insurance programs) is amended by striking out the period at the end of such subsection and inserting "or" in lieu thereof, and by adding thereafter the following:

"(3) for insurance of a loan made to a health professions student, without regard to any determination made pursuant to subsection (a)."

(b)(1) Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The term 'health professions student' means a student pursuing a full-time course of study, at an institution of higher education, leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of podiatry, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or a degree or diploma in nursing or an equivalent degree."

(2)(A) Such section is further amended by inserting at the end of subsection (b) thereof the following: "The term 'institution of higher education' means, also, a public or nonprofit private school of medicine, osteopathy, dentistry, pharmacy, podiatry, optometery, veterinary medicine or nursing which is located in a State and is accredited as provided in section 701(a)(3)(A), section 774(b)(2), or section 843(f) of the Public Health Service Act, or subsection (f) of this section.

(B) Subsection (b) is further amended in the second sentence thereof by striking out "any public or other nonprofit collegiate or associate degree school of nursing and".

(3)(A) Subsection (d) of section 435 is amended to read as follows:

"(d) The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing."

(B) Subsection (e) of section 435 is amended to read as follows:

"(e)(1) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

"(2) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(3) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited."

INCREASE IN MAXIMUM AMOUNTS OF INDIVIDUAL INSURED LOANS TO HEALTH PROFESSIONS STUDENTS

SEC. 11. (a) Subsection (a) of section 425 of the Higher Education Act of 1965 (limiting the size of individual federally insured loans) is amended by inserting "(other than a health professions student)" after "student" where it appears in the first and second sentences of such subsection; by inserting "(1)" after "(a)"; and by adding at the end thereof the following new paragraph:

"(2) The total of the loans made to a health professions student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by Federal loan insurance under this part may not exceed $5,000 (or, in the case of a nursing student $2,500). Amounts so covered shall be included in computing the aggregate insured unpaid principal amount of insured loans to a student for purposes of the preceding paragraph, but the limitation upon such aggregate imposed by that paragraph shall not apply to a health professions student."

(b) Clause (A) of section 428(b)(1) of such Act is amended (1) by inserting after "loans to any individual student" the following: "(other than a health professions student), and not less than $1,000 nor more than $5,000 in loans to any individual health professions student (except that such loan may not exceed $2,500 to any nursing student),"; (2) by inserting after "insured loans made to any student" the following: "(other than a health professions student)"; and (3) by inserting before the semicolon at the end thereof the following: ", in the computation of which there shall be included any amount loaned to such student while he was a health professions student".

EXTENSION OF REPAYMENT PERIOD FOR HEALTH PROFESSIONS STUDENTS

SEC. 12. (a) Clause (B) of section 427(a)(2) of the Higher Education Act of 1965 is amended (1) by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)"; and (2) by inserting after "the period of the loan may not exceed fifteen years" the following: "(or, in the case of a health professions student, may not exceed twenty-five years)".

(b)(1) Clause (B) of section 428(b)(1) is amended by inserting after "at least six academic years of study" the following: "(and at least four additional academic years of study by any such student as a health professions student)".

(2) Clause (D) of such section is amended by inserting after "nor more than ten years" the following: "(or, in the case of a health professions student, nor more than twenty years)".

DEFERRAL OF REPAYMENT DURING PERIODS OF ADVANCED HEALTH TRAINING

SEC. 13. (a) Clause (C) of section 427(a)(2) is amended by striking out "or" before "(iv)", and by inserting after "1964," the following: "or (v) not in excess of five years, with respect to loans made to health professions students, of advanced professional training in health, including internships and residence,".

(b) Paragraph (1) of section 428(b) is amended (1) by striking out "and" at the end of clause (J) thereof, (2) by striking out the period at the end of clause (K) and inserting "; and" in lieu thereof, and (3) by adding at the end of such paragraph the following new clause:

"(L) provides, with respect to loans to health professions students, that periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period, not in excess of five years, of advanced professional training in health, including internships and residences."

(c) Paragraph (A) of section 428(a)(2) is amended by inserting "(b)(1)(L) or subsection" after "described in subsection".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

SEC. 14. (a) part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO STUDENTS OF DESIGNATED HEALTH PROFESSIONS WHO PROVIDE PRIMARY CARE OR OTHERWISE PRACTICE IN MEDICALLY UNDERSERVED AREAS

"SEC. 438. (a) If any person who, after June 30, 1971, received a loan or loans as a health professions student insured under this part (1) engages in the practice of general, family, internal, or pediatric medicine, or nursing or, if the Secretary by regulation shall so provide, in the practice of any other aspect of medicine, osteopathy, or dentistry or in the practice of pharmacy, podiatry, optometry, or veterinary medicine, and (2) does so in an area designated by the Secretary as a medically underserved area, then $5,000 (or 25 per centum in the case of a nurse) of the total of such loan or loans to any such person, plus accrued interest thereon, which is unpaid as of the date that such practice begins shall be paid thereafter by the Commissioner for each completed year of such practice. The Secretary shall make the designations of areas under the preceding sentence only after providing an opportunity for comment thereon to (A) the appropriate State comprehensive health planning agency or agencies (designated by the State or States as required by section 314(a)(2)(A) of the Public Health Service

Act), and (B) the local area health planning agency responsible for the plan or plans referred to in section 314(b) of such Act for the area involved or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Secretary, similar functions.

"(b) The Commissioner shall, on or before the due date thereof, pay any loan or loan installment which may fall due within any year for which the borrower, at the completion thereof, would be eligible to have such loan or installment paid as provided in this section, upon the declaration of such borrower, at such times and in such manner as the Commissioner may prescribe (and supported by such other evidence as the Commissioner may reasonably require), that the borrower is then engaged as described by subsection (a), and that he will continue to be so engaged for the period required (in the absence of this subsection) to entitle him to have made the payments provided by this section for such year. A borrower who fails to become eligible to have made the payments provided by subsection (a) for such year shall be liable to reimburse the Commissioner for any payments made pursuant to this subsection."

(b) Clause (2) of section 421(b) is amended by inserting "and section 438" after "section 437".

(c)(1) Clause (E) of section 427(a)(2) of such Act is amended (A) by striking out "portion of the interest on the note which is payable by the Commissioner" and inserting in lieu thereof "portion of the principal or interest on the note which is payable by the Commissioner"; and (B) by inserting before the comma at the end of the clause "or section 438".

(2) Clause (B) of section 428(b)(2) is amended by striking out "for the purpose of section 437" and inserting in lieu thereof "for the purpose of section 437 or section 438".

FEDERAL ASSUMPTION OF REPAYMENT OBLIGATION OF HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

SEC. 15. (a) Part B of title IV of the Higher Education Act of 1965, as amended by the foregoing provisions of this Act, is further amended by adding at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS TO HEALTH PROFESSIONS STUDENTS IN EXCEPTIONAL NEED WHO ARE UNABLE TO COMPLETE THEIR STUDIES

"SEC. 439. Upon application by a person who received, and is under an obligation to repay, any loan insured under this part, which loan was made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, or nursing, the Commissioner shall undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations of the Secretary establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, or nursing, within two years following the date upon which he terminated such studies."

(b) Clause (2) of section 421(b), as amended by the foregoing provisions of this Act, is further amended by striking out "and section 438" as that phrase appears in such clause (as so amended) and inserting in lieu thereof ", section 438, and section 439".

(c) Clause (E) of section 427(a)(2) and clause (B) of section 428(b)(2), as amended by the foregoing provisions of this Act, are further amended by striking out "or section 438" as that phrase appears in each such clause (as so amended) and inserting in lieu thereof ", section 438, or section 439".

HEALTH PROFESSIONS AND NURSING SCHOLARSHIP AMENDMENTS

Discretionary scholarship grants to schools of optometry, podiatry, pharmacy, and veterinary medicine in lieu of present entitlement

SEC. 16. (a)(1) Subsection (a) of section 780 of the Public Health Service Act is amended to read as follows:

"(a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of medicine, osteopathy, and dentistry which is accredited as provided in section 701(a)(3)(A) or section 774(b)(2), for scholarships to be awarded annually by such school to students thereof. The Secretary may also make grants provided in this part to any public or other nonprofit school of optometry, podiatry, pharmacy, or veterinary medicine, so accredited, for such scholarships, upon his determination that such grant will help fill a national need for practitioners of optometry, podiatry, pharmacy, or veterinary medicine."

(2) Subsection (d) of such section is amended by adding at the end thereof the following: "Such regulations shall prescribe the priorities to be followed in making grants authorized by subsection (a) to schools of optometry, podiatry, pharmacy, and veterinary medicine; and may include provisions for the apportionment of scholarships from such grant, including the limitation of scholarships to one or more classes (by year) of the grantee."

Amount of Health Professions Scholarship Grant and Scholarship Award

(b)(1) Subsection (b) of such section is amended by striking out "The amount of the grant under subsection (a) to each such school shall be equal to $2,000" and inserting in lieu thereof: "The amount of the grant under the first sentence of subsection (a) to each such school shall be equal to, and the amount of the grant under the second sentence of subsection (a) to each such school shall not exceed, $3,000".

(2) Subsection (c)(2) of such section is amended by striking out "$2,500" and inserting "$3,000" in lieu thereof.

Scholarship grant determined by number of disadvantaged students enrolled at eligible institutions; eligibility of disadvantaged students for scholarship award; extension of program

(c)(1) Subsection (b) of such section is further amended by striking out "and" before "(4)" and by inserting before the period at the end of the first sentence thereof the following: "; and (5) for the fiscal year ending June 30, 1972, and each of the next two fiscal years, by the number of full-time students of such school who are from low-income or disadvantaged families as determined under regulations of the Secretary".

(2) Subsection (b) is amended by adding after the second sentence thereof the following: "For the fiscal year ending June 30, 1975, and for each of the two succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending after June 30, 1971, but prior to July 1, 1974."

(3)(A) Clause (D) of subsection (c)(1) of such section is amended by striking out "next two fiscal years" and inserting "next five fiscal years" in lieu thereof.

(B) Clause (E) of subsection (c)(1) is amended by striking out "July 1, 1971" and "June 30, 1972" and respectively inserting in lieu thereof "July 1, 1974" and "June 30, 1975".

(4) The first sentence of subsection (c)(2) of such section is amended to read as follows: "Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who are from low-income or disadvantaged families as determined under regulations of the Secretary, and who need such financial assistance to pursue a course of study at the school for such year, except that scholarships from such grants may be awarded to any student of exceptional need to enable him to pursue such course of study if he has received such a scholarship for a school year ending prior to July 1, 1971."

Repeal of Transfer to Student Loan Funds

(d) Section 781 is repealed.

Extension of Nursing Scholarship Program

(e)(1) Subsection (b) of section 860 is amended in the first sentence by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(2) The second sentence of such subsection is amended by striking out "1972" and "1971" and inserting, respectively, '1975" and "1974" in lieu thereof.

(3)(A) Clause (A) of subsection (c)(1) is amended by striking out "the next fiscal year" and inserting in lieu thereof "the next four fiscal years".

(B) Clause (B) of such subsection is amended by striking out "1971" and "1972" and inserting, respectively, "1974" and "1975" in lieu thereof.

ADVANCE FUNDING OF PROGRAMS

SEC. 17. There is added after section 869 of the Public Health Service Act the following new section:

"ADVANCE OBLIGATIONAL AUTHORITY

"SEC. 870. To the end of affording adequate notice of available Federal financial assistance under title VII and this title, the Secretary may award, after January 1 of any fiscal year, grants, loans, or other payments under title VII, section 306 or 309, or this title for the first quarter of the next fiscal year, in amounts that shall not exceed amounts awarded for the fiscal year in which such award is made. Amounts so awarded shall be charged to the appropriation for that purpose for the fiscal year for which made.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 18. (a)(1) Section 390 of the Public Health Service Act (42 U.S.C. 280b) is amended by striking out clause (1) of subsection (b) thereof; by redesignating clauses (2), (3), (4), (5), (6) and (7) as clauses (1), (2), (3), (4), (5), and (6), respectively; and by striking out "facilities" in the clause herein redesignated as clause (5) and inserting in lieu thereof "resources and services".

(2) Section 391 of such Act (42 U.S.C. 280b–1) is amended by inserting ", which shall, in addition to its functions prescribed under section 373, serve as the National Medical Libraries Assistance Advisory Board" after "Act" in clause (2) thereof; and by striking out clause (3) thereof and redesignating clause (4) as clause (3).

(3) Title III of such Act is further amended by striking out sections 392 and 393 and redesignating sections 394, 395, 396, 397, 398, 399, and 399a as sections 392, 393, 394, 395, 396, 397, and 398, respectively.

(4) Subsection (a) of the section of such Act herein redesignated as section 392 (42 U.S.C. 280b–4) is amended by striking out "390(b)(2)" in subsection (a) and inserting in lieu thereof "390(b)(1)".

(5) The section of such Act herein redesignated as section 393 (42 U.S.C. 280b–5) is amended by striking out "390(b)(3)" and inserting in lieu thereof "390(b)(2)" in subsection (a) and by striking out "390(b)(4)" and inserting in lieu thereof "390(b)(3)" in subsection (a).

(6) Subsection (a) of the section of such Act herein redesignated as section 394 (42 U.S.C. 280b–6) is amended by striking out "390(b)(5)" and inserting in lieu thereof "390(b)(4)".

(7) The section of such Act herein redesignated as section 395 (42 U.S.C. 280b–7) is amended by striking out "390(b)(6)" and inserting in lieu thereof "390(b)(5)" in subsection (a); by striking out clause (5) in subsection (b); by striking out "and" at the end of clause (4) of such subsection and inserting "and" at the end of clause (3); and by striking out subsection (d) and redesignating subsection (e) as subsection (d).

(8) Subsection (a) of the section of such Act herein redesignated as section 396 (42 U.S.C. 280b–8) is amended by striking out "390(b)(7)" and inserting in lieu thereof "390(b)(6)".

(b)(1) The heading of part B of title VII of the Public Health Service Act is amended to read:

"PART B—TRAINING IN THE ALLIED HEALTH PROFESSIONS"

(2) Part G of title VII of such Act is amended by striking out "Part G—Training in the Allied Health Professions"; by striking out section 791 and clause (4) of section 795 and redesignating clause (5) of such section as clause (4); and by redesignating sections 792–799A, and all references thereto, as sections 721–729, respectively.

(c)(1) Subsection (a) of section 740 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

(2) Subsection (a) of section 744 of such Act (42 U.S.C.) is amended by striking out "721(b)(1)(B)" and inserting in lieu thereof "701(a)(3)(A)".

EFFECTIVE DATE

SEC. 19. (a) The amendments made by sections 2 through 6, and sections 8 and 9 of this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1971.

(b) Sections 10 through 16 of this Act shall become effective on July 1, 1971.

By Mr. MONTOYA (for himself, Mr. MCGOVERN, and Mr. HUMPHREY):

S. 1184. A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department. Referred to the Committee on Government Operations.

THE DEPARTMENT OF SCIENCE AND TECHNOLOGY ACT OF 1971

Mr. MONTOYA. Mr. President, today I am reintroducing a bill to create a long-needed Department of Science and Technology. The need for such a reorganization of science affairs is becoming more evident daily. The research effort of this great country is rapidly slipping, and the potential benefits this work would bring are being left in the untapped imaginations of the men who are not allowed to follow the trail of scientific inquiry because of the lack of funds for their projects.

My bill would cause an extensive reshuffling of science in the Federal Government. This is without a doubt the most comprehensive bill ever introduced for the purpose of creating a Department of Science and Technology. It would bring under one cover virtually all of the research, development, evaluation, and testing conducted by the Federal Government's own agencies.

The National Science Foundation, Atomic Energy Commission, and the National Aeronautics and Space Administration are transferred in whole to the new department, along with "functions of all departments and agencies of Government as the President determines relate primarily to research, development, testing, or evaluation—section 8(a). The Director of the Office of Management and Budget will assist the President in the determination of the various personnel and property to be transferred. This determination will be aided by the fact that the Office of Management and Budget, in conjunction with the Office of Science and Technology, has developed detailed knowledge of the operations of the Federal Government that fall into this research, development, test, and evaluation categories. This has been a necessary part of the presentation of a research and development budget in the special analyses of the Federal budget presented annually as a companion to the President's budget, and should be a useful guideline in the reorganization provided for in this bill.

The bill also provides for the development of a national science plan. The need for this provision has become obvious. During the early 1960's, science seemed to fare well enough under the complicated, informal, and often obscure relationships that developed among the President's Science Advisory Committee, the Office of Science and Technology, the Federal Council for Science and Technology, and the National Academy of Sciences. The President's Science Adviser served as the liaison between the President and these various organizations and held a crucial role in the development of science in the Federal Government. The weakness of this arrangement has now become painfully apparent to the entire research community at all levels—academic, governmental, and industrial. D. S. Greenberg, a reporter for Science magazine who has been working in Europe, has recently returned to this country and has observed the striking decline of science affairs here. His comments are worth quoting at length:

> The difference under Nixon, of course, is that, despite a few cordial words now and then, there is little to suggest that the President accords scientific activity any special or privileged role in national life, and there is a good deal to suggest that the President, as well as many of his closest advisers, regard the scientific community as having succeeded in making unwarranted claims on national resources and political sympathy.

The best way for science to grow and maintain a stable base is to give it a solid organizational structure in the Federal Government. When the top man for science affairs in the Federal Government is an adviser who can be phased in or out easily, then science can be treated the same way. Science needs a coherent, organized base. It needs its own Cabinet-level department.

Science and technology also need a reordering of priorities. Under the Department I am proposing, the needs for new weapon systems in the Department of Defense would be measured against the needs for medical research, housing research, and all other scientific activities. All research financed by the Federal Government would come through this Department of Science and Technology, and could be allocated in a much more rational fashion than is done under the present chaotic organization. This is particularly important to accomplish during a period of contraction in the scientific community. If some central organization does not examine the priorities for scientific research, we may do irreparable damage to science in this country. In fact, that is just what is happening today. Budgets are being reduced, and the cuts often come from projects that do not have the protection a Department of Science and Technology could give them. Those projects with strong organizations to defend them often suffer less, even if they are not as justifiable. This is simply not the way this country should determine something as vital as the future of its scientific and technological well-being.

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

Science Columnist John Walsh said recently:

> The administration shows an inclination . . . to restrain expansion of research, and particularly, of manpower training.

Under such conditions, is it not imperative that the Nation organize its scientific effort into a coherent science plan? And should not this plan be implemented by a central organization that can pull the Federal scientific effort together, reallocate the use of existing facilities, and revitalize federally connected research centers now operating at a fraction of their capacity?

The department created by this bill would control a budget of approximately $16 billion. It would have between 600 to 700 laboratories under its direct control.

This reorganization creates a department along functional lines, and there-

fore is not in conflict with the President's own major reorganization proposals, for they, too, recommend a realinement based on definition by function.

America's export trade has relied heavily on "technologically intensive" products. EMILIO Q. DADDARIO, for years chairman of the House Subcommittee on Science, Research, and Development, has recently emphasized this argument in the October 1970 issue of Astronautics and Aeronautics magazine. He points out that our balance of payments will eventually suffer unless we make a better allocation of our science dollar.

I close my remarks with a request that a copy of the bill be printed in the RECORD immediately following my remarks followed by a number of attachments: First, an article by Herbert Roback detailing the history of the effort to create a Department of Science and Technology; second, a chart of some of the major funds and personnel transferred by S. 1184; third, a directory of Federal R. & D. installations; and fourth, a brief statement relating S. 1184 to my own State of New Mexico.

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

S. 1184

A bill to establish a Department of Science and Technology, and to transfer certain agencies and functions to such Department

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Department of Science and Technology Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act is to establish a Department of Science and Technology which will consolidate under centralized civilian authority all the existing resources of the Federal Government devoted to science and technology. This will permit the optimization of the Federal investment and the orderly and fully coordinated pursuit of a national science plan responsive to the needs of the Nation. Such Department will give the Federal Government the needed flexibility to meet the future needs for science and technology and encourage the diversification of American industry to provide the required services and products necessary to execute the national science plan. The resulting diversification of American industry will assure the orderly progression of science and technology and will promote the rapid growth of new services, products, and markets directly into the national economy.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. There is hereby established an executive department of the Government to be known as the United States Department of Science and Technology (hereinafter referred to as the "Department"), at the head of which shall be a Secretary of Science and Technology (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate provided by law for heads of executive departments.

UNDER SECRETARY AND ASSISTANT SECRETARIES

SEC. 4. There shall be in the Department an Under Secretary of Science and Technology, such Assistant Secretaries as shall be determined by the President to be necessary, and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, shall perform such functions and duties as the Secretary may prescribe, and shall receive compensation at the rate provided by law for under secretaries (other than the Under Secretary of the Department of State), assistant secretaries, and general counsels, respectively, of the executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the Office of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 5. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 6. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 7. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

GENERAL TRANSFERS TO DEPARTMENT

SEC. 8. (a) Except with respect to specific transfers pursuant to following sections of this Act there are transferred to the Secretary such functions of all departments and agencies of the Government as the President determines relate primarily to research, development, testing, or evaluation.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE FOUNDATION

SEC. 9. The National Science Foundation, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary.

ATOMIC ENERGY COMMISSION

SEC. 10. The Atomic Energy Commission, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision and direction of the Secretary and shall be known as the Atomic Energy Administration of the Department of Science and Technology.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 11. The National Aeronautics and Space Administration, together with its personnel, property, records, obligations, commitments, and the unexpended balances of its appropriations, is transferred to the Department where it shall exercise its functions subject to the supervision of the Secretary.

NATIONAL BUREAU OF STANDARDS

SEC. 12. The National Bureau of Standards in the Department of Commerce, together with such personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds as are determined by the Director of the Office of Management and Budget to be used primarily with respect to functions being administered through such Bureau, is transferred to the Department, and all functions of the Secretary of Commerce being administered through such Bureau are transferred to the Secretary.

TRANSFERS FROM DEPARTMENT OF DEFENSE

SEC. 13. (a) To the extent not transferred pursuant to section 8 there are transferred to the Secretary such functions of the Secretary of Defense and the Secretaries of the military departments of the Department of Defense as the President determines relate primarily to the design, development, testing, evaluation, procurement, and research with respect to, weapons systems.

(b) All civilian personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

TRANSFERS FROM SMITHSONIAN INSTITUTION

SEC. 14. (a) The following functions of the Smithsonian Institution are transferred to the Secretary:

(1) all functions being administered through the Smithsonian Astrophysical Observatory;

(2) all functions being administered through the Radiation Biology Laboratory;

(3) all functions being administered through the Smithsonian Tropical Research Institute;

(4) all functions with respect to the exchange of scientific publications being administered through the Science Information Exchange; and

(5) any other functions of such Institution which are determined by the Director of the Office of Management and Budget to relate primarily to scientific research not related to museum or zoological purposes.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

(c) Nothing in this section shall be deemed to authorize any transfer which in the opinion of the Attorney General cannot be made because of the provisions of a private bequest or other grant to such Institution.

TRANSFERS FROM DEPARTMENT OF STATE

SEC. 15. (a) There are transferred to the Secretary all functions of the Secretary of State with respect to the scientific attaché program being carried out by the Department of State.

(b) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in relation to any function transferred under the provisions of this section, are transferred to the Department.

NATIONAL SCIENCE PLAN

SEC. 16. The Secretary shall, after consultation with the heads of the appropriate departments and agencies of the Government, develop a national science plan providing for the efficient execution of all activities of the Government relating to research, development, testing, and evaluation. The Secretary shall report such plan, together with his recommendations for such legislation as may be necessary to carry out such plan, to the President and the Congress as soon as practicable.

RECOMMENDATIONS WITH RESPECT TO FURTHER TRANSFERS TO THE DEPARTMENT

SEC. 17. For the purpose of promoting scientific and technical progress and efficiency in Government the Secretary shall establish and maintain a continuing investigation and study for the purpose of making recommendations to the President and the Congress with respect to transfers to the Department of functions or agencies of the Government in addition to those transferred pursuant to this Act.

COSTING AND PROCUREMENT

SEC. 18. (a) The Secretary shall establish a costing and procurement activity for the Department with the overall responsibility for cost estimating of new tasks, cost accounting on work in progress (both in-house and industry contractor), department budget estimates, procurement of all prototype and production research and development hardware, selecting most advantageous methods of procurement of research, development, and testing for the Department in consideration of price, quality, timeliness, and other factors. A close interface with the costing and procurement activity of the Department shall be maintained with the Comptroller General. The Secretary shall establish in consonance with the Comptroller General the best procedures for cost analysis and procurement. The Secretary shall request the Comptroller General to (1) regularly review the costing and procurement procedures and programs of the Department and advise him as to the fiscal responsibility of the execution of the national science and technology program and (2) provide audit and investigation recommendations prior to the entering of contracts by the Department. The Comptroller General is authorized to provide such services to the Secretary.

(b) The provisions of this section are in addition to and not in replacement of other provisions of law relating to Department procedures.

CONGRESSIONAL LIAISON

SEC. 19. The Secretary shall establish a departmental office, staffed with qualified scientific personnel, to provide the Congress with the necessary scientific expertise and program information as may be requested by congressional members and committees.

TRANSFER MATTERS

SEC. 20. All laws relating to any agency or function transferred under this Act shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this Act shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ADVISORY COMMITTEES

SEC. 21. The Secretary may establish such advisory committees as he may determine to be desirable and in furtherance of the purposes of this Act. Members of each such advisory committee who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory committee or otherwise engaged in the business of the advisory committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory committee away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

EXPENDITURES AUTHORIZED

SEC. 22. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

REPORTS TO CONGRESS

SEC. 23. The Secretary shall make at the close of each fiscal year a report in writing to Congress giving an account of all moneys received and disbursed by him and the Department, describing the work done by the Department, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the Department.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 24. Section 101 of title 5 of the United States Code is amended by inserting at the end thereof the following:

"The Department of Science and Technology."

APPROPRIATIONS AUTHORIZED

SEC. 25. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 26. The provisions of this Act shall be effective on its date of enactment, except that sections 8 through 15 shall be effective after ninety days following such date.

PROPOSED DEPARTMENT OF SCIENCE AND TECHNOLOGY

Departmental status for science in government is not a novel idea. It was broached 85 years ago by a committee of the National Academy of Sciences reporting on the organization of government science bureaus. The committee was appointed in 1884 at the behest of a member of the National Academy, Theodore Lyman, who was also by unique coincidence a member of Congress. The scientist-congressman, whose National Academy standing was gained by his researches on the Ophiurida, was instrumental in placing a rider on a sundry civil appropriation bill which set up a joint congressional committee (called a commission) to study the organization of the government science agencies (1). This was a compromise measure, Lyman told his House colleagues in urging its acceptance, his main concern being to save the Coast and Geodetic Survey from takeover by the Navy (2). Apparent duplication between the Coast Survey and the Navy's Hydrographic Office in charting coastal waters had led the Navy to espouse merger, a proposal which had considerable appeal in the 48th Congress. The legislative rider directed an investigation of the activities and interrelationships of the Coast and Geodetic Survey, the Hydrographic Office of the Navy, the Geological Survey, and the Signal (Weather) Service. The National Academy committee, enlisted by Lyman, gave technical support to the congressional commission.

Men of science were leery then, as they are now, of military dominance in scientific enterprises. Many of them argued that science agencies should be taken from, rather than placed in, the military departments. For example, they wanted the Naval Observatory to be a national observatory, and the weather service to be removed from the Army Signal Corps. At the same time, they recognized that better coordination of the government's scientific work was needed, and various proposals were made toward that end. The aforementioned report of the National Academy committee crystallized the issues. This group was convinced that the science agencies should be pulled together "under one central authority," but the particular form of organization they left to the future and to Congress. Then the committee ventured this cautious but significant observation (3):

The best form would be, perhaps, the establishment of a Department of Science, the head of which should be an administrator familiar with scientific affairs, but not necessarily an investigator in any specific branch. Your committee states only the general sentiment and wish of men of science, when it says that its members believe the time is near when the country will demand the institution of a branch of the executive Government devoted especially to the direction and control of all the purely scientific work of the Government.

The NAS committee went on to say that, if public opinion was not yet ready to accept a Department of Science, the next best step would be to move the several scientific bureaus into one of the existing departments. Even then coordination would not be automatically insured, in the committee's view, and so they recommended the "organization of a permanent commission to prescribe the general policy for each of these bureaus." The commission would "examine, improve, and approve" plans of work and expenditures and recommend efficiency measures but abstain from administrative involvement. This would be a nine-member commission composed of scientists drawn from government and private life (4).

END OF AN IDEA

The congressional commission, reporting in 1886, gave short shrift to the suggestions both for a Department of Science and a supervisory commission. A new department was held not justified by the degree of duplication in existing scientific agencies; a coordinating policy group was deemed impracticable because department heads could not very well relinquish to subordinates and outsiders their responsibilities for general direction and control (5). With this dismissal by an agency of the Congress, the Department of Science idea died aborning, though it was actively debated at the time in scientific circles (6). In the ensuing decades not much was heard about it. Proposals for government departments were made in the fields of health, education, labor, industry, commerce, and agriculture, separately or in various combinations, and three cabinet departments (Agriculture, Commerce, Labor) were established between 1885 and 1945. Not until 1946 was the Department of Science idea revived, at least in the legislative halls. Clare Booth Luce, then a Representative from Connecticut, introduced a bill (H.R. 5332, 79th Congress) to create a Department of Science and Research, stressing the need

for national self-preservation in the atomic age and the importance of attracting young people to science careers. Mrs. Luce said: "Only the prestige which attaches to a regular member of the cabinet will render the findings of any scientific body of sufficient weight to command the constant attention of the highest officials of the Government in the consideration and formulation of policy" (7). The bill was pigeon-holed by a House committee.

Vannevar Bush was working for the establishment of an independent agency, which he called the National Research Foundation, to sponsor research of military as well as civilian interest (8). He proposed that it be governed by a director and part-time board of nongovernment scientists. A separate group of nongovernment scientists, which he called a Science Advisory Board, would coordinate the work of government science agencies. These proposals, outlined in Bush's 1945 report to President Truman, "Science—the Endless Frontier," were modified in legislative measures to become a National Science Foundation. The bill which the Congress passed was vetoed in July 1947 by President Truman, who objected to control of government science policy by an outside board (9). The criticisms were reminiscent, in some respects, of those heard in 1884–5 to the National Academy committee's proposal for a science policy commission which would include outside as well as government scientists.

The Bush report was followed in 1947 by the Steelman report, "Science and Public Policy," which went over much of the same ground but with closer orientation to the routines of governmental administration. The Steelman report called for a National Science Foundation to be organized "on sound lines" and suggested that the agency be located in the Executive Office of the President until other federal programs in support of higher education were established, after which time consideration could be given to grouping all such activities, including the National Science Foundation, in a single agency. The Steelman report also favored a part-time governing board for the NSF, but government as well as outside scientists were to be included. It also recommended the creation of an interdepartmental committee on scientific research and development, a special unit in the Bureau of the Budget to review government science programs, and a member of the White House staff to be designated by the President for purposes of scientific liaison (10). The Steelman report eschewed any radical departure from the existing framework, presumably meaning that a Department of Science was not in the cards. Three years elapsed, however, before the differences in the several approaches to a National Science Foundation were compromised and a bill finally enacted into law (11).

LEGISLATIVE RENEWAL

Sputnik generated a new debate on departmental status for science in the Congress led by Senator Hubert H. Humphrey. On 27 January 1958 a broad-based bill, S. 3126, was jointly introduced by Senators Humphrey, McClellan, and Yarborough to create a Department of Science and Technology which would coordinate and improve federal functions relating to the gathering, retrieval, and dissemination of scientific information; provide educational loans to students in certain science fields; establish national institutes of scientific research; and establish cooperative programs abroad for collecting, translating, and distributing scientific and technological information. A day later Senator Kefauver introduced S. 3180 to create a Department of Science. Both bills were referred to the Committee on Government Operations.

Jurisdictional questions were raised, presumably because the bills went beyond organizational matters into policy, and at the request of Senator Lyndon B. Johnson, they were referred anew to his Senate Special Committee on Space and Astronautics, which had been created to consider the government's response to the Russian triumph in space. Without these bills, the Committee on Government Operations was unable to hold hearings in the 85th Congress on the proposal to establish a Department of Science and Technology, which was incorporated in Title I of the bill, but it directed its committee staff to maintain a continuing study of that area. The Humphrey subcommittee did manage, after an agreement reached with Senator Johnson, to hold some hearings in May–June 1958 on a limited aspect of Title I, the proposal for a scientific information center (*12*).

To narrow the jurisdictional issue and regain control of the organizational aspect, the sponsors of the Humphrey bill, now reinforced by Senators Ervin, Gruening, and Muskie, split off Title I and introduced it, with certain revisions, as S. 676 in the 86th Congress. It proposed a transfer to the new department of the National Science Foundation, Atomic Energy Commission, National Aeronautics and Space Administration, National Bureau of Standards, and certain activities of the Smithsonian Institution. By then the impetus for a new department was considerably diminished by NASA's presence. The thrust of science organization was less to coordinate and align than to reach out and do, for Sputnik had caused hurt pride and fear in the nation. It was difficult to make a case for legislating a new department to absorb NASA when the ink was hardly dry on the President's signature to the National Aeronautics and Space Act (*13*).

Indeed, the rush of legislative events and the flurry of organization activity in the executive branch during 1958 outpaced the committee's deliberations on the suitable form of a bill. The Congress created along with NASA an Aeronautics and Space Council and a standing committee in each house to monitor space and related activities. The Defense Education Act gave support to science education and facilities. A reorganization act for the Department of Defense established a Directorate for Defense Research and Engineering. The Advanced Research Projects Agency, previously established as the military's own response to Sputnik, was made an adjunct of the new directorate. The President acquired a Special Assistant for Science and Technology and gave White House status to the Science Advisory Committee. The Federal Council for Science and Technology replaced a looser interdepartmental committee of similar function. Science advisers were assigned to both the Secretary of State and the Secretary General of NATO. A NATO science committee signified the outward reach of science for defense, while "Atoms for Peace" and the International Geophysical Year represented a peaceful gesture to a world community of science. "Altogether," as James R. Killian, Jr., said before the AAAS in summing up government science for 1958, "the year brought an impressive array of organizational innovations for the management of government programs in science and technology and for the provision of scientific advice at policy-making levels" (*14*).

EXECUTIVE OPPOSITION

The spokesman for science at the Presidential level made plain their distaste for a Department of Science and Technology. Killian, speaking at the AAAS meeting as the President's Assistant for Science and Technology, took pains to quote from Don K. Price's 1954 study: "In the organization of the Government for the support of science we do not need to put all of science into a single agency; on the contrary, we need to see that it is infused into the program of every department and every bureau" (15). The President's Science Advisory Committee in its new eminence regarded a Federal Council for Science and Technology as the instrument for achieving coordination and cooperation among government science agencies. A single department, in PSAC's collective view, would not be able satisfactorily to administer either the mission-oriented scientific and technical functions of existing departments or the "unique" specialized programs of AEC, NASA, and NSF. This seemed to be the prevailing sentiment among scientists though there were notable exceptions. Lloyd V. Berkner would settle for a department excluding the three aforementioned independent agencies; Wallace R. Brode would combine them with a host of others, including the National Institutes of Health, in a Department of Science and Technology (16).

Perhaps the strongest argument from a practical standpoint against immediate legislative action—that the President had not recommended a new department—was made by Representative John W. McCormack as chairman of the House Select Committee on Astronautics and Space Exploration. He wrote to Senator Humphrey in 1958 (17):

"While I believe there should be a Department of Science, I feel that until whoever is President either recommends the establishment of such a Department or would not object to such a Department being established, it would be unwise to force such a Department upon them. I want you to know that I am strongly in favor of a Department of Science being established and, in my opinion, it is only a matter of time that one will be established."

In March 1959 in a review of the state of science affairs, the Humphrey subcommittee observed morosely (17, p. 19): ". . . there have been certain administrative actions taken which tend to evade the question as to whether a Department of Science and Technology is necessary or desirable, and there are a number of indications from the scientific community that there will be opposition to such a proposal, at least until the need therefor has been more clearly established."

The subcommittee held hearings in April 1959 on S. 676 and S. 586 (Senator Kefauver's bill) to establish a Department of Science. Senator Humphrey, aware of the opposition, hedged a bit. His opening statement said that the proposed Department of Science and Technology was to be considered one possible solution to the problems of centralization and coordination of federal science programs and operations, but not a final conclusion of the committee. The witnesses before the subcommittee were divided. Lewis L. Strauss, as Secretary of Commerce, opposed departmental status for science. Brode as scientific adviser to the State Department and chairman of the AAAS, strongly favored it. Others pressed for a stronger advisory apparatus at the Presidential level or a study to determine the need for a department and what agencies should be included (18). It was easier to agree on a study commission which, to the advocates of a department, appeared better than nothing, to the dubious, a means of seeking more information, and to the opponents, a device for deflecting action on a controversial subject.

At the conclusion of the April 1959 hearings, the staff of the Senate Committee on Government Operations drafted a bill proposing the establishment of a Commission on a Department of Science and Technology. This was introduced in the Senate on 5 May 1959 as S. 1851, under the joint sponsorship of Senators Humphrey, Capehart, Mundt, Gruening, Muskie, Yarborough, and Keating. In a 1-day hearing (28 May) on S. 1851, S. 676, and S. 586, the subcommittee heard no comforting words from the Eisenhower Administration, Alan S. Waterman, whose NSF

budget had been increased from $50 million to $136 million after Sputnik, opposed both a Department of Science and Technology and a commission to study the matter. The Bureau of Budget representative, the official spokesman on all matters dealing with reorganization, did likewise, doubting that "the scientific members of the Commission would necessarily be best able to judge the optimum form of Government organization in this field." Leonard Carmichael, secretary of the Smithsonian Institution, endorsed the study commission but suggested that, if it were established, the membership nominations be made by the National Academy of Sciences (19).

Notwithstanding the administration's opposition, Senator Humphrey for the Committee on Government Operations reported S. 1851 favorably on 18 June 1959 (19). A bipartisan commission was needed, the report said, so that "the Congress and the President may have the benefit of the recommendations of qualified experts in the fields of science, engineering, and technology" as the basis for legislation to improve federal science programs and operations. The committee justified a study commission mainly on the ground that the Congress needed more and better information. As a case in point, Killian had politely declined an earlier invitation to appear before the committee because it might conflict with his advisory role in the White House. Science policy coordination or control at that level, in the committee's belief, would not assure an ample flow of scientific and factual data to the Congress. The Department of Science and Technology, or at least a commission to study its feasibility, was the committee's proposed solution. The Senate did not take up the bill. A companion House bill (H.R. 3325) introduced on 22 July 1959 by Representative Brooks of Louisiana, chairman of the Committee on Science and Astronautics, was referred to the Committee on Government Operations but received no action.

THE COST ALTERNATIVE

Early in 1960 Senator Humphrey put the case for a department or a commission before the American Academy of Political and Social Science (20). But those who favored strengthening the Presidential advisory apparatus rather than a new department for science found a champion in another subcommittee of the same Senate committee—that on National Policy Machinery chaired by Senator Henry M. Jackson. The Jackson subcommittee held hearings in April 1960 on the role of science and technology in foreign and national defense policy. A staff report of 14 June 1961 entitled "Science Organization and the President's Office" rejected the Department of Science idea on the by now familiar ground that the diverse scientific activities of the federal government could not be conviently extracted to form a new department. It approved such views expressed before the subcommittee by James Fisk, president of Bell Telephone Laboratories, and then observed (21):

"Eight departments and agencies support major technical programs and all parts of the Government use science in varying degrees to help meet the agency objective. This diffusion of science and technology throughout the Government is not a sign of untidy administrative housekeeping. Rather it reflects the very nature of science itself. Organizationally, science is not a definable jurisdiction. Like economics, it is a tool. It is an instrument for accomplishing things having nothing to do with science."

The staff report emphasized the President's responsibility for science policy direction and accordingly recommended the strengthening of his advisory support by the creation of an Office of Science and Technology. It pointed out that the President could take this step through submission of a reorganization plan rather than through the conventional legislative route. The Kennedy administration was asked to submit to the Congress by January 1962 "its considered findings and recommendations for action." On 29 March Reorganization Plan No. 2 of 1962 creating the OST was submitted, to take effect within 60 days if the Congress did not disapprove (22).

Before the plan was formally sent to the 87th Congress, S. 2771 was introduced on 31 January 1962, jointly sponsored by Senators McClellan, Humphrey, Mundt, Cotton, and Yarborough. S. 2771 was similar to S. 1851 of the 86th Congress, which had been reported favorably by the Senate Committee on Government Operations. The revised bill contained a broad declaration of congressional policy and objectives in science and placed more emphasis on the need for improvement in federal programs for processing the retrieval of scientific information. It also provided that the 12-member commission be strengthened by a scientific advisory panel with prescribed qualifications which included "ability to communicate not only to professional scientists but to laymen." Hearings were held on 10 May and 24 July 1962. Some moral support was provided by Carl F. Stover's report of March 1962 on "The Government of Science" to the Center for the Study of Democratic Institutions. A Department of Science and Technology, the Stover report said, would establish for science a major center of policy studies, higher stature, and a more favorable environment for scientific work. Combining all government science functions made no sense, but a single department for those functions less mission-oriented was "a sound and desirable next step in the evolution of Government action with respect to science" (23).

The committee now had to take judicial notice of the alternative scheme recommended by the Jackson subcommittee and seized upon by the Kennedy Administration as a sufficient response to the demands for improved science organizations. Administration spokesmen pointed to OST as a needed mechanism for coordinating science policies and advising the President, whatever the organization of science functions for the government as a whole. Waterman, who was assessing NSF's truncated policy role in the wake of the OST plan, again opposed a commission, as did Elmer B. Staats, deputy director of the Budget Bureau, where all reorganization plans are put together. Their plea was that OST, being new, should have a chance to work. Furthermore, by the "statutory underpinning" of a reorganization plan, OST would give the Congress the kind of access to scientific information sought by the sponsors of S. 2771. This was the persuasive point for congressional acceptance of the plan (24).

Jerome B. Wiesner, who would serve the Kennedy Administration in the quadruple capacity of OST director, President's science adviser, chairman of the President science adviser, chairman of the President's Science Advisory Committee, and chairman of the Federal Council for Science and Technology, made his first appearance before Congress as OST director when he testified on 31 July 1962 at hearings of the Holifield subcommittee (House Committee on Government Operations). In amplifying his views on science organization, Wiesner gave conditional endorsement to a Department of Science. To "set up a radically new organization" encompassing all the scientific activities of the federal government he considered unworkable. If a "less comprehensive Department of Science were created," including the Atomic Energy Commission, National Science Foundation, National Bureau of Standards, and certain other agencies, he believed the operations of these agencies might be improved. At the same time, the need would remain to coordinate and integrate the activities of these agencies with the related scientific and technical programs of the mission-oriented agencies. "In other words, the OST is neither a substitute for nor in competition with a Federal Department of Science" (25).

The Senate Committee on Government Operations, most daunted by the new presence of OST, reported favorably (with some technical revisions) on S. 2771, proposing a Commission on Science and Technology (26). The bill passed the Senate by unanimous consent on 8 August 1962 (27). In the House it was referred to the Committee on Science and Astronautics on 9 August, and there it died. The exercise was repeated in the 88th Congress. S. 816, sponsored by Senators McClellan, Humphrey, Mundt, Gruening, Javits, Cotton, and Yarborough, was introduced on 18 February 1963. Chairman McClellan, now the leading sponsor, emphasized that Wiesner, in his testimony before the Holifield subcommittee, maintained that OST and a Department of Science and Technology were not in conflict (28). The bill was approved by the Senate Committee on Government Operations and reported to the Senate on 4 March 1963 (29). It passed the Senate by unanimous consent on 8 March (30) and was referred to the House Committee on Science and Astronautics, which also had a companion bill, H.R. 4346, introduced by Representative Teague of Texas (31). No action was taken on these bills in the House Committee.

In place of a mixed commission, the reaction on the House side was to create several new subcommittees on science. Thus in August 1963, the House Committee on Science and Astronautics created a Subcommittee on Science, Research and Development, chaired by Representative Daddario of Connecticut. And the House of Representatives, a month later, created the Select Committee on Government Research, chaired by Representative Elliott of Alabama. The Select Committee took a dim view of departmental status for science, judging by its tenth and concluding report of 29 December 1964, which contained this statement (32):

"The specters of overlap, gaps, conflict, and duplication among agency programs can best be met through adequate top-level coordination of agency programs. Consolidating research and development into one or a few separate agencies—such as an often suggested Department of Science and Technology—would separate such work from the purposes for which it is performed, the committee believes, with devastating effects both to the work and to the capacities of agencies to carry out their missions."

In the 89th Congress Chairman McClellan, joined by Senators Mundt, Ribicoff, Gruening and Yarborough, reintroduced the commission bill (S. 1136) on 17 February 1965, and Representative Wolff sponsored the companion bill (H.R. 5609) in the House. By now congressional interest in the proposal had waned. No hearings were held, and the Senate committee did not bother to report it out. Humphrey, no longer a Senator, presided over the Senate as Vice President and became immersed in intricacies of space and ocean programs as statutory chairman of technical councils in these areas. Occasionally, other voices renewed the call for a department. Ralph Lapp proposed a Department of Science in his 1965 book, *The New Priesthood* (33), J. Herbert Holloman, after 5 years as Assistant Secretary of Commerce for Science and Technology, recommended to the Ribicoff subcommittee in 1968 that a Department of Science and Technology be a prime subject for study by a proposed Commission on Organization and Management of the Executive Branch (34). At the year's end, Donald F. Hornig, from the vantage point of "five years at the bench of U.S. science policy," spoke out before the AAAS in favor of a Department of Science as well as a strengthening of the President's science advisory setup (35).

As one traces the lines of argument for and against department status for science, it is apparent that they thread back to the controversy of the 1880's. The positive side, projected by the NAS committee report of 1884, is that science will benefit from the status and prestige which go with cabinet ranks and large departmental resources. The negative side, well stated by Secretary of the Navy William E. Chandler before the congressional commission in 1884, is that science is not a government mission in itself but an aspect of other and proper departmental missions; consequently science bureaus or functions should be placed or remain within the department to which they are "naturally related" (*36*.) Contemporary formulations haven't improved much on these themes. Proponents of a separate department for science view its secretary as a protector and spokesman of science in government councils, while opponents see a bureaucratic monstrosity in which politics prevail over scientific objectivity. On both sides attitudes are hardened by conviction or softened by practical considerations. Doubtless many who are otherwise well-intentioned toward a new department fear that it would cut down opportunities for grants and contracts given by various uncoordinated government science agencies. Others who are moved by a concern for economy in government than for prestige in science believe that departmental organization would eliminate duplication and insure closer coordination of costly government programs.

CASE FOR A DEPARTMENT

That it is impracticable to tear out research and development functions from department and agency settings and bring them all together in a new department goes without saying. But the case for a Department of Science and Technology cannot be that easily dismissed. To argue that science is a means and not an end, or that science (and technology) is not by itself a major purpose of government justifying departmental organization, narrows the issue unduly and overlooks some very practical problems. Agricultural research, let us quickly agree, is properly a part of the Department of Agriculture mission, but what about the large relatively self-contained or semiautonomous agencies with missions which fall almost completely in the domain of science and technology and which overshadow in size and importance some of the older departments? If AEC's mission is atomic energy development and NASA's is space exploration, it is merely tautological to distinguish these missions from science and technology in given fields. Then it becomes a pragmatic problem of government organization (and politics) to determine whether it is advantageous to bring together in a single department selected agencies and subagencies associated by shared purposes, related functions, or some other defining element of mutual involvement. Modern precepts of government organization and administration favor a relatively few strong departments encompassing similar or related functions in place of a profusion of independent agencies. The quest here is more compelling than a desire for organizational symmetry or housekeeping tidiness. The President, as manager of the executive branch, does not have the time to deal with scores of agencies. To maintain a proper "span of control" he must strive to bring these agencies within departmental confines and depend on the department heads to administer the manifold affairs of government (*37*).

The challenge is that government in all its diversity does not lend itself easily to departmentalizing by major purpose or mission or any other organizing principle. Most organizational arrangements are less ambitions—expedient responses to urgent problems dictated more by politics than political science. Government takes on a patchwork appearance. From time to time attempts are made to sort out and rearrange agencies and functions in more orderly patterns, even to the extent of disestablishing or reforming old departments. Not every worthy government cause which seeks wider acceptance and ample resources through separate departmental status can be accommodated. A multiplicity of departments would defeat the rationale for departmental organization. On the other hand, if a department embraces too many missions or disparate functions, it becomes unwieldly—a conglomerate or a holding company in which the secretary struggles constantly to keep in line strong-willed administrators of operating agencies.

In a dynamic, democratic society, governmental reorganization, despite the obstacles, signifies changing policy, a new approach—and reorganization on a department scale makes the greatest impact. Accordingly every administration can be expected to give special attention to such possibilities. Since World War II, each President has opted for a new department—Truman for DOD, Eisenhower for HEW, Kennedy for HUD, and Johnson for DOT (*38*). The Nixon Administration has established an advisory group on reorganization, whose recommendations are yet to be made (*39*). Characteristically, the post-World War II departments each represent a coalescence of established agencies and resources to subserve a broader policy or purpose of government. In several instances, the way was prepared by interim coordinating organizations. Thus, the DOD was preceded by a looser federation formally known as the Military Establishment, HEW by the Federal Security Agency, and HUD by the Housing and Home Finance Agency. The Department of Transportation, the latest departmental creation, did not go through a transitional form but established transportation agencies were a base upon which to build.

Science and technology, comprising large sectors of government activity with various organizational forms, have a similar potential for departmental organization. When great national problems arose, requiring positive and pointed government response, independent agencies were created—the AEC for the control of atomic energy after Hiroshima, the NSF to preserve the post-world War II momentum of research and development, and NASA after Sputnik. With the passing years, as missions are completed or redirected and as agencies mature, it is difficult to maintain the momentum and the excitement of the early days. New problems emerge, priorities are reassessed, talents are turned elsewhere. The atomic energy program is about 25 years old, the NSF has been in business 18 years, and the space agency, past its 10th birthday, will age rather quickly after a lunar landing. Reorganization generates its own excitement, infuses new energies, develops new emissions.

CANDIDATES FOR INCLUSION

Thus AEC and NASA, independent technical agencies with multibillion-dollar yearly budgets, are prime candidates for transfer to a new department. Their interests increasingly will overlap as boosters and spacecraft come to depend more on nuclear technology. Both are sponsors of hardware development as well as basic research. Both are involved in intricate ways with Department of Defense programs. Both have large laboratory complexes and diversified resources for research and development. Both are faced with probable cutbacks and the need to reassess missions for the long term. The reassessment, in NASA's case, associated with the moon landing, which will climax a decade of technical effort directed largely to this single goal. New vistas of space exploration beckon, but in the welfare decade of the 1970's more earth-bound causes will exert a strong gravitational pull on funds.

As for the AEC, the growth of nuclear stockpiles to what many regard as overkill dimensions and the gradual shift to industry of responsibility for nuclear power development are less climatic. The safety and regulatory functions associated with nuclear power, which some foresee as AEC's major responsibility ahead, could well be transferred to the Federal Power Commission, possibly helping to rejuvenate an old-line agency, just as the Federal Communications Commission has had to grapple with the regulatory aspects of satellite communications. Nuclear ordnance development and fabrication possibly could be shifted to the Department of Defense (40). The Department of Science and Technology would have, one may conceive, a space service and an atomic service, perhaps less ambitious than at present but still performing vital scientific and technical work. The reorganization also would permit a realignment and better integration of the great laboratory complexes associated with these two agencies. Indeed, the realigning process for federal laboratories as a whole could be speeded up by this means.

The National Science Foundation is a some what different type of agency. It maintains no laboratories except a few contract research centers and builds no large projects or systems, with the exception of the ill-fated Mohole project. It values its relative independence and freedom from political influences in supporting academic science. In terms of prospective departmental status, it could be argued that NSF has as much affinity with education as with science, and if a separate Department of Education were to be created, undoubtedly there would be advocates for inclusion of NSF. On the other hand, education reaches out toward areas of contemporary concern not closely identified with science, such as job training and placement and manpower development, so that some envisage education as the organizing principle for a Department of Human Resources (41). Hornig favors the science-education nexus. He would make NSF the "core" of a Department of Science, linking basic research closely with higher education. In this concept the new department would be little concerned with technology as distinguished from science, leaving technological development to "agencies with specific tasks and missions" (35).

In the writer's view, the prospects for departmental status are greatly improved if technology and science are conjoined. Creating a new department is difficult enough in itself, but technology provides move leverage and power for organizational change than basic research or pure science. The new department would need a bigger core or a broader base than that offered by NSF alone. In any event, the writer sees no serious obstacle to making the NSF a component of a Department of Science and Technology. In that way grants and other financial support to academic institutions could be better integrated, since NASA and AEC also are substantial contributors to academic science. Furthermore, the 1968 amendments to the National Science Foundation Act and applied research to the agency's responsibilities and thereby bring it closer to the technological concerns of other government agencies (*42*).

There is good logic in establishing a Department of Science and Technology to house not only older, more mature agencies but also new ones which have not yet found a suitable home. Oceanography and related disciplines or technologies may be put in this class. Numerous government agencies are engaged in marine science activities, but the Congress has been groping for a decade or more to find the organizational base for a broad program of ocean development. The 1966 legislation, which created a temporary commission and

a council for marine sciences and resources, stated a policy and provided a coordinating group but sidestepped the basic organizational problems (*43*). The Commission on Marine Sciences, Engineering and Resources, on the eve of its demise, proposed that a National Oceanic and Atmospheric Agency be created as "the principal instrumentality within the Federal Government for administration of the Nation's civil marine and atmospheric programs." At the same time, the commission pointed out that it was proposing "an organization which can easily fit into a more fundamental restructuring of the Federal Government" (*44*). Clearly, the commission was leaving the door open for incorporation of marine sciences and resources in a Department of Science and Technology.

IMMEDIATE ADVANTAGES

One of the immediate advantages in creating a new government house for science and technology is the opportunity it affords for eliminating the clutter in the Executive Office of the President or at least making room or needed new services. The Aeronautics and Space Council and the National Council on Marine Resources and Engineering Development both could be abolished or, along with PSAC and OST, shifted in whole or in part, to the new department, though it must be recognized that the President will continue to need a science adviser with some staff of his own. The Vice President, now statutory chairman of the space and marine councils, could retain his valuable association with government science and continue to gain the technical information and insight needed for leadership in our technocratic society by serving in some appropriate capacity, possibly as chairman of the advisory apparatus annexed to the new department. The Office of Telecommunications Management, for want of a better alternative, also could be housed in the Department of Science and Technology. This office needs strengthening to deal with communications problems of growing severity and technical sophistication. The Post Office and Transportation Departments each could make a claim for telecommunications management, but obviously they have enough problems of their own.

The removal from the Executive Office of its scientific or technical councils and offices is not a downgrading of science but a practical recognition that the President cannot give them sustained attention (45). Moreover, they have less impact on affairs than is usually supposed. Their directors parade before the government departments and agencies clothed in the uniform of Presidential prestige but are uncertain to what extent they can speak or act in his name. The department head directing a broad range of scientific and technical programs with a large budget has power and prestige of a more compelling kind. His command of resources, public visibility, and cabinet participation enable him to serve as principal science adviser to the President in a much more direct and positive way than the White House adviser or Executive Office functionary several steps removed from the scene of departmental action and operations. If the scientific community is concerned about prestige for science in government, there is considerable trade-off value in a department head as against the Executive Office coordinator or consultant.

Another advantage is that the new department could house technical agencies or bureaus which are obstacles to, or casualties of, other reorganizations. For example, in January 1967, President Johnson proposed a merger of the Departments of Commerce and Labor (46). He did not push the proposal when the response in congressional and some other quarters seemed unfavorable. Despite the inevitable resistance, there was merit in a merger, the objective being a department of economic affairs or economic development. Since the Department of Commerce has acquired by historical accretion a number of important technical services now encompassed in the Environmental Science Services Administration, the National Bureau of Standards, the U.S. Patent Office, and other units, it would have made sense, in the event of a Commerce-Labor merger, to extract these technical agencies and place them in a Department of Science and Technology.

Finally, a Department of Science and Technology would provide better interface with the Department of Defense. Although it would not be wise to transfer research and development commands, office, or agencies from the Department of Defense to the civilian department in any wholesale fashion, conceivably several military-managed laboratories, agencies, or programs could be transferred on a selective basis if their relationship to military needs is limited, if they now serve many government users, and if their concern is more with science than with defense (47). A civil department conveniently could assume DOD, responsibilities in supporting educational centers of excellence or sponsoring certain kinds of social or other research. This need not be a one-way transfer process, since formation of a new department might well involve assignment of certain functions to the military, as mentioned before in the case of nuclear ordnance. More systematic coordination and congruence of policy and program can be achieved by two major departments in balance than by one department on the military side dealing with assorted scientific and technical agencies on the civil side. Even a casual perusal of the numerous memoranda of understanding, working arrangements, and coordinating mechanisms between the DOD and NASA, for example, suggests the complexity of these interagency relationships. Complexity cannot be eliminated but it can be reduced. The logic here is even more persuasive as agencies wrestle with joint projects and interacting programs.

All the decisions as to the composition of the Department of Science and Technology need not, of course, be made at one time. If the universe of government agencies is surveyed and all possible candidates identified, then problems of transfer would seem too overwhelming for immediate solution. The important first step is to assemble the independent agencies and subagencies as the departmental core, and then to build around them. This in itself will be a monumental task, but the vision of the National Academy committee of 1884 may still be sound (*48*).

REFERENCES AND NOTES

1. Act of 7 July 1884, 23 Stat. 219. The commission, composed of three members each from the House and Senate, was known as the Allison Commission after its chairman, Senator William B. Allison of Iowa. Lyman served as one of the House members on the commission until the end of the 48th Congress on 3 March 1885. He was defeated for reelection.

2. *Congr. Rec.* 15, 6175 (7 July 1884).

3. The NAS committee's report was transmitted to Lyman by O. C. Marsh, president of the National Academy of Sciences, by letter dated 16 Oct. 1884. It was printed in Senate Misc. Doc. No. 82 (serial No. 2345, 49th Congress, 1st session (1886) vol. 4; also as appendix D to the *Report of the National Academy of Sciences for 1884* (Government Printing Office, Washington, D.C., 20 April 1885), p. 33.

4. The NAS committee proposed that the commission include the president of the National Academy of Sciences; the secretary of the Smithsonian Institution; two nongovernment civilian scientists of high reputation appointed by the President of the United States for 6-year terms; one officer of the Corps of Engineers; one Navy professor of mathematics skilled in astronomy (the last two to be designated by the President for 6-year terms); the superintendent of the Coast and Geodetic Survey; the director of the Geological Survey; and the officer in charge of the Meteorological Service. The secretary of the department including the science agencies would be ex officio president of the commission, and the commission would be attached to the office of the secretary.

5. Senate Rep. No. 1285, 49th Congress, 1st session (8 June 1886), p. 54.

6. See A. Hunter Dupree, *science and the Federal Government* (Harvard Univ. Press, Cambridge, 1957), p. 215. Dupree writes of this period: "In contrast to the glorious and successful defense of the new scientific bureaus, the experts had done a ragged job for a Department of Science. The National Academy had done nothing to push the brainchild of its committee, which admitted political defeat in advance" (p. 230).

7. *Congr. Rec.* 92, A14 (1 Feb. 1946). The Luce bill provided for a Secretary appointed by the President with Senate confirmation, and five Assistant Secretaries, appointed by the President, to head, respectively, the following bureaus: Physics and Mathematical Sciences, Public Health and Social Sciences, Scientific Education and Information, Biological Sciences, and Engineering and Technological Sciences. The Secretary would be empowered to appoint an advisory council of not more than 100 members representing all branches of science.

8. *Science—the Endless Frontier*, A Report to the President on a Program for Postwar Scientific Research (July 1945). The report was reprinted by the National Science Foundation (Government Printing Office, Washington, D.C., July 1960).

9. *Congr. Rec.* 93, 10567 (17 Nov. 1947). See Don K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 48.

10. *Science and Public Policy*, Report of the President's Scientific Research Board (Government Printing Office, Washington, D.C., 4 Oct. 1947), vol. 3, p. 23.

11. Public Law 81–507, 64 Stat. 149 (10 May 1950).

12. *Progress Report on Science Programs of the Federal Government*, Senate Rep. No. 2498, 85th Congress, 2d session (9 Sept. 1958), p. 14; *Congr. Rec.* 105, 1078 (23 Jan. 1959).

13. Public Law 85–567, 72 Stat. 426 (29 July 1958).

14. Killian's address, made on 20 Dec. 1958, was printed in *Science Program—86th Congress*, Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 3.

15. D. K. Price, *Government and Science* (New York Univ. Press, New York, 1954), p. 63. Price was discussing the potential role of NSF as a central science agency and not specifically a Department of Science.

16. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 26. Berkner's views were set forth in an address "National Science Policy and the Future," at Johns Hopkins University (16 Dec. 1958), published in the same report, appendix D, p. 110. Brode's address on the same subject as retiring president of the AAAS (28 Dec. 1959) was placed in the *Congressional Record*, along with press articles and editorials, by Senator Kefauver [*Congr. Rec.* 106, 615 (18 Jan. 1960)]. For additional materials on the pros and cons of a department, see *Science and Technology Act of 1958*, Analysis and Summary by the Staff of the Senate Committee on Government Operations, Senate Doc. No. 90, 85th Congress, 2d session (April 1958).

17. Senate Rep. No. 120, 86th Congress, 1st session (23 March 1959), p. 29.

18. *Create a Department of Science and Technology*, hearings before the Subcommittee on Reorganization and International Or-

ganizations, Senate Committee on Government Operations, 86th Congress, 1st session, on S. 676 and S. 586 (16–17 April 1959), pt. 1, pp. 47 and 71.

19. *Establishment of a Commission on a Department of Science and Technology,* Senate Rep. No. 408 (18 June 1959), p. 6.

20. *Ann. Amer. Acad. Polit. Soc. Sci.* (Jan. 1960), p. 27; Senator Humphrey placed this article in the *Congressional Record* [106, 5235 (10 March 1960)].

21. *Organizing for National Security: Science Organization and the President's Office,* staff study by the Subcommittee on National Policy Machinery, Senate Committee on Government Operations, 87th Congress, 1st session (committee print, 14 June 1961), p. 1.

22. House Doc. 372, 87th Congress, 2d session (29 March 1962).

23. Senator Humphrey placed an excerpt from the Stover report in the *Congressional Record* [108, 11822 (27 June 1962)]. A statement by Stover supporting the commission proposal was printed in *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962), p. 50. The report *The Government of Science* proposed that the Department of Science and Technology absorb the activities of NSF, PSAC, and FOST, along with the Weather Bureau, National Bureau of Standards, Office of Saline Water, Coast and Geodetic Survey, Navy Hydrographic Office, Naval Observatory, portions of the Smithsonian research work, and the Antarctic programs of the Navy and NSF. Larger agencies such as NASA and NIH were cited as candidates for inclusion, though AEC was excluded on the ground that its size and operational character could overwhelm the new department.

24. *Create a Commission on Science and Technology,* hearings before the Senate Committee on Government Operations, 87th Congress, 2d session, on S. 2771 (24 July 1962), pt. 2; *Reorganization Plan No. 2 of 1962,* hearings before a subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (17 April 1962). Jerome B. Wiesner wrote later: "Possibly the most important consequence of providing a statutory basis for the scientific activities in the Executive Office of the President is that the Director may now appear before Congress to explain, when possible, the Governmentwide views of activities and problems." [*Where Science and Politics Meet* (McGraw-Hill, New York, 1965), p. 47].

25. *Systems Development and Management,* hearings before the Military Operations Subcommittee of the House Committee on Government Operations, 87th Congress, 2d session (1 July 1962), pt. 1, p. 156.

26. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 1828, 87th Congress, 2d session (6 Aug. 1962).

27. *Congr. Rec.* 108, 15968 (8 Aug. 1962).

28. Senator McClellan placed excerpts from the Wiesner testimony in the *Congressional Record* on two separate occasions [109, 2395 (18 Feb. 1963) and *ibid.* (23 May 1963), p. 9299]. It was also carried in the committee report cited below (29).

29. *Establishment of a Commission on Science and Technology,* Senate Rep. No. 16, 81st Congress, 1st session (4 March 1963).

30. *Congr. Rec.* 109, 3808 (8 March 1963). In remarks accompanying the bill Senator Humphrey said an independent "Hoover-type" commission was needed to (i) counterbalance the executive's excessive dependence on a small in-group of scientists for policy, advice and program evaluation; (ii) review, with the aim to improve, the activities of the NAS–NRC as well as those of the government agencies; and (iii) examine federal organization for information retrieval.

31. Referring the bills to the House Committee on Science and Astronautics signified a change in jurisdictional policy. Heretofore such bills had been referred to the House Committee on Government Operations, which generally has jurisdiction over organization matters.

32. *National Goals and Policies,* House Rep. No. 1941, 80th Congress, 2d session (29 Dec. 1964), p. 49. The Select Committee expired with the 88th Congress on 3 Jan. 1965. In accordance with one of its recommendations, a Subcommittee on Research and Technical Programs was established within the House Committee on Government Operations. This subcommittee, chaired by Representative Reuss, was in existence through the end of the 90th Congress.

33. R. Lapp, *The New Priesthood* (Harper & Row, New York, 1965), p. 204. Lapp proposed that the Department of Science make basic research grants (on a lump-sum basis); manage the government laboratories; absorb all or part of the functions of OST, PSAC, and FCST; and take over the functions of the AEC (civilian part), NSF, ONR, Office of Saline Water, National Bureau of Standards and the Weather Bureau.

34. *Establish a Commission on the Organization and Management of the Executive Branch,* hearings before the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 58. Hollomon proposed that the Department of Science and Technology include the NSF, NASA, ESSA, National Bureau of Standards, Geological Survey, Census Bureau "and perhaps parts of NIH and the AEC."

35. D. F. Hornig, remarks at AAAS Meeting, Dallas, Texas (29 Dec. 1968).

36. Senate Misc. Doc. No. 82 (serial No. 2345), 49th Congress, 1st session (1886), vol. 4, p. 66.

37. The usual text for this organizational approach is the report of the First Hoover Commission, "General Management of the Executive Branch" (Feb. 1949), which recommended that: "The numerous agencies of the executive branch must be grouped into departments as nearly as possible by major purposes in order to give a coherent mission to each Department" (p. 34). Senator Humphrey quoted this recommendation in his *Annals* article (*20*).

38. The Department of Housing and Urban Development actually was established during the Johnson Administration, although President Kennedy pressed for its creation from the beginning of his administration. The stumbling block to congressional acceptance was President Kennedy's announced intention to appoint Robert C. Weaver as Secretary of the new department. Similarly, congressional opposition to a putative department head (Oscar R. Ewing) prevented President Truman from getting the Department of Health, Education, and Welfare, which was created in the Eisenhower Administration.

39. President Nixon announced the appointment of an Advisory Council on Executive Organization on 5 April 1969. The members are: Roy L. Ash (chairman), president of Litton Industries, Inc.; George Baker, dean of the Graduate School of Business Administration, Harvard University; John B. Connally, former governor of Texas; Frederick R. Kappel, chairman of the executive committee, American Telephone and Telegraph Company; and Richard M. Paget, member of Cresap, McCormick and Paget.

40. Lapp *33,* p. 206, proposed that the AEC's nuclear production facilities be mothballed in part and the remainder transferred to the Department of Defense. Representatives Craig Hosmer, in an address "The Science Establishment: Where Is It Headed?" [*Congr. Rec.* (6 March 1968), p. E1606] posed the AEC problem in terms of diversification or decline: "Unless AEC's charter is revised to give it a responsibility to conduct research for other government agencies, it would seem that some of these facilities and programs would be better off under an organization more fundamentally oriented toward basic research, such as the National Science Foundation."

41. R. E. Miles, Jr., *Public Admin. Rev.* 27, 1 (March 1967). Text included in hearings before the Subcommittee on Executive Reorganization, Senate Committee on Government Operations, 90th Congress, 2d session (23 Jan. 1968), p. 115.

42. Public Law 90–407, 82 Stat. 360 (18 July 1968).

43. Public Law 85–454, 80 Stat. 203 (17 June 1966). See also Public Law 90–242, 81 Stat. 780 (2 Jan. 1968).

44. *Our Nation and the Sea,* Report of the Commission on Marine Science, Engineering and Resources (9 Jan. 1969 reprint), p. 7.

45. ". . . The easy answer to all problems in Government, scientific and nonscientific, seems to be to move them closer to the President. I don't think that tenable for all things—he is already overburdened" [D. F. Hornig (*35*)].

46. *State of the Union Message,* House Doc. No. 1, 90th Congress, 1st session (19 Jan. 1967), p. 3.

47. A current example of a government laboratory with diversified scientific capabilities and no obvious place to go upon withdrawal of military sponsorship is the Navy Radiological Defense Laboratory. It is slated for closure by the end of this year, even though its resources could be readily adapted to important research in the civil sector. The proposed closure of NRDL also illustrates the poor planning not infrequently found in government. Six months ago a $6 million cyclotron was installed for special research in biomedical effects of radiation.

48. The views expressed herein are the author's and not necessarily those of any member of the Congress.

ATTACHMENT 2

SOME OF THE MAJOR FUNDS AND PERSONNEL FOR RESEARCH AND DEVELOPMENT TRANSFERRED BY S. 1184

Agency	Estimated funding fiscal year 1971 (millions of dollars)	Total personnel as of Jan. 1, 1970	Number of R. & D. installations
NSF	513	1,735	12
NASA	3,269	32,882	40
AEC	2,283	7,270	23
NBS	42	3,834	6
Smithsonian:			4
Astrophysical Observatory	2	54	----------
Tropical Research Institute	.57	44	----------
Radiation Biological Institute	1	29	----------
SIE	1.4	50	----------
State Department: Bureau of International Scientific and Technical Affairs	.7	45	----------
Total	6,112.67	45,943	85

DIRECTORY OF FEDERAL R&D INSTALLATIONS FOR THE YEAR ENDING JUNE 30, 1969

A REPORT TO THE FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

AGRICULTURE

Agricultural Research Service

Agricultural Engineering Research Stations

Agricultural Engineering Laboratory, Forest Grove, Ore.

Agricultural Engineering Research Division, Beltsville, Md.

Agricultural Engineering Research Laboratory, Tifton, Ga.

Agricultural Research Station, Salinas, Calif.

Cotton Ginning Laboratory

Cotton Ginning Research Laboratory

Cotton Research Station, Shafter, Calif.

Entomology Research Laboratory, Yakima, Wash.

Everglades Experiment Station
Federal Experiment Station, St. Croix, V.I.
Field Laboratory for Tung Investigations, Poplarville, Miss.
Insects Attractant Laboratory, Gainesville, Fla.
Livestock Insect Laboratory, Kerrville, Texas
South Central Poultry Research Laboratory
South Plains Cotton Ginning Research Laboratory
Southeastern Cotton Ginning Research Laboratory
Southeastern Fruit and Tree Nut Research Station, Byron, Ga.
Southeastern Poultry Field Station
Southern Grain Insects Research Laboratory
Southern Piedmont Soil Conservation Research Center
Tillage Machinery Laboratory
Tobacco Research Station, Oxford, N.C.
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Animal Disease and Parasite Division

Animal Disease and Parasite Research Stations
Animal Disease and Parasite Laboratory
Animal Disease Research Laboratory, Denver, Colo.
Endoparasite Vector Pioneering Research Laboratory
Livestock Insect Laboratory, Kerrville, Texas
Poisonous Plant Research Laboratory
Regional Parasite Research Laboratory
Regional Poultry Research Laboratory, E. Lansing, Mich.
South Central Poultry Research Laboratory
Southeastern Poultry Field Station, Athens, Ga.
SW Veterinary Toxicol. and Livestock Insect Research Lab.

Animal Husbandry Division

Animal Husbandry Research Stations
Beef Cattle Research Station
Brooksville Beef Cattle Research Station
Dairy Cattle Experiment Station
Fort Reno Livestock Research Station
Fort Robinson Beef Cattle Research Station
Iberia Livestock Experiment Station
Meat Animal Research Center
Poultry Research Laboratory
Range Livestock Experiment Station
Regional Poultry Research Laboratory, E. Lansing, Mich.
South Central Poultry Research Laboratory
Southeastern Poultry Field Station, Athens, Ga.
Western Sheep Breeding Laboratory
Boll Weevil Research Laboratory, State College, Miss.
Consumer and Food Economics Research Laboratory

Crops Research Division

Crops Research Stations
Agricultural Research Station, Salinas, Calif.
Aquatic Weeds Research Laboratory
Barley and Malt Laboratory
Big Bend Horticultural Laboratory
Border Belt Tobacco Research Station
Brush Control Research Laboratory
Cheyenne Horticultural Field Station
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Cotton Field Station
Cotton Research Station, Shafter, Calif.
Crops Research Laboratory, Ft. Collins, Colo.
Crops Research Laboratory, College Sta., Tex.
Crops Research Laboratory, Logan, Utah
Date and Citrus Station, Indio, Calif.
Federal Experiment Station, Mayaguez, P.R.
Field Laboratory for Tung Investigations, Poplarville, Miss.
Horticultural Field Laboratory, Orlando, Fla.
Horticultural Field Station, Fresno, Calif.
Horticultural Field Station, La Jolla, Calif.
Jornada Experiment Range
National Arboretum
National Seed Storage Laboratory, Ft. Collins, Colo.
Northern Grain Insects Research Laboratory
Northern Great Plains Research Center, Mandan, N.D.
Pacific Forest and Range Experiment Station, Berkeley, Calif.
Pecan Field Laboratory
Pecan Field Station
Plant Introduction Station, Chico, Calif.
Plant Introduction Station, Miami, Fla.
Plant Introduction Station. Savannah, Ga.
Plant Introduction Station, Glenn Dale, Maryland
Regional Pasture Research Lab., University Park, Pa.
Shade Tree and Ornamental Plants Laboratory
Small Fruit Research Station
Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.
Southern Grain Insects Research Laboratory, Tifton, Ga.
Southern Great Plains Field Station
Southwestern Irrigation Field Station, Brawley, Calif.
Squaw Butte-Harney Experiment Station
Sugar Crops Field Station
Sugarcane Field Station, Canal Point, Fla.
Sugarcane Field Station, Houma, Louisiana
Tobacco Research Station, Oxford, N.C.
Tree Fruit Research Center
Vegetable Breeding Laboratory
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Eastern utilization research laboratory

Eastern Utilization Research Stations
Dairy Products Research and Development Laboratory
Meat and Cheese Products Resch. and Development Lab.
Red River Valley Potato Research Center

Entomology research division

Entomology Research Stations
Agricultral Engineering Laboratory Forest Grove, Ore.
Animal Disease Research Laboratory
Bee Stock Center
Biological Control of Insects Laboratory
Boll Weevil Research Laboratory, Tallulah, La.
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Cotton Insects Research Laboratory
Dried Fruit and Nut Research Laboratory, Fresno, Calif.
Entomology Field Laboratory
Entomology Research Laboratory, Mesa, Ariz.
Entomology Research Laboratory, Riverside, Calif.
Entomology Research Laboratory, Twin Falls, Idaho
Entomology Research Laboratory, Moorestown, New Jersey
Entomology Research Laboratory, Brownsville, Texas
Entomology Research Laboratory, Yakima, Washington
Entomology Research Laboratory, Rome, Italy
European Parasite Laboratory, Gif-sur-Yvette, France
Federal Experiment Station, Mayaguez, Puerto Rico
Federal Experiment Station, St. Croix, Virgin Islands
Forage Insects Laboratory
Horticultural Field Laboratory, Orlando, Fla.
Insects Affecting Man Research Laboratory
Insects Attractants Laboratory, Gainesville, Fla.
Livestock Insect Laboratory, Kerrville, Texas
Northern Grain Insects Research Laboratory
Pecan Field Laboratory
Plant Introduction Station, Miami, Fla.
Regional Pasture Research Lab., University Park, Pa.
Screwworm Research Laboratory
Southeastern Cotton Insect Laboratory
Southeastern Fruit and Tree Nut Resch. Sta., Byron, Ga.
Southern Grain Insects Research Laboratory, Tifton, Ga.
Southern Regional Plant Pest Control Headquarters
Southwest Cotton Insects Investigations Laboratory
Southwest Cotton Insects Laboratory
Southwestern Vet. Toxicol. and Livestock Insects Resch. Lab.
Sugarcane Field Station, Canal Point, Florida
Sugarcane Field Station, Houma, Louisiana
Systematic Entomology Laboratory
Tobacco Insects Laboratory
Tobacco Research Station, Oxford, N.C.
Vegetable Breeding Laboratory
Western Cotton Insects Research Laboratory, Tucson, Ariz.

Fruit and Vegetable Chemistry Laboratory

Human Nutrition Division

Market Quality Research Division

Market Quality Research Stations
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Dried Fruit Nut Research Laboratory, Fresno, Calif.
Eastern Market Pathology Laboratory
Horticultural Field Station, Fresno, Calif.
Horticultural Field Laboratory, Orlando, Fla.
Insect Attractants Laboratory, Gainesville, Fla.
Market Quality Research Laboratory, Pomona, Calif.
Market Quality Research Laboratory, Tifton, Ga.
Market Quality Research Laboratory, Rotterdam, Netherlands
Midwest Market Pathology Laboratory
Northwestern Market Quality Laboratory
Peanut Marketing Research Laboratory, Dawson, Ga.
Plant Introduction Station, Miami, Fla.
Red River Valley Potato Research Center
Rice Pasture Research Experiment Station
Southwestern Field Crops Pathological Laboratory
Stored Products Insect Research Station, Manhattan, Kan.
Stored Products Insects Laboratory, Richmond, Va.

Metabolism and Radiation Research Laboratory

National Animal Disease Laboratory
Northern Utilization Research Laboratory
Plum Island Animal Disease Laboratory
Soil and Water Conservation Research Division
Soil and Water Conservation Research Stations
Agricultural Water Quality Management Laboratory
Big Spring Field Station
Blacklands Conservation Experiment Station
Central Great Plains Field Station, Akron, Colo.
Citrus, Vegetable, Soil and Water Laboratory, Weslaco, Tex.
Coastal Plains Soil and Water Research Center
Fresno Field Station, Fresno, Calif.
Lompoc Soil and Water Conservation Field Station, Lompoc, CA.

Newell Irrigation and Dryland Field Station
North Appalachian Experimental Watershed
North Central Soil Conservation Research Center
North Central Watershed and Research Center
Northeast Watershed Research Center
Northern Great Plains Research Center, Mandan, N.D.
Northern Plains Soil and Water Research Center
Northwest Watershed Research Center
Plant, Soils and Nutrition Laboratory
Regional Pasture Research Laboratory, University Park, Pa.
Salinity Laboratory, Riverside, Calif.
Sedimentation Laboratory
Snake River Conservation Research Center
Soil and Water Conservation Resch. Lab., Ft. Collins, Colo.
Soil and Water Conservation Resch. Sta., Danville, Vt.
Soil and Water Conservation Resch. Sta., Pullman, Wash.
Southeast Watershed Research Center
Southern Great Plains Watershed Research Center
Southern Piedmont Soil Conservation Research Center
Southwest Rangeland Watershed Research Center
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Great Plains Research Center
Water Conservation Laboratory
Southeastern Agricultural Research Laboratory
Southern Utilization Research Laboratory
Southern Utilization Research Stations
Fruit and Vegetable Products Laboratory
Fruit and Vegetable Products Utilization Laboratory
Naval Stores Laboratory
Stored Products Insects R&D Lab., Savannah, Ga.
Transportation and Facilities Research Stations
Northwestern Market Quality Lab.
Peanut Marketing Research Lab., Dawson, Ga.
Red River Valley Potato Research Center
Transptatn. and Facilities Resch. Lab., Fresno, Calif.
Transptatn. and Facilities Resch. Lab., Hyattsville, Md.
Transptatn. and Facilities Resch. Lab., Yakima, Wash.
Transptatn. Technol. and Packaging Investigation Lab.
Western Utilization Research Laboratory

Forest Service

Forest Products Laboratory
Forestry Research Headquarters
Forest Disease Laboratory, Laurel, Md.
Forest Physiology Laboratory, Beltsville, Md.
Forestry Services Laboratory
Institute of Tropical Forestry
Intermountain Forest and Range Experiment Station
Forestry Sciences Laboratory, Boise, Idaho
Forestry Sciences Laboratory, Moscow, Idaho
Forestry Sciences Laboratory, Bozeman, Montana
Forestry Sciences Laboratory, Missoula, Montana
Forestry Sciences Laboratory, Logan, Utah
Forestry Sciences Laboratory, Provo, Utah
Intermountain Forest & Range Experiment Station
Northern Forest Fire Laboratory, Missoula, Mont.
North Central Forest Experiment Station
Forest Engineering Laboratory
Forest Watershed Laboratory, La Crosse, Wis.
Forestry Sciences Laboratory, Carbondale, Illinois.
Institute of Forest Genetics
North Central Forest Experiment Station
Northern Conifers Laboratory
Northern Hardwoods Laboratory
Northeastern Forest Experiment Stations
Forest Insect and Disease Laboratory, Hamden, Conn.
Forest Insect and Disease Laboratory, Delaware, Ohio
Forest Products Marketing Laboratory
Forestry Sciences Laboratory, Berea, Kentucky
Forestry Sciences Laboratory, Durham, N.H.
Forestry Sciences Laboratory, Columbus, Ohio
Forestry Sciences Laboratory, Warren, Pa.
Forestry Sciences Laboratory, Morgantown, W.Va.
Northeastern Forest Experiment Station, Sugar Maple Laboratory
Timber and Watershed Laboratory
Timber Research Laboratory
Pacific Northwest Forest and Range Experiment Station
Forest Hydrology Laboratory, Wenatchee, Washington
Forestry Sciences Laboratory, College, Alaska.
Forestry Sciences Laboratory, Corvallis, Oregon
Forestry Sciences Laboratory, Olympia, Washington
Forestry Services Laboratory, Portland, Oregon
Forestry Services Laboratory, Seattle, Washington
Institute of Northern Forestry
Range and Wildlife Habitat Laboratory
Silviculture Laboratory, Bend, Oregon
Pacific Southwest Forest and Range Experiment Stations
Forest Fire Laboratory, Riverside, California
Forestry Sciences Laboratory, Arcata, California
Forestry Sciences Laboratory, Redding, California
PSW Experiment Station, Berkeley, Calif.
Rocky Mountain Forest and Range Experiment Stations
Forest Hydrology Laboratory, Tempe, Arizona
Forest Range and Watershed Laboratory
Forestry Research Laboratory
Forestry Sciences Laboratory, Flagstaff, Arizona
Forestry Sciences Laboratory, Lincoln, Nebraska
Forestry Sciences Laboratory, Albuquerque, New Mexico
Rocky Mountain Forest and Range Expt. Station
Shelterbelt Laboratory
Southeastern Forest Experiment Stations
Coweeta Hydrologic Laboratory
Forest Resources Laboratory
Forestry Sciences Laboratory, Athens, Ga.
Forestry Science Laboratory, Research Triangle Park, N.C.
Forestry Sciences Laboratory, Charleston, S.C.
Naval Stores and Timber Production Laboratory
Southeastern Forest Experiment Station
Southern Forest Fire Laboratory
Southern Forest Experiment Stations
Alexandria Forestry Center
Forest Hydrology Laboratory, Oxford, Mississippi
Forestry Sciences Laboratory, State College, Miss.
Instit. of Forest Genetics and Forest Insects & Disease Lab.
Silviculture Laboratory, Sewanee, Tennessee
Southern Forest Experiment Station
Southern Hardwoods Laboratory

ATOMIC ENERGY COMMISSION

Ames Laboratory
Argonne National Laboratory
Atomic Bomb Casualty Commission
Bettis Atomic Power Laboratory
Brookhaven National Laboratory
Cambridge Electron Accelerator
Health and Safety Laboratory
Knolls Atomic Power Laboratory
Lawrence Radiation Laboratory, Berkeley, Calif.
Lawrence Radiation Laboratory, Livermore, Calif.
Los Alamos Scientific Laboratory
Mound Laboratory
National Accelerator Laboratory
National Reactor Testing Station
Nuclear Rocket Development Station
Oak Ridge Associated Universities
Oak Ridge National Laboratory
Pacific Northwest Laboratory
Plasma Physics Laboratory
Princeton-Pennsylvania Accelerator
Sandia Laboratory
Savannah River Laboratory
Stanford Linear Accelerator Center

ATTORNEY GENERAL

Justice Department

Special Testing and Research Laboratory

COMMERCE

Census

Center for Research in Measurement Methods
Engineering Development Laboratory

Environmental Science Services Administration

Air Resources Labs: Atmospheric Turb. & Diffus. Lab.
Air Resources Laboratories
Atlantic Oceanographic and Meteorological Labs.
Earthquake Mechanisms Laboratory
Geodetic Research & Development Laboratory
Geophysical Fluid Dynamics Laboratory
Geophysics Research Group
Joint Tsunami Research Group
Laboratory for Environmental Data Research
Mauna Loa Observatory
Meteorological Satellite Laboratory
National Meteorological Center
National Severe Storms Laboratory
Office of Systems Development
Pacific Oceanographic Laboratory
Research Flight facility
Research Group, Hydrography & Oceanography
Research Laboratories
Research, Office of Aeronaut. Chart. & Cartog.
Research Vessels
Satellite Experiment Laboratory
Systems Development Office
Test and Evaluation Laboratory
Wave Propagation Laboratory

National Bureau of Standards

Center for Computer Sciences and Technology
Center for Radiation Research
Institute for Applied Technology
Institute for Basic Standards, Boulder, Colo.
Institute for Basic Standards, Gaithersburg, Md.
Institute for Materials Research

DEFENSE

Office of Secretary

Institute for Defense Analyses

Air Force

Aeromedical Laboratory (6571)
Aeropropulsion Laboratory
Aerospace Corporation
Aerospace Medical Laboratory (6570)
Aerospace Medical Research Laboratory
Aerospace Research Laboratories

Air Proving Ground Center
Analytic Service, Inc.
Arecibo Observatory, Puerto Rico
Armament Laboratory
Arnold Engineering Development Center
Avionics Laboratory
Cambridge Research Laboratories
Eastern Test Range
Electromagnetic Compatibility Analysis Center
Epidemiological Laboratory
Flight Dynamics Laboratory
Flight Test Center
Human Resources Laboratory
Lincoln Laboratory
Materials Laboratory
Missile Development Center
MITRE Corporation
Office of Research Analyses
Rand Corporation
Rocket Propulsion Laboratory
Rome Air Development Center
School of Aviation Medicine
Frank J. Seiler Research Laboratory
Special Weapons Center
Weapons Laboratory
Western Test Range

Army

Aberdeen Research and Development Center
Aeromedical Research Unit
Aeronautical Research Laboratory
Arctic Test Center
Aviation Materiel Laboratories
Aviation Test Activity
Ballistic Research Laboratory
Behavioral Science Research Laboratory
Biological Laboratories
Center for Research in Social Systems
Coating and Chemical Laboratory
Cold Regions Research and Engineering Lab.
Construction Engineering Research Laboratory
Dental Research Institute
Deseret Test Center Laboratories
Development and Proof Services
Edgewood Arsenal Laboratories

Agency or department

Electronics Laboratories
Electronic Proving Ground
Engineer Reactor Group
Engineer Topographic Laboratory
Engineer Waterways Experiment Station
Frankford Arsenal Laboratories
General Equipment Test Activity
Harry Diamond Laboratories
Human Engineering Laboratory
HumRRO
Institute for Surgical Research
Limited War Laboratory
Materials and Mechanics Research Center
Material Systems and Analysis Agency
Medical Biochemical Research Laboratory
Medical Equipment R&D Laboratory
Medical Research and Nutrition Laboratory
Medical Research Laboratory
Medical Research Unit, San Francisco, California
Medical Research Unit, Balboa Heights, Canal Zone
Medical Research Unit, Kuala Lumpur, Malaysia
Medical Unit, Ft. Detrick, Md.
Missile Command Laboratories
Mobility Equipment R&D Center
Natick Laboratories
Nuclear Defense Laboratory
Picatinny Arsenal Laboratories
Research Anaylsis Corporation
Research Institute of Environmental Medicine
Rock Island Arsenal Laboratories
Tank Automotive Command Laboratories
Tropic Test Center
Walter Reed Army Institute of Research
Watervliet Arsenal Laboratories
White Sands Missile Range
Yuma Proving Ground

Navy

Aerospace Medical Institute
Aerospace Recovery Facility
Air Development Center
Air Engineering Center
Air Propulsion Test Center
Air Test Center
Air Test Facility
Applied Physics Laboratory, Laurel, Md.
Applied Physics Laboratory, Seattle, Washington
Applied Science Laboratory
Arctic Research Laboratory
Atlantic Undersea Test and Evaluation Center
Blood Research Laboratory
Center for Naval Analyses
Civil Engineering Laboratory
Clothing and Textile Research Unit
Dental Research Institute
Electronics Laboratory Center
Electronic Syst. Test and Evaluation Facility
Expl. Ordnance Disposal Facility
Medical Field Research Laboratory
Medical Neuropsychiatric Research Unit
Medical Research Institute
Medical Research Unit No. 1
Medical Research Unit No. 2
Medical Research Unit No. 3
Medical Research Unit No. 4
Missile Center
Naval Unit, Fort Detrick
Ordnance Laboratory
Ordnance Missile Test Facility
Ordnance Research Laboratory
Ordnance Unit
Pacific Missile Range
Personnel Research Activity
Personnel Research and Development Laboratory
Radiological Defense Laboratory
Research Laboratory (NRL)
Security Engineering Facility
Ship Research and Development Center
Ship R&D Laboratory, Panama City, Florida
Ship R&D Laboratory, Annapolis, Maryland
Space Systems Activity
Submarine Medical Center
Toxicology Unit
Training Devices Center
Undersea R&D Center
Underwater Sound Laboratory
Underwater Weapons Res. and Eng. Station
Weapons Center
Weapons Evaluation Facility
Weapons Laboratory
Weather Research Facility

FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission Laboratory

FEDERAL TRADE COMMISSION

Cigarette Testing Laboratory
Textiles and Furs Laboratory

HEALTH, EDUCATION, AND WELFARE

Consumer Protection and Environmental Health Service

Appalachian Laboratory
Arctic Health Research Center
Bureau of Radiological Health Laboratories
Bureau of Science
Bureau of Water Systems Laboratory
Chemistry & Physics Laboratory
Economic Effects Research Laboratory
Gulf Coast Water Hygiene Laboratory
Health Effects Research Laboratory
Injury Control Research Laboratory
Milk and Food Laboratories
Motor Vehicle Pollution Control Laboratory
National Center for Antibiotic and Insulin Analysts
National Center for Drug Analysts
National Center for Microbiological Analysts
Northeast Radiological Health Laboratory
Northeast Water Hygiene Laboratory
Northwest Water Hygiene Laboratory
Occupational Health Laboratory
Perrine Primate Laboratory
Process Control Engineering Laboratory
Radiological Engineering Laboratory
Radiological Health Laboratory
Solid Wastes Laboratory
Solid Wastes Laboratory: Field Station
Solid Wastes Pilot Handling Plant
Southeast Radiological Health Laboratory
Southwestern Radiological Health Laboratory
Toxicology Laboratory Branch
Uranium Mine Research Facility
Veterinary Research Laboratory
Western Area Occupational Health Laboratory

Health Services and Mental Health Administration

Addiction Research Center
Antigen Laboratory Unit
Division of Special Mental Health Research
Epidemiology Program
Experimental Laboratory Unit
Fort Collins Laboratories
Health Program Systems Center
Intramural Research Program
Kansas City Laboratory
Laboratory Division, Atlanta, Ga.
Laboratory Division, Savannah, Ga.
National Center for Prevention and Control of Alcoholism
Phoenix Laboratory
San Juan Laboratories
Veneral Disease Research Laboratory
Winfred Overholser Division of Clinical Research

National Institutes of Health

Division of Biologics Standards
Division of Computer Research and Technology
Gerontology Research Center
Middle America Research Unit
National Cancer Institute
National Heart and Lung Institute
National Institute of Allergy and Infectious Diseases
National Institute of Arthritis and Metabolic Diseases
National Institute of Child Health and Human Development
National Institute of Dental Research
National Institute of Environmental Health Sciences
National Institute of Neurological Diseases & Blindness
Pacific Research Unit
Rocky Mountain Laboratory

INTERIOR

Commercial fisheries

Biological Laboratory, Juneau, Alaska
Biological Laboratory, Milford, Conn.
Biological Laboratory, St. Petersburg, Fla.
Biological Laboratory, Honolulu, Hawaii
Biological Laboratory, West Boothbay Harbor, Maine
Biological Laboratory, Oxford, Md.
Biological Laboratory, Woods Hole, Mass.
Biological Laboratory, Galveston, Tex.
Biological Laboratory, Seattle, Wash.
Center for Estuarine and Menhaden Research
Exploratory Fish and Gear Research Base, Juneau, Alaska
Exploratory Fishing and Gear Research Base, Gloucester, Mass.
Exploratory Fish and Gear Research Base, Ann Arbor, Mich.
Exploratory Fish and Gear Research Base, Pascagoula, Miss.
Exploratory Fish and Gear Research Base, Seattle, Wash.
Exploratory Fish and Gear Research Field Station
Fishery Oceanographic Center
Food Science Laboratory
Great Lakes Fishery Laboratory
Marine Mammal Research Laboratory
National Center for Fish Protein
Ocean Research Laboratory
Research Vessels

Systematic's Laboratory-Taxonomy
Technological Laboratory, Ketchikan, Alaska
Technological Laboratory, Terminal Island, Calif.
Technological Laboratory, Gloucester, Mass.
Technological Laboratory, Ann Arbor, Michigan
Technological Laboratory, Pascagoula, Miss.
Technological Laboratory, Seattle, Washington
Tropical Atlantic Biological Laboratory

Bureau of Mines

Coal Research Center, Pittsburgh, Pa.
Coal Research Center, Morgantown, W. Virginia
Coal Research Laboratory
Helium Research Center
Marine Minerals Technology Center
Metallurgy Research Center, College Park, Maryland
Metallurgy Research Center, Minneapolis, Minnesota
Metallurgy Research Center, Rolla, Missouri
Metallurgy Research Center, Reno, Neveda
Metallurgy Research Center, Albany, Oregon
Metallurgy Research Center, Salt Lake City, Utah
Metallurgy Research Laboratory, Tuscaloosa, Alabama
Metallurgy Research Laboratory, Boulder City, Nevada
Mine Systems Engineering Group
Mining Research Center, Denver, Colorado
Mining Research Center, Minneapolis, Minnesota
Mining Research Center, Pittsburgh, Pennsylvania
Mining Research Laboratory
Petroleum Research Center, Bartlesville, Oklahoma
Petroleum Research Center, Laramie, Wyoming
Petroleum Research Laboratory
Petroleum Research Office
Research Vessel
Safety Research Center

Bureau of Reclamation

Engineering and Research Center

Bureau of Sport Fisheries and Wildlife

Bird and Mammal Laboratory
Eastern Fish Disease Laboratory
Eastern Fish Nutrition Laboratory
Fish Control Laboratory
Fish Farming Experimental Station
Fish Genetics Laboratory
Fish-Pesticide Research Laboratory
Migratory Bird Populations Station
Narragansett Marine Game Fish Laboratory
North Central Reservoir Investigations
Northern Prairie Wildlife Research Center
Patuxent Wildlife Research Center
Salmon Cultural Laboratory
Sandy Hook Marine Laboratory
Sierra Nevada Aquatic Research Laboratory
South Central Reservoir Investigations
Southeastern Fish Control Laboratory
Southeastern Fish Cultural Laboratory
Tiburon Marine Laboratory
Western Fish Disease Laboratory
Western Fish Nutrition Laboratory
Wildlife Research Center

Geological Survey

Geological Survey Headquarters
Center for Astrogeology
Pacific Coast Region Center
Rocky Mountain Region Center

National Park Service

Archeological Center, Midwest
Archeological Center, Southeast
Archeological Center, Southwest
Plant Pathology Laboratory

Office of Saline Water

Test Facility, Chula Vista, California
Test Facility, Roswell, New Mexico
Test Facility, Wrightsville Beach, N.C.
Test Facility, Webster, South Dakota
Test Facility, Freeport, Texas

Water Pollution Control Administration (FWPCA)

Advanced Waste Treatment Research Laboratory
Analytical Quality Control Laboratory
Hudson-Delaware Basins Office
Robert S. Kerr Water Research Center
National Marine Water Quality Laboratory
National Water Quality Laboratory
Newtown Fish Toxicology Laboratory
Pacific Northwest Water Laboratory
Southeast Water Laboratory

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ames Research Center
Antenna Test Range
Atmospheric Propagation Research Facility
Bedford Flight Facility
Canoga Park Facility
Churchill Research Range
Combined Systems Test Stand
Deep Space Network
Downey Industrial Plant
Edwards F–1 Engine Test Facility
Edwards Test Station
Electronics Research Center
Ellington Support Facilities
Flight Research Center
Goddard Institute for Space Studies
Goddard Space Flight Center
Jet Propulsion Laboratory
Kennedy Space Center
Langley Research Center
Lewis Research Center
Manned Spacecraft Center
Manned Space Flight Network
Marshall Space Flight Center
Michoud Assembly Facility
Mississippi Test Facility
NASA Communications Network
Nuclear Rocket Development Station
Plum Brook Station
Sacramento Test Facility
Santa Susana Test Facility
Seal Beach Assembly Facility
Slidell Computer Facility
Sounding Rocket Launch Sites
Space Radiation Effects Laboratory
Space Tracking and Data Acquisition Network
Sycamore Canyon Test Site
Table Mountain Facility
Wallops Station
Western Test Range
White Sands Test Facility

NATIONAL SCIENCE FOUNDATION

Amundson-Scott South Pole Station
Byrd Station
Cerro Tololo Inter-American Observatory
Hallett Station
Kitt Peak National Observatory
McMurdo Station
National Center for Atmospheric Research
National Radio Astronomy Observatory
National Scientific Balloon Facility
Palmer Station
Research Ship Eltanin
Research Ship Hero

POST OFFICE

Research and Development Laboratory

SMITHSONIAN INSTITUTION

National Museum of Natural History
Radiation Biology Laboratory
Smithsonian Astrophysical Observatory
Smithsonian Tropical Research Institute

TENNESSEE VALLEY AUTHORITY

Central Laboratories
Engineering Laboratory
Environmental Biology Laboratry
Forestry and Fisheries Laboratory
Industrial Hygiene and Air Quality Laboratory
Materials Engineering Laboratory
National Fertilizer Development Center
Radiological Hygiene Laboratory
Water Quality Laboratory

TRANSPORTATION

Coast Guard

Electronics Enginering Center
Field Testing & Development Center
Oceanographic Unit
Research Vessels
(Research) Polar Icebreakers
(Research) WHEC (High Endurance) Cutters
Shipboard Fire & Safety Testing Facility
Washington Radio Station Laboratory

Federal Aviation Agency

Civil Aeromedical Institute
Fog Chamber
National Aviation Facilities Experimental Center

Federal Highway Administration

Fairbank Highway Research Station

TREASURY

Bureau of Engraving and Printing

Research and Technical Services Office Laboratory

Internal Revenue Service

Alcohol, Tobacco and Firearms Division Laboratory

VETERAN'S ADMINISTRATION

Bioengineering Research Laboratory
Research Laboratories
Research Support Center, Eastern
Research Support Center, Midwestern
Research Support Center, Southern
Research Support Center, Western

SCIENCE IN NEW MEXICO

The impact of the present erratic pattern of science funding is particularly apparent in my home State of New Mexico. New Mexico has a large scientific community. The ratio of scientists and engineers to total population is the highest of any State in the Union. The economy of New Mexico is therefore geared primarily to science and technology, and any cutback directly affects the well-being of New Mexico's economy. New Mexico was chosen during and shortly after World War II as the site to locate many of the Nation's top research and development programs. The reason for selecting New Mexico was the isolation of the area, the availability of Government-owned land, and an excellent climate and geography conducive to scientific creativity. Many millions of dollars were invested by the Federal Government in constructing permanent facilities at Los Alamos, Sandia Base, Kirtland, Las Cruces—Apollo—White Sands, and Holloman. In reality, the total value of the Government investment would go into billions of dollars.

The needed scientific community relocated to the State of New Mexico from all over the Nation and made careers of valuable national contribution and formed a solid economy for New Mexico. The change in emphasis from space defense, and atomic energy, to the domestic needs of the Nation is something that is now drastically needed, and the facilities and personnel located in the State of New Mexico should be reprogramed to accomplish these domestic needs, and not disbanded and dismantled. If the current administration continues to deemphasize science and technology the State of New Mexico will suffer a sharp setback in its basic economy and conversion to another economic base will take many years. This is neither advantageous to science and technology, the scientific community, the future of the Nation, nor the future of the State of New Mexico.

The State of New Mexico was the birthplace of atomic energy, modern missile and

rocketry, and the beginning of the space program. The people of the government of the State of New Mexico welcomed and cooperated with the Federal Government in accommodating the wishes of the Federal Government to conduct large-scale programs in science and technology in the State for the past quarter century. This endeavor was, of course, mutually beneficial to both the State of New Mexico and the Federal Government. In many cases, however, personal sacrifice on use of available land to ranchers, farmers, and recreational facility promoters was encountered to accommodate the desires of the Federal Government. The loss of Federal programs in the State after so long a period of investment and successful operation harms in a remarked way the very people who supported Federal science and technology in its early days.

Five State-supported universities in New Mexico are actively engaged in several programs that are federally supported in accomplishing the R. & D. programs of the Nation. These universities have made national contribution in the past to the Nation's advancing technology. These universities have produced many outstanding scientists and engineers over the past 25 years and have made a remarkable contribution to the accomplishment of the science and technology goals of the Nation. The increase in enrollment in the sciences and engineering in these universities leveled off some time ago and now is sharply declining. It appears that it is no longer attractive for young people to enter into science and technology careers if the current administration projects a dismal future. Thus the institutions of higher learning supported by the State of New Mexico which have contributed so much to the Federal activity are now faced with a sharp decline in science involvement, scientific activity, and facility overexpansion.

The attempt to create a Department of Science and Technology has a long history. I think that it is time for Congress to give a positive answer to the question of reorganization. The history of the efforts to create such a Department, along with clear and persuasive arguments, have been summarized by Herbert Roback, and I close my remarks on this subject with a request that this article be printed at the end of my comments in the CONGRESSIONAL RECORD.

By Mr. BYRD of Virginia:

S.J. Res. 68. Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee. Referred to the Committee on the Judiciary.

FULL CITIZENSHIP RIGHTS FOR GEN. ROBERT E. LEE

Mr. BYRD of Virginia. Mr. President, as a result of a discovery in the National Archives, in the last 6 months, of a bona fide amnesty oath, signed by Gen. Robert E. Lee, I am today introducing a joint resolution to restore the full citizenship rights of General Lee.

As a Virginian, I take this step with much pride, and I call to the attention of the Senate that this belated action is not sectional in nature, but rather is a step that should have been taken by the Nation as a whole long ago.

I could, of course, speak at great length on the subject of General Lee's ability as a military commander and his deeds in the service of Virginia and the South. I would rather emphasize to the Senate the sterling character of General Lee, which has stood as an unequaled example of gentlemanly demeanor, both in victory and adversity.

Historians have long recognized the beneficial effects of General Lee's conduct subsequent to the War Between the States. Instead of harboring bittnerness in his heart, General Lee, both by word and deed, put his full effort into healing the wounds of that tragic conflict. His actions represented the noblest attributes of our national character and were in full accord with the fervent desire for peaceful reunion so eloquently expressed by President Lincoln.

I regard President Lincoln and General Lee as two of our greatest Americans. Their character, their leadership, their courage and their ability will stand as a monument for all time.

Only 2 months after the surrender of the Army of Northern Virginia at Appomattox Court House, General Lee on June 13, 1865, applied to President Andrew Johnson for amnesty and restoration of his rights as a citizen, pursuant to the President's Amnesty Proclamation of May 29, 1865.

In furtherance of the conciliatory spirit and fairness he displayed to General Lee and his soldiers at Appomattox Court House, Gen. Ulysses S. Grant graciously forwarded the request to the President on June 20, 1865. Always have I been impressed with the magnanimity of General Grant. The endorsement of General Lee's affidavit follows:

Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for this reason, as I am informed by General Ord, that the order requiring it had not reached Richmond when this was forwarded.

Unknown to General Lee on June 13, when he requested amnesty and restoration of citizenship, was the requirement that an oath of allegiance accompany such a request.

The next several months in General Lee's life were busy ones; during this period, he moved to Lexington, Va., and became president of what was then Washington College, the institution which is now Washington and Lee University.

On October 2, 1865, General Lee, as an example to the people of the South, laid aside his role as a military leader and became a leader of young men. On that day he was inaugurated president of Washington College and dedicated the remaining years of his life to preparing young men to be servants of the reunited States of the Union.

On that same day, General Lee, apparently having become aware of the requirement of an amnesty oath, appeared in Lexington before Charles A. Davidson, a notary public for the County of Rockbridge, Va., to whom he gave the following oath:

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

Signed, R. E. LEE.

I believe we can safely assume that had this oath reached the hands of the President, that General Lee's citizenship would have been restored in full. But it was lost for quite some period of time, and has been discovered only recently.

In the 1970 winter issue of Prologue, the journal of the National Archives, Mr. Elmer O. Parker has written an excellent article describing the discovery of General Lee's oath among the State Department records of the National Archives. Apparently the oath was submitted separately and was never joined to General Lee's request of June 13, 1865.

I recite these facts to the Senate in order to show that General Lee fulfilled every requirement for the restoration of his citizenship.

As is known to many, on February 15, 1869, the outstanding treason indictments against General Lee, his sons, and 14 other general officers of the Confederacy, were dismissed by the United States. Thus, the only bar to the citizenship of General Lee is the third section of the 14th amendment to the Constitution, which provides that no person who has previously taken an oath as an officer of the United States and is subsequently engaged in rebellion against the same, can hold office. The amendment provides that Congress, by a two-thirds vote of each House, can remove such a disability.

Mr. President, I feel that Congress should act now to restore the full rights of citizenship to one of the greatest Americans of all time.

Mr. President, at this point I ask unanimous consent that the text of the joint resolution which I send to the desk for appropriate reference be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 68

Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee

Whereas, this entire Nation has long recognized the outstanding virtues of courage, patriotism and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas, this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas, a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas, it appears that General Lee thus fulfilled all of the legal as well as moral re-

quirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia, are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

Mr. BYRD of Virginia. I also ask unanimous consent that a copy of General Lee's letter of June 13, 1865, to President Johnson; his letter of the same date to General Grant; General Grant's endorsement of June 16, 1865; General Grant's letter to General Lee of June 20, 1865; a copy of the oath itself, and a copy of the article by Mr. Parker be printed in the RECORD.

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

RICHMOND, VA.,
June 13, 1865.

His Excellency ANDREW JOHNSON.

DEAR SIR: Being excluded from the provisions of the amnesty and pardon in the proclamation of the 29th ult., I hereby apply for the benefits and full restoration of all rights and privileges extended to those enclosed in its terms. I graduated at the Military Academy at West Point in June 1829; resigned from the United States Army, April, 1861; was a general in the Confederate Army, and included in the surrender of the Army of Northern Virginia, April 9, 1865. I have the honor to be, very respectfully,

Your obedient servant,

R. E. LEE.

RICHMOND,
June 13, 1865.

Lieut. Gen. U. S. GRANT,
Commanding Armies of the United States:

GENERAL: Upon reading the President's proclamation of the 29th ultimo, I came to Richmond to ascertain what was proper or required of me to do, when I learned that with others I was to be indicted for treason by the grand jury at Norfolk. I had supposed that the officers and men of the Army of Northern Virginia were, by the terms of their surrender, protected by the United States Government from molestation so long as they conformed to its conditions. I am ready to meet any charges that may be preferred against me. I do not wish to avoid trial, but if I am correct as to the protection granted by my parole, and am not to be prosecuted, I desire to comply with the provisions of the President's proclamation, and therefore inclose the required application, which I request in that event may be acted on.

I am, with great respect, your obedient servant,

R. E. LEE.

HEADQUARTERS,
ARMIES OF THE UNITED STATES,
June 16, 1865.

In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from further prosecution of them.

U. S. GRANT,
Lieutenant-General.

HEADQUARTERS ARMIES OF
THE UNITED STATES,
Washington, June 20, 1865.

General R. E. LEE,
Richmond, Va.:

Your communications of date of the 13th instant, stating the steps you had taken after reading the President's proclamation of the 29th ultimo, with a view of complying with its provisions when you learned that, with others, you were to be indicted for treason by the grand jury at Norfolk; that you had supposed the officers and men of the Army of Northern Virginia were by the terms of their surrender protected by the United States Government from molestation so long as they conformed to its conditions; that you were ready to meet any charges that might be preferred against you, and did not wish to avoid trial, but that if you were correct as to the protection granted by your parole, and were not to be prosecuted, you desired to avail yourself of the President's amnesty proclamation, and inclosing an application therefor, with the request that in that event it be acted on, has been received and forwarded to the Secretary of War, with the following opinion indorsed thereon by me:

"In my opinion the officers and men paroled at Appomattox Court-House, and since, upon the same terms given to Lee, cannot be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith, as well as true policy, dictates that we should observe the conditions of that convention. Bad faith on the part of the Government, or a construction of that convention subjecting the officers to trial for treason, would produce a feeling of insecurity in the minds of all the paroled officers and men. If so disposed they might even regard such an infraction of terms by the Government as an entire release from all obligations on their part. I will state further that the terms granted by me met with the hearty approval of the President at the time, and of the country generally. The action of Judge Underwood, in Norfolk, has already had an injurious effect, and I would ask that he be ordered to quash all indictments found against paroled prisoners of war, and to desist from the further prosecution of them."

This opinion, I am informed, is substantially the same as that entertained by the Government. I have forwarded your application for amnesty and pardon to the President, with the following indorsement thereon:

"Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that this application of General R. E. Lee for amnesty and pardon may be granted him. The oath of allegiance required by recent order of the President to accompany applications does not accompany this for the reason, as I am informed by General Ord, the order requiring it had not reached Richmond when this was forwarded."

U. S. GRANT,
Lieutenant-General.

[Office of Notary Public, Rockbridge County, Va., October 2nd, 1865.]

AMNESTY OATH

I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves, so help me God.

R. E. LEE.

Sworn to and subscribed before me, this 2nd day of October, 1865.

CHAS. A. DAVIDSON,
Notary Public.

WHY WAS LEE NOT PARDONED?

(By Elmer Oris Parker)

Archivists have recently discovered Robert E. Lee's oath of amnesty among State Department records in the National Archives. To those historians of the Civil War and Reconstruction who believe that Lee did not satisfy the requirements for amnesty this may come as a surprise.

Facing an indictment for treason, Lee read in Richmond newspapers President Andrew Johnson's proclamation of May 29, 1865, "to induce all persons to return to their loyalty." Lee immediately informed Gen. Ulysses S. Grant that he wanted to comply with the provisions of the proclamation and enclosed "the required application." It was not in order for it was not accompanied by an oath of allegiance to the United States. Such an oath was required by an order of the President. Lee's action was premature.

General Grant attempted to justify the absence of the oath. He explained to the President that Gen. E. O. C. Ord, commanding the Department of Virginia at Richmond, informed him that the order requiring it had not reached the city when Lee's application was forwarded. Grant, therefore, earnestly recommended that amnesty and pardon be granted the old warrior.

Meanwhile, Lee had been elected president of Washington College and had proceeded on "Traveller" by easy paces to Lexington where he was inaugurated on October 2. This was an important day in his life. Not only did he take up the life of a useful citizen, he also subscribed to the amnesty oath, thereby complying fully with the provisions of Johnson's proclamation. Thus, Lee had every reason to expect he would be pardoned and restored to full citizenship.

But this never happened. Secretary of State William H. Seward gave Lee's application to a friend as a souvenir and his oath was evidently pigeonholed. Although attempts have been made in recent years to have Congress restore Lee's citizenship posthumously, all have come to naught. As far as was known Lee, after laying down his arms at Appomattox, had not sworn "to support, protect and defend the Constitution of the United States." But the discovery of his oath of amnesty proves that he had indeed done so. Furthermore, he had also sworn to "faithfully support all laws and proclamations made during the rebellion with reference to the emancipation of slaves." Lee's oath was duly executed, signed, and notarized, and for a century it has remained buried in a file in the nation's archives.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 23, the Ethnic Heritage Studies Centers Act of 1971.

S. 120

At the request of Mr. SCHWEIKER, the Senator from Oregon (Mr. HATFIELD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of

S. 120, a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S. 192

At the request of Mr. NELSON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 192, a bill to ban ocean dumping.

S. 422

At the request of Mr. BYRD of West Virginia, on behalf of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 422, to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

S. 604

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 604, a bill to increase the annuities of certain civil service retirees.

S. 605

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 605, a bill to exclude the first $5,000 of civil service retirement annuity from gross income under the Internal Revenue Act.

S. 606

At the request of Mr. MONTOYA, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 606, a bill to provide minimum annuities for certain civil service retirees.

S. 704

At the request of Mr. INOUYE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 704, a bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 1030

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of S. 1030, a bill to amend the Vocational Rehabilitation Act in order to assure rehabilitation services to older blind persons, and for other purposes.

S. 1085

At the request of Mr. HANSEN, the Senator from Idaho (Mr. CHURCH), the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1085 to amend the Federal Meat Inspection Act relating to the labeling of imported meat.

S. 1113

At the request of Mr. BAKER, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1113, the National Environmental Laboratory Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 15

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of Senate Joint Resolution 15 to designate the week beginning the third Monday of April as National Earth Week.

SENATE JOINT RESOLUTION 32

At the request of Mr. BAKER, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 17, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Richard C. Freeman, of Georgia, to be U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272, approved June 2, 1970

Jerris Leonard, of Wisconsin, to be Administrator of Law Enforcement Assistance, vice Charles H. Rogovin, resigned

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

REPORT ON THE OUTER CONTINENTAL SHELF

Mr. METCALF. Mr. President, I invite the attention of Senators to the report just issued by the Special Subcommittee on the Outer Continental Shelf of the Senate Committee on Interior and Insular Affairs.

The interest of the committee in seabed mineral development dates back to 1953 when the committee gave initial consideration to the bill which became the Outer Continental Shelf Lands Act. The committee's continuing interest in the development of offshore mineral recovery operations was notably intensified on July 23, 1969, when our chairman, Senator HENRY M. JACKSON, established a Special Subcommittee on the Outer Continental Shelf and requested that it investigate the matter of a national policy for our continental shelf and seabed.

I have enjoyed the privilege and the challenge of serving as chairman of that special subcommittee, whose members included Mr. JACKSON, Mr. MOSS, Mr. GRAVEL, Mr. BELLMON, Mr. HATFIELD, and Mr. STEVENS. Our subcommittee has conducted comprehensive hearings. The record of our hearings is contained in three volumes. The initial conclusions we have reached are laid down in a fourth volume—a summary and a report, including a response to President Nixon's May 23 proposal and the draft working paper which followed.

I will discuss today the conclusions we have reached. But before doing so, allow me to comment briefly on the approach we took in the preparation of our report.

At the outset we all became quickly aware of the gravity of the subject before us. We recognized that the mineral wealth of our continental margins contains the energy potential to fuel our Nation's needs for the next century. We also recognized that undisputed access to the vast energy resources of the entire U.S. continental margin is absolutely essential to fuel our industrial machine and thereby sustain a sound economy. In short, we soon realized that we were considering a matter so important to the future well being of the American people that it would be sheer folly to allow partisan politics to affect our deliberations in any way.

Our report was unanimous. There are no dissents, no minority views. I hope that you will each study our report. It is based wholly on the record of our hearings and is the result of hundreds of hours of meticulous preparation.

I might also add here that copies of earlier draft versions of this report were made available to the Department of State through the request of its able legal adviser, Mr. John R. Stevenson. Mr. Stevenson visited us to discuss suggested changes in our report which he thoughtfully prepared. He sent two memorandums containing a total of 30 specific recommended changes. We gratefully accepted 10 out of 14 of the changes he suggested in his first memorandum and nine out of 16 changes he proposed in his second memorandum or, in the aggregate, we accepted in whole or in part 19 out of 30 of his recommended modifications. We were not able to accept the remaining 11 changes Mr. Stevenson proposed, because our acceptance of those recommendations would have caused us to reach diametrically opposite conclusions from those upon which the subcommittee had already unanimously agreed and which were derived wholly from the record of the hearings.

The committee, nevertheless, appreciated Mr. Stevenson's helpful suggestions during the time of our hearings and while preparation of our report was progressing. We look forward to his further cooperation with the committee as it continues its review of proposals pertaining to the U.S. continental margins and the deep seabed.

Before I summarize the report, I shall digress for a moment to mention briefly what I consider to be the international setting in which the U.N.-sponsored law of the sea debates are taking place.

The international law of the sea was created and has been perpetuated in order to further the self-interests of those nations powerful enough to shape it. Hugo Grotius, the father of modern international law of the sea, was hired by the Dutch Government at the beginning of the 17th century to invent the freedom-of-the-seas doctrine. This was necessary because a Dutch sea captain had committed an act of piracy against a Portuguese vessel in the Strait of Malacca—waters claimed by the Portuguese under the authority of the Treaty of Tordesillas of 1494. The Dutch wanted to

monopolize trade with the Far East, and Hugh Grotius was hired at a very handsome fee to help his Dutch Government justify acts of piracy in order to monopolize trade. Thus, the freedom-of-the seas doctrine was invented to justify unlawful actions taken by the Dutch Government against the Portuguese.

What Grotius said was that the seas are common to all nations and God did not ordain that any nation should be permitted to assert its dominion over them. What Grotius meant was that the Dutch intended to sail their vessels to the Far East to monopolize trade there and the Dutch were not going to let any Portuguese assertions of dominion over the western Atlantic and Indian Ocean—even though sanctioned by the powerful Pope Alexander VI—get in their way.

That was the origin of the freedom-of-the-seas doctrine. That doctrine has evolved over the last few centuries. Yet, today it remains quite similar when you look through all the rhetoric.

The four freedoms of the sea—as set forth in the 1958 Geneva Convention on the High Seas—are the freedom to navigate the high seas; the freedom to overfly the high seas; the freedom to fish on the high seas; and the freedom to lay submarine cables and pipelines on the bed of the high seas. There are also other implied freedoms arising out of the freedom-of-the-seas doctrine: The freedom to conduct research on the high seas and the freedom to explore and exploit the natural resources of the deep ocean floor—beyond the limits of national jurisdiction.

The crucial issues arising out of any contemporary analysis of the freedom-of-the-seas doctrine is who benefits and who is burdened?

Those nations which have navies and merchant marines which traverse the globe benefit. Those nations which have no global naval or merchant marine capabilities do not benefit.

Those nations which have transoceanic airlines and strategic airpower capabilities benefit from the freedom-of-the-seas doctrine. Those nations which have no such aircraft do not benefit.

Those nations whose modern, highly mechanized fishing fleets are capable of sailing to distant waters benefit from the freedom-of-the-seas doctrine. Those nations do not benefit which have none themselves but who are confronted with other nations' distant water fishing fleets catching millions of tons of fish within sight of foreign shores.

Those nations which have the capacity to lay submarine cables, do oceanographic research, and mine the deep ocean floor benefit from the freedom-of-the-seas doctrine. Those nations without marine technology do not benefit.

When one understands that there are dozens of nations which have never benefited from the freedom-of-the-seas doctrine, one can understand the motivation behind their growing demands for greater participation. What is proclaimed by some to be equal freedom for all nations on the high seas has become in fact unequal freedom.

One final thought before returning to our report. In 1945, President Truman issued a proclamation which later became the basis for another very important convention—the 1958 Geneva Convention on the Continental Shelf. This convention reflects the inherent and exclusive right of coastal nations to explore and exploit the national resources of their continental margins.

The Convention on the Continental Shelf, however, recognizes that the high-seas doctrine applies to uses of the water column above the continental margins of coastal nations and to uses of the continental margins not related to exploration and exploitation of seabed wealth. Thus, the two doctrines are quite compatible.

The one significant geopolitical difference between the 1958 Geneva Convention on the High Seas and the 1958 Geneva Convention on the Continental Shelf is that under the High Seas Convention the technologically underdeveloped nations do not benefit. But under the Continental Shelf doctrine all coastal nations, whether technologically advanced or not, enjoy the same exclusive right to explore and exploit the natural resources contained within their entire continental margin. All coastal nations own the mineral estate of their continental margins. The word that tells the difference between the two conventions is equity.

Under the freedom-of-the-seas doctrine there is not much equity between developed and underdeveloped coastal nations; under the Continental Shelf doctrine there is equity between the developed and less developed coastal nations.

Under the freedom-of-the-seas doctrine, a less developed nation is a second-class citizen. Under the Continental Shelf doctrine a less developed coastal nation has rights essentially equal to the large industrialized coastal nations.

The lesson to be learned is that the underdeveloped coastal nations are in the process of waking up to these differences and are beginning to assert a few rights of their own. This is what the new law of the sea revolution is all about.

Now to our report.

The threshold question we explored concerned the nature of the present rights enjoyed by the people of the United States in the continental margin. One source of law which defines these rights is the 1958 Geneva Convention on the Continental Shelf. That convention provides a definition of the seaward limits of our sovereign rights. It states that our sovereign rights extend "to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas."

Some few witnesses said this definition was imprecise. Most witnesses correctly stated that this definition was quite precise and wholly adequate. One or two State Department officials said that they were not certain of the meaning of the Geneva Convention or that they did not wish to discuss it. Every member of our subcommittee felt that the meaning of the Continental Shelf Convention was quite clear. So that there will be no doubt as to our understanding of its meaning, let me read to you our interpretation of the seaward limits of our sovereign rights over our continental margins. We unanimously agree that—

> Rights under the 1958 Geneva Convention on the Continental Shelf extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency which could encompass the entire continental margin.

This is also the definition adopted by the American Branch of the International Law Association, a group of distinguished scholars and international lawyers.

In plain words, our major sovereign rights as related to our continental margins consist of the following:

First, the exclusive ownership of the mineral estate and sedentary species of the entire continental margin;

Second, the exclusive right to control access for exploration and exploitation of the entire continental margin; and

Third, the exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the entire continental margin.

We made reference in our report to the 1958 Geneva Convention on the Continental Shelf as one useful source of law which helps define the nature of our rights in our submerged land continent. We also noted the 1969 opinion of the International Court of Justice concerning the North Seas cases which affirms the principal source of our rights in our submerged land continent. That source is an inherent right which exists by virtue of our sovereignty over the land.

This is a very important point. Let me repeat it. The exclusive sovereign right we enjoy to explore and exploit the natural resources of our entire continental margin is an inherent right which exists by virtue of our sovereignty over the land.

The sovereign right of each coastal nation to exploit the natural resources of its submerged land continent is not dependent on the acquiescence of any other nation. Accordingly, no nation or group of nations may negotiate away that right without our consent. Nor may we or any group of nations negotiate away the sovereign right of any other coastal nation to explore and exploit the natural resources of its continental margin without that nation's consent.

That is why we stated in our report that any new international agreement which purported to restrict claims of national jurisdiction to which the United States is entitled under the Continental Shelf doctrine, would certainly be of far-reaching domestic importance and, therefore, of serious concern to our committee.

There are, however, some few militant factions in our Government which are hopeful that coastal nations will sacrifice their sovereign rights to the natural resources of their continental margins. These nautical hawks feel that their freedom to navigate may be hampered by the development of natural resources of the continental margins of the world.

So they wish to stop development in order to prevent any competition with their free and unregulated use of the sea and seabed.

They have suggested that a few coastal nations have been overstepping their rights under the Geneva Convention by claiming areas of exclusive national jurisdiction far in excess of those contemplated by that treaty, and that such claims qualitatively are in abrogation of the freedom-of-the-seas doctrine. We have found little evidence to support such allegations. The overwhelming majority of coastal nations which have become parties to the Shelf Convention have limited their jurisdictional claims both qualitatively and quantitatively to the terms of that treaty. They have indeed honored their solemn commitments.

Nevertheless, because of the small handful of examples of jurisdictional claims alleged to be violations of the Shelf Convention, some few persons have advocated superseding the 1958 Geneva Convention on the Continental Shelf with a new treaty designed to incorporate anew the freedom-of-the-seas doctrine. We see no more logic in such a position than we do in reenacting the criminal statutes. The best means to insure that a law is obeyed is to seek to enforce it, not to pass a new law redundantly stating an existing crime to be unlawful. Likewise, the best means to preserve the freedom-of-the-seas doctrine is to insist that it be honored. This cannot be achieved by proposing a new treaty which restates the already existent doctrine of the freedom of the seas. In short, the freedom-of-the-seas doctrine is adequately incorporated in the existing Geneva Conventions on the Law of the Seas and is well recognized in customary principles of international law.

The next point I would like to discuss concerns the President's ocean policy proposal of May 23, 1970. The President proposed that a treaty be adopted as soon as possible which would provide for the renunciation of all national claims beyond the 200-meter isobath and the establishment of an international regime to administer seabed resources exploitation beyond this limit. As stated by the President:

> The regime should include the collection of substantial mineral royalties to be used for international community purposes, particularly economic assistance to developing countries. The regime should also establish general rules to prevent unreasonable interference with other uses of the ocean, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation and to provide for peaceful and compulsory settlement of disputes.

The proposed international regime would include two types of machinery.

First, there would be an international trusteeship zone including the continental margins beyond the 200-meter depth, in which the coastal nations would act as trustees. The coastal nation would share the international revenues for its zone and would have discretion to impose additional taxes. It would apply and administer its own laws and regulations, within the broader rules of the international regime. Changes in U.S. domestic import and tax laws and regulations may be necessary to avoid discrimination against U.S. nationals operating in the trusteeship zone.

Second, international machinery would govern the use of seabed resources beyond the continental margins.

With regard to an interim policy, the President suggested that all permits for exploration and exploitation be issued subject to the international regime to be agreed upon, with a portion of the revenues from interim exploitation to be paid to an appropriate international development agency.

The President's proposed framework for an ocean policy contained the offer of bold and daring financial concessions on the part of the United States in the interest of international goodwill.

We construe the President's policy proposal to mean that while pressing for international acceptance of the type of legal framework outlined in it, the United States should take no action which will in any way forfeit the present sovereign rights the United States enjoys in its continental margin. Generally, we supported most of the provisions in the President's proposal.

Our only areas of initial difference with the President are his suggestions that the United States should renounce its sovereign rights to its continental margin in return for similar, but limited rights in an area designated as a trusteeship zone and his suggestion that leases applying to areas of the Continental Shelf beyond the 200-meter isobath be issued subject to an international regime to be agreed upon.

Regarding renunication of the heart of our sovereign rights, we have three objections:

First, the offer to renounce our sovereign rights beyond the 200-meter isobath could cast a cloud on our present title to the resources of our continental margin:

Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter isobath in no way guarantees the willingness of the international community to redelegate functionally to us the same rights we would renounce; and

Third, our sovereign rights to explore and exploit our continental margin, although reaffirmed by the 1958 Geneva Shelf Convention, are nevertheless inherent rights which were vested in the United States by virtue of the natural extension beneath the sea of our sovereign land territory. Our sovereign rights to the resources of this area are not dependent upon the acquiescence and approval of the international community. To renounce these inherent rights and to ask that they be returned in part to us merely requests the international community to give us that which, ipso facto and ab initio, is rightfully ours to begin with.

Recognizing, however, that all other members of the international community have rights of their own in the deep seabed, and in the high seas overlying our continental margin and on our continental margin—of course excluding any right to explore or exploit the natural resources of our continental margin—it is appropriate that, as a nation, we should continue to honor these rights.

With respect to the continental margin and the waters overlying it, this can best be achieved through affirmation of, and adherence to, existing international law.

As we previously stated, the freedom-of-the-seas doctrine, in theory, is well established in international law. Also, the freedom-of-the-seas doctrine, in practice, is adhered to by the overwhelming majority of nations. Yet, a minuscule minority of nations has been reluctant to recognize fully and respect the freedom-of-the-seas doctrine. This handful of nations is known by all the others for its violations of international law.

For the United States, or any other law-abiding nation, to offer to renounce its inherent sovereign rights to the mineral estate of its continental margin in the hope that these few recalcitrant nations would mend their ways and begin to adhere to the freedom-of-the-seas doctrine is like offering to pay ransom to bandits in order to encourage them to stop stealing.

Thus, to renounce what constitutes the heart of our sovereign rights in response to illegal demands by a handful of nations can only encourage greater violation of the freedom-of-the-seas doctrine.

Our sovereign rights to the mineral estate of our continental margin exist by virtue of our sovereignty over our land. This mineral estate is the heritage of the American people. It should be retained.

With respect to the suggestion that leases, pursuant to the Outer Continental Shelf Lands Act of 1953, applying to areas of our continental margin beyond the 200-meter isobath, be issued subject to an unknown regime to be agreed upon, we have these objections:

First, including such a provision in our leases would undoubtedly cast a cloud on our present title to the natural resources of our continental margin;

Second, casting such a cloud on our title to the natural resources of our continental margin would be tantamount to accepting as binding the U.N. moratorium resolution purporting to call a halt to further exploration and exploitation of the seabed. It is to be recalled that the United States voted against this resolution and the U.S. delegate denounced it on the floor of the U.N. General Assembly;

Third, including such a provision would create such uncertainties on the part of the potential lessee that he would decline to enter into such a leasing agreement. Witnesses before this committee confirmed these contentions. One of them stated that imposing such an open-ended condition on a lease would be asking potential lessees to "buy a pig in a poke." Such an arrangement clearly would, rather than encourage, discourage industry from making the huge investments necessary to recover the resources located at depths greater than 200 meters; and

Fourth, including such a provision in leases issued for areas beyond a depth of 200 meters would deny to the United States revenues accruing from bonus

bids and royalties which would otherwise accrue to the U.S. Treasury.

Accordingly, we feel that during the interim period prior to the entry into force of a future seabeds treaty, U.S. leases beyond the 200-meter isobath should not be issued subject to any future regime. Rather, they should be governed by existing arrangements as provided for in the Outer Continental Shelf Lands Act of 1953 and the 1958 Geneva Convention on the Continental Shelf, an this can be achieved through providing within any future seabeds treaty that the treaty shall not in any way modify the terms of leases, applying to areas of the continental margin beyond the 200-meter depth contour, with respect to the rights and obligations of the lessee. Without such assurances the investor in offshore mineral development could not make a rational investment in such a high-risk venture.

Although our remarks concerning the President's proposal have been devoted largely to policy matters affecting our continental margin, we are nevertheless as concerned as he that the American people may derive their fair share of benefits from the exploration and exploitation of the deep seabed beyond the limits of exclusive national jurisdiction.

We share with the President the desire that such ocean resources be used rationally and equitably for the benefit of mankind. Rational and equitable use of deep seabed resources requires the establishment of conditions in any future seabed treaty which will encourage investment and insure protected access to those interested in, and capable of, responsibly undertaking mineral recovery operations.

Prior to adoption of a seabed treaty, however, the U.S. Government should provide measures designed to insure protection of investors who desire to exercise present high seas rights to explore and exploit the wealth of the deep seabed beyond the limits of the submerged land continent.

A brief word now about the draft working paper presented by the U.S. delegation at last August's meeting of the U.N. Seabeds Committee. The President did not provide any detailed suggestions covering a future seabeds treaty in his May 23, two-page, proposal. Yet the draft working paper, which some erroneously contend implements the President's proposal, contains 69 pages of details. It was largely through the efforts of our subcommittee that this 69-page draft was reduced to the status of a working paper. The disclaimer on its face bears this out. It states that the draft working paper raises "a number of questions with respect to which further study is clearly necessary" and that the draft working paper does "not necessarily represent the definitive views of the U.S. Government."

Many changes will have to be made in the draft working paper before the members of our committee will be willing to support it.

Let me turn to one final point before closing. The drafters of the U.S. Constitution were mindful of the danger of ill-conceived treaties purporting to affect the property rights of the United States. That is part of the reason for their including article IV, section 3, clause 2 in the U.S. Constitution. It delegates to the Congress the power to dispose of all property of the United States. All rights specified in the 1953 Outer Continental Shelf Lands Act, and in the 1958 Geneva Convention on the Continental Shelf are the property of the United States. Our designation of those rights constituting the heart of our sovereign rights is in no way intended to be an exhaustive description of all of the property rights possessed by the people of the United States in our continental margin. As we interpret article IV, section 3, clause 2 of the U.S. Constitution, renunciation of any of the rights referred to in any of the aforementioned laws, would require an act of Congress.

Thus, as we interpret the Constitution, mere ratification of the draft working paper, should it ever become a treaty, would not be sufficient to satisfy the Constitution. Legislation passed by both Houses of Congress would also be required.

I will close by quoting the conclusion of our report:

> Two main tasks lie ahead for the Committee on Interior and Insular Affairs with respect to the further development of a national seabeds policy. They are:
>
> A continuing extensive review of the working paper introduced by the U.S. Delegation at the August session of the United Nations Seabeds Committee with a view toward seeking modifications of it to conform to our interpretation of the President's intent and with our recommendations outlined above.
>
> An investigation of the special problem of an interim policy which would ensure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in areas of the deep seabed beyond the limits of exclusive national jurisdiction.

I hope that Senators will study our report and comment on it as the Committee on Interior and Insular Affairs continues to work in this area, so important to our Nation and the world.

Mr. JACKSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I take this opportunity to endorse the work product of the Special Subcommittee on the Outer Continental Shelf which has served under the able chairmanship of the junior Senator from Montana (Mr. METCALF). The Metcalf report, in my judgment, will come to be recognized as a historic document, and will serve as a fine example of legislative oversight by a committee of Congress. Senator METCALF is to be praised for the diligent, evenhandedness and judiciousness with which he has led the members of his subcommittee in considering the complex questions related to the status and future use of our continental shelf and the great wealth located therein.

On July 23, 1969, I asked Senator METCALF to be chairman of the Special Subcommittee on the Outer Continental Shelf for the purpose of aiding the executive branch in efforts then underway to formulate a policy position and to otherwise oversee developments generally. As I fully expected, Senator METCALF and the members of his subcommittee have done a highly commendable job and have nobly responded to the charge presented to them.

The work of the special subcommittee is reflected in three volumes containing nearly a thousand pages of testimony and has borne fruit in the report just released to Members of Congress and to the American public. The report reflects the great depth of understanding concerning the Continental Shelf and the seabed developed by members of the special subcommittee during these past 2 years. The report is one of the most thoroughly analytical treatments of the subject I have ever seen in print. The members of the subcommittee worked long hours in its preparation and their report reflects the cooperative, balanced, and nonpartisan nature of the approach they took in the conduct of the hearings and the preparation of the report. I am confident that the report will serve as a milestone in the development of U.S. policy pertaining to the mineral resources of our continental margins and the deep ocean floor which extends beyond them.

I commend this report to the attention of Senators and ask that they carefully consider its recommendations. The work of the special subcommittee will be invaluable as the Interior Committee proceeds further in our consideration of this very important matter. We expect that the committee will continue its extensive review of the working paper introduced by the U.S. delegation at the August session of the United Nations Seabeds Committee and that as a committee we will seek modifications of that working paper to conform with the policy recommendations contained in the report of the special subcommittee. I also feel that we must give priority to the special problem of an interim policy which would insure continued exploration and exploitation of the natural resources of our continental margin under present law and would establish appropriate protection for investments related to mineral recovery by U.S. nationals in the area of the deep seabed beyond the limits of exclusive national jurisdiction.

PLEA FOR A SENSIBLE OUTER CONTINENTAL SHELF POLICY

Mr. STEVENS. Mr. President, it has been a great pleasure to serve on the Special Subcommittee on the Outer Continental Shelf. During the past 2 years, we have carefully examined the mineral potential of our Continental Shelf and studied alternative policy considerations concerning it and concerning the deep seabed beyond the limits of our national jurisdiction.

As you know, the continental margin off the coast of my home State of Alaska encompasses greater area than the combined Continental Shelf of the remaining 49 States. Consequently, the interest of the people of my State in the subject matter of our special subcommittee has been very great. Many Alaskans earn their living through the harvesting of resources of the marine environment,

both living resources and minerals. Thus, I was quite pleased that the members of the subcommittee were able to reach agreement on the nature and extent of our rights in the U.S. continental margin.

The position the committee took is consistent with the position I advocated in an address delivered to the section on natural resources law of the American Bar Association in August 1969. This speech was subsequently reprinted on page 7 of volume I of the hearings of the Special Committee on the Outer Continental Shelf.

As has been forcefully stated here today, our sovereign rights in the seabed adjacent to our coast "extend to the limit of exploitability existing at any given time within an ultimate limit of adjacency." This is the definition adopted by the American Branch of the International Law Association, which is a group of distinguished scholars and international lawyers, whose reports have been made a part of the record of our hearings and have been of invaluable assistance to us in our deliberation.

I share the hope of my colleagues that our report will become a milestone at home and abroad in the development of a realistic policy applying to the development of mineral resources lying on the submerged land continent which constitutes an extension of our land territory.

This past December, the U.N. General Assembly passed a resolution which calls for the convening of a law of the sea conference in 1973. Preparations for that conference are taking place in Geneva this very day. While our State Department officials are present there and attempting to accommodate the interests of the other 85 members of the U.N. Seabeds Committee, I feel that we as a committee will have a continuing responsibility to insure the protection of the interests of the American people insofar as the development of marine resources is concerned. Accordingly, I am hopeful that the full committee will continue the work begun by the subcommittee, under the able chairman of Senator METCALF.

Mr. HANSEN. Mr. President, although I was not a member of the Special Subcommittee on the Outer Continental Shelf, I was, nevertheless, invited to attend its hearings by its able chairman, Senator METCALF, who today outlined the conclusions set forth in the report of the special subcommittee. I would merely like to state that the report is one of the best I have seen prepared by a congressional subcommittee, and is a real credit to the Members of both sides of the aisle who so ably served on the special subcommittee. I am convinced that it will be highly useful in the development of U.S. policy concerning the future of the development of marine resources on our continental margin and on the deep seabed lying beyond.

One of the points to which I should like to call to the attention of Senators is one that was discussed briefly by Senator METCALF in his statement today. It concerns the ill-advised suggestion that the marine resources of the U.S. continental margin should be sacrificed as bargaining fodder to achieve greater adherence on the part of some nations to what is well recognized in international law as the "freedom of the seas doctrine." Those who advocate such a position have been adequately termed "nautical hawks." These nautical hawks feel that their freedom to navigate may be hampered by the development of the manifold natural resources contained within the continental margins of the world so they would prefer to prevent further development of these natural resources in order to prevent any competition with their free and unregulated use of the sea and seabed. Let me set the record straight that the freedom of navigation is very important to the security and well-being of the American people, but the preservation of the freedom to navigate should not be purchased at the expense of giving away the mineral estate of the American people in our continental margin. It is time that these nautical hawks learned that there are other users of the marine environment who have an equal right to exist.

Further, one of the questions that has always puzzled me as related to the myopic vision of these nautical hawks is that they seem to forget that insofar as national security is concerned undisputed access to the vast energy resources located on the U.S. continental margin is of paramount importance. The petroleum reserves located there constitute a strategic material which is absolutely essential as the principal source of energy to fuel our industrial machines and thereby sustain a sound economy. In light of the impending energy shortage, which will likely be the subject of an exhaustive study by the Senate Interior Committee, our rights to explore and exploit the marine resources of our continental margin and thereby reduce our dependency upon other nations for the fuels needed to sustain our economy takes on added significance.

A major issue of concern has been the suggestion that the United States should renounce its sovereign rights to its continental margin in return for similar but limited rights in an area designated as a trusteeship zone, and that any leases issued for areas beyond the 200-meter depth contour should be issued subject to an international regime to be agreed upon.

These two suggestions were found to be very troublesome. The concern is based upon the following grounds: The offer to renounce our sovereign rights beyond the 200-meter depth contour, in and of itself, could cast a substantial cloud on our presently clear title to the mineral resources of our continental margin. Second, the renunciation of our sovereign rights to the resources of our continental margin beyond the 200-meter depth contour would in no way guarantee the willingness of the international community to redelegate to us the same rights we would renounce. Third, since the rights we enjoy in our continental margin exist by virtue of our sovereignty over the land, the wisdom of renouncing these rights and asking that they be returned in part to us is difficult to understand because by so doing we would merely be asking the international community to give us that which is rightfully ours to begin with.

Similar reasoning applies to the suggestion that leases beyond the 200-meter depth contour be issued subject to an international regime to be agreed upon. If we included such provisions in our leases, the inclusion of such terms would cloud our present title to the natural resources of our continental margin. By clouding, or appearing to cloud, our title would, in turn, discourage exploration and development of the marine resources of our outer continental margin. Such discouragement of exploration would be contrary to the President's announced intention, and would, in effect result in adhering to a principle which the United States voted against in the 27th General Assembly. I am referring to the moratorium resolution which purported to declare unlawful the right of coastal states to proceed with further development of the marine resources of their continental margins. The United States voted against this resolution and the U.S. delegation denounced it on the floor of the General Assembly.

With respect to U.S.-leasing policy in the period between now and the time a future seabed treaty might enter into force, if we adopt a policy which would discourage exploration and development of the marine resources of our outer continental margin, we would deprive ourselves of substantial revenues accruing from bonus bids and royalties which would otherwise be paid into the U.S. Treasury. It is to be noted that to date the revenues accruing to the U.S. Treasury flowing from fees paid by industry to the U.S. Treasury pertaining to leases on the Outer Continental Shelf has exceeded $7 billion.

Finally, to date the U.S. Government has not afforded sufficient protection to the imaginative pioneers of our U.S. ocean industry who have been attempting to develop the technology necessary to mine the deep ocean floor beyond the limits of the continental shelf national jurisdiction. I feel that our reluctance to afford more adequate protection for these nautical frontiersmen has been due to a misapprehension on the part of some individuals in the executive branch that development of the minerals of the deep seabed by American oceanic pioneers could be interpreted by some of our fellow members of the U.N. Seabeds Committee as an attempt to monopolize the wealth of the deep seabed. A reading of the hearings should convince the reader that there is no such intent. Representatives of such companies made it clear that their concern is merely to involve themselves with innovative technology which must be developed before any nation will be capable of putting to mankind's use the mineral wealth of the deep seabed.

It is my hope that in the present session of this Congress we will consider means by which our oceanic pioneers will be encouraged, rather than discouraged, to brave the adverse elements of the marine environment in order to find the means to put the wealth of the deep

seabed to mankind's use. It is also my hope that the Interior Committee will continue its work related to the continental shelf and deep seabed and will further examine the draft working paper introduced last summer in Geneva and amendments to it as they are proposed.

In closing, let me again compliment Senators on the outstanding job they did through a long and difficult series of hearings and for their objectivity and openmindedness in preparing the very well balanced report submitted here today.

Mr. BELLMON. Mr. President, I have had the privilege of serving as ranking minority member on the Special Subcommittee on the Outer Continental Shelf and have worked closely with Senator METCALF on this very complex and difficult subject.

The approach the subcommittee took was evenhanded and impartial. I believe that all of the members of the subcommittee approached the subject with an open mind. The future of the mineral estate of the American people in the outer continental margin is too grave a matter to be subjected to partisan disputes. Members from both sides of the aisle who participated in our subcommittee hearings and in the preparation of this milestone report agreed from the start that our approach to this subject would be one of evenhandedness and mutual cooperation.

At a meeting of the Marine Technology Society on Friday, February 26, I presented the substance of our conclusions to a large audience of professionals interested in the Continental Shelf and seabeds question, and I was very pleased to find our conclusions widely accepted there. Senator METCALF kindly included my remarks made at that meeting in the CONGRESSIONAL RECORD, and I am happy that he did so.

The second point I would like to make today is that although we support much of what the President had to say in his May 23 seabed proposal we cannot in good conscience accept his suggestion that the United States should renounce its rights to the American estate of the continental margin beyond a depth of 200 meters. This area may contain enough energy to fuel our entire economy for the next century. Accordingly, renunciation of such potential energy resources would not be in the best interest of the American people.

Mr. President, let me further set the record straight with respect to any allegations that the rights of the American people to the marine estate of the entire continental margin are subject to question or uncertainty. The subcommittee unanimously agreed that "rights under the 1958 Geneva Convention on the Continental Shelf extended to the limit of exploitation existing at any given time within an ultimate limit of adjacency." Admittedly, these words were written by lawyers but what they mean to us is that, as they now exist, the rights of the American people in our continental margins consist of the following:

First. The exclusive ownership of the mineral estate and sedentary species of the continental margin;

Second. The exclusive right to control access for exploration and exploitation of the continental margin; and

Third. The exclusive jurisdiction to regulate fully and control the exploration and exploitation of the natural resources of the continental margin. These rights are inherent rights and exist by right of our sovereignty over the land.

In conclusion, I would ask my colleagues to carefully study the report, because a time may come when we are called upon to ratify a treaty affecting our continental margin and deep seabed beyond. In the event such a treaty is ratified, we would also be called upon to pass enabling legislation, together with the House of Representatives, since such enabling legislation would be constitutionally required to implement a treaty purporting to dispose of property rights belonging to the people of the United States.

SENATOR MUSKIE WANTS AN END TO AMERICA'S PARTICIPATION IN INDOCHINA WAR

Mr. CHURCH. Mr. President, I was particularly attracted by what the Senator from Maine (Mr. MUSKIE) said in his connaissance lecture at the University of Pennsylvania on February 23 about ending America's military participation in the war in Indochina. He said:

> It is clear that we must withdraw all our troops from Vietnam. We must do so by the end of the year. We must be willing—all of us—to say, "Enough."

I wholeheartedly support these views. Such candid recommendations by so prominent a public figure, now a member of the Senate Foreign Relations Committe, are welcome.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT THE CONNAISSANCE LECTURE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA., FEBRUARY 23, 1971

George Kennan once wrote that "A political society does not live to conduct foreign policy . . . it conducts foreign policy in order to live."

Our experience in Indochina is a tragic demonstration that our foreign policy affects us no less than it affects other nations.

Foreign policy is not a game. It should be a means for allowing us to get on with what ought to be our fundamental tasks—of building a whole society here in America, and of helping other nations improve the quality of life for their citizens. The time has come to return to these tasks.

Now is the time to do what we must; to end the war; to end the killing 10,000 miles away; to stop tearing our own country apart. For almost 200 years as a nation, we have proclaimed our belief in peace and in the dignity of man. Yet for too many years, we have permitted that belief to wither away in the jungles of Indochina. We have too often behaved in Indochina as if the use of force should be a first alternative rather than a last resort. We have too often behaved in Indochina as if our nation's men and resources were bargaining chips in an international game of poker. We have too often behaved, in Indochina and elsewhere, as if the preservation of the status quo abroad were essential to our survival here at home. We have too often behaved, in Indochina and elsewhere, as if international politics were a simple contest between the forces of darkness and the forces of light.

How, then, *should* we behave in a world where distrust and hostility still run deep, where the aims of nations continue to differ in fundamental respects? While remaining prepared to resist the threat or use of force, we must also be prepared to exercise the wisdom, moderation, and restraint which are necessary if man is to create the conditions for peace.

We must remember that saving men's lives is more important than saving face for governments. We must remember that a foreign policy which cannot be presented honestly to the American people does not deserve their support. I speak tonight out of deep concern that we have forgotten these very principles in Indochina, and so the war goes on.

I am deeply concerned that after this Administration has assured us it was winding down the war, it has taken new military actions across the face of Indochina. I am deeply concerned that this Administration has ruled out any further initiatives by our negotiators at the Paris Talks. I am deeply concerned by the news blackout before the invasion of Laos, and the conflicting reports of what is happening there now. Eventually, we will know, and the Administration will learn that it can embargo the news, but it cannot embargo the truth.

It is cynical for this Administration to argue that Americans are not engaged in ground combat in Laos when American helicopter gun crews are involved in ground combat, and American lives are being lost. A difference of thirty feet in altitude between helicopter gunners and the ground troops they are firing at is no difference at all in function.

I believe it was wrong to unleash South Vietnamese troops across the border of Laos and support them there, as I believed it was wrong to lead them across the border of Cambodia. What we have attempted, with a limited number of South Vietnamese, is an operation that has been rejected in the past for far stronger U.S. forces. Once again, this Administration has minimized the risks and exaggerated the benefits of a new military adventure. Whatever the apparent or illusory short-term military gains, this action has resulted in a substantial extension of our military involvement and has further undermined the Paris talks.

I believe it was right for the President to have told us last June that no combat support missions would be flown across the skies of Cambodia. I believe it was wrong for his Secretary of Defense, six months later, to characterize this pledge and the words of the Cooper-Church Amendment as matters of "semantics." If these matters are semantics, then neither the pledge nor even the laws of our government can have any reliable meaning.

I believe it is wrong to increase once again the bombing of North Vietnam. And I believe it was wrong for the President to refuse to rule out an invasion of North Vietnam by the South Vietnamese—who could not attack the North without our support.

The longer we lend our presence to this expanding conflict, the longer this conflict will endure. And the longer it endures, the more profound will be the injury done, not only to the peoples of Vietnam and Cambodia and Laos, but to our own country—to our men who are killed or maimed and to their families, to our institutions of learning, to our procedures for governing, to our confidence our society's ability to reach for its own ideals.

The President has had more than two long years to implement his so-called plan to end

the war. But all that he has revealed is a program for maintaining a substantial American military presence in Indochina. Our troop level in South Vietnam will have been reduced to 284,000 men by May of this year. I welcome that reduction. I believe all Americans welcome that reduction. This Administration has tried to make us believe, however, that its policy is to train the South Vietnamese to take our the fighting so our troops can be withdrawn. But has the President said that this is his policy? No—he would only say last Wednesday that we will withdraw all our troops as part of a mutual withdrawal.

Then what are we to make of the President's refusal to say his policy will lead to a complete withdrawal of American troops? Must Americans fight and die indefinitely in Vietnam and Cambodia and Laos? Must our men in South Vietnam remain indefinitely as props for the Thieu-Ky regime? And how long must further thousands of our men in Thailand and on the seas off Indochina be committed to this war? These are the things we want this Administration to make perfectly clear.

This much we already know: Vietnamization is not the answer. Vietnamization is no answer for our American men still held captive as prisoners-of-war. Vietnamization is no sure answer for the safe withdrawal of our remaining troops. Vietnamization is no answer for a negotiated settlement to end all of the fighting. Vietnamization perpetuates the illusion of ultimate military victory.

This Administration now argues that its activities in Cambodia and Laos will protect Vietnamization and thereby hasten an end to the war. It is a curious logic that would conclude a war by widening it. What will happen if American troop levels continue to drop and our forces become more vulnerable to attack? Will there then be more invasions of Laos by the South Vietnamese, with continuing American support? Or will the President then resume the air war against North Vietnam beyond the vague limits of what is now called "protective reaction?"

Only last Wednesday, the President said he was "not going to place any limitation" on the use of conventional air power anywhere in Indochina, including North Vietnam. Let us remember that the bombing of North Vietnam accompanied a massive increase in American troops from 1965 to 1968. The bombing left hundreds of American pilots prisoner in North Vietnam. The bombing did nothing to prevent the TET offensive. And when we stopped the bombing in October 1968, our objective was to begin substantive negotiations.

The President now says he will take no new initiatives at the Paris talks. All that is left of the President's so-called plan is Vietnamization. Some say that plan will work. Some say it will not work. I say it is the wrong plan in either case.

If the plan does work, we can look forward to continued warfare among the Vietnamese and an indefinite American presence. If it doesn't work, this Administration does not exclude the possibility of attacks on North Vietnam itself. The dangers are incalculable. A plan which leaves only these alternatives, which gives us only these bleak expectations, is the wrong plan. It is the continuation of a war which must come to an end.

I am convinced that for the right policy we must look—not toward Vietnamization, but rather toward the peace negotiations and toward creating the conditions for peace. We must seek to negotiate in Paris what is negotiable and what can never be settled on the widening battlefields of Indochina.

We cannot hope to dictate the lasting terms or even the shape of a political settlement of this conflict. Only the Vietnamese can settle their political differences. Only they can fashion a settlement in which they have a stake. Only they can understand the political realities which such a settlement must reflect.

It should be clear to all of us by now that this war is essentially a war fought among the Vietnamese people for political ends. And therein lies a lesson of this tragedy. We cannot substitute our will and our political system for theirs. We cannot write the social contract for another people. We may, however, be able to reach agreements on those issues which concern us most, provided we make clear our intention to withdraw all our troops from Vietnam by a fixed and definite date.

I have no doubt we could then negotiate the release of our American prisoners-of-war before that deadline. I have no doubt we could then negotiate the safe withdrawal of all our troops now stationed in South Vietnam. In addition, there could be a cease-fire between our troops and theirs which could be the first step toward a complete standstill cease-fire among all the parties. At the same time, we could work toward agreements to end the fighting in Cambodia and Laos. And we could encourage the Vietnamese parties to negotiate a political settlement that would restore a measure of peace to all of Vietnam. These must be the goals of our policy in Indochina.

Many Americans believe that events have taken over, that things have gotten out of hand, that nothing they can do will change the policy of this Administration. But I believe you can make a difference, even before 1972. You can exert responsible public pressure upon the Executive branch for an American commitment to complete withdrawal, before 1972. You can support initiatives in the Congress to establish an Indochina policy which makes sense, before 1972.

That is why I introduced a sense of the Senate Resolution last May, calling on the President to establish a timetable for the complete and orderly withdrawal of all American troops. That is why I co-sponsored the McGovern-Hatfield Amendment in the last Congress. And that is why I have agreed to co-sponsor it in this Congress, and to support its establishment of a deadline of December 31, 1971.

It should be clear to us by now that for too many years, we have pursued the wrong policy in the wrong place in the wrong way. The price of that policy has been a terrible cost in American lives and resources. The price has been a terrible cost in the suffering of the peoples of Indochina.

We have helped to destroy their countryside, their towns and their villages, the very fabric of their lives. And if we now have any commitment in Indochina, it must be this: we must help the people of this region rebuild their countries and heal the wounds of war. We must show in Indochina that we understand what foreign poicly is all about, what wisdom and judgment and restraint are all about, what compassion and moral obligations are all about.

Isn't it clear then what we must do? After so many young Americans have felt compelled to demonstrate against their own government; after so many Americans of every description have come to doubt what their government says and to doubt that their government will listen; after so much division and disillusionment throughout this land; isn't it clear?

Of course, it is clear. It is clear that the only light at the end of the tunnel will be the one we strike ourselves. We must withdraw all our troops from Vietnam. We must do so by the end of this year. We must be willing—all of us—to say, "Enough."

INTERVIEW OF PRESIDENT NIXON BY C. L. SULZBERGER

Mr. SCOTT. Mr. President, I ask unanimous consent that the transcript of a New York Times interview with President Nixon, published on March 10, be printed in the RECORD. This interview, by Mr. C. L. Sulzberger, foreign affairs columnist, details clearly the many viewpoints of President Nixon and outlines his philosophies, particularly his commitment to end the war in Vietnam. Mr. President the last statement of the interview tells the story:

If we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

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

EXCERPTS FROM THE INTERVIEW GRANTED BY PRESIDENT NIXON ON FOREIGN AFFAIRS

WASHINGTON.—Following are excerpts from an interview with President Nixon conducted here yesterday by C. L. Sulzberger, foreign affairs columnist of The New York Times. The transcript, which is unofficial, was prepared by Mr. Sulzberger from his notes.

I would strongly commend to you my second foreign-policy report, which I think you should read carefully. I have noticed in some quarters a tendency to discuss this matter sneeringly or condescendingly, saying there is nothing new in it.

But that isn't so. It sets forth new policy directions and outlines, the goals we hope to achieve—the goals not only for this Administration but for subsequent administrations. This is a long-range effort. It doesn't get into a country-by-country analysis except in connection with the Soviet Union.

However, everything you see there is a new philosophy of United States policy. It is the most complete and accurate description of the Nixon doctrine. This doctrine is designed for the specific purpose of maintaining a U.S. policy role in the world rather than a withdrawal from the world and international responsibilities.

The irony today, for those who look at the Washington scene, is that the great internationalists of the post-World War II period have become the neo-isolationists of the Vietnam war period and especially of the period accompanying the ending of that war. And it is ending.

This is also true of the attitude of those former internationalists with respect to our defense posture and defense spending. And, for some, it is even true of our foreign trade policy. There, of course, it depends on individuals. For example, Senator Javits is an all-out free-trader and a "European," but he takes a dim view of the United States role in Asia. He would also be for a lower defense budget. I merely cite him as an example of what I mean and the varying attitudes I mention.

The point is, why has this happened? Why have many former internationalists developed neo-isolationist tendencies, at least in some degree? Part of the answer is simply that Americans, like all idealists, are very impatient people. They feel that if a good thing is going to happen it should happen instantly.

And a great many of these people are very disillusioned with the United Nations. I am not, personally, because I never expected it could settle all problems involving major powers but could nevertheless play a useful role in development and in peacekeeping in areas where the superpowers were not directly involved.

The older a nation and a people become, the more they become conscious of history and also of what is possible. Now I will explain to you what I mean. I rate myself as a deeply committed pacifist, perhaps because of my Quaker heritage from my mother. But

I must deal with how peace can be achieved and how it must be preserved.

I know that some national leaders and some countries want to expand by conquest and are committed to expansion, and this obviously creates the danger of war. Moreover, some peoples have hated each other for years and years.

Look at the divided peoples of India and Pakistan. Look at the situation in the Middle East. You can't suddenly eliminate these differences, these hatreds, just because some political leaders get together. All you can hope for is to bring about a live-and-let-live situation.

With this in mind, I am deeply devoted to a desire that the United States should make the greatest possible contribution it can make to developing such a peaceful world.

It is not enough just to be for peace. The point is, what can we do about it?

Through an accident of history we find ourselves today in a situation where no one who is really for peace in this country can reject an American role in the rest of the world. Of course, we had our own period of colonial expansion as typified by Theodore Roosevelt and the idea of Manifest Destiny. But that period is fortunately gone.

Since then this country has fought in four wars which we didn't start, and really what they have in common is the effort to bring about a better chance for a peaceful world.

And this applies for the Vietnam war as well as the two World Wars and Korea. Obviously it was a political temptation when I started office to state simply that we would get out right away without any responsibility for what came next.

But I knew too much about history, about Asia, about the basic feeling in the United States. If we failed to achieve our limited goal—to let a small country exercise the right to choose its own way of life, without having a Communist government imposed upon it by force—if we failed to achieve this, we would not help the cause of peace.

For a time, perhaps, we would be seen as a kind of hero. But soon it would be seen that we had left behind a legacy of even greater dangers for Southeast Asia and for the Pacific region. And, after all, we are a Pacific power.

AMERICANS TIRING OF WORLD ROLE

In 1966 and 1967—culminating in 1968—the American people began to tire of playing a role in the world. We had fought four wars, selflessly and for no gain. We had provided some $100-billion in foreign aid, much of it to former enemies who are now our competitors, like Japan.

And we found ourselves committed in Vietnam, in a war where there are no heroes, only goats. Our people became sick of Vietnam and supported our men there only in order to get them out—after this period of change in mood. Somewhere a great change had taken place.

We had used our power for peace in four wars but this new attitude gained force: "If we can't handle this one, to hell with it."

We got caught up in a viscious cross fire, and it became increasingly difficult to make people understand. I must say that without television it might have been difficult for me to get people to understand a thing.

The cross fire I referred to was this. The superdoves opposed our commitment in Vietnam and *all* world responsibilities—Korea, the Philippines, the Middle East, Europe. This was the kind of isolationism of those who felt the United States shouldn't have played any role at all in Southeast Asia from the very start. For these people Vietnam was a distant, small, foreign country in just the terms that Chamberlain mentioned concerning Czechoslovakia at the time of Munich. These were the superdoves.

But on the other side, the opposite cross fire came from the superhawks. This group stood by their Commander in Chief, the President, but became fed up with the war for their own reasons. They felt that if the United States can't handle a distant little war, why then let's just pull out and build up our strength at home. Their logic also favored isolationism, but from another angle. And they want to develop a Fortress America at home and cram it full of missiles while the superdoves want us to pull out of the war also, but reducing our strength at home.

AND THOSE IN THE MIDDLE

In between there are those of us who stand in the middle of the cross fire. The superhawk feels it is his duty to support the President even if that same superhawk isn't sure he wants to see us do what we are doing. The superdove has a different attitude.

He is a good-hearted fellow, but when he looks around and sees the problems of the poor, the blacks, the Indians, the poor whites, the pot-smoking kids, crime in the cities, urban slums, the environment, he says: "We must get out of the war right away and concern ourselves only with our problems at home."

The fact is, however, that there has never been so great a challenge to U.S. leadership. This war is ending. In fact, I seriously doubt if we will ever have another war. This is probably the very last one.

In any theoretical question of a war on the basis of "either them or us," I am sure everyone in the country would join in behind me. But this is not the case in a small country so far away involved in a situation so difficult to explain.

I am certain a Gallup poll would show that the great majority of the people would want to pull out of Vietnam. But a Gallup poll would also show that a great majority of the people would want to pull three or more divisions out of Europe. And it would also show that a great majority of the people would cut our defense budget.

Polls are not the answer. You must look at the facts. The Soviets now have three times the missile strength (ICBM) of ourselves. By 1974 they will pass us in submarines carrying nuclear missiles.

MRS. MEIR UNDERSTOOD HIM

All of these things are very directly related. For example, when Mrs. Meir, the Israeli Prime Minister, visited me, she understood me right away when I said that if America winds up the war in Vietnam in failure and an image is developed that the war was fought only by stupid scoundrels, there would be a wave of isolationism. This would embrace the U.S. role everywhere—including the Middle East. Mrs. Meir saw the point immediately.

As I see it, we have to take certain specific steps. First of all, what we now have to do is end the war—as we now are doing—in a way that gives South Vietnam a reasonable chance to survive without our help. But this doesn't mean we would withdraw all our responsibilities everywhere.

As I stated in first explaining the Nixon doctrine, our idea is to create a situation in which those lands to which we have obligations or in which we have interests, if they are ready to fight a fire, should be able to count on us to furnish the hose and water.

Meanwhile, in Europe, we can't cut down our forces until there is a mutual agreement with the other side. We must stand with our European friends if they will only do a bit more themselves in NATO—as they have indicated they will do.

And we cannot foolishly fall behind in the arms competition. In the United States, we remain ahead in the navy and in the air, but the Soviets are ahead in ICBM's and soon will pass us in modern submarine strength.

But each has a kind of sufficiency. The Soviets are a great land power opposite China as well as having far-reaching interests elsewhere. We are a great sea power and we must keep our strength. I am a strong Navy man myself. I believe in a strong conventional navy which helps us to play a peacekeeping role in such areas, for example, as Latin America.

These are all elements that must be considered with respect to each other. The main thing is that I'd like to see us not end the Vietnamese war foolishly and find ourselves all alone in the world. I could have chosen that course my very first day in office. But I want the American people to be able to be led by me, or by my successor, along a course that allows us to do what is needed to help keep the peace in this world.

We used to look to other nations to do this job once upon a time. But now only the United States plays a major role of this sort in the world. Our responsibilities are not limited to this great continent but include Europe, the Middle East, Southeast Asia, East Asia, many areas whose fate affects the peace of the world.

We must above all tend to our national obligations. We must not forget our alliances or our interests. Other nations must know that the United States has both the capability and the will to defend these allies and protect these interests.

Unless people understand this and understand it well, the United States will simply retreat into isolationism, both politically and diplomatically. We would, of course, continue to be an economic giant; but that is not enough.

Let us look at the world today. There are two great powers facing us, Russia and China. They are great powers and great people. Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves.

And only the United States has sufficient strength to be able to help maintain a balance in Europe and other areas that might otherwise be affected.

U.S.-SOVIET COOPERATION

What I am saying is not a cold-war philosophy. I hope that we can further develop our negotiations with the Soviet Union. For, although we recognize that their ideology is expansionist, they know what it means if the genie comes out of the bottle and that their interest in survival requires that they avoid a conflict with the United States. This means that we must find a way of cooperating.

For obvious pragmatic reasons, therefore, we can see peace slowly shaping up. First, as we are doing, we must end the war in Vietnam. We must continue our Soviet negotiations and open the door of cooperation to China. And in this way there will be a chance of building a world that is relatively peaceful.

I deliberately say relatively peaceful. That doesn't mean everyone will be disarmed, safe and loving everyone else. The kind of relative peace I envision is not the dream of my Quaker youth. But it is realistic and I am convinced we can bring it about.

Yet, to do this, we can't heed either our superhawks whose policy would ultimately lead to war or to our superdoves who believe that only they are capable of achieving peace and that everyone else is a heretic. The trouble is that their policy of weakness would also quickly lead to war.

The day the United States quits playing a responsible role in the world—in Europe or Asia or the Middle East—or gives up or recedes from its efforts to maintain an adequate defense force—on that day this will become a very unsafe world to live in.

I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out posthumous Medals of Honor.

I don't question the motives of those who oppose me. But I know this world. I have traveled about and talked to many leaders,

and I know we have a chance to play a role in this world.

Another thing: People should be under no illusion that you can play a role in one area but wholly ignore another. Of course we're not going to get into every little firefight everywhere. The Nixon doctrine says only that we will help those who help themselves.

Sometimes people tend to forget the real situation prevailing today. When considering Asia, the great problem is that everyone overlooks the fact that non-Communist Asia—excluding India and Pakistan—produces three times as much as China. Why, Japan alone produces twice as much as China.

What is going to happen if we ignore such basic facts? The United States, as I said earlier, is a Pacific power. And the SST will be built—if not by us, by someone else. And then we will be only three hours' flight from Japan.

There will be 400 million people in non-Communist Asia relying ever more upon us. Why Prime Minister Sato said not so long ago that Japan depends on the U.S. nuclear field.

In past times the No. 1 nation was always in that position because of military conquests. But the mantle of leadership fell on American shoulders not by our desire and not for the purposes of conquest. But we have that position today, and how we handle ourselves will determine the chances of world peace.

Do you know, in all my travels, not one leader I have talked to ever said to me in private that he feared the United States as a nation bent on conquest. And I have met many Communist leaders, as you know. Whatever some of them may pretend in public, they understand our true troubles and they are also thankful that the United States wants nothing—nothing but the right for everyone to live and let live.

CONFIDENCE IN THE PEOPLE

The big question to my mind is: Will our Establishment and our people meet their responsibilities? Frankly, I have far more confidence in our people than in the Establishment. The people seem to see the problem in simple terms: "By golly, we have to do the right thing."

But the real problem, what worries me most, is: Will our Establishment see it that way? I am not talking about my critics but about a basic, strange sickness that appears to have spread among those who usually, in this country, can be expected to see clearly ahead into the future.

These are the people who, after World War II, supported the Greek-Turkish aid program, the Marshall Plan, NATO. But today they are in disarray because of two things. They are terribly disillusioned about Vietnam, which is so hard a problem to understand. And they have an enormous concern with home problems of a sort and a degree that did not face us a generation earlier.

I understand these factors. There is a vast need for reforms, for improvements in health, education and environment. But we have to assume our responsibilities both abroad and at home. We have to do both. After all, if we manage to improve the environment and living conditions in this country we must also assure that we will be around to enjoy those improvements.

THE 50TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. METCALF. Mr. President, as a life member of the DAV, I am proud to join with Senators in saluting an organization which has aided our injured servicemen and their families for over 50 years: the Disabled American Veterans.

From modest beginnings at a 1919 Cincinnati Christmas party for 100 disabled veterans of World War I, the DAV has grown to an organization 300,000 strong, with more than 1,900 local chapters serving injured servicemen from all our wars. Since its inception, the DAV has helped over 3 million disabled veterans and their families obtain over $1 billion in benefits to which they were entitled.

I join with Senators and Americans everywhere in expressing a heartfelt thanks to the DAV for its many years of needed, generous service. I know the DAV will continue to aid those Americans who have sacrificed so much for all of us.

STRATEGY OF REALISTIC DETERRENCE

Mr. GRIFFIN. Mr. President, in testimony yesterday before the House Armed Services Committee, Defense Secretary Melvin Laird presented the Nixon administration's comprehensive defense program looking toward the next 5 years.

Appropriately, the report is entitled "Toward a Security Strategy of Realistic Deterrence."

Mr. President, I ask unanimous consent that a summary of the Secretary's statement be printed in the RECORD.

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

THE SECRETARY'S SUMMARY

Mr. Chairman and Members of the Committee: I am privileged today to present the first comprehensive Five-Year Defense Program of the Nixon Administration, and to discuss the associated FY 1972 Budget.

This Five-Year Defense Program is keyed to the twin objectives set forth by President Nixon for the last third of the 20th century: achievement for the first time in this century of a generation of peace; and in the process, enhancement of the quality of life for all Americans, while helping to improve it for all peoples of the world.

This 1972 Defense Report to Congress and the American people contains a Five-Year Defense Program which spells out a new National Security Strategy of Realistic Deterrence. This new strategy is designed to prevent wars by furthering the President's goal of building a viable structure of peace based on adequate strength, true partnership, and meaningful negotiations.

The Strategy of Realistic Deterrence seeks to further the goal of peace by deterrence of armed conflict at all levels. I have always tried to be a realist in fulfilling my responsibilities, whether as a Member of Congress or as Secretary of Defense. I believe the strategy we are advancing is realistic for three reasons:

First, it is based on a sober and clear view of the multiple threats to peace which exist in today's world. It neither exaggerates nor underestimates those threats.

Second, it provides for the maintenance of a strong Free World military capability as the essential foundation of deterence. It rejects the view that peace is well served if our military power is unilaterally weakened.

Third, it takes account of the strategic, fiscal, manpower and political realities while steering a prudent middle course between two policy extremes—world policeman or new isolationism.

The Strategy of Realistic Deterrence is new. Those who would dismiss it as a mere continuation of past policies in new packaging would be quite mistaken. Past policy was responsive and reactive. Our new Strategy is positive and active. Past policy focused on containment and accommodation. The new Strategy emphasizes measured, meaningful involvement and vigorous negotiation from a position of strength.

The Strategy of Realistic Deterrence will provide through sufficient strength and full partnership the indispensable and realistic basis for effective Free World negotiation. Most importantly, it is designed not to manage crises but to prevent wars.

The FY 1971 program and budget, which was sent to Congress last year, was the foundation for the transition from an era of confrontation to an era of meaningful negotiation. The fiscal year 1972 program will move us closer to this goal.

It was clear at the outset of the Nixon Administration that, in order to set the stage and create the conditions for meaningful negotiation and peaceful relations, we had to move the country away from war and toward peace, away from a wartime economy and toward a peacetime economy, away from lopsided national priorities and toward a major reordering of those priorities, away from arms competition and toward arms limitation.

On the basis of the record of the past two years, it is my view that we have made significant—in some cases unprecedented—progress toward the major interim goals we have set for ourselves.

In the war to peace transition: by continuing negotiations in Paris, by progress in Vietnamization, by reducing U.S. combat activities, casualties and air sortie levels in Southeast Asia, and by an orderly, substantial and continung troop redeployment program.

In reordering national priorities: by shifting the Defense portion of the Federal Budget and Gross National Product (GNP) to its lowest level in 20 years and by spending more on human needs than on Defense needs.

In our Defense budget: by providing for the first time in this century the full peace dividend before the conclusion of a war. Defense costs in this budget already are back at pre-Vietnam levels in constant dollars.

In implementing the Nixon Doctrine: by withdrawing more than 300,000 American troops from Asia while increasing significantly security assistance levels to our friends and allies.

In NATO: by helping foster a new spirit of meaningful burden sharing and a new awareness of the strategic, fiscal, manpower and political realities we face in common.

In moving toward zero-draft: by obtaining Congressional approval for long-needed draft reform to eliminate many inequities, and by cutting draft calls almost in half from 1968 to 1970 in pursuing our goal of zero-draft by July 1, 1973.

In our program for human goals: by relating it to our objective of an all-volunteer force, by seeking to instill a new order of professionalism and dignity in military life, by seeking to remedy remaining shortcomings in such areas as housing and education and by continuing to lead the way toward full equal opportunity.

In taking new initiatives with regard to prisoners of war: by an unprecedented exchange offer at the Paris peace table, by search and rescue missions when possible, and by focusing public attention at home and abroad on their plight.

In chemical warfare and biological research, and in defoliation: by promulgating a major new policy renouncing any use of biological and toxic weapons and renouncing first use of lethal and incapacitating chemical weapons, by ending crop destruction operations in Vietnam and by restricting limited defoliation still needed for troop safety to the same regulation applied to herbicide use in the U.S.

In major improvements of defense management: by adopting many of the Blue Rib-

bon Panel recommendations, by emphasizing a new "fly-before-buy" policy and by increased decentralization in procurement actions.

Mr. Chairman, we are proud of the significant progress we have been able to make in establishing new directions and a steady momentum toward major goals of the American people. As I reported last year in discussing our FY 1971 transitional program, the challenges here at home which we faced upon assuming office in many ways equalled, and in some ways surpassed, the growing challenges abroad.

I will not repeat in detail what I said last year, but it is important, I believe, to repeat a concluding comment I made in last year's Defense Report:

"Transition to a new equilibrium will take time. We made a beginning in 1969 and are continuing the transition into calendar year 1970. We consider our fiscal year 1971 budget another building block in that transition."

I readily acknowledged that not all of the challenges we encountered upon assuming office had been met with the submission of the fiscal year 1971 budget. I would repeat that comment today with regard to the budget and program contained in this report. We still have a long way to go in all aspects of Defense responsibility. We have never claimed to be instant problem-solvers. But we have completed our year of transition with respect to basic Defense planning both with regard to strategy and management. We have completed our basic reviews and have made our fundamental decisions on what needs to be done. The New Strategy and Defense Program presented in this report embody the major elements of the decisions that have flowed from our assessments of the past two years. The Strategy and the Program, of course, cannot succeed without the understanding and support of Congress and the American people.

This report describes the major changes which have been made and which will be made in such areas as defense strategy, the defense budget, research and development, command and control, intelligence, procurement and, most importantly, the need to revamp our concepts about the recruitment and use of military manpower—both in active, National Guard and Reserve forces.

I would like briefly to outline for you some of the major points in the Defense Report. We focus on two fundamental aspects of Defense Planning:

In Section I—Effective Implementation of the Strategy of Realistic Deterrence.

In Section II—Better Management of Human, Material, and Economic Resources in the Department of Defense.

Our Five-Year Defense Plan projects a capability to attain our goal with an efficient and modernized force that, in peacetime, would require no more than seven percent of the Gross National Product and be made up of no more than 2.5 million men and women who are volunteers. This is discussed in the chapter on *Strategy Overview*, which states, in essence, that a realistic military strategy cannot be an end in itself but must be inseparably linked with a broader national strategy of deterrence and "meaningfully related to our pressing requirements in the domestic field."

As I discussed in the chapter on *Concepts for Defense Planning*, we intend to use a Total Force approach in which all appropriate resources for deterrence, U.S. and Free World, will be available. Through the application of all resources across the full spectrum of possible conflict and the full spectrum of capabilities of our friends and allies, we will maintain sufficient U.S. strength and will mesh this strength with other nations in a new order of partnership.

For the U.S. forces, the Total Force concept will mean increased importance for our National Guard and Reserves. In this chapter, I analyze the progress and problems of Vietnamization, and discuss its relation to the Total Force concept in its broadest applications, utilizing both military and nonmilitary resources. Looking to the future, we must continue to focus on the intimate relations of the military, economic, political and diplomatic facets of the Indochina situation as we move to terminate U.S. involvement in the fighting. This report does not address the day to day military situation in Indochina, or anywhere else. It seeks instead to explain the basic concepts that underlie our strategy for the future. To be realistic about it, there will continue to be ups and downs, gains and losses, temporary setbacks. The important thing is for the citizens of our nation to keep in sight the fixed goal of a generation of peace and to insure, as best we can that the policies we establish and the strategy we follow lead in that direction.

The chapter on *The Threats to Free World Security* provides an update of the threats to the Free World at all levels of conflict. The continued momentum of the Soviet Union in strategic missiles, aircraft, Naval forces and research and development are evaluated. Chinese weapons progress is also discussed. This threat assessment is related to the need for assuring that the United States maintains its technological leadership in order to assure the safety and survival of the American people. To maintain technological leadership, we must reverse the recent downward trend in R&D funding, which this budget does, and we must also move forward with new technological initiatives to guarantee that we have flexibility and timely options to meet possible threats of the future.

The fourth and final chapter in Section I, *Force Planning under the New Strategy*, provides a discussion of the specific programs being recommended as the "basic minimum capabilities deemed necessary and appropriate for the years ahead." We have completed our transition to what we describe as "base line planning," and are now building for the future. Of course, much will depend on the outcome of the Strategic Arms Limitation Talks. Because of uncertainty associated with SALT, we must maintain present capabilities, while preserving or creating options to adjust those capabilities upward or downward as may be required.

Mr. Chairman, no one hopes more for success at SALT than the Department of Defense because of the burdens and responsibilities we would face should SALT fail. The details of the President's decision on the FY 1972 SAFEGUARD program are contained in this section. SAFEGUARD continues to be a vital factor in the SALT negotiations.

The Chapters in Section II are focused on the need for better management of human, material and economic resources in the Department of Defense.

Chapter 1, *Organization and Management*, focuses on our management concept which is based on participatory decision-making, defined decentralization, and delegation of authority under specific guidance. I propose in this chapter the creation of an additional Deputy Secretary of Defense in order to enhance high level civilian management and to cope with the severe time demands now placed upon the single Deputy Secretary of Defense, David Packard. I also recommend creation of two additional positions for Assistant Secretary of Defense.

We will continue, of course, to make management improvements in the Department of Defense, including a modification of the Unified Command Structure which we are recommending to the President. We will continue to draw as appropriate on the recommendations of the Blue Ribbon Defense Panel which was so ably headed by Gilbert Fitzhugh.

Our examination into the intelligence activities of the Department of Defense will continue, and further changes may be anticipated, including the creation of a long-range planning group reporting directly to the Secretary of Defense. We have taken steps also to strengthen civilian control over investigative and related counter-intelligence activities.

The continued progress we expect under the Human Goals principles of the Department of Defense are reported in the Chapter on *Manpower Objectives*. Of particular importance, of course, is our program to achieve zero draft calls by mid-1973 and to accomplish further improvements of the Selective Service System which would complement last year's reduced draft calls and National Random Selection System. Many inequities in the Draft have been eliminated in the past two years, but so long as we need the Draft it must be made more equitable. One gross inequity today is the fact that the young men who attend college are given deferments which are denied to other young when who do not attend college. This is unfair and should be changed.

Once men and women are in the Armed Forces and are serving their country in uniform, we owe them respect and dignity for their service, and we owe them and their families fair play in the areas of pay, housing and educational opportunities.

Let me candidly tell you that we face some formidable problems in the manpower area that are not going to be solved overnight. In addition to complex recruiting and retention problems, we share with the rest of American society the agonizing problems related to race relations and drug abuse. We in the Department of Defense are determined to continue leading the way, as best we can, in seeking solutions to these difficult problems.

A final Chapter on *The Defense Budget and the Economy* surveys the impact of cuts in Defense personnel and expenditures over the past two years in response to our changing national priorities.

The impact of the massive cuts that have been made during the last two years in employment and expenditures related to national defense is assessed. These cuts have resulted in a considerable amount of turbulence, which results from our shift from a wartime to a peacetime economy.

This year the rate of defense reductions is declining and we are going to do everything we can to keep to a minimum this turbulence, as it relates to our civilian employees, Defense industry employees, and our military people and their families. In short, the Defense Budget has been heavily affected in our national reallocation of resources. The period of Defense dominance in national resource allocation is over. Our Fiscal Year 1972 budget, in constant dollars, will be below the prewar year of Fiscal Year 1964. This fact cannot be ignored as we plan to implement during the next five years our New Strategy of Realistic Deterrence.

In current dollars, the FY 1972 Defense Budget transmitted to the Congress by the President totals $79.2 billion in Total Obligational Authority (TOA) and $76 billion in outlays, including amounts proposed for future pay increases. This is $3.9 billion in TOA and $1.5 billion in outlays above the respective amounts for TOA and outlays we now expect in FY 1971.

In summary, Mr. Chairman, I would repeat that we have not solved all the hard problems before us nor can I tell you that hard decisions do not lie ahead. As with the Fiscal 1971 transitional budget, there is some risk attached to our FY 1972 Defense Budget for it continues the downward trend in overall Defense Department purchasing power at a time when the threats we face around the world continue to increase, not diminish. Should events dictate, I will not hesitate to recommend any action that may be required to insure the continued safety and security of the American people.

As Secretary of Defense, I seek your understanding and your support for our new Strategy and want to assure you that I will continue to work with this Committee and other Committees of the Congress to advance the goals we share in common in seeking to serve the best interests of the American people.

A RESPONSIVE AND RESPONSIBLE ALTERNATIVE TO PROTECTIONISM

Mr. MONDALE. Mr. President, on February 17, I had the honor of cosponsoring along with seven other Senators the International Trade Act of 1971.

I feel this act is extremely significant as an attempt to answer—responsively and responsibly—the frustrations and fear which lie behind much of our recent protectionist sentiment, while maintaining an emphasis on expansionary trade policies to serve the coming decades.

I invite the attention of Senators to a number of editorials which were written in support of this concept. While none of us are wedded to every clause of this bill, we do feel that it at least presents a model and an alternative toward which to focus what ought to be the mutual concerns of business, labor, the consumer, and those industries fearing growing import competition.

I ask unanimous consent that the editorials, published in the New York Times, the Washington Star, and the Scripps-Howard newspapers, be printed in the RECORD.

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

[From the Washington Evening Star, Feb. 24, 1971]

TOWARD FREER TRADE

Congressional debate over the nation's foreign trade policies could take a decidedly constructive turn this year. The opportunity is provided by the introduction of a forward-looking trade bill by a bipartisan group of senators led by Democrats Mondale of Minnesota and Harris of Oklahoma and Republican Javits of New York.

Last year, discussion of trade policy was dominated by demands for protectionist measures from a variety of industrial and labor groups. The administration followed a wavering course, the President speaking broadly about the beauties of free trade but calling for textile quotas. The bill that emerged from the House Ways and Means Committee and won House approval would have legislated quotas on both textile and shoe imports, and would have made it easier to clamp quotas on many other foreign goods. The champions of free trade, including almost all the nation's economists, were on the defensive throughout, winning only when the restrictive bill died in the final Senate logjam.

The protectionists will be back at it in the new session, possibly making an early attempt to tack the dormant bill onto a piece of "must" legislation, like the Social Security increase. But at some point in the inevitable legislative maneuvering, Congress should give careful thought to the approaches recommended by the free-trade bloc of senators.

The new bill shifts the emphasis to efforts to expand, rather than contract, America's international commerce, by such means as giving the President more power to combat unfair trade policies of other countries. Our exporters would receive tax advantages, and steps would be taken to increase trade with Eastern Europe. At the same time, American industries and workers would get additional protection from unfair foreign competition, and would receive easier aid in cases where competition has caused suffering.

Probably the technical changes in our trade laws require further study. The administration should join in the search for positive alternatives to the protectionist measures that have threatened to involve us in a trade war and to hurt our diplomatic standing around the world. And Representative Mills' Ways and Means Committee should take a fresh look at the provisions it espoused last year, including in the equation our impending recovery from a recession that has spurred the protectionist cause.

The free-trade senators have given their colleagues a chance to raise the level of debate about the nation's traditionally enlightened role in world commerce. The arguments now should revolve around the merits of expanding trade, rather than the supposed necessity of isolating our markets.

[From the Washington Daily News, Feb. 22, 1971]

NEW TWIST ON TRADE

With so much pressure being exerted on behalf of special-interest trade legislation, it comes as something of a surprise that a new trade bill has been introduced with the interests of the consumer in mind.

A group of free-trade senators led by Fred R. Harris, D-Okla, Jacob K. Javits, R-N.Y., and Walter F. Mondale, D-Minn., are backing a proposal which would:

Require the President and the Federal Tariff Commission to consider the impact on consumers before imposing import restrictions on foreign products.

Give the President new power to reduce tariffs on foreign goods if similar concessions are made on American products sold abroad.

Expand the President's power to retaliate against countries which indulge in dumping, subsidization and other unfair trade practices.

Offer additional Federal aid to workers and companies seriously hurt by foreign competition.

The proposal—which also would authorize carefully controlled trade agreements with communist countries—is intended to encourage foreign trade rather than restrict it.

This contrast with the protectionist trade bill in the last Congress which proposed import quotas on textiles and shoes, fixed quotas on oil and possible limitations on other products.

Basically, the United States stands to lose if trade barriers go up around the world. Our exports exceeded our imports by $2.7 billion last year.

The bill introduced in the Senate the other day deserves special commendation.

[From the New York Times, Feb. 21, 1971]

REGAINING THE TRADE INITIATIVE

The Mills bill, the most protectionist trade legislation since the disastrous Smoot-Hawley Act of 1920, was blocked in the last session of Congress by a determined group of liberal traders in the Senate, aided by the Senate logjam resulting from Senator Long's folly in seeking to couple Social Security liberalization, welfare reform and trade.

Chairman Wilbur Mills of the House Ways and Means Committee has now reintroduced his bill, complete with import quotas on textiles, shoes and—via a trigger mechanism—a long list of other goods.

Aware of European warnings of "inevitable reprisals," Mr. Mills appears to lack ardor for his own measure. And the Nixon Administration would prefer less protectionist legislation, although the President is still determined to make good on his commitment to the textile industry to restrict Japanese imports. The White House continues to see the Mills bill as a useful bargaining weapon in its effort—unsuccessful to date—to get the Japanese to accept "voluntary" textile quotas.

It was Mr. Nixon's decision to seek legislated textile quotas that opened the Pandora's box for quota protection for other industries. The White House hopes to avoid a rerun of last year's fiasco by making a deal with Japan that would eliminate compulsory textile quotas from the trade bill. Even barring that, it hopes through Tariff Commission action to blunt the support of the shoe industry for import quotas.

Whatever the outcome of the moves, it is obvious that the American oil industry intends to cling to its highly restrictive import quotas, the steel industry to its voluntary quotas and the textile industry to its demands for one kind or the other. Other industries are bound to demand similar protection unless the Administration makes a real fight for liberal trade policies.

Tired of waiting for the Administration to match its actions to its liberal trade rhetoric, three Senators—Harris of Oklahoma, Javits of New York and Mondale of Minnesota—are planning to seize the initiative by introducing a trade bill of their own. Their bill would give the President authority to bargain for mutual reduction of both tariff and nontariff barriers; it would increase his ability to retaliate against unfair trade practices by others, and it would aim at building a more effective program of adjustment assistance for firms and workers hurt by rising imports.

Just as foreign governments helped to slow down the drive for American protectionism by threatening retaliation last year, they could now augment the effort for a renewed United States liberal trade initiative by showing their readiness to respond in kind.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. BROOKE. Mr. President, one of the least conspicuous Presidential commissions presently operating in Washington is the American Revolution Bicentennial Commission. Charged with the responsibility of planning and implementing a nationwide celebration of our 200th anniversary, the Commission has offered its plan to the Nation in its report submitted to the President on July 4, 1970. It is now in the process of implementing these plans in a way meaningful to all Americans.

Mr. Kevin Phillips' recent article published in the Washington Post outlines the unique opportunities presented by our national bicentennial. The Commission is actively seeking the advice and guidance of everyone in carrying out its mission. I hope that Mr. Phillips' piece will offer a clear understanding of the dimensions and importance of our 200th anniversary commemoration.

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:

BICENTENNIAL CHANCE

(By Kevin P. Phillips)

President Nixon's decision to spend $800 million to employ 225,000 welfare recipients in public service jobs is a good beginning, but it is not enough. This country needs—

and can greatly profit from—additional public employment.

Nor is it necessary to resort to make-work. Few decades in our history have offered the opportunity that the 1970s do for a massive, yet useful public works and employment program—a Heritage Works and Projects Administration (HWPA, if you will) geared to preparing for the nation's Bicentennial in 1976.

Right now, the potential of the multi-billion dollar Bicentennial is not being realized. In its early stages, Bicentennial programming was caught up in the windstream of the urban and poverty-profiteer talk about festivals of the "Living Process of Urban Development" and the like. The original plan of Philadelphia, the principal Bicentennial city, called for putting hundreds of millions of Bicentennial dollars into 76 "neighborhood action" programs centered in minority group areas. That was dropped last year, and the blacks are angry. The President of the West Philadelphia NAACP, the Rev. Wycliffe Jangdharrie, has threatened to block the celebration "in every manner short of bombing the buildings or site" unless the neighborhood money is restored.

For both cultural and economic reasons, the Bicentennial opportunity is too precious to dissipate in this manner. Philadelphia will be presenting the President with a new Bicentennial proposal in April, and Mr. Nixon should take the occasion to rethink the entire planning for 1976.

The Bicentennial can serve America better, and provide a base for large-scale, public employment, if it is given a new thrust—securing, repairing, and cataloguing our national heritage. From Maine to California, there are historic sites and buildings to be restored and repaired; old villages, factories, farmsteads and ports to be researched and then reconstructed as they once were; wild rivers, national parks and scenic areas to be improved or cleaned up; and historic books and guides to be written to catalogue every facet of Americana—local history, architecture, folkways, ethnology, agriculture, industry—for the nation's 200th birthday.

At present, there is no exhaustive, up-to-date guidebook to these many aspects of America. The WPA compendiums produced during the Nineteen-Thirties, only a beginning even in their day, are now increasingly obscolescent. What better occasion for a new "national catalogue" effort than the Bicentennial?

In many ways, technology is hurtling our society away from the past at an ever-increasing rate, and old buildings, artifacts, folkways and recollections must be preserved and reconstructed now if we are ever to do so. Historical societies and volunteer groups cannot bear the brunt alone.

Launching a major federal effort to recapture our physical and cultural past would have many corollary benefits. First, it would provide important skilled employment for many of the engineers, researchers, academicians and other professional persons thrown out of work by the current economic slump. Second, it would provide many construction jobs, plus unskilled labor opportunities, across the nation. And young people, the age group most affected by unemployment, could profit—not just in dolalrs—by spending time in a National Heritage Corps that worked on everything from rebuilding old forts and villages to cleaning up polluted riverways and improving the national parks system.

Furthermore, it would be logical to spend a fair portion of the money in Appalachia, from Maine to Georgia. The Appalachian region, in general, is not just among the poorest sections of the United States; it also happens to be the historically rich frontier of the struggling young nation of 1776. By redevelopment of the old villages, forts, handcrafts, folkways, byways, parks and scenic vistas of the area, Appalachia would receive a badly needed infusion of cash plus the basis for the only profitable industry its resources and location can support—tourism.

The Bicentennial is not just a great moment, but also a great opportunity for America, and the President should seize it and utilize it to the full.

WILLIS TOBLER—THE DEAN OF THE AGRICULTURAL LOBBYISTS

Mr. PROXMIRE. Mr. President, too often the word lobbyist invokes visions of smoke-filled rooms and little brown bags bulging with money, but this is far from the truth. I have always felt that special interest groups as well as just plain citizens have a right and a duty to inform Members of Congress regarding the impact that a particular piece of legislation will have on them. In fact Congress rarely errs because these groups provide too much information, but can make a mistake because too little information is available as to how a particular measure will affect a given segment of our society.

To my mind, the epitome of the helpful, unassuming, and effective lobbyist is a gentleman it has been my pleasure to know since my early days in the Senate. His name is Willis Tobler, and he is a legislative adviser to the National Milk Producers Federation, a role he assumed after many years as the organization's legislative director.

An article appearing recently in Dairynews, the publication of a New York dairy cooperative, tells just why Mr. Tobler is so effective. The article is simply an interview with this dean of agricultural lobbyists. In it, Mr. Tobler makes clear that to be persuasive a lobbyist should present all pertinent facts, pro and con, know the subject matter, avoid a hardsell approach, and not mix business with pleasure. If more Washington lobbyists followed this advice, Congress would work more efficiently in the interests of all the people, and the business of lobbying would have a better reputation.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

AN INTERVIEW WITH DEAN OF AG LOBBYISTS, WILLIS TOBLER

(By Jim Atkins)

(Willis Tobler of the National Milk Producers Federation is known as the dean of agricultural lobbyists on Capitol Hill. For many years he headed up lobbying operations for the Federation, and now is a legislative advisor to National Milk Producers Federation. No man knows more about farm legislation than Tobler).

ATKINS. How long have you been a lobbyist?

TOBLER. For almost 30 years. I started out with the American Farm Bureau Federation and, in 1949, became legislative representative for the National Milk Producers Federation.

ATKINS. We hear and read a lot about lobbyists and their influence on Congress. What about it?

TOBLER. They do have some influence—not so much as individuals but primarily because of the organization or group that they represent. Depending upon his facts and the manner of presenting such facts, a lobbyist as an individual does have some influence in achieving the objectives of his employer either for or against some legislative issue. However, it is the "grass roots" power that really has the influence in Congress. The lobbyist is the conduit through which this influence is directed.

ATKINS. Just what is your style of lobbying?

TOBLER. I use the person-to-person "softsell" approach. I spend as much time as possible in personal visits with members of Congress—many times with no reference to any legislative issues. I do not wait until I have some issue to discuss before I make a visit. Before I can be effective, I must have the trust and confidence of members of Congress. I get their trust and confidence by telling them the whole truth. I try to present all pertinent facts, both pro and con, with the hope that my arguments are persuasive in carrying out my responsibilities.

ATKINS. What legislative victory are you most proud of? I know you have had a part in every farm bill passed by Congress over the past 25 years. But can you mention just one or two of the top ones?

TOBLER. One of my biggest satisfactions was winning an increase in dairy price support under the Eisenhower Administration while there was a Democrat-controlled Congress. Nearly everyone said it did not have a chance. But we got it.

Another thrill was in connection with the school milk program. Since 1954, the program has always been extended for periods of two, three, or four years. Recently, however, efforts were made to kill the program by refusing to provide any funds in the budget.

It was an exhilarating experience to have been a part in succeeding in obtaining not only an extension of the program but to make the authority permanent. Furthermore, following this victory and securing funds to operate the program, statements were made that only poor children would be eligible for the one-half pint of milk under the program, leaving "near-poor" children discriminated against and set apart. In other words, the program was to one of welfare instead of nutrition as in the past. After many weeks of silence, an announcement was made that the program will continue under the funds appropriated to be operated as in the past. A fight long to be remembered.

ATKINS. What changes have you seen over the past 30 years?

TOBLER. The biggest change, involving the Congress, is the tremendous decline in the number of rural congressional districts. According to a recent study, only 31 districts out of the 435 in the House of Representatives are rural-defined where 25% or more of the population in the district live on a farm or in small towns of less than 2,500 people.

To pinpoint the situation, the study further shows that in the House Committee on Agriculture with 34 members only 20 are in districts where 10% or more of the population are farmers, with the remaining 14 less than 10%. This situation means that in order to pass major farm legislation it must have some appeal to the urban members of Congress. Although the agricultural segment of our economy is not all powerful as in the past, it still has considerable influence—it just has to work harder and be more united.

ATKINS. What advice do you have for lobbyists?

TOBLER. Let us say suggestions instead of advice. Know your subject matter. If there is some item or fact that you do not know—admit it—but get it. Do not use a high-pressure approach—the "softsell" is much more effective. Be seen. The more time spent on the Hill, the more you will be recognized, maybe not always by name, but so that a member of Congress will stop to chat a moment with you as you walk through the Capitol Building and congressional office buildings. Do not mix

your social life with the social life of a member of Congress. I know this goes contrary to the usual practice of getting on the cocktail circuit in order to be exposed to members of Congress and various agencies of the government.

ATKINS. Tell me more about your techniques.

TOBLER. There is not much more I can add to what I have already said. I have always tried to be informed on other agricultural commodities in addition to dairy matters—not in detail but enough to be conversant with problems so that, in visiting with a member of Congress, I may discuss, in a general way, some issues in which he has a primary interest. One final point, I never overlook the secretaries and other girls. They are wonderful. Every Christmas, I give them a box of Tobler's Swiss chocolate. They never forget me.

ATKINS. How long are you going to keep working?

TOBLER. I do not have any plans to stop now. However, I am taking steps to gradually retire from active work in the Congress. In the past, I have spent almost every day on the "Hill"—now I can do much of my work by telephone.

ATKINS. You have a basic philosophy, tell us about it.

TOBLER. I don't know about a philosophy—but I have a couple of general comments to make. I enjoy my work. I am supremely happy and content. I would not trade places with anyone. I treasure the friendships of the many, many members of Congress and staff with whom it has been my pleasure to work. I am grateful for the opportunity of being a lobbyist for farmers and their cooperatives, these many years.

PROPOSAL TO CONVERT FORT DETRICK TO A CANCER RESEARCH FACILITY

Mr. MATHIAS. Mr. President, the lives of almost every American has been touched by the scourge of cancer. Few of us realized a short time ago how cancer attacks our children, or, for that matter, how impartial it is to the age of its victims. Most of us know, unhappily, how cruel it can be and how devastating it may be to entire families, physically, emotionally, and economically.

Often underestimated is the impact of cancer on the national economy. In 1969, for instance, America lost more casualties to cancer than the entire death toll of World War II. Among the dead were many who would have contributed much to the Nation, and whose cure would have repaid its cost in dollars and cents alone.

Mr. President, one of the greatest needs, in launching a national program for the conquest of cancer, will be for specially equipped laboratories capable of protecting personnel against extreme biological hazards. Needed also will be facilities capable of producing large amounts of biological raw materials for the various ongoing cancer research projects.

As the national cancer panel reported:

> Much research on important biochemical problems fail to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively.

Another major requirement for launching the drive against cancer, of course, will be the availability, as the panel says, of personnel "expert in the handling of dangerous materials."

For these reasons, a large number of prominent scientists have emphasized a great need for a centralized resource, a facility capable of housing the bare operations in the national cancer conquest program.

Mr. President, there now exists a facility which uniquely qualifies to play this role. I speak of Fort Detrick, located in western Maryland, and now being closed down as a center for research on chemical and biological warfare. Dr. Benno C. Schmidt, chairman of the National Cancer Panel, has said this facility should "be used as promptly as possible for the accelerated exploitation of opportunities" to find a cure for cancer.

Utilization of these facilities for this new mission has received the endorsement of a number of other eminent cancer specialists. Their letters, I think, should be made a part of the RECORD, and I ask unanimous consent that they be printed.

As Dr. James F. Holland, president of the American Association for Cancer Research, says, Fort Detrick is a "magnificently specialized laboratory" which could be rapidly transformed "to a bastion in the fight against cancer."

Because this facility offers great protection for the personnel and opportunity for large-scale production, its use would allow tax dollars to be spent on research rather than construction.

Dr. Mathilde Krim, member of the National Cancer Panel and an associate of the Sloan-Kettering Institute for Cancer Research, has said that:

> It seems to me, personally, that Fort Detrick would be eminently suited to fulfill the need for a centralized facility with stringent quality control. Conversion of Fort Detrick to the task we outlined in our report could be invaluable to the progress of cancer research.

Dr. R. Lee Clark, president of the Texas Medical Center in Houston, wrote to me commending the "invaluable facilities" at Fort Detrick, which he said would be "an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects."

Dr. Sidney Farber, director of research at the Children's Research Foundation and member of the National Cancer Panel, also described the Fort Detrick facilities:

> It is ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available such facilities would have to be built to meet the needs of an accelerated national program.

Vitally important also, is the immediate availability at Fort Detrick of large numbers of highly skilled personnel, researchers which Dr. Clark understands are "well qualified" to undertake the program.

Let us then move with decisiveness. As Dr. S. Spiegelman, director of the Cancer Research Institute of Columbia University has urged, let us demonstrate:

That the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all mankind.

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

AMERICAN ASSOCIATION
FOR CANCER RESEARCH, INC.,
February 19, 1971.

HON. CHARLES MATHIAS, Jr.
United States Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: I am aware that current phase-outs of biological warfare methods involve the elimination of functions at Fort Detrick. It seems of high importance to me that efforts be made to activate Fort Detrick as a national resource for cancer research. I have little doubt this would be done under a National Cancer Authority.

Specially equipped laboratories capable of protecting personnel against extreme biohazards will be necessary for intense work on viruses which may cause human cancers. A variety of experiments could be expected on large scale in a facility such as Fort Detrick. Among these would be:

The large scale growth of human normal cells which might be infected with postulated cancer viruses to determine if indeed they produced cancers.

The growth of large volumes of human cancer cells to determine if viruses could be recovered from them.

The growth of large volumes of human lymphocytes, cells important in immune reactions, to determine the nature of foreign molecules introduced into the culture against which the lymphocytes could respond. It has already been demonstrated in laboratories at Roswell Park Memorial Institute that human lymphocytes growing in culture can respond to new biological molecules they have never previously encountered by producing antibodies. Such experiments carried on intensively could lead to production of large amounts of human antiserum against cancer viruses (and against other fatal human diseases where proper immune protection is not available to the affected patient).

A variety of experiments can be envisioned in which two types of cells are fused to produce a composite cell sharing the characteristics of both original members. Such experiments have been done on a small scale. On a large scale, it might be possible to fuse a cancer cell with another non-cancerous cell, thus providing an experimental system in which the normal control over cancerous cell processes could be studied. Such fused cells might also introduce new biological molecules against which a patient could respond. In such a way, a defense against the new fused cell might spill over against the cancer cell alone, leading to a type of immune eradication.

Central to all the type experiments described above, is a facility with great protection for the personnel involved, and opportunity for large scale production. It is not likely that the pharmaceutical industry in the United States will undertake such areas of investigation because of their enormous expense. Similarly, no university or cancer research institution with which I am familiar can afford the outlays required for this undertaking.

Before eliminating a magnificent specialized laboratory which could make major contributions to world health, I hope every effort will be made to look at a mechanism by which Fort Detrick could be transferred to the biological service of mankind. This could not be a piecemeal transfer of only the responsibility, without the coordinated development of resources, funds and personnel to

make a broad scale attack on the molecular level and clinical level, in addition to the effort on the cellular level. To this end, I hope you will press for a National Cancer Authority which would, I am sure, rapidly transform the face of Fort Detrick to a bastion in the fight against cancer.

Sincerely yours,

JAMES F. HOLLAND, M.D.

SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH,
New York, N.Y., February 22, 1971.

Senator CHARLES MATHIAS,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: As a member of the Panel of Consultants on Cancer for the Senate Committee on Labor and Public Welfare, I have recently had the opportunity to review the latest developments in cancer research and to familiarize myself with the views and the needs of a large number of prominent scientists. Many of them expressed the opinion that there is a great need for a centralized resource for the large scale production of biological materials, such as cells, cell fractions, viruses, etc. The report of our Panel therefore states on page 147, in a chapter entitled "Resources for Cancer Research":

Another kind of need is for the semi-industrial production of cells and biological products, which is easily possible with today's technology. Much research on important biochemical problems fails to be undertaken at present because biochemists often do not have the resources to prepare materials (such as cell fractions, viruses, etc.) in sufficient quantity to apply their techniques effectively to the biochemistry of the constituents of normal and cancer cells. It is important that facilities be created for the centralized production of such materials and that they be manned by personnel highly skilled both in cell and virus propagation on a large scale. The personnel must also be expert in the handling of dangerous materials, since large-scale production of oncogenic viruses with the potential of causing cancer in man will also ultimately be required. The centralization of such resources would allow stringent quality control and standardized procedures. To create facilities of this type now would not only provide for the present, but allow planning for future needs, and avoid an otherwise certain waste of effort and manpower through duplication and inefficiency.

Our report did not specify which one of the existing facilities could best be adapted to this purpose since the short time available to us did not allow us to study this problem in the necessary detail. However, it seems to me, personally, that Fort Detrick would be eminently suited to fulfill this need and I am, therefore, grateful to you for your interest in this matter and hope that you will be successful in your efforts of preserving a resource that is unique both from the standpoint of its equipment and because of its large and competent staff. The conversion of Fort Detrick to the task we outlined in our report would be invaluable to the progress of cancer research as well as to biology in general.

Very sincerely yours,

MATHILDE KRIM, Ph. D.

FEBRUARY 20, 1971.

Hon. CHARLES MCC. MATHIAS, JR.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I wish to express my appreciation as a member of the Senate Panel of Consultants on the Conquest of Cancer, for your great interest in the acceleration of programs against cancer. I am particularly appreciative of the initiative you are taking in regard to the use of the laboratories and scientific facilities at Fort Detrick for the National Program Against Cancer. These facilities should be ideal for the preparation and study of biological and chemical material of fundamental importance to cancer research. If Fort Detrick were not available, such facilities would have to be built to meet the needs of an accelerated National program.

I sincerely hope that your efforts to obtain these laboratories for cancer research will be successful and will be happy to furnish any documentation that you would require in support of your proposal.

With thanks and all good wishes,

Sincerely,

SIDNEY FARBER, M.D.,
Member of the National Advisory Cancer Council, and Consultant to National Institutes of Health

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THE UNIVERSITY OF TEXAS
AT HOUSTON,
Houston, Tex., February 19, 1971.

Hon. CHARLES MATHIAS,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: It has come to my attention that Fort Detrick is being considered for deactivation. The thought comes to me that this would be an ideal facility for biological research in relation to cancer and particularly in the preparation of manufacturing biologicals for many of the ongoing cancer research projects.

One of the physicians on my staff was once Chief of the Medical Research Laboratories at Edgewood Arsenal and worked closely with the facilities and personnel of Fort Detrick. He mentioned such invaluable facilities as:

1. An entirely new clinical facility with ability for metabolic research and a protected environment which is required during intensive cancer chemotherapy with laminar flow.
2. A very extensive laboratory complex designed to handle contagious and infectious agents such as one might encounter with virology and immunology.
3. Extensive laboratory equipment for tissue culture.
4. Animal quarters which are very superior.

All of these are in short supply for the cancer research effort and it would take years and countless dollars to duplicate such a facility. In the meantime by transferring this facility to the supervision of the National Cancer Institute it could be immediately in business as soon as the personnel could be obtained.

I understand from our staff member that there are many qualified scientists living in that region of Maryland who have worked at Fort Detrick who are well qualified to work in the program as I have outlined.

I would be happy to discuss this further with you if you desire.

Sincerely yours,

R. LEE CLARK, M.D., *President.*

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., February 22, 1971.

Senator CHARLES MATHIAS,
Old Senate Office Building,
Washington, D.C.
Attention of Les Pittlow.

DEAR SENATOR MATHIAS: This letter concerns Fort Detrick and its relation to the immediate need for a national facility that will supply the biomedical research community with adequate amounts of human cells and tumor viruses required in cancer research.

Why the need? The last twenty years have witnessed an explosive development in biology that has led to a profound understanding of the nature of genes and how they function. These remarkable advances were made possible by experiments with bacteria and viruses that infect them. Biologists concentrated their efforts on the lowly bacteria in this stage of the development, not because they had no interest in man but because the bacteria provided the most convenient experimental system to get at the answers to the nature and function of the genetic material. Since they pose no health hazards, non-pathogenic bacteria like *E. coli* and its viruses can be grown and handled in large quantities easily and with complete safety.

There is a strong feeling on the part of many competent molecular biologists that the time has come to make a concerted effort to apply the information garnered from the study of *E. coli* to situations of more direct relevance to the health and welfare of man.

The cancer problem is a natural one to engage the interests of the molecular biologists. The cancer cell is one that has undergone a heritable transformation to rapid and uncontrolled growth. It has, furthermore, been demonstrated that certain viruses can induce this cancerous transformation. Very similar situations have been observed in the bacteria and much of the know how gained is likely to be useful in understanding and therefore controlling the cancer cell.

To study such problems, we must have adequate amounts of material to perform the necessary biochemical and molecular virological experiments. Growing human or animal cells is technically a much more sophisticated task than growing bacteria. In addition, when it comes to producing the cancer viruses or cells infected with them, an additional complication is introduced. These agents must be regarded and handled as potentially hazardous. Special containment facilities are required to protect both the staff and the environment from possible infection. This situation has prevented a large segment of our biochemical and biological research laboratories from becoming active participants in the attack on cancer and allied diseases. There is little doubt that the amount of research in this centrally important area could be increased overnight by a factor of 50 if a central facility could supply the necessary material to the laboratories capable of carrying out competent biochemical and biological experiments.

We now come to the question of what would be the most effective and rapid way to remedy this national and international deficiency. It is evident that one requires a facility, preferably already constructed, which could produce animal cells and tumor viruses on an industrial scale. This facility must also have the built-in know-how and devices to perform this task with due regard to biological safety.

This naturally leads one to think of Fort Detrick as the most immediate possibility for solving this problem. Fort Detrick is being phased out of existence and at present has no well-defined task. Indeed, there is danger that the whole complex may disappear from the scene. This would be a great tragedy because it is precisely the structure that could be converted to meet the need we have emphasized. The Fort Detrick professionals already have the technical devices and experience required to grow highly contagious organisms on a large scale. At the present time this collection of highly skilled and rare talent is being dissipated. Many of the Fort Detrick scientists and technicians are leaving for other jobs where their special skills will not be employed. The expenditure of a comparatively small sum by our budgetary standards would conserve these skills for a truly noble purpose and greatly catalyze the acquisition of the information required to control and ultimately cure cancer, as well as other diseases.

Aside from the concrete value that would flow from implementing this sort of decision, there is the good will that would be generated throughout the world by this act. It would be a highly visible demonstration that the United States is beating one of its most feared swords, the weapon of biological and chemical warfare, into a plowshare that would be useful for all of mankind.

Sincerely yours,

S. SPIEGELMAN, *Director.*

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH,
New York, N.Y., February 19, 1971.

Dr. MATHILDE KRIM,
Sloan-Kettering Institute for Cancer Research, New York, N.Y.

DEAR MATHILDE: I have long been of the opinion that scientists may be reluctant to enter many promising areas of cancer research because so much of their time must be spent in the sheer hard labour of preparing their own starting materials. This is particularly obvious in virology and immunology, where the production of purified viruses, antisera, and cellular antigens in sufficient quantity is a formidable task. As soon as we begin to study human cancers, the question of the large-scale production of sufficient biologicals is no longer academic, as witnessed by the difficulties experienced in the recent past in producing enough purified L-asparaginase for clinical trial. In the near future, a similar problem—that of simply producing enough—will face those interested in a clinical trial of human interferon. This is especially urgent, as the use of interferon holds out great promise for the treatment of cancers in man.

It seems to me that there is an outstanding need for a facility operating on a national scale, where specialized equipment, engineering know-how, and personal expertise, would all be centrally available for any production job of this kind.

Now that there is a resurgence of national interest in cancer control, I write to you, as a member of the Senate's Panel of Consultants on Cancer, to suggest that a very valuable contribution to cancer research could be made by setting up a facility of this kind. Any such proposal would have my strongest support, and, I am sure, also that of my colleagues.

Yours sincerely,

F. KINGSLEY SANDERS, M.D., D. Phil.
Vice President and Chief, Division of Cell Biology, Sloan-Kettering Institute.

SELECTIVE STRIKES IN THE RAILROAD INDUSTRY

Mr. WILLIAMS. Mr. President, on February 17, 1971, I introduced S. 832, to amend the disputes provisions of the Railway Labor Act. At that time, I pointed out that in recent years, labor disputes in the railroad industry had all too often progressed to a point which threatened shutdown of the Nation's entire railroad network at one time. A basic cause of this situation has been a series of Federal district court decisions which have ruled that once a dispute is subject to national bargaining, it constitutes a violation of the Railway Labor Act to strike against individual carriers. Court injunctions issued on the basis of such rulings have forced the railroad unions to choose between striking all railroads or not striking at all. And since, as a final recourse, Congress has regularly intervened to prohibit nationwide strikes, the practical fact is that railroad workers, unlike all other workers in private employment, are essentially deprived of any real right to strike.

Accordingly, the bill I introduced was intended to restore to the railroad industry some degree of the free collective bargaining pressures normally found in other industries, by making clear that a union may strike only a few railroads even though nationwide bargaining has been conducted.

In this connection, and in view of the concern which I know exists regarding the problem of labor disputes in vital industries, I think the Senate will be interested in knowing that Judge Parker of the U.S. District Court for the District of Columbia, in United Transportation Union against Burlington Northern, Inc., and others—a case arising out of the fireman manning dispute originating some years ago—has just ruled in favor of the selective strike principle. The court held that once Railway Labor Act proceedings have been exhausted and nationwide negotiations have legally reached impasse, selective strike activity is permissible so long as the union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multiemployer bargaining unit and settling on an individual basis. As the court pointed out, recent history demonstrates that any other view "would inevitably result in a choice of never striking, or precipitating a national emergency and an imposed settlement, thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike."

This decision may have considerable significance for the current dispute between the rail carriers and the United Transportation Union. Negotiations in this dispute broke off last Saturday, and the union, in an effort not to precipitate a nationwide shutdown, has proposed initiating a selective strike against two railroads. Such strike activity has been postponed at least until Thursday of this week so that a court may rule on the legality of such a strike under the present circumstances.

Mr. Luna, President of the United Transportation Union, has reported to me on the union's intentions in this regard. I ask unanimous consent that Mr. Luna's letter and Judge Parker's most informative and well-reasoned decision be printed in the RECORD.

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

MARCH 8, 1971.

Re status of pending contract matters between United Transportation Union and the railroads.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Hon. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMEN: I thought it in order to give you a current report on the situation between the United Transportation Union and the railroads.

As you know of course, the negotiations were indefinitely recessed Saturday morning. Thereafter, in support of its position in the national negotiations and in the hope of bringing some progress to the bogged down negotiations, the United Transportation Union authorized the withdrawal of service on the Burlington Northern and the Seaboard Coastline Railroads to commence 12:01 a.m. Monday, March 8. Simultaneously, the United Transportation Union sent a letter to the President of the United States with copies to the Secretaries of Transportation, Labor, and Defense, as well as to you two gentlemen, advising of the action so taken and further advising that service would be available on the two railroads in question with respect to transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for the United Transportation Union were advised that the railroads, acting through the National Railway Labor Conference, would at 6 p.m. appear at the home of Judge Howard Corcoran of the United States District Court for the District of Columbia in an effort to obtain a temporary restraining order to enjoin the foregoing selective strike. At the hearing on the railroads' motion, counsel for the United Transportation Union stated to the Court that, to avoid emergency or "midnight" consideration of so important an issue as the resolution of the question whether the United Transportation Union could engage in such a selective strike so to avoid affecting the national safety and health, the United Transportation Union would voluntarily suspend its proposed action with respect to the two railroads (or any other railroad) until at least 2 p.m. Thursday, March 11. This proposal was made by the United Transportation Union to give the Court adequate opportunity to explore fully all of the issues.

On the basis of the United Transportation Union's proposal, no action was taken by Judge Corcoran, but the matter presumably will be considered in a more orderly way during the interim provided.

It is, of course, our hope that the District Court will find, within the framework of existing law, that selective strikes in support of national positions but which do not involve or impair the national safety or health are permissible, thus avoiding any necessity for congressional intervention.

We will keep both of you gentlemen fully and promptly advised of any further developments in this matter.

Respectfully,

CHARLES LUNA, *President.*

[U.S. District Court for the District of Columbia, Civil Action No. 2183–70]

MEMORANDUM OPINION

(United Transportation Union, Plaintiff, v. Burlington Northern, Inc., et al., Defendants)

This action, arising under the Railway Labor Act,[1] (hereafter the RLA or the Act), and brought by the United Transportation Union, (hereafter the UTU or the Union) against the major rail carriers of the nation, presents to the Court another chapter of a longstanding dispute dealing with the requirements for manning freight and yard diesel locomotives with firemen. The Union seeks a declaratory judgment that once all bargaining procedures provided under the Act have been exhausted, it has the right to strike the railroads individually and selectively and is not restricted to a nationwide strike against all the carriers. The carriers have filed a counterclaim contending that there having been so-called national handling of the fireman manning dispute, any strike by the Union against fewer than all of the carriers involved in such group bargaining violates the Act.

Footnotes at end of article.

The carriers request the Court to declare the selective strike unlawful and to grant injunctive relief against the Union's proposed course of conduct. At this posture of the proceedings, the Court considers the Union's motion for summary judgment and the motion of the carriers for a preliminary injunction.

For the reasons set forth, the Court concludes that the motion of the plaintiff Union for summary judgment should be granted and the motion of the defendant carriers for a preliminary injunction should be denied.

The underlying problem was recently described in a Report of a special panel appointed by President Nixon pursuant to the provisions of the Act.[2]

"The fireman manning issue is the Nation's longest extant labor dispute. And it is also the most studied, reviewed and volatile issue on the American Labor scene. Despite the intensive efforts of a veritable who's who of distinguished labor experts, the parties have failed to agree upon a solution. The dispute has been punctuated by recurrent national crises arising from actual and threatened nation-wide rail stoppages."

The dispute arises out of the continued use of firemen who were employed originally on steam locomotives. The carriers seek complete discretion as to the employment of these firemen on yard and freight diesel locomotives and thus to eliminate those whom they, in their own discretion, deem unnecessary. On the other hand, the Union seeks to restore positions previously eliminated, as well as to maintain existing fireman positions. The Union claims that "firemen are essential to rail operations for reasons of (1) safety, (2) avoidance of undue work burdens, (3) efficiency of operations and (4) providing a pool of trained men for promotion to engineer." [3]

The events of this particular chapter of the controversy began in 1963. At that time the Congress, confronted by a nation-wide railroad strike, responded by enacting unprecedented legislation providing for compulsory arbitration of the issue.[4] In accordance with the statute, Arbitration Board 282, composed of representatives of labor, management and the public, was created. The Board rendered an award which was operative for a two year period, expiring on March 31, 1966.

The Board's award, sustained by the Courts against a union challenge,[5] gave authority to the carriers to eliminate certain fireman positions, set forth a procedure for the gradual elimination of the affected employees, and provided for separation benefits.

In November, 1965, prior to the expiration of the award, the Brotherhood of Locomotive Firemen and Enginemen (hereafter the BLF&E) pursuant to the Act [6] served certain bargaining notices on the carriers, requesting changes in the existing contract requirements governing the manning of freight and yard diesel locomotives with firemen, as modified by the award of Arbitration Board No. 282. In January, 1966, the defendant carriers served counternotices on the BLF&E seeking the unrestricted right to determine when firemen should be used on diesel freight and yard service locomotives. While several conferences were held between the parties, the carriers contended that the Union's notices were premature, and they refused to engage in negotiations. The BLF&E argued that after expiration of the award the operative work rules were those in effect when the Arbitration Board was created. Our Circuit Court resolved the questions by ruling that the issues presented by the Union's notices were proper and that the carriers were obliged to confer and bargain under the Railway Labor Act even though the period of the award had not expired.

Footnotes at end of article.

Further, the Court held that the carriers could no longer eliminate jobs under the terms of the award once it had expired; that the results of the award remained effective until changed in accordance with the procedures of the RLA; and that the BLF&E could not strike until those procedures were exhausted. *Brotherhood of Railroad Trainmen* v. *Akron and Barberton Belt Railroad Co.*, 128 U.S. App. D.C. 59, 385 F. 2d 581 (1967), as amended 1968, cert. denied 390 U.S. 923 (1968).

In mid-1968 the parties invoked the services of the National Mediation Board as provided under the Act.[7] Several rounds of negotiation proved unsuccessful and on November 4, 1969, after advising the parties of failure in its mediation efforts, the Board terminated its services. In accordance with the Act, the parties were then free to resort to self-help on December 5, 1969. However, negotiations were resumed in early 1970 with the assistance of a special mediator appointed by the Secretary of Labor. These negotiations were equally unsuccessful and the efforts of the special mediator were terminated.

On July , 1970, the UTU [8] invoked its right of self-help under the Act on its 1965 bargaining notices and struck four carriers. On that same day the carriers applied for and were granted a temporary restraining order by this Court.[9] The carriers challenged the legality of any selective strike by the Union. Shortly after the issuance of the temporary restraining order, and pursuant to the provisions of the Railway Labor Act, President Nixon created an emergency board to investigate and report concerning the dispute.[10] This action precluded both parties from recourse to self-help for sixty days. Following the presidential action the temporary restraining order was vacated as moot and the carriers withdrew their complaint.

On July 22, 1970, prior to the expiration of the services of Emergency Board 177, the Union filed this action for a declaration that, upon exhaustion of all procedures under the Railway Labor Act, its right to self-help is not restricted to a nationwide strike against all the carriers, but rather it is entitled to strike one or more of the carriers.

Although the Emergency Board made recommendations in its Report to the President on August 6, 1970, the parties were unable to conclude a complete and final agreement. However, negotiations continued by agreement between the Union and the carriers, as well as with the encouragement of this Court. When the matter came before the Court on the Union's motion for summary judgment and the carriers' motion for a preliminary injunction, representations were again made that negotiations would continue. The Union however emphasized that all negotiations subsequent to the report of the Emergency Board were without prejudice to its claimed right of self-help against individual carriers.

At the outset the carriers contend that the action by the Union seeking relief is premature because bargaining and negotiations continue and the possibility of reaching an agreement has not been completely lost and thus no true impasse is present.

The procedures for resolving a major dispute under the Act were recently and succinctly outlined by the Supreme Court:

". . . A party desiring to effect a change of rates of pay, rules, or working conditions must give advance written notice. § 6. The parties must confer, § 2. Second, and if conference fails to resolve the dispute, either or both may invoke the services of the National Mediation Board, which may also proffer its services *sua sponte* if it finds a labor emergency to exist. § 5 First. If mediation fails, the Board must endeavor to induce the parties to submit the controversy to binding arbitration, which can take place, however, only if both consent. §§ 5 First, 7. If arbitration is rejected and the dispute threatens 'substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President,' who may create an emergency board to investigate and report on the dispute. § 10. While the dispute is working its way through these stages, neither party may unilaterally alter the *status quo*. §§ 2 Seventh, 5 First, 6, 10." *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co.*, 394 U.S. 369, 378 (1969).

This current phase of negotiations on the fireman manning issue extends over a five year period. There have been endless and protracted bargaining conferences. The services of the National Mediation Board have been utilized. Arbitration has been rejected by the Union. Presidential action further delaying a strike has been taken. Services of special mediators have been employed. All of these efforts undertaken within the framework of the Railway Labor Act have nevertheless proved unavailing to secure a mutually satisfactory agreement.

The Court, therefore, finds from this record that all statutory procedures have been exhausted. A strike is now imminent and the Union has declared its intention to move on a selective basis. It seeks a ruling from this Court at the point when all statutory requirements have been expended. The carriers' motion for a preliminary injunction as well as their counsel's suggestion at oral argument that the Court could grant relief on their behalf by way of summary judgment appear to be veiled recognition of the futility of the bargaining process at this point.

But has the Union in its various stages of negotiations bargained in good faith and thus exhausted the statutory remedies in fact as well as within the framework of the statutory requirements?

In *Virginia Railway Co.* v. *System Federation, Etc.*, 300 U.S. 515 (1937) Justice Stone commented on this duty under the Railway Labor Act as follows:

". . . The statute does not undertake to compel agreement between the employer and employees, but it does command those preliminary steps without which no agreement can be reached. It at least requires the employer to meet and confer with the authorized representatives of its employees, . . . , to enter into a negotiation for the settlement of labor disputes such as is contemplated by § 2, First." at 548. Also, *NLRB* v. *Insurance Agents' International Union, AFL–CIO*, 361 U.S. 477, 485 (1960).

In *Atlantic Coast Line Railroad Co., et al.* v. *Brotherhood of Railroad Trainmen*, 262 F. Supp. 177, 183 (D.D.C. 1967) Judge Holtzoff stated that good faith bargaining suggests ". . . an obligation to negotiate genuinely and sincerely with the aim of amicably settling the differences between the parties and concluding an agreement. It is not sufficient to appear at a conference or a meeting with the other party and to submit an offer, or to make a demand, and yet to decline to argue its merits, or to refuse to entertain or discuss a counter-proposal. It is not a genuine negotiation to indicate that the other party has no choice except to accept the offer or accede to the demand. The service of an ultimatum does not constitute a negotiation."

But, as our Court of Appeals has noted, "The procedures of the Act are purposefully long and drawn out to afford maximum inducement to peaceful settlement, but the Act does not require efforts clearly at war with reality." *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Company, et al.*, 127 U.S. App. D.C. 298, 302, 383 F.2d 225, 229 (1967), cert. denied 389 U.S. 1047, (1968).

Upon a review of the entire record in this proceeding within the framework of the

relevant case law, the Court finds no facts presented upon which it could conclude or infer that the Union has not bargained in good faith. In fact, it is the carriers who arguably have a vested interest in further delay since the results of Arbitration Award 282 remain in effect until changed by contract or in accordance with statutory procedures. *Brotherhood of Railroad Trainmen* v. *Akron & Barberton Belt Railroad Co., supra.*[11]

The carriers' thesis that previous national handling of labor disputes precludes the Union's resort to selective strikes finds no support in either the history of labor-management disputes in the railroad industry, the RLA, or appellate case law.[12] During the past twenty years the predecessor union, the BLF&E, and other railroad operating unions have on numerous occasions exercised the right to individual and selective strikes even though the basic dispute giving rise to the strike had been and was at the time the subject of national handling.

In early 1950, the identical issue underlying this proceeding, the extent to which diesel locomotives should be manned with firemen, gave rise to a selective strike by the BLF&E. At that time, the procedures of the Act had been exhausted through national handling by the parties without success. That union, then representing the firemen, resorted to a strike against only eight of the nation's carriers participating in negotiations.[13] This strike led to the enactment of the National Diesel agreement of May 17, 1950.

Likewise in 1952, the BLF&E, in concert with the Brotherhood of Locomotive Engineers and the Order of Railway Conductors resorted to a selective strike against several carriers.[14] The matters involved—wages and rules—were and had been subject to national handling. However, the unions saw fit to strike only a few of the carriers involved.

A similar strategy has been employed by railroad unions other than the BLF&E. In 1950 the Switchmen's Union of North America, later becoming a member of the UTU, struck five railroads on the matter of the 40-hour work week.[15] There too, immediately prior to the strike, the matter had been the subject of national handling.

And, in 1955 unions representing certain non-operating railroad employees called a strike against a group of Southeastern carriers (the Louisville and Nashville Railroad System) on matters then in national handling.[16] Involved in the national handling of negotiations were three carrier associations—the Eastern and Western Carriers' Conference Committees and the Southeastern Carriers' Conference Committee. The carriers affiliated with the Eastern and Western Committees executed a collective bargaining agreement with the unions. But the Southeastern Carriers refused to ratify the agreement executed by the other carriers. The unions then struck against the Louisville and Nashville System, part of the Southeastern Conference. That strike is also of importance since it demonstrates that on at least one occasion the carriers themselves have taken selective action on matters in national handling.

Finally, the Court notes that only several years ago the carriers, by implication, recognized selective strikes as a legitimate and legal union weapon upon exhaustion of statutory procedural requirements. *Kennedy et al.* v. *Long Island Rail Road Company, et al.*, 211 F. Supp. 478 (S.D. N.Y. 1962), aff'd. 319 F. 2d 366 (2nd Cir. 1963), cert. denied 375 U.S. 830 (1963). There, as a direct response to the union's strike against a single railroad, the Long Island, the carriers created an insurance plan designed to protect their group. No contention was made by the carriers that the selective strike against Long Island was illegal, but rather they defended the insurance plan as a necessary responsive weapon to the union's action.

The Union's position also finds irrefutable support in recent Supreme Court decisions. In *Brotherhood of Railroad Trainmen, et al.* v. *Jacksonville Terminal Co., supra,* the Court emphasized.

"Nowhere does the text of the Railway Labor Act specify what is to take place once these procedures have been exhausted without yielding resolution of the dispute. Implicit in the statutory scheme, however, is the ultimate right of the disputants to resort to self-help—'the inevitable alternative in a statutory scheme which deliberately denies the final power to compel arbitration.' . . . We have consistently so held in a long line of decisions. . . ." at 378 (citations omitted). As recent history demonstrates, support of the position of the carriers would inevitably result in a choice between never striking or precipitating a national emergency and an imposed settlement,[17] thus depriving the employees of their implicitly guaranteed and most effective economic tactic—the right to strike.

The RLA makes no provision for compulsory arbitration of major disputes.[18] And the Supreme Court has admonished against—

". . . functioning as an arbiter of the sort of economic weapons the parties can use in seeking to gain acceptance of their bargaining demands . . . (by entering into) the substantive aspects of the bargaining process to an extent Congress has not countenanced." *NLRB* v. *Insurance Agents' International Union, AFL–CIO, supra.* See also *NLRB* v. *Drivers Local 639, Int'l Bro. of Teamsters, Etc. of America,* 362 U.S. 274, 281–4 (1960); *NLRB* v. *Erie Resistor Corp., et al.,* 373 U.S. 221, 234 (1963).

There is no authority for this Court to concern itself with what "economic sanctions might be permitted negotiating parties in an 'ideal' or 'balanced' state of collective bargaining." *NLRB* v. *Insurance Agents' Int'l. Union, supra,* at 500. ". . . (T)here is simply no inconsistency between the application of economic pressure and good faith collective bargaining." *Id.,* at 494, 495.

The Court concludes that national handling of the fireman manning dispute is obligatory in negotiations because of the "practical appropriateness of mass bargaining" and the 'historical experience" in these circumstances.[19] Considerations of safety and training for future locomotive engineers are uniquely appropriate for general national standards. And negotiations and past agreements concerning the fireman manning dispute indicate a clear acceptance by the parties of national handling.[20] But once the statutory procedures have been exhausted in good faith without agreement negotiations have legally reached an impasse. Selective strike action then becomes a legitimate economic tool so long as the Union continues to seek a national agreement by applying economic pressure on the carriers without seeking to coerce individual carriers into deserting the multi-employer bargaining unit and settling on an individual basis.[21] See *American Shipbuilding Co.* v. *NLRB,* 380 U.S. 300 (1965); *Morand Bros. Beverage Co.* v. *NLRB,* 190 F. 2d 576, 581–2 (7th Cir. 1951).[22]

Despite the immediate public interest and pressure for a resolution of the fireman manning dispute, support of the position of the carriers would encourage nationwide strikes[23] and read a new chapter into the provisions of the Railway Labor Act in disregard of the express mandate of Congress.

Counsel for the plaintiff will submit an appropriate order within five days.

——— J. PARKS,
Judge.

FOOTNOTES

[1] 44 Stat. 577, as amended, 45 U.S.C. § 151, et seq.

[2] Report to the President of Emergency Board No. 177, August 6, 1970, p. 1. The Board was appointed on July 7, 1970, pursuant to 45 U.S.C. § 160.

[3] *Id.,* at 5.

[4] Pub. L. No. 88–108, 77 Stat. 129, Aug. 28, 1963.

[5] *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington and Quincy Railroad Co.,* 225 F. Supp. 11 (D.D.C. 1964), affirmed 331 F. 2d 1020, cert. denied 377 U.S. 918 (1964).

[6] 45 U.S.C. § 156.

[7] 45 U.S.C. § 155 First.

[8] The Brotherhood of Locomotive Firemen and Enginemen and three other unions, merged on January 1, 1969, to form the United Transportation Union.

[9] *Burlington Northern, Inc., et al.* v. *United Transportation Union,* Civil Action No. 2026–70 (filed July 7, 1970).

[10] See footnote 2, *supra.*

[11] At the expiration of the Award, on March 31, 1966, 18,000 firemen's jobs, approximately 60 percent of those subject to the jurisdiction of the Award, had been eliminated.

[12] After careful consideration this Court is unable to agree with the relevant conclusions reached in *Alton & Southern Railway Company, et al.* v. *International Association of Machinists and Aerospace Workers, et al.,* 310 S. Supp. 905 (D.D.C. 1970), appeal pending No. 24217 (U.S. App. D.C.).

[13] Sixteenth Annual Report of the National Mediation Board, p. 5 (1950).

[14] Eighteenth Annual Report of the National Mediation Board, pps. 6–8 (1952).

[15] Sixteenth Annual Report of the National Mediation Board, pps. 11–13 (1950).

[16] Twenty-First Annual Report of the National Mediation Board, pps. 5–7 (1955).

[17] See: Act of August 28, 1963, Pub. L. No. 88–108, 77 Stat. 129. Also, Act of July 17, 1967, Pub. L. No. 90–54, 81 Stat. 122; Act of April 9, 1970, Pub. L. No. 91–226, 84 Stat. 118.

[18] See 45 U.S.C. §§ 157, 158 and 159.

[19] *Brotherhood of Railroad Trainmen* v. *Atlantic Coast Line Railroad Co., supra.* There the issue was whether a union is required to continue *negotiating* on a national handling basis once such a course had been undertaken. The issue of striking once negotiations had reached a statutory impasse was not considered. See also, *Chicago, Burlington & Quincy Railroad* v. *Railway Employes' Department, AFL–CIO,* 301 F. Supp. 603 (D.D.C. 1969).

[20] See especially: 1950 National Diesel Agreement; the chronology of the dispute, Report of Emergency Board No. 177, Appendix B., *supra;* and Supplementary Affidavit of Jess L. Shattuck, attached to Reply Memorandum for plaintiff, filed in this proceeding December 10, 1970, par. 7, p. 3.

[21] The Court does not decide whether selective strikes are so limited when national handling is not obligatory. And since this is a declaratory action, the Court merely prescribes what is permissible in the future. Whether previous actions failed to conform with this Memorandum Opinion need not be examined.

[22] The cases cited by the carriers, particularly at page 20 of their supplemental memorandum of points and authorities in opposition to the plaintiff's motion for summary judgment, filed September 21, 1970, all support the position that a whipsaw strike under the National Labor Relations Act is prohibited only when its purpose is to compel individual employers to withdraw from an existing multi-employer bargaining unit.

[23] Criticisms of the RLA have been directed at the delays in reaching agreement rather than the Act's rather successful record in preventing national strikes. D. Cullen, National Emergency Strikes (1968), n. 11 at 69; L. H. Silberman, National Emergency Disputes—The Considerations Behind a Legislative Proposal, 4 Georgia L. Rev. 673, 676 (1970).

THE GREGORIO CASE: II

Mr. BROOKE. Mr. President, few newspapers in our country are more famed for their thoroughness and objectivity than the Christian Science Monitor. That distinguished newspaper has printed an in-depth report on the controversy which surrounded the deportation of Mr. and Mrs. Apolinario Gregorio.

I think those comments are a valuable supplement to the remarks I made on that subject which appeared in the CONGRESSIONAL RECORD of Friday, February 26, 1971.

I ask unanimous consent that the complete text of the article be printed in the RECORD.

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

OFFICIALS BLAST PRESS: GREGORIO-DEPORTATION STORIES HIT

(By Lansing R. Shepard)

BOSTON.—The Gregorios have gone, but they left behind an irate United States Senator and a rather red-faced Boston Press.

The Senator is Edward W. Brooke. And his consternation is over what he considers "superficial, sensational, unfair, and in some cases, untrue news reports" about events surrounding the deportation of Angelica and Apolinario Gregorio from the United States to the Philippines early last month.

The Filipino couple, who entered this country two and a half years ago on a 30-day visitor visa, appealed last December to both Massachusetts Senators Brooke and Edward M. Kennedy to stop the deportation proceedings.

The eleventh-hour petition asked the Senators to file a private bill in the United States Senate to have the Gregorios' status adjusted to permanent residents. The request capped an eight-month court battle in which the Gregorios sought to void the deportation order.

REQUEST TURNED DOWN

But both Senators turned down the requests—a fact duly reported by most of the Boston news media along with some disparaging remarks directed toward the Massachusetts lawmakers by an attorney for the Gregorios.

The reports were but a small part of similarly wide and sympathetic coverage the Gregorios' deportation had been receiving in the local press.

In the end though, the couple was deported, and Senators Brooke and Kennedy found themselves engulfed in unkind mail.

Senator Brooke had received so much mail, in fact, that he was moved last week to defend his decision on the floor of the Senate. He also sent to all Boston news media detailed reasons for his actions and a rebuttal to what he thought was slanted coverage.

The source of most of the heat in the matter was the couple's contention that because Mrs. Gregorio had married "out of her class"—she maintained she was of Filipino royalty and he was of the peasant class—they would be the "object of socio-economic persecution" back home.

TRADITION VIOLATION?

They also maintained that because their marriage violated Philippine marriage tradition, the penalty awaiting Mr. Gregorio upon his return to the islands would be death.

The contentions were accepted as fact by some Boston newspapers, and the emotionally charged stage was set.

When Senator Brooke received the Gregorio request from Senator Kennedy—it is a Kennedy policy not to file private legislation—he sent his staff digging into the case. What it came up with was a tale of a couple's unusual perseverance.

The Brooke staff found the Gregorios were married on July 20, 1968, and that less than a month and a half later they were admitted to the United States on a 30-day visitor visa.

Over the next two and a half years, the Gregorios managed to extend that visa 10 times. Twice the couple was ordered to leave the country. And on three occasions deportation proceedings were drawn against them.

During this time, two sons were born to the Gregorios.

The couple successfully fought the last deportation action from June 12, 1970, to their ultimate expulsion last Feb. 11.

Some five months before they were deported, the Gregorios retained attorneys Charles Mamakos and Christie Perdikes. The lawyers immediately filed suit for a temporary restraining order on deportation, first in United States District Court in Boston. And when that court turned them down on Oct. 19, 1970, they went to the United States First Circuit Court of Appeals in Boston.

It was two months later, while their case was still being decided, that Senators Kennedy and Brooke were approached.

In denying the Gregorios' request Senator Brooke noted that it was not his policy to introduce private bills except in case of extreme and unusual hardship, and where those factors can clearly be substantiated should the immigrant be required to leave the country. He didn't think the Gregorios met the requirement.

APPEAL FAILS

On Feb. 10, the circuit court denied the couple's appeal.

The next day, amid many tears and much sentimental copy, the Gregorios left the United States for the Philippines, leaving their two sons with relatives in Quincy.

But Senator Brooke's staff found other interesting facts during its investigation. In a communiqué from the Philippine Embassy in Washington, D.C., it was learned that the consul general in New York had had "several previous discussions" with the Gregorios' lawyers over the past two years. And the lawyers apparently had never mentioned the possibility of Mr. Gregorio's execution.

Furthermore, the Brooke staff accused the Boston news media—especially the Boston Globe—of being inaccurate in its coverage. Senator Brooke's office charged that the Boston Globe had reported that the Gregorios had lived for a year as man and wife in the Philippines in fear of being murdered by Philippine authorities.

The Senator's staff, however, found the couple had been married only one and a half months before coming to the United States.

And last Oct. 20, an assistant United States attorney had advised the Gregorios through their attorneys, that if they feared persecution due to race, religion, or political opinion by the Philippine Government, their deportation could be withheld. Yet the couple had taken no action.

In a letter to the Boston Globe that appeared in that paper Feb. 17, Judge Alferedo F. Tadiar, a Filipino trial-court judge studying at the Harvard School of Law, blasted the Globe article.

In his letter to the editor, Judge Tadiar said he "could not help being outraged at the imputation given by this 'Romeo and Juliet' story that the Philippines is still living in the benighted medieval ages when official sanction is given to the murder of anyone marrying against parental wishes! Nothing could be further from the truth, he said.

FREEDOM TO MARRY

"Under Philippine law, a woman 18 or over [Mrs. Gregorio was 21 when married] is absolutely free to marry whomsoever she pleases, irrespective of class, race, color, or religion," he wrote.

Judge Tadair said parental consent is not needed. Couples can be married even against parental wishes.

"We have had no tradition of and there exists no legal discrimination by reason of social class, race, color or religion," he said. "There is no such thing as a 'royalty' class, at least for the overwhelmingly Christian Filipinos [more than 90 percent of total population]."

The Brooke organization also noted that Philippine Consul General Vincent Reyes essentially concurred in a letter to the Boston Globe also dated Feb. 17 (actually Feb. 24).

The letter said that "under Philippine criminal law, there is no penal sanction upon the act of contracting marriage between any two persons except where such act . . . constitutes bigamy or polygamy as defined by law. The death penalty is imposed in the Philippines only on the most serious and heinous crimes."

CONFIRMATION DENIED

Consul General Reyes further attacked a story by the Globe in which it was stated that "the Philippine Consulate in New York confirmed that the death penalty still can be imposed on a peasant who marries the daughter of royalty against her family's will, as in this case."

According to Senator Brooke, the Reyes letter expressed regret that "the Boston Globe should falsely attribute such a ridiculous statement to this consulate. This consulate absolutely denies having made such a confirmation."

"We made a mistake," said Globe political editor Robert Healy, "and we won't try to get around it. But we didn't do all the things Brooke said we did."

The Globe conceded it had erred on the Philippine marriage law. But one of the Senator's contentions with which the Globe took issue was the Senator's allegation that the paper had stated that the Gregorios lived in the Philippines as man and wife for a year in fear of being murdered by authorities.

WOMEN'S POLITICAL RIGHTS

Mr. PROXMIRE. Mr. President, the United Nations Convention on the Political Rights of Women opened for signature at New York on March 31, 1953. The Convention entered into force on July 7, 1954, and has been signed by 68 nations.

The Economic and Social Council of the United Nations urged the General Assembly in 1952 to adopt a draft convention it adopted on August 27, 1951, and prepare the necessary procedural articles. The General Assembly referred the draft convention to its Third Committee—Social, Humanitarian, and Cultural—which completed its work late in 1952 and submitted its procedural articles to the General Assembly.

On December 17, 1952, the draft resolution was adopted by the General Assembly. A resolution adopted 3 days later opened the convention for signature.

U.S. representatives participated in all phases of the drafting of the convention and our country was represented on several of the committees actively urging its adoption. Ironically and unfortunately, this convention has not been signed by our country.

Dean Rusk, then Secretary of State under the late President John F. Ken-

nedy, aptly summed up the substance of this convention in a letter to the President urging its ratification:

The Convention consists of the preamble and 11 articles. The substantive provisions are contained in the first three articles. These articles provide that, on equal terms with men, and without discrimination, women shall be entitled to vote in all elections (art. I) they shall be eligible for election to all publicly elected bodies established by national law (art. II); and they shall be entitled to hold public office and exercise all public functions established by national law (art. III).

Article IV contains provisions regarding signature and ratification, article V provides for accession, and article VI provides that the Convention shall enter into force on the 90th day following the deposit of the 6th instrument of ratification or accession. Subsequent ratifications or accessions enter into force on the 90th day after deposit by each state.

Article VII relates to reservations and provides that any reservation submitted at the time of signature, ratification or accession will be communicated by the Secretary General to all states which are or may become parties. The Convention does not enter into force as between the state making the reservation and any other state which notifies the Secretary-General within 90 days from the date of such communication that it does not accept the reservation.

Article VIII provides that any state may denounce the convention by written notice to the Secretary-General to take effect 1 year after the date of receipt of the notification by the Secretary-General. The Convention will cease to be in force when such denunciations have reduced the number of parties to less than six.

Article IX provides that disputes concerning interpretation or application of the convention between contracting parties, not settled by negotiation, shall be referred to the International Court of Justice for decision at the request of one of the parties unless they agree to another mode of settlement.

Articles X and XI provide for the performance of depositary functions by the Secretary-General of the United Nations.

No substantive legal questions are involved in the United States becoming a party to this convention. The 19th amendment to the Constitution provides that the "Right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

No one has had a deeper dedication to the cause of human rights than Mrs. Franklin D. Roosevelt. Her support of this convention in a speech before the Third Committee of the General Assembly in December of 1952 was most eloquent:

As most of you know, the subject of this convention—equal suffrage for women—is very close to my heart. I believe in active citizenship, for men and women equally, as a simple matter of right and justice. I believe we will have better government in all our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world.

In the United States, and in most countries today, women have equal suffrage. Some may feel that for this reason this convention is of little importance to them. I do not agree with this view. It is true, of course, that the first objective of this convention is to encourage equal political rights for women in all countries. But its significance reaches far deeper into the real issues of whether in fact women are recognized fully in setting the policies of our governments.

I do not expect that there will ever be as many women political leaders as men, for most women are needed in their homes while their children are small, and have fewer years in which to gain public recognition. But if we are honest with ourselves, we know that all countries have a long way to go on these matters * * *.

This convention on the political rights of women is not in itself an answer to the problems of modern government. But it points up, I believe in useful ways, how governments can expand their resources by taking full advantage of the energy and experience of their women citizens * * *.

As we all know, the United States has granted its women equal political rights with men. Yet, we still have an obligation to support the effort of the United Nations, through the Human Rights Conventions, to insure that the rights we take for granted here at home may someday become a reality around the world. I urge the Senate to act quickly on the Women's Political Rights Convention as well as the other Human Rights Conventions submitted to the Congress.

DOES NOT ANYONE CARE ABOUT CAIRO?

Mr. BROOKE. Mr. President, for several years an open racial conflict has embroiled the small river town of Cairo, Ill. The causes of this conflict are as deep-seated as any in America, and as difficult to resolve. Yet few comprehensive reports have been available to the public on the issues, the emotions, and the misunderstandings which divide this troubled community.

One attempt to deal with the problem was made by Miss Terry Knopf, a research associate at the Lemberg Center for the Study of Violence, at Brandeis University in Massachusetts. Her article, entitled "Doesn't Anyone Care about Cairo?" was recently published by Commonweal magazine. It is a particularly sensitive treatment of a highly complex matter, and I commend it to the attention of Senators.

I ask unanimous consent that the entire text of the article be printed in the RECORD.

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

CIVIL WAR IN ILLINOIS: DOES NOT ANYONE CARE ABOUT CAIRO?

A war is taking place on our own shores, involving the lives of our own people, and hardly anyone has stopped to notice. The war is being fought by whites and blacks in a small town in southern Illinois called Cairo (pronounced "care-o" or "kay-ro"). There are about 6000 people in the town, of whom 30–40 percent are black.

Underlying the current crisis are deep-seated tensions which are racial as well as economic. Civil rights activity in the community can be traced to 1946 when blacks won a suit demanding equal pay for black and white teachers. In 1963, blacks held demonstrations against a segregated swimming pool. Offsetting their victory in the courts was a decision by the city to close the pool altogether. In 1967—sandwiched in between and overshadowed by the outbreaks in Newark and Detroit—was a disturbance precipitated by the death of a black soldier.

The violence seemed to signal an increasing polarization of the races. The police said that the soldier, who had been in jail awaiting trial on AWOL charges, had committed suicide in his cell. Blacks charged the soldier had been the victim of police brutality. Lending weight to their accusations was the fact that the soldier's body was embalmed before dawn without the permission of the dead man's family. A close relative indicated that the family had wanted an autopsy, but that the coroner had decided that none was necessary.

In the same year, as the races drifted further and further apart, whites organized a vigilante group known as the White Hats because of their headgear. Calling themselves a neighborhood protective group, the White Hats armed themselves, held regular drills and launched attacks on the black neighborhoods. Pyramid Court, a low-income housing development, was their favorite target. In 1969, the White Hats were officially disbanded by the state. However, their place was soon taken by a new group with close ties to the White Citizens Council called the United Citizens for Community Action (UCCA). For all practical purposes, the White Hats are still very much alive.

Complicating things is an extremely bleak economic situation. By every standard imaginable, Cairo is economically depressed. In 1960, 56 percent of the town's housing was substandard and without plumbing. Between 1950 and 1970, the population dropped from 12,000 to its present level of about 6,000. The unemployment rate is now at 10 percent and higher among blacks. About 30 percent of the residents are on some form of public assistance. An ambitious young man seeking his fortune in the world is likely to move to St. Louis or Chicago.

The immediate crisis has been occasioned by a black boycott of white businesses. The boycott is being sponsored by the United Front, an umbrella group formed in 1969, which seeks more and better jobs for blacks. Now almost two-years-old, the boycott has definitely hurt white businessmen. Several firms have been forced to close.

Pitted against the blacks is an equally determined group of hostile, frightened whites led by the mayor, the police chief and the White Hats. Guns have been accumulated by both sides, while shootings, beatings, bombings and burnings have become a common every-day occurrence. Since the boycott was initiated, there reportedly have been more than 140 black-versus-white shooting incidents.

Most of the violence, however, appears to have been directed against blacks. A reporter for the *Guardian*, who recently visited the black neighborhoods, compared the area to a "war zone": ". . . the passage through the black neighborhoods is like a war zone tour. In nearly every block there are the ruins of a burnt-out house, often a row of four or five sets of charred wood."

Not all the facts in the situation are clear, but the dimensions of the tragedy are unmistakable. For unlike the tragedies at Kent State or Jackson State which were quick affairs over and done with, the crisis in Cairo continues unabated. What we have is the logical fruit of complete polarization—armed, prolonged racial conflict. Cairo threatens to become our domestic Vietnam, a symbol and symptom of national malaise, a possible testing-ground for future race wars to come in other communities across the country.

In recent months, the already critical situation has shown further signs of deterioration. When the federal courts threw out a local anti-picketing law aimed at blacks, the City Council promptly enacted a new set of ordinances designed to curb demonstrations. All five blacks on the police force have now resigned. Meanwhile, the police have deputized auxiliary policemen, some

of whom are reputed members of the White Hats. Blacks have charged the police with making discriminatory arrests, using unnecessary force and, in some instances, actively participating in vigilante attacks.

In a highly unusual move, Governor Richard Ogilvie has stationed state troops in the area for an indefinite stay. The Governor is quoted as saying the troops "may be there for several years." Blacks, however, claim they have received no more protection from this group than from the local police, and view the troops as a kind of occupying army.

Not long ago, a black soldier on leave in Cairo died, the victim of an unknown sniper. In the last eighteen months, three police chiefs, one mayor and one county sheriff have resigned.

Given the seriousness of the situation, a question arises as to why Cairo has attracted so little attention? We can begin with the obvious lack of concern on the part of the American public. The reasons for the public's indifference are not entirely clear. Perhaps the war in Vietnam has desensitized us to violence. Perhaps the tragedy at Kent State has drained our energies. Or perhaps black people—the chief victims of this war—are simply more expendable than whites.

In any event, whatever the reasons are, the public's inattention to Cairo has been reflected, if not reinforced, by the media. Relatively few stories have been filed on the beleaguered town—an incident here and there—but hardly the sustained, extensive coverage required. Moreover, insofar as attention has been given, the media have been guilty of some gross inaccuracies and distortions.

Several weeks ago, for example, United Press International and the Associated Press—the two major wire services—issued releases about a supposed raid on a police station by "squads of armed Negro men." Hundreds of rounds of ammunition were reportedly fired in what appeared to be a deliberate, unprovoked attack on the police. The story made its merry way into scores of newspapers across the country ranging from the *New York Times* and the *Washington Post*, to the *Milwaukee Journal* and the *Ann Arbor News*, not to mention *Newsweek* magazine. Omitted from the story was the fact that a black-owned tavern, a church used for meetings of blacks, and the office of civil rights lawyer were all riddled with bullets at about the same time of the alleged raid by blacks.

The story, however, was not only misleading but inaccurate as well. A skeptical *Times'* reporter who did take the trouble to do a follow-up story for his newspaper could only find seventeen pockmarks on the police station which might have been caused by gunfire that night. *Chicago Journalism Review*, which keeps a critical eye on the media, has gone so far as to suggest that the alleged raid may never even have taken place.

The questions raised by this misreporting are: first, why both news services have continued to rely heavily on local stringers for information—individuals who have close ties to the white power structure; and second, why neither UPI nor AP has seen fit to station reporters from the outside area (say, Chicago) in Cairo on a regular basis.

If the media have failed to confront the crisis in Cairo, those in position of national leadership have not fared any better. Thus far, the Justice Department has failed to authorize a full federal grand-jury investigation, which would include a look at possible violations of civil rights.

The FBI says that it is "continuing to watch the situation," but has no plans to actively investigate—this, despite the fact that a public defender's project partially funded by the federal government has been the target of gunfire. Cars bearing Kentucky license plates reportedly have been in the area on the nights of white sniping attacks. Such activity would seem to fall under the anti-riot legislation which makes it a federal offense to cross state lines for the purpose of fomenting violence. Nevertheless, the FBI has chosen not to involve itself—an interesting stance in view of its zealousness when it comes to pursuing black militants, student radicals and other "subversives."

Meanwhile, the FCC has yet to act on a petition from the Lawyers' Committee for Civil Rights Under Law which would deny the license renewal of radio station WKRO. The lawyers' brief makes a convincing case against the station for unbelievably biased reporting, for failing to represent the entire community. It is noteworthy that the president of the station just happens to be on the board of directors of the UCCA.

Finally, we have yet to hear from our usually vocal politicians. Both the President who promised to "bring us together" and his chief deputy, who is never at a loss for words, remain strangely silent. At the same time, Congress has declined to initiate its own investigation and hold hearings, just as it does on the other war in Vietnam.

And so the crisis in Cairo—the war in the Middle West—continues. Doesn't anyone care about Cairo?

STATEMENT BY AFL–CIO PRESIDENT GEORGE MEANY ON THE CLOSURE OF HANFORD REACTORS

Mr. JACKSON. Mr. President, I ask unanimous consent that a letter to President Nixon on the proposed closure of two reactors at Hanford, Wash., and a subsequent article in the AFL–CIO News be printed in the RECORD.

In bringing to the attention of the Senate the views expressed by Mr. Meany, I should first like to preface them with several thoughts of my own.

After working very closely for 8 years with the Tri-City Nuclear Council, industry and Government in the painstaking job of building the landmark Hanford diversification program, I am shocked and saddened by this precipitate action. Closure of these last two reactors has the effect of unraveling a program that is a model for the Nation—an example of a community rebuilding its industry base away from defense orientation to peacetime industry through the cooperation of Government and industry.

Last year Congress heard strong testimony on the need to proceed with both reactors. The Atomic Energy Commission and the Department of Defense both argued in favor of full funding of both reactors, too. Thus, this action was taken at the White House level in spite of strong support of Congress, the Atomic Energy Commission, and the Department of Defense to continue full funding of these reactors.

Certainly, the detrimental impact on the reserve of our Northwest electric supply alone should have been sufficient cause for the administration to keep the N reactor alive. But there are other serious questions including the Nation's contingent plutonium requirement for weapons uses which have gone unanswered.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. These points are of nationwide significance, but there are other factors which must be considered including the addition of up to 12,000 unemployed people in a region where the job market is already the hardest hit in the entire country. In this context Mr. Meany's comments are of major significance.

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

U.S. SENATE,
Washington, D.C., February 8, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Administration's decision to shut down the K EAST and New Production Reactors at Hanford, Washington, involves a fundamental change in a long-standing national defense policy and will cause serious and direct adverse consequences to the economy of the West, as well as indirect national effects. These very significant points were brought out during the hearings (executive session) held by the Joint Committee on Atomic Energy on February 4, 1971. I would like to summarize, for your personal attention, certain of the facts in the hearing record:

1. Closure of these two reactors will mean that, for the first time in the history of the Atomic Energy Commission, this Nation will not have a capability to supply plutonium beyond currently known requirements of the Department of Defense. There would be no existing capacity to deal promptly with contingencies, because of the lead-time (approximately three years) in getting closed production reactors back on the line. It is my understanding that the Department of Defense desires some production flexibility to deal with contingencies and took that position during the decision-making process. There is no explanation of the considerations which warrant such a drastic change in the national defense posture.

2. The New Production Reactor (NPR) is a dual-purpose reactor, which is used for the production of weapons plutonium and also to supply 800,000 kilowatts of electricity. For perspective, the NPR is the Nation's only dual-purpose reactor; most of the U.S.S.R.'s plutonium producing reactors are dual-purpose. Thus, the Soviets apparently do not have the long-lead time problem which is inherently associated with the reactivation of single-purpose plutonium production reactors.

3. The 800,000 kilowatts of electricity from the NPR is supplied to the Pacific Northwest under arrangements between the Atomic Energy Commission, the Bonneville Power Administration (BPA) and the Washington Public Power Supply System. The Pacific Northwest and the Southwest need the power from the NPR. Indeed, Mr. Richmond, the Administrator of Bonneville Power, testified that BPA, because of the lack of power sources, had not contracted to supply power to any industrial user since 1966. He further testified that there is no established replacement for the NPR power, and indeed, that unavailability of NPR power may force BPA to cancel or curtail some of its contractual commitments. The loss of NPR power occurs at a time when there is an existing disparity between electrical power supply and demand in the Pacific Northwest, and, indeed, in the Nation. That disparity is increasing almost daily because of the increasing demand for power which is accompanied by the increasing difficulties encountered by the producers of power. One example of the many diffi-

culties associated with the lag in the power supply is the environmental problems associated with certain low sulfur fossil fuels, particularly in the Los Angeles area. There are no easy and immediate solutions to these problems. The lead-time necessary to construct and put into operation a nuclear reactor or any other power plant which would replace the NPR output is from 5 to 7 years. In short, the unavailability of NPR power could well result in economic chaos.

This Government viewed the NPR as a distinct national asset when it was authorized in 1961, both economically and for national defense purposes. In my view, the record shows that the NPR continues to be such an asset. Continued operation of the NPR can contribute beneficially in each of the foregoing areas of national concern (plutonium production supply contingency and electrical power), and, I might add, with minimum environmental impact.

4. The Hanford, Washington, area is the only known example of a Government-industry program initiated during the 1960's at the time of earlier production cutbacks, which resulted in a conversion from a military defense war requirement to a peacetime requirement. This conversion was essentially accomplished by commitments by AEC contractors at Hanford to create a diversified economic base which would not completely depend on AEC activities at Richland. The latest shutdown, because of the severe direct and indirect economic consequences, could well result in a complete unravelling of the various economic diversification programs which are either completed or are near completion at Hanford.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. The record made at the February 4, 1971, hearing contains additional information which bears directly on the important duty to be performed by the task force. It will, of course, be made available to the task force, as well as any other additional information which may be helpful. For that purpose, Mr. Edward J. Bauser, the staff's Executive Director, will contact the task force.

The points which I have summarized are of nationwide significance. I would sincerely hope that the Administration will decide to at least ameliorate the consequences of the announced shutdowns by budgeting funds for continued operation of the NPR.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Subcommittee on Military Applications, Joint Committee on Atomic Energy.

[From the AFL–CIO News, Feb. 6, 1971]

LABOR PROTESTS ORDER TO SHUT DOWN NUCLEAR PLANT

The AFL-CIO has urged Pres. Nixon to cancel an order that would shut down plutonium production at the Atomic Energy Commission's Hanford, Wash., plant, throw thousands of persons out of work, and threaten the Far West with a power shortage.

Federation Pres. George Meany wired Nixon that labor is "shocked" by the President's "precipitate decision" to deactivate the last two plutonium-producing reactors at Hanford.

"The immediate effect," Meany warned, "will be a major economic blow to a region already hard hit by unemployment." He estimated that 7,500 jobs will be lost if the action stands.

The AEC subsequently announced that it will hold off closing of one of the reactors pending further review. Some of the scheduled layoffs will be cancelled until a decision is reached.

Plutonium is a key ingredient of atomic weapons and its production has been trimmed back in recent years.

At Hanford, however, electric power has been an important by-product of the operation. Steam from the plutonium reactors is used to generate low-cost electricity which is distributed through the Bonneville Power Administration.

Meany told Nixon that "if the United States has adopted a policy of no longer producing plutonium, it must provide for an orderly transition period to cushion its effect on jobs and the economy."

DEVELOPMENT OF PARKS AND RECREATION AREAS

Mr. PERCY. Mr. President, the Federal Government, as never before, must recognize the true extent of the ecological crisis and attempt to organize a national environmental policy that will insure responsible lands and waters management. The individual's right to a clean environment has been acknowledged and now must be guaranteed. This administration, more than any other, is devoting significant attention and budgetary allocations to the development of environmental safeguards. Part of its program is the expansion of parks and recreational facilities.

Mr. Douglas Hofe, Jr., Director of the Bureau of Outdoor Recreation of the Interior Department, recently spoke before the National Symposium on Park, Recreation, and Environment Design in Chicago. His speech is excellent, for it captures the imagination and presents an optimistic view of man's survival in a threatened environment. It speaks of the aesthetic and spiritual benefits we derive from outdoor recreation through a refreshing contrast with workaday life. I ask unanimous consent that Mr. Hofe's speech be printed in its entirety at the conclusion of my remarks.

Mr. President, I have a particular interest in the development of parks and recreation areas. In Illinois, we do not have a single National Park Service area. A bill that I recently introduced would alter this situation by creating the Lincoln Homestead National Recreation Area in Coles, County, Ill. It would provide preservation of valuable prairie lands for those who wish to enjoy or study the origins of our cultural inheritance.

The State is also trying to improve its standing on State park facilities. In a special message on conservation before the Illinois Legislature, Governor Ogilvie proposed a three-point program to prevent the exploitation of recreational areas in Illinois. A 2-year acquisition program is aimed at creating seven new State parks through new land purchases amounting to more than $20 million. I believe the Governor's program is highly commendable, deserving the full support of the State's legislative body.

In a rapidly expanding urban population we have a responsibility to improve the quantity and quality of recreation areas. As the Governor pointed out:

At a time when our people see their great natural environment deteriorating around them, there is no more far-sighted investment we can make.

I agree and look forward to working as the ranking minority member of the Interior Subcommittee of the Appropriations Committee for full funding of our park and recreation programs.

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

REMARKS OF G. DOUGLAS HOFE, JR.

It is both a personal and professional pleasure to participate in this National Symposium on Park, Recreation, and Environment Design.

If I am to follow the literal definition of being a "Keynoter," I find that my role today is to introduce "the determining principles governing the spirit of speech, thought, and action of your sessions."

But I had only to glance at the conference's imposing list of participants and topics to know that I couldn't fill that traditional role of Keynoter.

Any symposium such as this depends on two things for its success: Substance and spirit.

At the Bureau of Outdoor Recreation, we share your concern with substance every day. We do it through programs of planning, coordination, technical assistance, cooperation, research, evaluation, and environmental quality. And, you are familiar, of course, with the Bureau's contributions toward substance through financial assistance with the Land and Water Conservation Fund.

In these three days of meetings, I think you will agree that our contribution to substance is, and continues to be, a large one. Again, the word "imposing" seems appropriate.

So, if I may, I would like to discuss with you that second ingredient: "Spirit."

In the 1970's nearly every Federal agency will be working with States, local governments, and the private sector to provide all Americans an "Environmental Bill of Rights," the lack of which is felt especially by those of us living in cities.

I refer to the right of all to a safe and healthy environment.

President Nixon pledged a course of action when he signed the National Environmental Policy Act on January 1, 1970.

That law established a national policy for the environment.

President Nixon declared that upgrading the environment is a "now or never" situation. His declaration gave rise to the "Clean Land Doctrine," proclaimed this year by the Department of the Interior.

In essence, these objectives underscore:

The Nation's right to expect that our natural resources will be developed for the best uses of the people as a whole.

The need to protect population centers, large and small, from deterioration that threatens the general welfare.

The right to clean water and healthy air.

When we clean up our land, skies, and water, everybody will gain something.

These are paramount requirements to expansion of the Nation's outdoor recreation estate. If land is denuded of trees and grass, it won't be long before the water around it is ruined by one or more forms of pollution.

This long time commitment on the part of President Nixon has recently—and dramatically—been underscored and amplified.

In his State of the Union Address to the 92nd Congress, President Nixon said about one of his six major goals for 1971:

"The third great goal is to combine the effort so dramatically begun last year: to restore and enhance our natural environment.

"I will propose programs to make better use of our land, and to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life throughout America."

He continued:

"And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas, and open spaces in a way that truly brings parks to the people, where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy."

Seven days later, on January 29th, the President added what might be called "exclamation points" to this commitment.

In the opening paragraph of his new Budget Message, President Nixon reminded Congress:

"In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, we spent more to meet human needs than we spent on defense."

In part, this is what President Nixon proposed to the Nation's lawmakers in the segments of his budget package relative to environment and outdoor recreation:

"*Recreation*—Greater opportunity for leisure is valued highly in America and, as a result, the demand for recreation facilities is growing. The 1972 budget proposes a substantial increase in grants to help State and local governments provide some of these facilities."

Said the President:

"I am recommending that the Land and Water Conservation Fund be fully funded to provide:

"Grants of $280 million to help States and localities meet local recreation needs; and

"Appropriations of $100 million for Federal acquisition to preserve nationally significant natural and historic areas."

In last week's Message on the Nation's Environment, President Nixon once more elaborated on his commitments:

"Merely acquiring land for open space and recreation is not enough," said President Nixon.

"We must bring parks to where the people are so that everyone has access to nearby recreational areas.

I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.

"I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape."

Certainly all of us in the Department of the Interior and the Bureau of Outdoor Recreation are pleased and even more determined to help reach this goal. Never before in this Nation's history has any Chief Executive so clearly placed his Presidential "Seal of Approval" on our recreational and environmental destinies. It is apparent that each of us has a big job to do.

As I look to the future, and the key role the Bureau of Outdoor Recreation will play in the environmental picture, one word continually comes to mind:

That word is "Change."

Many of us in the "Over-30 Set" can still remember when our *out*doors was just beyond our *back*doors. That isn't true for most of us any more.

For some of us, today's backyards lead to little more than other backyards.

Most of us can remember where we used to swim. But the childhood swimming hole has been replaced.

Today—for better or worse—it is a gleaming, supervised swimming pool.

Some of the nearby sandlots where we played ball are still around.

But today—our sandlots look more like mini-stadiums: complete with regulation base paths, regulation pitcher's mounds, kids in regulation uniforms, and complete with regulation adult supervision.

Most of us can remember fishing. It wasn't very complicated then: A bamboo pole from the hardware store . . . and some freshly dug worms from the backyard.

But today—the youngster who wants to take an hour or two for fishing assembles his glistening array of gear from Sears or Abercrombie & Fitch . . . then is disheartened on asking himself:

"*Where* can I fish?"

Now these refinements are probably all very worthwhile and wholesome. At least we might as well *think* so; because there is no going back.

Sandlots have a way of disappearing—covered by shopping centers.

Swimming holes have a way of vanishing—covered by housing developments.

And fishing streams have a way of drying up: especially when covered by highways.

For too long, too many have looked back and shrugged in a resigned sort of way: "Well, that's progress."

For many of us, however, there has emerged the nagging idea that something here is a little wrong. And there is something we can do.

And it must be done. For all Americans.

Because all Americans share in a marvelous legacy: a heritage of the outdoors.

Looking ahead into the 1970's and beyond, planners in recreation had to extend their definition of what we mean by "Outdoor Recreation."

Outdoor recreation is not just backpacking along the Appalachian Trail . . . it is a walk around the block.

Outdoor recreation is not just shooting some whitewater rapids on a wild river in Montana . . . it is also "driving for pleasure"; to see the leaves change or taking that traditional American Sunday drive.

Certainly it's surf-fishing along shorelines. But it is also a casual detour on the way to the office; say a stroll through a nearby historic park.

It is surfing off a public beach in California. And it is father and child getting to know one another and their relationship with nature when dad navigates a stroller through a nearby suburban park.

Outdoor recreation is a nature walk with the kids . . . attending a little league football game . . . a pick-up game of touch football with others in the neighborhood . . . swimming in an available pool or pond . . . or merely sitting on a bench beneath a tree.

Anyone who has ever photographed flowers in a park is involved in our expanded concept of outdoor recreation.

If the after-work idea of "warming up to a highball" is more attractive in one's own backyard than in the living room—well, that too is outdoor recreation, though hardly the type on which we keep statistics.

Today, the number one activity is "Walking for Pleasure" (not to be confused with Hiking, which purists say should be more work than pleasure).

Since 1960, walking for pleasure has increased in popularity faster than any other major outdoor recreation activity. Ten years ago driving for pleasure was first. Today, walking is first while driving—by the year 1980—will be fourth.

In 1980, this Nation's "Outdoor Top 10" activities will read like this:

Number 1—Swimming.

Number 2—Playing outdoor games and sports (such as volleyball and similar informal sports).

Number 3—Walking for pleasure.

Number 4—Driving for pleasure.

Number 5—Sightseeing.

Number 6—Picnicking.

Number 7—Bicycling.

Number 8—Fishing.

Number 9—Boating.

Number 10—Attending outdoor sports events.

Other outdoor experiences—such as camping, hiking, horseback riding, and water skiing—are on the increase.

To satisfy the recreation demands of a society that daily grows more affluent and mobile, we need more varied, quality recreation experiences.

We need more lands.

We need more facilities.

We need more programs and activities to serve the people attracted to our outdoor recreation areas.

As we work to meet increased needs, we must find an increase in the financial wherewithal. That's right—more money. And here is where an expanded Land and Water Conservation Fund comes into the picture.

The Fund had a small beginning in 1965—but has now become the leading source of money for recreation land acquisition and development.

On October 31, 1970, President Nixon signed into law a bill wich increases the Fund's authorized appropriations from $200 million to $300 million annually.

A large part of the increased money will go to States and their local governments.

The Fund has already provided hundreds of millions of dollars for places and spaces intended for the public to use in pursuit of outdoor recreation.

The Fund provides the money needed for new national parks, forests, seashores, and wildlife refuges. Roughly one-third of the Fund's money has gone into acquiring and preserving these lands and waters under Federal management.

Most of the Land and Water Conservation Fund money Congress appropriates each year goes to assist States and their cities and counties.

Since 1965, Congress has appropriated $503 million from the Fund to assist States.

The new law also provides a means for transferring surplus Federal property to States or local governments for park and recreation purposes at discounts ranging up to 100 percent.

Previously, as you know, surplus property could be transferred for recreation purposes only at a 50 percent discount from fair market value.

Before the Fund little had been done through the Federal Government to help upgrade State and local parks.

State and local parks provide an excellent means to help meet public demands for varied outdoor recreation opportunities. But the time has arrived to consider innovative programs in connection with them in order to bring recreation and environmental awareness closer to urban residents.

For example, these parks could be used as environmental education laboratories for people who live in cities. More creative and varied opportunities must be found for near-urban centers.

Until the 1950's the Federal interest in outdoor recreation centered primarily around preserving America's splendid natural areas—national parks, forests and wildlife preserves.

While many of these national resources attracted people and provided recreational outlets, there were many which virtually fenced people out due to their inaccessibility.

Then came the 1960's—and two painful realizations:

Most of America's outstanding parks and waters were far removed from where the people lived.

And people were concentrating farther and farther away from them all the time.

The Bureau's research and projection apparatus has enabled us to profile those outdoor activities which most Americans enjoy today and want for tomorrow.

We have found that more than 75 percent of all recreation occurs close to home, after work and school, and on short outings.

And, in urban America, where 75 percent of our population is concentrated, only 25 percent of the recreation facilities and 3 percent of public recreation lands are reasonably accessible.

Like so many national priorities, our American recreation priorities needed reshuffling.

Our Nation's outstanding national parks, forests and natural areas still are needed and are popular . . . perhaps overpopular.

At our most popular national parks, the "No Vacancy" sign is fast becoming a permanent fixture.

Because of shorter work days, longer vacation periods, more 3-day weekends, more spendable income, and because of a need for America's urban dwellers to shed themselves of the confines of the cities, we can characterize an emerging segment of the population.

We might call him "The Mobile American."

The "Mobile American" is easy enough to spot. He is seen on the Nation's highways on weekends and during vacation months.

Behind his family automobile is a new generation of auto accessories: power and sail boats . . . pop-up tent gear . . . and campers which range from modestly-rigged to ingeniously sophisticated.

Of course the end results are often packed parks, crowded campgrounds and waters where the competition is from boats, fishermen, swimmers and water skiers.

For growing numbers of affluent Americans more places and spaces must be provided. And the closer to home, the better.

If bringing new national recreation areas closer to our growing cities were the only problem, this challenge would be formidable by itself.

But providing outdoor recreation within a short driving distance for our "Mobile Americans" is not enough.

What of "The Captive American?"—living in our cities—very often our Inner Cities.

He is held captive for many reasons. And one of these is underscored by the fact that out of 200 million Americans, more than 50 million of driving age do NOT have automobiles.

In his Message on the Environment of a year ago, President Nixon said, and I quote:

"The rugged grandeur of mountains a thousand miles away means nothing to a city child who is not able to get to them.

"The boy sitting on the steps of a ghetto tenement deserves and needs a place where he can discover that the sky is larger than the little place he is able to see through the buildings." End of quotation, but—a beginning toward a new national determination.

This new determination must touch the lives of virtually every American—present and future.

We must make certain that the American youngster will never lose his capacity to communicate with himself.

Merely keeping up with the day's news must be harrowing for the young mind. It is certainly disquieting to most of our older minds.

Can the young mind accept differences between real life and the day-to-day chronicles of life we see electronically reported?

Will this young mind grow to have the judgment and perspective to understand that most of us gather together to work, not under banners . . .

That most of us burn firewood, not college buildings. . .

That most of us build not detonate . . .

That most of us neither hi-jack; nor call names; nor believe the loud and the profane have some sort of an intellectual monopoly on the belief that peace is preferable to war?

We have talked about "The Mobile American" and "The Captive American."

Neither is really very typical.

Most of us fall somewhere in between. And, we have our outdoor needs.

An outdoor experience should be a personal, everyday thing. Not just something we reserve for long weekends and vacations.

As we focus in on outdoor recreation in the 1970's, some patterns and alternatives emerge.

Many of the recreation changes we hope to see in the '70's are innovative and experimental.

Others are essentially simple.

New concepts in park and recreation programs to attract participation by a broader segment of society . . .

New lighting systems to extend the number of hours in our places of recreation . . .

More year-round facilities and activities toward getting a better return on our recreation investments . . .

Comprehensive youth programs which emphasize leadership training and wider participation . . .

Facilities—nearby—for our handicapped and our elderly.

Much of what I have discussed to this point comes from the general philosophy of our effort to bring more "parks to people." This new concept has been entrusted in large part to the Bureau of Outdoor Recreation. Its impact is felt in administration of the Land and Water Conservation Fund to provide more money for urban areas. Especially significant is the Department's "Street Scene" action program which is replacing little-used streets and alleys with neighborhood parks.

Although the demonstration concept—for the time being—seems mainly geared to inner-city, there is no reason why this program could not be extended even to the suburbs.

Imagine, if you will, the possibilities.

Green spaces—replacing cement and gutters.

A back-stop perhaps replacing a bus stop.

Benches and walkways instead of parked cars.

A springtime stroll at dusk—squinting at stars instead of car exhaust fumes.

Kids playing dodge-ball rather than "dodge-traffic."

Converting little-used streets and alleys has obvious relevance to our young people. But there could be personal relevance, too, for everyone in the neighborhood.

Housewives and toddlers on Nature's own carpeting.

A pickup basketball game between husbands and fathers—improving their hook shots against the backboard.

Our older citizens could match up in a round of horseshoes. Or they could play chess and checkers beneath a tree.

The handicapped persons could find nearby outdoor escape from the confinements of four walls.

Teenagers could vent their energies on that other kind of—less publicized—form of grass.

It is an exciting concept . . . one which we are exploring with an eye toward innovation and imagination and creative execution.

Every facet of outdoor recreation is important.

Urban recreation, State parks and local recreation areas are concerns of the Bureau of Outdoor Recreation, but so are wild and scenic rivers and a national system of trails. So are large additions to our national park system, and preservation of open spaces in and near our metropolitan centers.

Many of your agencies are, no doubt, undergoing a change in your roles, one which adds emphasis to preservation of the human resources, as well as the natural resources of your State.

We in the Bureau of Outdoor Recreation have set our sights on the Nation's densely populated urban areas, for here are the places where we are locked in the struggle to let man and nature link their complementary resources to produce a better life.

It is in the cities that population pressures are greatest . . . socioeconomic variables are the widest, and space for leisure is the smallest, and often comes in the most fragmented condition.

It is in the cities that determination must be enlivened with imagination in designing facilities and programs which give human relativity to existing spaces.

We will not, however, neglect or downgrade our responsibility to continue to assist in saving those unique natural areas which should comprise many Federal and State park systems.

To reach its goals, the Bureau makes many contributions and decisions in the fields of planning, basic research, technical assistance and information.

We evaluate natural resources, but we do not administer any park or recreation areas. We leave that task to the old-line agencies. Our role is to recommend policies and programs to the Secretary and Congress.

And while I choose not to join some of my Washington colleagues in a running dialogue with the networks, I do have a personal wish or two.

It is my wish that, soon on any Saturday morning, the friendly antics of ducks in a nearby pond be more attractive to toddlers than animated animals on the TV set.

It is my wish that an after-school stroll on a nearby nature trail be more interesting—or at least a change—from an episode of "Dark Shadows" or a session with the stereo.

It is my wish that a picnic table at a nearby park become more inviting to the mother with pre-school children who has had it up to her truffles with the Galloping Gourmet.

It is my wish that nearby paths and benches attract our elderly and handicapped into taking gulps of fresh air as an alternative to TV's unrelenting invocations decrying "Ho-Hum Mouth."

It is my personal wish that, soon, we can offer nearby sanctuaries where the young mind can do a little, uninterrupted thinking of its own.

It is also my wish that a so-called "Turned-Off Generation" would—indeed—occasionally turn off.

Turn off the record player, turn off the radio, turn off the phone, turn off the never-blinking eye of The Tube—and turn ON to himself.

But to do so, the young person—and each of us—must be attracted by alternatives. The alternatives of a renewed, balanced recreational environment.

The 1970's will see a better quality of life for all Americans. We will be richer in many things—among them leisure time. Thus, will more and more demands be made upon our recreation resources.

What is needed then is a nationwide effort of great proportions.

A coordinated effort that embraces every level of government and the private sector.

An effort that seeks and receives the enthusiastic support of individuals in every community throughout this great country.

Those of you who develop and design America's growing systems of outdoor and environmental involvement are in today's "Main Event."

And we in the Bureau of Outdoor Recreation are in your corner.

We offer you our encouragement and our resources.

And—as is the case in any viable partnership—we trust that communication and assistance will be a two-way street.

We welcome your ideas—the more innovative, the better.

We need your support.

We recognize your years of experience—close to where the local action is.

We welcome a dialogue with you when certain Federal plans and programs may not mesh with those of your State needs.

In effect, when we soon go our separate ways from this Symposium . . . be assured: our separate ways are not really separate after all.

PRIZE WINNING ORATION BY MARCUS B. ROBERTSON, GADSDEN, ALA.

Mr. ALLEN. Mr. President, the Voice of Democracy oratorical contest sponsored by the Veterans of Foreign Wars is nationally recognized as one of the outstanding youth programs of our Nation. Some 500,000 young people participate in this program each year.

Mr. President, I am particularly pleased that the national first place award winner in the 1970–71 Voice of Democracy competition is Marcus B. Robertson from my home town, Gadsden, Ala. Marc Robertson is the 16-year-old son of Dr. and Mrs. William Craig Robertson of Gadsden. Marc is a junior in Gadsden High School and an officer in the splendid organization known as the Fellowship of Christian Athletes. His extracurricular activities and interests include golf, wrestling, public speaking, fishing, swimming, piano, and harmonica. His background achievements include a 1967 Read magazine creative writing award and other awards in public speaking. Marc is a brilliant student and an accomplished speaker. This last judgment was eloquently demonstrated last night by delivery of his award-winning oration at the National Congressional Awards Dinner before Members of Congress and distinguished civic, religious, and VFW leaders from throughout our Nation.

Mr. President, the Veterans of Foreign Wars organization is to be commended for sponsoring such a splendid program for youth. The contest serves a highly valuable purpose in promoting loyalty and principles of liberty, freedom, and democracy, and I share the feeling of pride of all Alabamians and patriots throughout our Nation in the outstanding achievement of young Marcus Robertson.

Mr. President, it gives me great pleasure to ask unanimous consent that the text of the oration be printed in the RECORD. I invite every Senator to read this stirring address with the sure knowledge that each will share with me a renewed sense of pride in our youth as exemplified by the accomplishments and the thoughts and views so eloquently expressed in this address.

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

FREEDOM—OUR HERITAGE

What is freedom? If you were to ask that question of the next ten people you met, I'm sure you would receive ten distinctively different answers. Upon asking a policeman, he might give you a reply like this: "Freedom is the priviledge of living in a free society and obeying the laws it has given to protect you."

You might see a businessman, and upon asking him what freedom is, he could answer, "Freedom? Why that's the means by which private enterprise grows and prospers! Without freedom in our business, our economy would collapse!"

Spying a minister, his answer to the same question might go like this: "My friend, freedom is the wonderful experience of being subject to the Divine will of God."

Curiosity then might lead you to ask a hippie what his thoughts were of freedom. "Hey, man," he might say, "freedom isn't here unless you got love—can you dig it?"

The policeman's answer, I thought, was very clear. Did you actually realize how honored we are to be Americans? The Statue of Liberty is an unwavering reminder of our freedom. But did you ever stop to think what color is the statue, or what race? Did you ever stop to think of what faith it might represent? Is its color black, or white? Maybe it is red or yellow. But isn't it more a mixture of many colors which have withstood the wind and rains of the sea over a long span of time? Although the statue is weather worn and wind beaten, does any particular color stand out? No, for that statue, just like our country, stands for nothing less than Americans. What about its religious representation? Does it represent the Protestant, Catholic, or Jewish faith, or no faith at all? Maybe it represents all religions. You know—it does.

The Statue of Liberty represents freedom, liberty, but most of all—Americans! Americans who fought at Lexington and Concord . . . Americans who fought at Shiloh and Gettysburg . . . At Guadalcanal, the Battle of the Bulge, and for Americans who are now fighting in obscure little rice paddies in Viet Nam.

Why do Americans sacrifice for others? For the same reasons Americans have tasted death for the past 200 years. That man might be free.

The businessman's answer was unique. Americans can enjoy private enterprise—not only that, but we take advantage of it! America has a higher standard of living than any other country—and I'll stake my life on it that tomorrow we will still have the highest standard; for I believe that Americans strive more for success than any other country in the world! And what is that great incentive that drives American enterprise? What is that supreme motivation that stirs Americans to take that extra step when everyone else is too exhausted or frustrated to do so? It's our love of freedom.

The minister also had a good idea. Americans have realized that in all their own glory and power, there stands only half a nation unless the Creator of freedom is laid as a foundation. This is one nation under God, but when it becomes one nation that thinks it is better than God or can do without God, it will collapse.

But I'm seeing Americans—many of them, take roots in the God of real freedom and many more are following the footsteps of these as God's army begins to grow in this nation. And if America stands, as I think it will, it will stand on the freedom of God's power—the key to liberty.

The hippie's reply seems to sum everything up; freedom isn't here unless you have love. Love and freedom walk hand in hand. If America expects to emerge from these times stronger than it has ever been, love must be the common denominator. Love of country, love for liberty, and love for God.

What is freedom to me? Freedom is that chill of excitement that runs up my spine when I find out my favorite football team has won a ballgame. It's that proud feeling I get when I receive an A on my report card in algebra. It's that big fat turkey staring me right in the face at Thanksgiving dinner as Dad carves a big piece just for me, and just when I'm about to selfishly dig in, Mom says, "Son, don't forget to say grace," and I quietly think of millions of people who live in wretched poverty, endless frustration, and constant insecurity because they don't have freedom as *their* heritage. Freedom is the Star Spangled Banner at the World Series or a Miss America Pageant, but most of all, freedom is people—Americans who died for me so I could enjoy those freedoms.

So what's our job? We don't have half the job that Americans had 200 years ago. In those days, men struggled to keep a small spark of freedom alive. Today we have a constant flame because of their valiant efforts. Our job is just to keep that flame from being snuffed out. It's just keeping that flame alive in the hearts of Americans.

SENATOR RICHARD BREVARD RUSSELL

Mrs. SMITH. Mr. President, a touching and significant tribute to the life and career of our late beloved colleague, the Honorable Richard Brevard Russell, is contained in an editorial published in the current issue of the Officer magazine.

The author is Col. John T. Carlton, the executive director of the Reserve Officers Association, who is known to many of us in this body and who was a lifelong neighbor and personal friend of Senator Russell.

I know that Members of Congress will be interested in adding to their memories of Senator Russell the thoughts contained in the editorial. They are richly merited by the great American who was the President pro tempore of the Senate, and whose work has been so important to the life of this country during the past 40 years.

I ask unanimous consent that the article be printed in the RECORD.

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

HE WAS THAT SORT OF PATRIOT

"If you can talk with crowds and keep your virtue,
Or walk with kings—nor lose the common touch . . ."

The kind and unkind things that have been said about Richard Brevard Russell in his lifetime, and upon his death, have not touched the outstanding characteristic of a national leader, who made history but who above all else, gave a lasting humaness to public service known only to those closest to him.

Dick Russell was never known to turn his back on an old friend. In his personal relationships, he was compassionate, understanding, and helpful; he was ruthless only in pursuing an ideal and in that context the word begs appropriateness.

It was a cruel fate which took from the United States its two great champions of preparedness, Mendel Rivers and Richard Russell, within a month of each other. They were a team which helped keep their nation great and strong, and they represented a team which may have saved America more than once.

A Rivers friend, remarking on the tribute paid Rivers by Russell from his hospital, and commenting upon the Senator's observation that not until the next generation would the nation feel the loss of Rivers, told us that the Congressman looked with affection and reverence to his older colleague.

"He worshipped Russell, and tried to follow everything he said," was the way he put it.

That euphemistic tribute, like all euphemisms, is hyperbole; it was Rivers' way with men, and it was the perception of Russell that enabled him to accept sincere flattery,

live with it, and turn it to agreement. Russell did as much to accept Rivers' views as Rivers did to accept Russel's convictions; but the two worked together in harmony and effectiveness.

It was our privilege to be one of the thousands who followed Russell, and among the few who worked with or for him from time to time, and who cherished a confidant's relationship with him. Russell almost made World War I, completing the student officer training courses at the University of Georgia, but seeing the Armistice come before he had more than preparatory duty. We once dug up the fact that he had been commissioned but he always asserted he never got beyond Seaman First Class. He was a progressive member of the Georgia House at 21, and then Speaker within a few years. In our latter college days, he ran successfully for Governor; one of our college mates was his principal assistant when he put through reforms, particularly in the University System, which were considered forward-looking and skillfully achieved, a system in effect in virtually all state systems throughout the nation today.

He won an uphill fight for the Senate, and as a young reporter, I was one of those who "covered" his career, some years later taking on this job in Washington.

Russell was a human person who derived pleasure from helping others, who had a prodigious memory, and drew satisfaction from the mammoth achievements which were his. Much has been written about the defense establishments he obtained for Georgia; the fact is that things just don't happen that way often in Washington, and it was the Southern climate, and the other attractions more than the importunities of Russell which sprinkled training group camps and depots throughout the state as well as other places in the South. When he worked for a client, he did so on issues in which he knew there was also right.

There were many areas where Senator Russell served the national good which were not publicized. While he was a master in his relations with the Press and understood the twist of a good publicity story, he also knew that many stories were fluff, and he disdained the mere goal of getting his name in the papers. He was masterful in dealing with his colleagues; skillful in parliamentary debate, and an authority on the Constitution because he was a student of history, and the texts which came out of the national experience. He often said he recognized the need for social reform, but he believed the benefits would be long range only if contained within the bounds of the Constitution; he was a purist where the principle of equal rights was related to national or personal issues, and he was dedicated to disdain of the appearance of any class system.

The characteristic which marked him for greatness more than any other, however, was his humility, and the warmness of his personality. He was devoted to his family and to his friends; he would have been a father whose children would have worshipped him: he missed marriage, however, and his affection and naturally deep warmth of his nature were lavished on his sisters and brothers and his nieces and nephews, and the children and grandchildren of his family friends, his associates, and all whose privilege it was to know him with any degree of intimacy.

Our relationship with him in ROA was neither parochial nor related to any interest. He dealt with us on any issue however small, and the decisions as to the weight of his influence always were sought and obtained only when he could be convinced of the right of an issue. He sought information from any source, and confided in those whose confidence could be trusted. We cherish and preserve the knowledge that in many areas we shared that confidence, and we would not violate it. If in ROA, we perpetuate the memory of Senator Russell in any sort of tribute because of what he did to advance our objective, we must keep in mind that he did so because he was convinced that it is a monument to the safety and security of the United States of America. Richard B. Russell was that sort of a Patriot.

HALL OF FAME PLAQUE PLANNED AS TRIBUTE TO SENATOR RUSSELL

ROA will include in the memorialization program in its National Headquarters building a perpetual tribute to the career of Senator Richard B. Russell for many years the nation's champion of preparedness, who died recently after serving 38 years in the U.S. Senate.

Senator Russell was one of the fourteen who had been given ROA's annual Minute Man award as "The citizen who has contributed most to National Security."

The award was made at the annual Mid-Winter banquet in 1958 when in response he made a ringing speech in exalting the citizen-reservist tradition.

An appropriate plaque dedicated to Senator Russell will be included in the Congressional Hall of Honor, the Fifth Floor of the Minute Man Memorial Building.

A similar tribute also will be placed there honoring the memory of the late Congressman L. Mendel Rivers, Chairman of the House Armed Services Committee, who was the ROA Minute Man of the Year in 1965.

PROJECT NAVAJO

Mr. MOSS. Mr. President, one of the most active Air Force Association groups in the entire country is located in the State of Utah. This group sponsors a wide variety of civic activities which benefit not only its members but the entire State.

An example of this is the Project Navajo sponsored by the Utah Air Force Association for Christmas 1970. This project gathered more than 100,000 pounds of food and clothing for distribution to needy Indians. This is an annual event for the Utah AFA.

I was pleased to note that the March issue of Air Force magazine contains an article naming all of the various other groups in Utah who participated with the AFA in its project. 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:

UTAH AFA'S PROJECT NAVAJO

HILL AIR FORCE BASE, UTAH.—A fifty-six-ton Christmas present, delivered by flying aluminum "reindeer" and diesel-powered red "sleighs," brought the spirit of Christmas in 1970 to Navajos on their 25,000-square-mile reservation, in the Four Corners area of Utah, Colorado, Arizona, and New Mexico.

"Project Navajo"—sponsored by the Utah Air Force Association—gathered more than 100,000 pounds of food and clothing for distribution to the needy Indians during the annual drive.

Two semitruck-trailers, donated by Whitfield Transportation, Inc., of El Paso, Tex., hauled 80,000 pounds of Christmas cargo to the northern half of the vast Navajo reservation.

The four-day journey to the northern half of the reservation began on December 17, 1970, when the two trucks left Salt Lake City loaded with goods collected in northern Utah.

Santa Claus rode aboard one of the trucks, to greet Navajo youngsters who awaited his arrival at four delivery points.

Stops were made at Aneth Junction and the Church of Jesus Christ of Latter-Day Saints Indian Branch, both in Utah; Seventh-day Adventist Hospital in Monument Valley and the United Presbyterian facilities at Kayenta, both in Arizona.

All the material was distributed in time for Christmas.

An additional 32,000 pounds of food and clothing had been delivered to the southern half of the reservation the previous weekend. These goods were airlifted to Kirtland AFB, Albuquerque, N.M., aboard two C–124 Globemasters from the 945th Military Airlift Group (Reserve) at Hill AFB. From Albuquerque, the items were trucked by Whitfield to St. Michael's Mission, about 135 miles northwest.

The two semitrailers pulled into the mission courtyard just at sunset. Many Indians had been waiting since early morning.

Dark eyes watched as Santa climbed from the red truck, but no one stirred. Navajo children are taught they should not trust anyone with a beard, it was explained. But a few well-chosen words in Navajo from Santa and an offer of candy soon overcome their shyness, and the children swarmed around the jovial visitor.

A sister carried one child across the courtyard to meet St. Nick. The boy, Leonard Devore, a student at the school for handicapped at the mission, has cerebral palsy. His thin legs hung limply in his braces and he was shivering. Sister Mary Jane spoke for him: "He hopes that you brought him a coat. He's never had one of his own."

One Navajo woman who had waited since 8:00 a.m. told AFA members that she was hoping for food and clothing to feed her eleven children.

Answer to the wishes of the crippled youth and the mother and her hungry brood were there, among the scores of boxes of food and clothing that were unloaded and stored at the mission under the watchful eye of Utah AFA President Harry Cleveland. It was the third straight year for the Utah AFA's "Project Navajo."

The drive began slowly in early November and built up to a crescendo after Thanksgiving. School children in Weber, Salt Lake, and Davis Counties in Utah joined the Project Navajo crusade, along with housewives, local businessmen, AFA chapters, and Hill AFB personnel. Employees of the Boeing Co., Thiokol Chemical Corp., US Internal Revenue Service, Defense Depot Ogden, and others also joined in.

The first sizable contribution for the drive came from the Ogden Rescue Mission, when the Rev. Forrest L. Stinson, Superintendent, donated 4,000 pounds of used clothing. The emphasis of Project Navajo was on food. A letter to elementary and junior high school principals invited their schools to participate.

Youngsters went home and asked their mothers if they could bring a can or two of food to school during the balance of the drive. Thus, Project Navajo was extended to the school level.

Frank Coppin, President of the Utah AFA's Golden Spike Chapter, organized a drive in Brigham City, about twenty miles north of Ogden. On one Saturday morning, he gathered 5,000 pounds of material, using Boy Scouts as door-to-door collectors. A Brigham City flour mill donated two tons of flour, which was matched by Mr. Coppin from Chapter funds.

Donated items were brought to Hill AFB for sorting, packing, and storage pending shipment.

To get the items to Hill AFB required an armada of trucks. Supplementing Air Force vehicles were the Barton and Ringsby truck

lines and the Salt Lake Transfer Co., all based in Salt Lake City.

The carriers, arranged for by the Utah Chapter of the National Defense Transportation Association, picked up twice a week at collection points in four northern Utah counties.

AFA members and personnel of the nearby Clearfield Job Corps Center packed the goods, working on their own time.

Originally scheduled to use one aircraft, the project went so well that an additional C–124 was required to haul the goods to Arizona.

The first C–124 was decorated with Christmas scenes painted on both sides of the nose section. The murals depicted Christmas as the Navajos see it, with Indian braves in colorful costumes astride their mustangs, looking over a picturesque desert scene lighted by the Star of Bethlehem. The paintings were the handiwork of four Navajos from the Intermountain School in Brigham City—Randlet Kedah, Austin Desidero, Gilbert Reuben, and Harry Clay.

Summing up this year's project, Mr. Cleveland called it the most successful project that the Utah AFA has ever undertaken.

"At every distribution point, we felt the spirit of Christmas," Mr. Cleveland said. "The gifts were well received. It was success well beyond all expectations."

THE ANTI-SST LOBBY

Mr. GOLDWATER. Mr. President, now that the truth is at long last being told about the SST, we are beginning to hear arguments that the supporters of this step toward progress in American aviation is being backed by a powerful, well-financed, lobby effort. Suggestions are made, such as the one aired on the floor of the Senate yesterday by the Senator from Wisconsin (Mr. PROXMIRE), that the American taxpayers are being forced to pay for such a lobby.

I should like to remind the Senator from Wisconsin and all other Senators who are opposed to keeping the United States in the forefront of aviation production that the supporters and contractors for the SST were perfectly willing to let this case rest on its merits in the committees and Chambers of Congress for more than 10 years. The need for a program of public education on this issue which is so important and vital to the economy of the country did not arise until its critics mounted a blitz based on scare stories and the Big Lie.

Mr. President, I think we can all remember what happened last year. Almost overnight the opponents of the SST prototype program managed to mount a propaganda blitz of almost unprecedented proportions aimed at making defeat of the SST program in the Senate a "cause celebre" in the fight against environmental pollution. The Members of the Senate and the public generally were fed the most ridiculous kinds of propaganda. They were told, for example, that development of the SST would lead to an increase in the number of skin cancer cases throughout the world. They were told that a vote in the Senate for the SST was virtually a vote for atmospheric changes so enormous that they might melt the polar ice cap. They were fed equally ridiculous stories about a nation that would literally rock and roll to the sound of supersonic booms.

Mr. President, this does not begin to cover the misrepresentations and the scare stories which were advanced by the "anti-SST lobby" to defeat a program that George Meany says will mean an increase of 200,000 jobs in the United States.

In other words, Mr. President, if the critics of the SST are unhappy about the efforts of the Nixon administration and the workers and industries directly involved with the SST to present the actual facts, then they are unhappy with the truth; and I find myself unable to shed a single tear for their grief.

JOHN MUIR, NATURALIST

Mr. NELSON. Mr. President, every so often we hear the remark that concern for the condition of our physical environment is only a recent social phenomena. Some even have suggested that the rage of the so-called ecology movement is certain to simmer into oblivion like so many issues before it.

Undoubtedly, the deteriorated condition of our environment finally is receiving the widespread attention it deserves. And I think that events would justify my optimism that the attention accorded this critically important issue will become even more widespread.

However, the concern over environmental degradation is not a recent phenomena. The movement has a rich history and it has its latter-day philosophers.

John Muir was a giant among the philosophers. In his writings he shares his communion with nature, his deep appreciation of the delicateness of nature's life systems and man's place in the scheme of those systems. But he did more than philosophize. He was the first president of the Sierra Club, serving as the organization's leader until his death in 1914. He is the father of America's national parks and forest preserves.

Of Scottish ancestry, John Muir emigrated to America with his parents and lived his boyhood near Kingston, Wis., first on a farm near Fountain Lake and then on Hickory Hill Farm. As one writer remarked, Muir's boyhood in that beautiful Wisconsin wilderness was filled with nature education. It was that education with nature, and his later studies at the University of Wisconsin, that styled his life as a naturalist and defender of the wilderness against man's exploits.

In Wisconsin he is commemorated by Muir Lake, Muir Knoll, John Muir Park and the John Muir Chapter of the Sierra Club, among others. Throughout the country he is commemorated with numerous memorials, most of which are in the State of California in recognition of his services to mankind in that part of the country. During World War I, a liberty ship was christened the SS *John Muir*.

John Muir recently was memorialized in an excellent article written by Colman McCarthy for the Washington Post and its series on "Thinkers and Their Thoughts."

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:

[From the Washington Post, Feb. 13, 1971]

THE ODD PROFESSION OF JOHN MUIR: LIVING

(By Colman McCarthy)

In March 1868, a young man with a strong survival instinct left the crowded East and arrived in the open city of San Francisco. One of the many newcomers who was lighting out for the territories, he could put up with San Francisco for only a day; even then, urbanity crushed in. He asked a native for the quickest route out of the din. "Where do you want to go," inquired the townsman, to which the wanderer replied, "to any place that is wild." The directions must have been adequate; until his death in 1914, John Muir endlessly roamed the valleys, foothills, mountains and icelands of the West, a vacuum spirit that sucked in the nourishing loose ends of nature and fed on them as if no other riches existed.

Many consider John Muir to be America's most profound and most easily read naturalist. Although popular tastes often give that honor to Thoreau, next to Muir the nonconformist of Concord seems like a mere vacationer to wildness. The Sierra of California, the Yosemite and the coast of Alaska were to Muir as Walden was to Thoreau, not visited for a season but embraced for nearly the whole cycle of adulthood. As with many men of action, Muir had little time for book writing, his first one being published at age 56. Yet he rarely let a day pass that some word or thought was not jotted on an odd piece of pocket-crammed paper, stowaway thoughts traveling secretly between his soul and heart. They eventually filled 60 volumes, much of it in the fluent style of the Transcendentalism then popular and all of it in the wisdom of a man who couldn't be bribed by civilization. Muir, in a third-person passage, and his writings gathered themselves as a result of "scribbling by flickering campfires when his body was numb with fatigue; or in the dark lee of some boulder or tree while the storm raged without; or tramping over a vast glacier, his fingers stiff with cold and his eyes blinded by the snow glare."

When he left the lowlands of San Francisco that day, Muir headed for the mountain pastures of the Sierra. Early the next spring, he jotted—almost pantingly—in his diary: "The night wind is telling the wonders of the upper mountains, their snow fountains and gardens, forests and groves; even their topography is in its tones . . . Would I could understand them! The stream flowing past the camp through ferns and lilies and alders makes sweet music to the ear, but the pines marshalled around the edge of the sky makes a sweeter music to the eye. Divine beauty all. Here I could stay tethered forever with just bread and water, nor would I be lonely; loved friends and neighbors, as love for everything increased, would seem all the nearer however many the miles and mountains between us."

How does a man get to talk like that, without being put away? In Muir's case, the conversion to naturalism and conservation bucked many odds, most of them imposed by his Scotch Calvinist father. At the Wisconsin family farm, Hickory Hill, Daniel Muir couldn't believe a son of his could relish the woodland or delight in animals. The father, a doleful tartar who needed to prove his virility, believed in fighting the harshness of Nature, not seeking out its softer serenity. One approached the forests and beasts with ax and gun, and the good Bible-carrier who used them best prospered most.

This is still largely the ethic of America in its conversation with the wild, filled with big talk of success and loud shouts that more-is-better. The whole environmental struggle today is basically that: exhaling from our

national lungs the foul air of progress-at-any-cost that we now breathe unthinkingly.

Many believe that ecology is a new term. Actually, battles to save the land raged 100 years ago and, unsurprisingly, John Muir, led them. Setting aside Yosemite as a national park captured his interest early. The merchants and speculators asked about Yosemite, "What are a few acres of trees and some herds of elk compared to the development of mining and lumber that will yield millions of dollars?" The axle of this logic has turned a thousand times since, whether the wheels of "progress" carry us to Adirondack timberlands or the oilfields of the north slope. No one says that "millions can be made"; that is too blunt. We now exploit Nature because of "national security," or "balance of payments." And besides, a government report says it's safe.

Thanks to his articles in the old Century magazine, Yosemite became a national park in 1890. The victory put Muir even more on the watch for industry cormorants busy against innocence. He had no doubts whose side he would choose in a conflict between nature and man: "Let a Christian hunter go to the Lord's woods and kill His well-kept beasts, or wild Indians, and it is well; but let an enterprising specimen of these proper, predestined victims go to houses and fields and kill the most worthless person of the vertical godlike killers—oh, that is horribly unorthodox, and on the part of the Indians atrocious murder. Well, I have precious little sympathey for the selfish propriety of civilized man, and if a war of races should occur between the wild beasts and Lord Man I would be tempted to sympathize with the bears."

Hard talk? Muir went further. "The world, we are told, was made especially for man—a presumption not supported by all the facts. A numerous class of men are painfully astonished whenever they find anything living or dead . . . which they cannot eat or render in some way what they call useful to themselves."

Libraries are beginning to carry some of the vast Muir literature in all its richness. Houghton Mifflin has published his works in the Sierra edition, from "A Thousand Mile Walk to the Gulf," to "John of the Mountains." The essence of Muir's life can be had in the anthology selected by naturalist Edwin Way Teale; the Twayne series published an excellent critical guide to Muir's thought in a volume by Herbert F. Smith. "Not Man Apart" is the invaluable John Muir monthly newspaper sent to members of the Friends of the Earth. An application of his philosophy to the wilderness issues of today, the newspaper is available to non-members also.

Muir liked to say, echoing Thoreau, that his "profession was living." This put him in genuine communion with nature, that term being only a grand synonym for life itself. Long before Teilhard hinted that rocks and plants are not mere slugs of deadness, Muir understood that they also had claims to livingness. "Plants," he wrote, "are credited with but dim and uncertain sensation, and minerals with positively none at all. But why may not even a mineral arrangement of matter be endowed with sensation of a kind that we in our blind exclusive perfection can have no manner of communication with?"

It is foolish to go to Muir in hopes of "feeling good" about nature. Visit the garden club greenhouse for that. Muir is saying, come be a part of wilderness, if even for an afternoon or weekend. In Cuba once, he wrote about the growth of the agave plant: "It is said to make a mighty effort to flower and mature its seeds and then to die of exhaustion. Now there is not, so far as I have seen, a mighty effort or the need of one, in wild nature. She accomplishes her ends without unquiet effort." That is what Muir wants men to be a part of. It won't hurt, and most likely nature won't mind. It is tolerant of earthquakes, blizzards, storms and all manner of destruction. So it can tolerate human beings, too. Up to a point and provided we come with neither ax nor gun.

REORGANIZATION OF EXECUTIVE BRANCH

Mr. SAXBE. Mr. President, our continuing problems with the national economy have pointed out the need for prompt action on President Nixon's plan for reorganizing the executive branch.

Today, there is no Government office directly accountable to Congress for the state of the economy. There should be such an office—one responsible for stimulating balanced and sustained economic growth.

While some regions of this country prosper, others suffer the loss of industry or agricultural poverty. The mission of the Federal Government must be to inject vitality into the national bloodstream in regions which lack the components for a healthy pulse.

In President Nixon's plan the economic functions of the present Departments of Labor, Commerce, and Agriculture would be combined in a Department of Economic Development. This should centralize the economic planning functions of the entire country. And it could assist in resolving differences between labor and management, while also representing the consumer.

In the past, labor-management disputes which should have been resolved at low Government levels have escalated into departmental squabbles. This wastes time and money. With the economic functions of Government reorganized under one roof, only one department would be responsible for employment. More time could be spent on solutions, less on perpetuating the problems.

Jobs are the key to the economic well-being of this country. For productivity to increase and for the national standard of living to improve, the Nation must keep its work force employed.

This means planning—for tomorrow, the decade, and the year 2000. Economic vision beyond that of a 4- or 8-year administration is essential. A new Department of Economic Development would assume the planning responsibility for continuous economic growth and progress.

By 1980, the labor force will have increased more than 20 percent beyond 1968 levels. That is just a statistic. What it means is more people will need jobs, money to buy food, shelter, clothing, and opportunities for education. To supply these needs, Government must exert a concentrated economic planning effort.

Because economic policies touch the pocketbook and savings of every American, I urge that we earnestly support the President's plan and place long-term economic planning in a single department, at Cabinet level, accountable to Congress.

THE TRAGEDY OF THE PEOPLE OF VIETNAM

Mr. FULBRIGHT. Mr. President, I recently received a remarkable letter from Mrs. Donald H. Dietrich, of Olympia Fields, Ill., which I believe is of interest to the Members of the Senate and to my constituents.

Mrs. Dietrich is an anthropologist with a rare capacity for observation and for understanding what she observes.

Her sensitiveness to the inhumane aspects of the tragedy of the people of Vietnam is unusual in these days of body counts and unrestricted destruction of innocent people in a distant land. She has portrayed the age-old drama of man's inhumanity to man more poignantly than anyone I have heard from. I commend it to my colleagues. I ask unanimous consent that it be printed in the RECORD.

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

OLYMPIA FIELDS, ILL.,
February 18, 1971.

Senator WILLIAM FULBRIGHT,
The Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Last night I was watching the Dick Cavett Show and Maury Amsterdam. He proceeded to tell the audience why he supported the President's Viet-Nam policy. And when the audience booed, he said, "I have been to Viet Nam. I have spoken to the Queen of Thailand, the Prime Minister of Australia, to the G.Is. We have to win this war. Have any of you ever been to Viet Nam?" Again the audience booed. And again he repeated: "I have spoken to the Heads of Governments there. I know. Has anyone here ever been to Viet Nam?"

Emotionally I was in that audience, and I *have* been to Viet Nam. This past summer, while in the Far East, I went to see.

What could I have seen in five days? What does an artist see that a layman does not, when he views a painting? What would I, an anthropologist trained to observe, see that our visiting politicians, our military, our entertainers did not see?

The people. The Vietnamese people. I met no generals, I met no G.Is. I met no officials. Just the Vietnamese. Isn't it paradoxical that in our democracy we only equate intelligence with either wealth, position or education, and never with poverty and just ability to survive? It never occurs to us that it takes intelligence to survive under incredible hardships, circumstances that would defeat the wealthy, the educated, the positioned.

For five days I lived with the people. I cannot tell you what the Queen of Thailand thinks, but I know what the monk, the student, the little boy felt as we stood close together leaning on the sill, looking out the glassless window frame. Standing in that rickety bug infested, rat infested hut perched on rotting stilts on the sewer browned water.

It was dusk and the out-line of the houses black against the still, blueblack star-silvered sky. "Vietnam is so beautiful at this time of day. When you go to Quang Ngai you must go to the top of Buddha Mountain. From there you will see how beautiful our country is and why I miss my family and my home. From there you will see the ruins of Son My and the roofs of the refugee shacks. How much I miss my home! How much I love my country!" said the student.

I thought, "This is what keeps a people going. The thoughts of happiness once known, the loveliness of such moments at sun-down, the love we store within us of families and friends, nourishing us in times like this."

"Yes, I will go to Buddha Mountain and I have heard of Son My. It was like My Lai, was it not?"

"There are many My Lais in my country. Vietnam is My Lai. And no one cares," added the student.

"Why is it so quiet?" I ask. "Is the Vietnamization program succeeding? Is the Viet Cong weaker?"

"The cities are 40% Viet Cong. The ARVN opened the roads to the countryside. But the roads are only safe during the day. At night the countryside belongs to the Viet Cong. During the day an ARVN soldier might stop you for your identification papers and regardless, should he decide that today you go into the Army, you go. At night the Viet Cong may come into your home. Perhaps they tax you or perhaps they decide you should go with them and they take you. Does this mean things have changed?"

"Why should the Viet Cong fight now? Eventually the Americans will leave. Why should the Viet Cong risk their lives for no reason now?", he continued.

"What will happen after the Americans are gone?" I asked.

"What will have to happen eventually. America has only delayed what has to be. We will have to settle our own differences. Not only the differences between the Saigon government and the Viet Cong but the differences between the Viet Cong and the Vietminh, and only the Vietnamese can do that."

"You Americans say that you must bomb while you are withdrawing to protect the remaining G.I.s How foolish! Why would the Viet Cong attack American soldiers if they know they are leaving their country? All they have to do is just do nothing until you leave."

Another Vietnamese said to me, and here is the dilemma, "I like democracy. I like what it means. But the men in power make promises they never keep and our government is not a democracy. We do not like these men. I do not like communism. But I like the men who are Viet Cong. When they promise us something they always keep their promises."

While visiting a civilian rehabilitation center a physical therapist said to me, "See that little boy with both legs gone? He was brought here by two G.I.'s."

"How did he lose his legs?" my friend asked the soldiers.

"We found him. His parents had been killed and so we took him into our platoon and told him he could be one of us. We even gave him a gun, clothed and fed him and taught him some English. We took him on patrol with us and sent him ahead, he stepped on a mine."

"You used him as a human mine-sweeper!"

"Hell. That's nothing. They all do. Why some G.I.'s use 8 and 9 year olds. Why this one is 12 years old."

"They left him some money and never came to see him again. And he thinks they are Gods!" said my friend.

Who is to blame? These American soldiers? Who *are* the guilty?

Before I came to Viet Nam I had read all about the black market. "How corrupt! How disgusting!" I had thought. As you know the official exchange is 118 piastres to the dollar. The black market value was 360. But in Singapore I was given one Singapore dollar for 100, or about 600 to the dollar. And that is the true value. Just buy some food at a market stall and find out what prices are for the people. We force people into being corrupt to survive and then we condemn them for being corrupt!

Senator, I wish you could meet the people, not the generals, the queens, the prime ministers, but the Vietnamese. They are a people who value devotion to one's family above all else, who revere scholarship, who are one with their land.

The only winning in this war is what we learn from our defeat.

Thank you for all that you have tried to do to bring peace.

Very truly yours,

SUSAN DIETRICH.

SOVIET SCIENTISTS AND POW'S

Mr. GRIFFIN. Mr. President, I have written a letter to Dr. Pyotr L. Kapitsa and 13 of his colleagues at the Soviet Academy of Sciences urging them to intervene with Communist authorities on behalf of American prisoners of war held in Southeast Asia.

It will be recalled that Dr. Kapitsa and his colleagues recently appealed to President Nixon to safeguard the life and rights of Angela Davis, who faces trial in California on felony charges. In their appeal they urged President Nixon "to prevent human rights from being trampled underfoot."

It will also be recalled that the Nixon administration responded promptly with an invitation to the Soviet scientists to come to the United States and to observe the trial of Miss Davis.

In the same spirit I have suggested that these same Soviet scientists join with concerned people throughout the world who seek improvement in the lot of prisoners of war whose human rights are being trampled underfoot.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

MARCH 2, 1971.

Dr. PYOTR L. KAPITSA,
Academy of Sciences,
Moscow, U.S.S.R.

DR. KAPITSA: This letter refers to an appeal to President Nixon which was made recently by you and thirteen of your colleagues at the Academy of Sciences of the USSR in connection with an American citizen, Miss Angela Davis.

Your appeal expressed deep concern about Miss Davis, who faces trial in the State of California on felony charges.

Your concern over the fate of a fellow human being is understandable.

It is my hope that you and your associates will accept the invitation extended on behalf of President Nixon, which made it clear that the United States Government stands ready to aid in gaining your entry into the U.S. for the purpose of observing the legal proceedings in the case of Miss Davis.

You would agree, I am sure, that your appeal "to prevent human rights from being trampled underfoot," was given prompt and sympathetic consideration.

As a fellow citizen of this Earth who is also concerned about human rights, I now appeal to you in the same spirit to join concerned people throughout the world who seek improvement in the lot of other human beings whose human rights are "being trampled underfoot."

I refer to American servicemen and others who are held prisoners of war in Southeast Asia by the Democratic Republic of Vietnam (DRV), the National Liberation Front (NLF), and the Pathet Lao. The captors are flagrantly violating both the letter and the spirit of the Geneva Convention on Prisoners of War.

I cite some of the Convention's requirements:

1. Immediate release of the sick and wounded. Only nine Americans have been released since the first was captured in August 1964. These men have reported that many seriously sick and wounded are among the prisoners.

2. Impartial inspection of prisoner-of-war facilities and treatment by international humanitarian organizations. Although the Republic of Vietnam cooperates fully with the International Red Cross, the DRV, NLF and Pathet Lao have refused to allow access to this or any other responsible international organization.

3. Release of information providing names and physical condition of all prisoners held. No satisfactory list has been provided.

4. Adequate medical treatment for all prisoners.

5. Regular flow of mail, food and comfort items between prisoners and their families and humanitarian organizations.

Now that you have received sympathetic consideration of your appeal relating to Angela Davis, I urge you and your associates to direct your humanitarian concern toward the leaders of the DRV, NLF and Pathet Lao on behalf of those held prisoners of war, some of whom have been held for more than six years.

I call upon you to insist that Communist authorities abide by the provisions of the Geneva Convention, which apply to both declared and undeclared wars, and to agree to the release by both sides of all prisoners.

As President Nixon observed when he proposed the immediate and unconditional release of all prisoners held by both sides: "War and imprisonment should be over for all these prisoners. They and their families have already suffered too much."

One additional request:

Last November I met in Paris with Mai Van Bo, the DRV's Delegate General. During the course of our visit, I asked permission to inspect personally the prisoner-of-war camps where American servicemen are being held. I offered to go blindfold and to accept other conditions to avoid compromising military security. Additionally, I suggested that a member of the other major political party in the United States might accompany me. I told Mr. Bo we would be believed if we could report to the American people on conditions in the camps.

He said he would pass the information to his superiors in Hanoi, but to this date I have had no response.

I ask you to appeal to leaders of the DRV to permit such a visit.

With every good wish for you and your associates, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

WILD MUSTANGS

Mr. NELSON. Mr. President, on February 18, I introduced a bill to protect free-roaming horses and burros as a national heritage species. Briefly, the measure would bring these unique animals under the exclusive jurisdiction of the Secretary of the Interior who would be directed to set up protected areas for them on Federal lands. No one would be allowed to dispose of a wild mustang for any reason without the authorization of the Secretary.

The plight of wild horses and burros in this country is well documented. In the 1870's, 3.5 million of these creatures roamed the American West. Today, their numbers have diminished to an estimated 17,000, because these animals have been subjected to decades of the most cruel and inhumane treatment and the most ruthless commercial exploitation.

Since the early part of this century, the wild horses have been caught between the sheepmen and the cattlemen who persistently tried to drive them off the range to provide more room for domestic grazing stock, and professional

hunters who slaughtered the animals and shipped them off for commercial use.

The hunters—called mustangers—were supported by the pet industry, who, anxious to take advantage of the ready market for horse meat introduced new, mechanized methods to increase the slaughter.

Now the wild horses and burros are threatened with extinction, another vital part of our national wildlife about to be erased in the name of profit and progress.

The intent of the bill is to preserve the remaining wild horses and burros by designating them as a national heritage species and assuring that specific areas will be provided for them to roam. Under the measure, the Secretary of the Interior is directed to cooperate with the Secretary of Agriculture and State and local authorities in moving these creatures onto protected grazing areas and to set up a seven-member board to advise him on care and protection of the animals.

Importantly, the bill provides that if an animal strays onto privately owned land, the owner may not dispose of or harass the animal in any way. He must either allow the animal to roam free or inform the nearest Federal official who shall have agents of the Secretary remove the animal.

A major reason Federal legislation is needed is because the States have clearly failed in their obligation to protect these animals, under pressure from cattlemen and other groups who seek outright elimination of these creatures on the grounds that they are an outright menace to their grazing rights on Federal lands, the States have either failed to pass or have been lax in enforcement of legislation to protect wild horses and burros.

Today, through the efforts of people such as Velma Johnston, president of the International Society for the Protection of Mustangs and Burros, and Hope Ryden, author of "Last of the Wild Horses," public support is being rallied to the defense of these mistreated creatures.

I hope that this Congress, which may prove to be the last refuge of the wild horses, will respond by passing tough legislation. I ask unanimous consent that the bill, S. 862, which was referred to the Committee on Interior and Insular Affairs, be printed in the RECORD.

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

S. 862

Be it enacted, etc. That it is the sense of the Congress that free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and it is the policy of the Congress that bands of free-roaming horses and burros shall be protected as a national heritage.

SEC. 2. As used in this Act—

(1) the term "Secretary" means the Secretary of the Interior.

(2) the term "free-roaming horses or burros" means all unbranded horses or burros on public lands except those to which private owners can establish their title to the satisfaction of the Secretary.

SEC. 3. All free-roaming horses and burros are hereby declared to be under the exclusive jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to establish and maintain ranges for the protection and preservation of such bands of free-roaming horses and burros which he deems susceptible and worthy of protection as a national heritage. The Secretary shall manage such ranges and such bands to achieve and maintain a thriving ecological balance among all fauna and flora on the range, and an environment within which such horses and burros may freely roam.

SEC. 4. (a) The Secretary is authorized to enter into cooperative agreements with private landowners and with State and local government agencies, and may issue such regulations as he deems necessary, to accomplish the purposes of the Act.

(b) In carrying out his responsibilities under this Act, the Secretary shall consult with, and seek the assistance of, the Secretary of Agriculture concerning any free-roaming horses or burros that may be found on public lands administered by the Secretary of Agriculture.

SEC. 5. (a) The Secretary is authorized and directed to appoint an advisory board of not more than seven members to advise him on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal Government and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resource management.

(b) Members of the advisory board shall serve at the pleasure of the Secretary. They shall each receive $75 per diem when engaged in the actual performance of duties vested in the board. In addition, they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 6. If free-roaming horses or burros wander onto privately owned land, the owners of such land may inform the nearest Federal official, who, in turn, shall arrange with the agents of the Secretary to have the animals removed. In no event shall such private landowner be permitted to dispose of, or harass, such free-roaming horses or burros.

SEC. 7. Any person who violates the regulations issued by the Secretary under this Act or who processes or permits to be processed, into commercial products, in whole or in part, any free-roaming horse or burro, whether lawfully acquired or not, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

SEC. 8. Any person who allows a domestic horse to run with, or any person who takes possession of, or molests, free-roaming horses or burros declared by the Secretary to be under his jurisdiction pursuant to section 3 of this Act, shall be fined not more than $1,000 or imprisoned for not more than one year or both.

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

THE VIETNAM WAR IS ENDING

Mr. BROCK. Mr. President, our entire Nation is beginning to breath a collective sigh of relief, for we can now see that the Vietnam war is ending.

I rise today to commend President Nixon for maintaining a policy aimed at the Vietnamization of the war—bringing our boys home—achieving an orderly end to the conflict—and securing a lasting peace.

Despite the badgering of critics, who choose to ignore progress to date, while second guessing every tactical maneuver, the President is moving this Nation into an era of peace.

Because he has followed a sensible course of action, the President was recently able to report, not only that war is ending, but that we have real hope for peace around the world.

Now is the time to rally behind a President who has kept his commitment to the American people in leading us out of war. Now is the time to end the second guessing and give him our undivided support so that he may complete this task as quickly as possible.

As the conflict ends, we must not allow this Nation to be lulled into accepting a position of total isolationism. We must not forsake our alliances—forget our commitments—ignore our defenses.

Instead, we must maintain our position of strength. In this way we can focus our attention on solving some of the critical problems afflicting America at home.

JUSTICE FOR CHILDREN

Mr. MONDALE. Mr. President, I think that one of the strangest and most tragic of our many national anomalies is the reverence we pay toward youth contrasted with the terrible indiffierence we reflect in our support of programs and policies designed to bring truly free and full opportunity to every child.

I invite the attention of Senators to a remarkably vivid and succinct statement of this matter which was published as an editorial in Minnesota's North Branch Review.

I ask unanimous consent that the editorial, entitled "Justice for Children," be printed in the RECORD.

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

JUSTICE FOR CHILDREN

Elsewhere in this edition of the Review, Senator Mondale is quoted as saying we in this country must provide "justice for children." Let us add our voice to this cause. In a land which rather guiltily thinks of itself as youth-oriented, we often brutally trample upon the rights of our children.

Ours is the only major western nation which will allow a child to be born in ill health or physically handicapped and remain that way simply because its parents are not of an economic class to pay what often are massive medical bills.

Few western nations allow its children to go through years of starvation and malnutrition with the cruel justification that parents "shouldn't have children if they can't take care of them."

Poorly housed, inadequately nourished, and in poor health, large numbers of our children have no chance to live a rewarding life. It is not difficult to see the effect these pressures have as young people develop mental and emotional problems, turn to drugs and crime, and never develop into productive members of society.

We are not a youth-oriented society. Rather we are a society of adults who wish to be young. But why, in the face of our callous attitude towards children, would we ever wish to be young again?

LAST CHANCE FOR YELLOWSTONE?

Mr. HANSEN. Mr. President, the March 1971 edition of Reader's Digest contains an article by Paul Friggens concerning the impact in Yellowstone National Park of ever-increasing visitor numbers.

Mr. Friggens notes that—

Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity.

The very problems Mr. Friggens discusses in his article prompted me last year to inquire of the National Park Service what might be done to ease vehicle congestion at Yellowstone. We may reach the point very soon where private cars will have to be banned from the park, and people will have to walk, bicycle, or utilize special transportation within the confines of Yellowstone.

But the automobile congestion at the park is just one aspect of the problem of overcrowding, for, as Mr. Friggens notes, huge visitor numbers are taxing the water and sewer facilities and the overnight sleeping accommodations. With people come increasing amounts of litter. Damage to some of the park's natural wonders has occurred, and a serious crime problem is developing.

Serious consideration will have to be given to means of reducing wear and tear on the park. At the same time, we cannot turn people away from parks and recreation areas that belong to us all.

One approach would be to encourage use of more recreation areas. In Wyoming, the Flaming Gorge and Big Horn Canyon National Recreation Areas offer breathtaking beauty and could become popular places to visit.

One thing is certain—as we prepare to observe the 100th anniversary in 1972 of the establishment of Yellowstone, which was the world's first national park, we must think about the next 100 years, and what we can do to insure that this most magnificant of areas is preserved.

Mr. President, I ask unanimous consent that Mr. Friggens' article entitled "Last Chance for Yellowstone," be printed in the RECORD.

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

LAST CHANCE FOR YELLOWSTONE?

(By Paul Friggens)

A century ago, an Easterner rose to register a protest before the U.S. Congress: "Why create a national park in the wilds of Wyoming? No one will ever be able to get there!"

In fact, the Wyoming-Montana area was still Indian country, and the Custer massacre was four years in the future. Yet, incredibly, at a time when few in our country were concerned with the quality of the environment, Congress, on March 1, 1872, set aside Yellowstone "as a public park or pleasuring-ground for the benefit and enjoyment of the people." This greatest concentration of natural wonders on earth thus became the world's first "national" park.

Today, in its 100th year, Yellowstone is in danger again. Jammed with nearly 2.5 million sightseers a year, the great park—about as big as Delaware and Rhode Island combined—has just about reached its carrying capacity. "The day may soon come," says Superintendent Jack Anderson, "when you'll go to Yellowstone the way you go to a football game—buying your ticket or reservations in advance." Or the public may be restricted to *daytime* sight-seeing, with most overnight accommodations outside the park altogether.

Already, traffic around Old Faithful Geyser is as congested as in any downtown in America. Human erosion has resulted in irreparable damage to many geologic features, such as famed Morning Glory Pool, where souvenir hunters have destroyed the delicately scalloped, gold-and-green algae border. Littering tourists toss coins, sticks, handkerchiefs and bottles into the hot springs and geysers, plugging up nature's intricate thermal plumbing. On peak summer days, visitors leave behind some 60 tons of solid waste and garbage, overtaxing both water and sewer facilities. Leaching into Yellowstone Lake after sewage treatment, nitrate and phosphate residues are beginning to overfertilize the aquatic plants at the expense of oxygen for the fish.

Thus, Yellowstone has come to a crossroads. "Either we place some limits on the use of the park," warns chief naturalist William Dunmire, "or we imperil its geologic wonders and its animal and plant life."

The first white man to see Yellowstone was John Colter, a daring young frontiersman and trapper who in the early winter of 1807–08 journeyed into the land of high-spouting geysers and steaming springs. Later, back in civilization, Colter's tales of Yellowstone's wonders caused folks to say he was touched in the head. But then other trappers, gold seekers and frontiersmen penetrated the region, and their tales were even taller. Finally, in the 1860s, the first organized parties undertook to verify the word-of-mouth wonders.

One of these, the Folsom-Cook-Peterson party, departed by pack-train for Yellowstone on September 6, 1869. Despite the hardship of travel through a tangle of forest and fallen timber, across wild rivers and uncharted canyons, the three-man party made the first successful exploration of the area. Imagine the excitement of one man, Charles W. Cook, on accidentally discovering the rainbow-hued Grand Canyon of the Yellowstone, smaller than the Colorado's Grand Canyon, but still a spectacular chasm 24 miles long and 1200 feet deep:

"Looking for a packhorse, I stumbled out of the woods onto the rim of the Grand Canyon," Cook recalled, "and the sight took my breath away!" The party spent that day at Yellowstone Falls, drinking in "the awful grandeur and sublimity of this masterpiece of nature's handiwork." Deeply moved, they journeyed on to trace the majestic Yellowstone River to a shimmering "inland sea"—Yellowstone Lake. Traveling west, they discovered the Great Fountain Geyser in full play: "The setting sun shining into the spray and steam gave it the appearance of burnished gold, a wonderful sight."

Small wonder that the early explorers were overwhelmed by their Yellowstone discoveries, and that around their campfires they discussed how this extraordinary land might be preserved for all the people. "None of us definitely suggested the idea of a national park," Cook recalled later. "But we knew that as soon as the wonderful character of the country was generally known outside, plenty of people would be hurrying in to get possession."

As public interest grew, Congress ordered the first official survey party into Yellowstone in 1871, led by geologist Ferdinand V. Hayden. Accompanying the expedition was a prodigious pioneer photographer, William Henry Jackson, whose pictures of Old Faithful and other spectaculars confirmed all the wonders of Yellowstone and profoundly influenced Congress. The following year, Congress passed the act creating the park.

However, having set aside our first national park, Congress almost forfeited the dream. Appropriately, Nathaniel Langford, who had explored Yellowstone lectured and most actively campaigned for a park, was named Yellowstone's first superintendent (at no salary); but Congress gave him neither the funds nor the legal means to protect his 2.3 million acres. As a result, Yellowstone was left wide open to vandalism, poaching and depredation—which soon reached scandalous proportions. Greedy visitors, prowling about with shovel and ax, broke off and carried away wagonloads of geologic formations and mineral specimens. Exploiters sought to secure choice park lands for private gain, to build railroads, racetracks and even to fence in the principal geysers. There was illicit timber cutting and livestock grazing, and saddest of all, near-decimation of the buffalo herds.

By 1886, the wanton destruction forced the Secretary of Interior to ask for U.S. troops to guard the park. Moving in a detachment of First Cavalry, the Army imposed strict military rule, protected the wildlife, constructed headquarters buildings, and laid out a road system. In 1916, after 30 years of sound administration, the Army turned its task over to the newly created National Park Service.

And so the park was saved. Or was it? Unbelievably, Yellowstone today seems to be facing many of the old problems all over again.

At the peak of the summer season, the area is thronged with sightseers who crowd every available camping space, motel and hotel accommodation, and almost inevitably become involved in accidents. "Many people want to visit here under urban conditions," says Superintendent Anderson, "and so we've got traffic, pollution, a startling increase in robberies and, lately, narcotics." The park's long-suffering rangers now spend much of their time on law enforcement.

When not playing policeman, they rush to aid victims of bear maulings,[1] rescue lost hikers by helicopter and try to keep the over-curious safe from the 200° F. pools and hot springs. (Last June, a nine-year-old Virginia boy fell into a pool and was scalded to death almost instantly.) To complicate the problem, Yellowstone has become a prime attraction for winter visitors—21,000 last season, many of them shattering the solitude with noisy snowmobiles.

All of this human impact, with its often serious consequences, is forcing the park authorities to face a pressing problem: How much should facilities be expanded to meet demands?

"What's the matter with you people?" Yellowstone visitors complain. "You've got two million acres, and you squeeze us into camps like sardines!" In fact, the public today utilizes only about five percent of the park. And only three percent of the visitors—some 75,000 a year—take a real overnight hike into back country. On the other hand, the Park Service insists that if it were to open up wilderness areas with blacktop roads and visitors centers, such as now serve at the Canyon and Old Faithful, the primitive character of Yellowstone would be destroyed. The grizzly, bison, elk, moose and bighorn sheep must have vast, empty areas in which to roam, breed, feed and die.

The park is what biologists call a nearly total "ecological system," wherein plant and animal life are in a constant shift and struggle to maintain the balance of nature. "But now man threatens to upset that balance," says supervisory research biologist Glen F. Cole. Each year, for example, visitors account for some 375,000 fishing days on the congested north shore of Yellowstone Lake. This unrelenting drain has depleted the

[1] See "Grizzlies—The Magnificent Menace," The Reader's Digest, July '69.

native cutthroat trout, and reduced average fish size by two inches in the last five years.

The important aspect is that the cutthroat serves as food for the endangered bald eagle, pelican, osprey, grizzly and other wildlife. As fishermen have interfered with the natural food chain, the Park Service has been compelled to set a limit of three fish, none under 14 inches, much to some anglers' annoyance.

What should be the ceiling for man in our first national park? "Our preliminary studies indicate probably about 35,000 visitors a day," says Superintendent Anderson. "But one thing is certain. We simply cannot continue to build more and more campgrounds and facilities to meet more and more demands from more and more visitors. There has to be an end somewhere."

Today we are in danger of losing Yellowstone. And we *will* lose it—unless we determine to preserve this magnificent enclave as one of the last great islands of total wilderness in America.

CENTENNIAL YEAR OF PESHTIGO, WIS., FIRE

Mr. NELSON. Mr. President, this year marks the centennial year of the Peshtigo fire—history's greatest recorded loss of life by fire. The blaze which struck the flourishing sawmill town of 1,700 leveled it to a desert of smoking ashes and killed 1,182 persons.

It is ironic that the horrors of the Peshtigo fire have been forgotten by history; obscured by the more widely known holocaust which engulfed part of the city of Chicago on that same night. The 250 lives taken by this fire are only one-fourth of the death toll attributable to the Peshtigo blaze. Moreover, the property damage resulting from the Chicago fire did not match the destruction visited upon northeastern Wisconsin during the same dreadful hours.

In 1871, northern Wisconsin was a center of the timber industry. Peshtigo a boom town containing the world's largest woodenware factory and railroad construction crews working nearby swelled the town's population.

This had been an unusually dry year and the town's people had become accustomed to sporadic fires. So there was not undue alarm over the fire of October 8. However, the tornado winds which whipped up early in the evening engulfed the town in flames, as well as woodlands and cropland for miles around. The death toll would have been greater if it were not for the Peshtigo River running through the center of town, where many persons were able to save themselves.

Today, the town of Peshtigo stands rebuilt from the ashes and remains a center of forest product materials. Its skilled workers, many of them third generation Americans, make up a community with typical American energy and enthusiasm.

As a tribute to the people of Peshtigo and in memory of the persons who lost their lives in this disaster, I ask unanimous consent to have printed in the RECORD an article published recently in the Peshtigo Times which vividly recounts the events of this natural disaster.

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

PESHTIGO FIRE HISTORY'S GREATEST RECORDED LOSS OF LIFE BY FIRE

Fiery hell descended on Peshtigo the night of October 8, 1871, multilating northern Wisconsin with a livid scar of death and destruction still unequaled in the tragic annals of the world's great fires.

Within a few short hours, the lives of 800 persons were snuffed out in an inferno of flame and terror. A flourishing saw mill town was leveled to a desert of smoking ashes, its streets strewn with the blackened bodies of men, women and children. Miles of rich farm and wood lands were scorched into desolation and littered with the seared corpses of burned victims.

And yet for decades, the horrors of the Peshtigo fire remained forgotten in history, obscured by the more widely known holocaust that devoured a part of Chicago that very night in one of fate's grim coincidences. Chicago reckoned its toll only in the number of its homeless survivors and its gutted buildings, while Peshtigo measured its losses in stark figures of dead and injured, and total destruction.

TIMBER, KING OF BOOM TOWN

Like other communities on the northern frontier of railroad expansion, Peshtigo was a boom town in 1871. Timber was king here, and the mighty spring rush of logs down the surging Peshtigo river brought the substance of life to its industries.

Work was plentiful that year—at the machines and saws of the world's largest woodenware factory turning out pails and tubs, broomhandles and clothespins, barrel covers and shingles. Up river a ways, men hooked logs from the river booms and sheared them into gleaming planks at the saw mill. Nearby was a sash, door and blind factory, and the village boasted a foundry and blacksmith shop. There were jobs with the railroad construction crews working near town, where the Chicago and Northwestern Railroad was then extending its tracks. Hundreds of transient workmen, many of them new immigrants to this country, swelled Peshtigo's population far beyond the official census of 1,750. The stores, hotels and saloons along the main street on both sides of the river bustled with brisk activity. Farmers from the Sugar Bush—the rural area settled by some three hundred families, extending seven miles south and west of the village—came regularly to town.

Hard-living, rough-talking lumberjacks, in Peshtigo between the winter logging camp seasons, along with the settled family folks were proud of Peshtigo. Its two slender spired churches and new frame school building were as fine as any in northern Wisconsin.

DRY SPRING AND SUMMER

It was a good year, blighted only by the hot, unseasonably dry spring and summer. Just two rains fell from July through September, creeks dwindled to muddy trickles, the river level dropped, and even the normally impassable swamps dried to solid prairies of peat. Many of the village wells gave out and water became scarcer as summer ripened into fall. The woods and grasslands were already tinder dry and grew more dangerous with each cloudless day.

Spasmodic fires began breaking out near the village in mid-September, flames licked at its outskirts many times but fighting crews of volunteers beat back the threatening tongues of fire. From the Menominee river, seven miles north of Peshtigo, to far south of Green Bay conditions were the same. For almost three weeks, smoke from the smouldering peat fires dimmed the sky, the acrid smell pervading the atmosphere. The ruddy glow of the blazing grass and woods on the night horizon sharply silhouetted the black shapes of the houses and factories.

A bloody sun shone dimly through the pall of dense smoke over Peshtigo on Sunday, October 8. But the villagers were not unduly alarmed. They lived this last day before their doom much like any other Sabbath in their lives, unaware that they acted on a stage set for disaster.

With the coming of evening, the chill autumn air was suddenly whipped by a stiff, warm wind from the southwest. Flurries of fine white ashes eddied like snow flakes in the gale, and the dull red glare of the outlying fires flickered faintly through the thick curtain of smoke. As quickly as it started, the gale diminished and a dead, ominous calm settled on the village.

SILENT CALM PRECEDES FIRE

Church goers commented on the silent calm and increasingly warm air as they hurried home from evening services, glancing apprehensively at the ruddy southwestern sky. Men in the saloons paused in their drinking to remark on the growing heat, the unnatural stillness. Children stirred uneasily in their sleep.

Just after eight-thirty, a dull roar like the rumbling of a distant volcano, came out of the southwest. As it grew louder, the bloody glow in the sky flared brighter and the bell of the Catholic Church frantically tolled the fire alarm. The wind had started blowing again, strong and hot. Men pulled on their jackets and boots, and rushed to the outskirts for another night of fighting off the encroaching fires.

By ten o'clock, the roar had thundered to an earth shaking crescendo and the ferocious winds, now of tornado velocity, ripped through the village in blinding sheets of sand and smoke. The frenzied blaze whipped closer with savage speed, great gusts of wind carried balls of flaming fury hundreds of feet through the air. Like bolts from hell, they burst on the ground and hungry tongues of devouring flame streaked in every direction. In panic for their lives and families, the fire fighters flung down their buckets and fled towards their homes—Peshtigo could not be saved.

TORNADO WINDS SPREAD FIRE

The tornado ripped a flaming roof from a house on the edge of town and shredded it in a blistering rain of fire, the air was a blizzard of burning coals igniting all they touched. High over the rooftops floated giant black clouds of smoke that exploded into belching flames, and the winds lashed both sides of the river into a raging inferno. In less than twenty minutes all that could be seen for miles were swirling smoke and writhing coils of flame. All that could be heard above the thundering roar of the tornado were the screams of the victims and the crackling fury of a hungry monster unleashed.

Great sheets of fire curled and rolled over the ground, and overhead the very air seemed to be burning. One minute the brightness was blinding, and in the next, fugitives from the flames floundered sightlessly in smothering banks of smoke.

Fear for their lives had gripped those in their homes only a few minutes earlier, when the first showers of sparks began twisting through the streets. Mothers snatched sleeping children from their beds and rushed into the streets seeking safety, men struggled against the winds to reach their families and lead them out of the fire. Fleeing fugitives were hurtled to the ground by the force of the storm, some dropped dead clutching their throats as if strangled by mad unseen fingers, flaming posts smashed into groups of screaming women and children as they ran aimlessly amid the holocaust seeking help.

DEATH STRIKES CITY

A middle aged man, holding his two children, dragged his sick wife on the ground behind him for half a mile—only to drop her a few feet from the safety of the river when her body burst into sickening fire. A young woman, her long blonde hair trailing in flames, shrieked her agony as she stumbled through the stampeding mob. Clutching her infant son to her breast, a bereft mother huddled against the earth, refusing the pleas of her husband to leave their already dead child. A young bridegroom pushed his wife of three days on a wagon bound for the river and as she watched, he crumbled in a lifeless heap and was swallowed by the fire.

About 65 fugitives on the east side jammed the Peshtigo Company's boarding house—a cordon of men fought futilely to save the building but the rain of burning coals turned it into a blazing tomb. There was no sanctuary from the flames, the suffocating smoke, the choking banks of poison gases. A breath of air could be found only with the face pushed against the ground.

The river, get to the river—instinct drove the villagers and even the terrorized dumb animals to the banks of the stream in the center of town. The bridge flamed into a water bound funeral pyre, trapping scores who thought safety lay on the other side. Men, women and children leaped into the water and clung to floating logs or stood neck deep in the river. They huddled under wet blankets and splashed themselves with water to keep the flying sparks and flaming fragments from igniting their clothes and hair.

HORRORS OF THE HISSING HELL

The piercing wails of a pregnant mother in labor cut through the hissing hell. An elderly man tried to shield his fever ridden wife from the torrent of fire, as she lay on a partly submerged feather bed he had dragged to the river. Insane laughter pealed from a wild eyed young husband, gone mad after finding the woman he carried to safety was a stranger and not his young wife. Cows and horses swimming in the river pushed between the people, upsetting logs to which clung whole families. One white haired lady was upset from her log by a swimming cow, but clasped its horns and was carried to shallow water.

Scores of those who could not reach the river killed themselves. One father slashed the throats of his three children and wife then turned the knife on himself. After watching the spire of the Congregationalist church crack off and stick in the ground like a giant candle, one man rushed to a nearby well and hung himself on the bucket chain. Many ran blindly through the blaze shouting that the end of the world had come, and were silenced only when the fires claimed their lives.

In the Sugar Bush the suffering was the same—the all consuming fires that lept over open fields, the giant balls of black smoke that wafted through the air and exploded into flames, the banks of choking gases, the heat so intense it split huge boulders. Those in the Bush who lived through the night found safety in creek beds, in low ravines and freshly plowed fields where they dug holes for their faces with their hands. The toll was tremendous, even proportionately greater than in the village itself, and only eight farm houses escaped destruction.

VILLAGE LEVELED TO HOT ASHES

A few hours before dawn, the fires spent themselves, the wind died down and the autumn chill returned to the air. The survivors pulled themselves from the river and began wandering through the hot ashes of the leveled village seeking their relatives—or their bodies. The only structures jutting from the smouldering desert were the unfinished framework of a house on the east side of the river, and the brick walls of a dry kiln. Streets could be traced only by the charred and twisted bodies, the shapeless remains of iron wagon wheels. The sickened and grief stricken survivors gathered around piles of burning coals to warm themselves and dry their clothes. The only foods to be found were raw turnips, potatoes and cabbages.

Some victims had lived through the night of fire only to be claimed by the fatal fingers of fever and of shock so great their hearts could not withstand it longer. The increasingly colder autumn air chilled all the survivors, many of whom had fled their homes and garbed only in scanty night-clothes that were torn and partially burned in their flight.

Big John Mulligan, himself burned during the night of horror, walked six miles north to Marinette and solicited help for the village. By mid-morning on Monday wagon loads of supplies arrived in Peshtigo. The injured were given treatment and carried to Marinette, where one of the hotels was turned into an extra hospital. Crews worked day and night gathering the remains of the dead and carrying their sad burdens to the cemetery. Those who could not be identified were buried in a mass grave, still visible in the historic burial ground. A memorial marker has been erected there. Tents were brought to Peshtigo to shelter the homeless.

FIRE SAVES THIEF

The same fire that had taken so many lives saved one man from execution by destroying every rope in the village. On the day after the fire, a calloused thief was found rooting through the ashes and stealing the valuables from the burned and charred bodies. A hasty trial was held amid the still smoking ruins, and the looter was found guilty by a jury which unanimously condemned him to be hanged on the spot. But not a rope untouched by the fire could be found in the whole town. Someone suggested stringing him up with a heavy logging chain, and it was placed around his neck in a brutal hangman's noose. He fell to his knees and begged and pleaded for mercy from the hardfaced avengers. His cries ultimately affected the onlookers so much that they gave him his freedom.

When word of the disaster reached Green Bay via a steamer Monday night, relief supplies began pouring into the village. Over $155,000 was raised within the next few months throughout the country and in some foreign lands for the relief of the Peshtigo survivors. Putting aside their sadness, the villagers began rebuilding their homes and industries.

Many freak aspects of the holocaust still defy scientific explanation. Hundreds of humans survived the blaze in the waters of creeks, ponds and the river—yet fish life perished. Heat was intense enough in the center of a wide clearing to burn out stumps, leaving only holes in the smoking ground where the roots had been—yet a neighboring field of corn shocks was untouched. The white wooden tabernacle containing the sacred vessels of the Catholic Church was found unscorched on the bank of the river, where the priest had carried it—yet everything around it was charred into blackness.

OTHER AREAS HIT

Fires, with accompanying phenomena like that at Peshtigo, but on a much smaller scale occurred that night on Wisconsin's Door County across the bay. Although tornadoes of fierce velocity whipped both areas, schooners on the intervening bay reported no unusually strong winds.

The black balls of smoke that exploded into flames have been explained as accumulations of inflammable gases from the great fires that did not ignite until they reached air where the oxygen had not been depleted by the conflagration. The banks of poison gas mentioned by so many survivors may have been concentrations of carbon dioxide, created by the fire.

As if in partial compensation for that disaster, Peshtigo was one of the few cities in the country that was untouched by the depression of the 1930's.

NUTRITION PROGRAM FOR THE ELDERLY ACT

Mr. WILLIAMS. Mr. President, adequate nutrition is a major concern for our 20 million older Americans.

In many cases a poor diet may intensify the severity of other problems besetting the aged. For example, improper nutrition may lead to chronic disease, or even mental illness. For instance, in a study of elderly patients admitted to two psychiatric institutions in Philadelphia, approximately 60 to 70 percent were reported to have serious nutritional problems.

Several factors—such as low income or lack of information about a proper diet—contribute to the problem. Also important is the need for an effective delivery system, particularly for older single persons.

For these individuals, the Nutrition Program for the Elderly Act would be an important step forward. This measure would make it national policy to provide nutritious meals at conveniently located centers including senior citizen centers, schools, and other public and private nonprofit institutions. Federal funding in the amount of $50 million would be available to provide at least one hot meal per day and at reasonable prices for the aged. In my own State of New Jersey, funding under this program would be sufficient for about 2 million meals in 1 year for elderly persons in need.

This proposal would also help to provide a comprehensive approach to their related problems. Outreach services would be available to assure maximum participation by eligible individuals. Additionally, this special emphasis program would provide counseling, informational, health, and referral services.

Equally important, eating in a group setting would provide a new opportunity to meet others. For lonely persons, this could be an effective means for counteracting isolation. Several pilot projects under the Older Americans Act have demonstrated that a meal in a group setting is oftentimes a drawing card for bringing lonesome and frustrated individuals into a whole range of community activities.

Today the nutrition problems of the elderly are urgent and far reaching. Quite clearly, immediate and special attention is needed now. The Nutrition Program for the Elderly Act, I strongly believe, provides a sensible and coordinated approach for meeting this challenge.

HON. LESLIE C. ARENDS RECEIVES VFW CONGRESSIONAL AWARD

Mr. DOLE. Mr. President, last evening at the Veterans of Foreign Wars 23d annual congressional banquet in Washington, a great American and an outstanding Member of the House of Representatives was honored. Receiving the VFW Congressional Award was the

Honorable LESLIE C. ARENDS, of Illinois' 17th District. In accepting this award, the longtime House Republican whip and ranking Republican on the House Armed Services Committee joins a distinguished list of Congressmen and Senators who over the years have been recognized for their invaluable services to the American people by the VFW.

Given the universal respect and admiration in which LES ARENDS is held by his colleagues and his knowledge gained from years of study of our national defense needs and priorities, whenever he discusses defense and national security affairs, his words are given the utmost attention and studied consideration. Upon being presented with the VFW award last evening LES ARENDS took the opportunity to discuss several of the more prominent aspects of national defense policy as they relate to today's economic, political, and international realities. I believe his thoughts are extremely pertinent to the Senate's ongoing debate of defense policy, and I ask unanimous consent that the remarks of VFW Commander-in-Chief Herbert R. Rainwater presenting the award and the speech of the Honorable LESLIE C. ARENDS be printed in the RECORD at this point.

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

CONGRESSIONAL AWARD INTRODUCTION

(By Commander-in-Chief H. R. Rainwater, Veterans of Foreign Wars of the United States, Tuesday, March 9, 1971)

Tonight we are gathered in our nation's capital to pay homage to one of America's most respected leaders. We honor a man who has unselfishly dedicated his life to our country from the moment he was first elected to Congress during the dark days of the Great Depression nearly two score years ago.

We honor a man whose personal integrity has always been above reproach—a man who has been ever willing to listen to the plea for help and to lend a helping hand—a man who sincerely believes that being a member of Congress is being able to do things for his fellow man.

We honor a man who has been a confidant of America's great Presidents from Franklin D. Roosevelt to Richard Nixon. A man whose counsel has always been relied on for its depth of wisdom based on fact and logic—a man who is considered to be one of the most popular and well-liked members of Congress.

The gentleman we honor tonight, Les Arends, from the great state of Illinois—"the land of Abe Lincoln"—is a great American in the finest sense of that phrase. He believes in service to the nation, in our country's veterans—each and every one—and in a strong America. These are just some of the multitude of reasons that Congressman Arends is considered one of the time.

As Republican Party Whip, Les Arends is charged with making sure his party has all its votes on the floor when necessary. He was first picked by his colleagues for the honor of "Whip" in 1943, and has served in that position longer than anyone in history, on either the Democratic or Republican side of the aisle.

In this crucial position he plays a key role in the determination of party policy and strategy on various measures coming before the House of Representatives.

Friendship for the man we honor is not confined to one side of the political aisle, however, for he has just as many warm boosters on the Democratic side.

Today, only three men in the entire House of Representatives outrank him in years of service. Congressman Arends is the ranking Republican member of the important House Ethics Committee and the member with the most service on the House Armed Services Committee. As a Navy veteran, he is a stanch supporter of the men and women in our armed forces. And he realizes full well that our nation must remain strong if we are to remain a free people.

It has been said of Les Arends that he is as much a part of the House of Representatives as the statue of Freedom atop the Capitol dome. Tonight, with friendship, humility and heartfelt appreciation from all of us, it is my privilege to present the Veterans of Foreign Wars Congressional Award to Congressman Leslie Arends for his outstanding service to our Nation.

SPEECH OF CONGRESSMAN LESLIE C. ARENDS, OF ILLINOIS, HOUSE MINORITY WHIP AND RANKING MEMBER ON HOUSE ARMED SERVICES COMMITTEE, AT THE VETERANS OF FOREIGN WARS ANNUAL CONGRESSIONAL DINNER, SHERATON-PARK HOTEL, WASHINGTON, D.C., TUESDAY, MARCH 9, 1971

It is a real privilege for me to be here with you this evening.

First of all, I should like to offer my personal congratulations, not only to the winners, but to all the fine young men and women who participated in the V.F.W. National Essay Contest. I hope you will pardon my boast when I take the liberty to point out that the essay winner of the State of Illinois, Miss Bailey, is a young lady from my Congressional District.

I am proud, very proud, to have been selected by your great and splendid organization to be the recipient of this coveted Congressional Award.

When I consider the contribution which you Veterans of Foreign Wars have made to the preservation and promulgation of our American ideals, and when I reflect on the outstanding contribution made by those who have previously received this recognition, I feel very humble, very humble indeed. I would that I could be as worthy.

In my many years of service in the Congress no honor has come to me that is more meaningful than the honor you bestow this evening.

When I first came to Congress I was assigned to the House Military Affairs Committee and, of course, have served on the Armed Services Committee since it was first established in 1948, with the unification of the Military Affairs and Naval Affairs Committee. I have the distinction, if indeed it is a distinction, considering that I am not the Chairman, to have served longer on the Armed Services Committee than any member of it.

When I learned that I was to be the recipient of this award, I called our Committee Chairman, the Honorable F. Edward Hébert, of Louisiana, to tell him the good news. Perhaps I was subtly reminding him of my seniority. Perhaps I wanted to impress him with the fact that although in the minority we Republicans do, upon occasion, receive some recognition.

He congratulated me and said, "Now, Les in accepting an award as important as this from an organization as important as the Veterans of Foreign Wars, you cannot make the standard politician's bullfight speech." For those of you who are not familiar with it, that is a speech which, like a bullfight, lasts approximately one-half hour and contains only a moment of truth.

I told him my remarks this evening would be substantially less than a half hour, that what I had to say would be the truth, the whole truth and nothing but the truth, and that I did not intend to make even a non-partisan Republican speech.

As a member of the Armed Services Committee, I have always been proud of the non-partisan manner in which our Committee has dealt with all matters pertaining to our national defense. When our Committee held its first organization meeting in this new Congress, Congressman Hébert—who succeeded the late Mendel Rivers as Chairman—emphasized in his opening statement that this was one policy he wanted to see continued. I am sure it will be.

As a member of my political party's leadership in the House of Representatives, I have always been proud of the non-partisanship with which the House, as a whole, has approached national security problems.

We used to have a fine old tradition in this country known as a bipartisan foreign policy. You may recall that as Chairman of the Senate Foreign Relations Committee in the 80th Congress, the late Senator Arthur Vandenburg of Michigan, furnished the leadership for a bipartisan foreign policy during the Truman Administration. And this was during the period of the none too popular Korean "police action" as it was then characterized.

It is quite true that we who serve in the Congress, particularly in the United States Senate, have a responsibility in connection with the conduct of foreign relations and in the prosecution of a war. But under our Constitution the President of the United States has *primary* responsibility for the conduct of our foreign relations, and he is Commander-in-chief of all our armed forces. It is imperative that we give him our maximum possible support, and particularly during a period of international stresses and strains and conflict.

That does not mean we should "rubber stamp" whatever our President or any President proposes or undertakes. Bipartisanship does not mean that our voices of disagreement be silent. But let them be voices of restraint, not voices of opposition for opposition's sake.

At no time should partisan considerations enter into our decisions with respect to foreign policy or with respect to our national defense posture. One implements and supplements the other. Both pertain to our national security and to the preservation of freedom and to the mainenance of peace.

While our Constitution vests in the President primary responsibility for the formulation of foreign policy and designates him Commander-in-Chief of our armed forces, the Constitution vests in the Congress the primary responsibility for determining the size and the nature of our armed forces. It goes without saying that our national security—our safety as a free people—requires that there be maximum cooperation between the Congress and the President, whoever is our President and whatever the political complexion of the Congress.

In his recent "State of the World Report" President Nixon said: "It is essential that the United States maintain a military force sufficient to protect our interests and meet our commitments. Were we to do less, there would be no chance of creating a stable world structure."

The measure of sufficiency is not the number of dollars we annually spend on our defense establishment. The size and nature of our national defense is necessarily dictated by the nature of the world in which we live, by the threat and the potential threat we face. Our objective is to deter war, not to make war. We do not seek to impose our will on any people anywhere.

Had the conquest of territory and the subjugation of people been our objective we could readily have achieved it at the end of World War II, when we had in being the mightiest military and naval force in all the

world and we were the sole possessors of the atom bomb.

Instead, we initiated the Marshall Plan to assist countries left prostrate from the ravages of war. This in itself belies the oft-repeated propaganda charge of United States imperialism.

The size and nature of our national defense is also dictated by our treaty commitments and by what our allies contribute to our mutual security. In my judgment we have been over-committed. Our interests should shape our commitments, not the other way around. We cannot police the world, and we do not seek to maintain a huge defense establishment for any such purpose.

There is no question but that our national defense budget for the current fiscal year is a very substantial sum—$71.8 billion—$76 billion if we include military assistance. Without question military spending places a heavy tax burden on all of our citizens. But I am confident the vast majority of the American taxpayers are willing to bear this burden as long as it is necessary for our country's security and provided we get a dollar's worth of defense for each dollar expended.

In the Congress, and particularly in the Senate, which incidentally is 750 feet and often one million light-years from the House of Representatives, voices are raised almost daily calling for more and more reductions in our defense budget. Over and over again we hear the quotation from President Eisenhower's Farewell Address when he said we must guard against any unwarranted influence by a military-industrial complex.

They seek to leave the impression that a great amount of this defense spending is due to the insidious influence of the military-industrial complex, whatever that is. They ignore that in the same address Eisenhower warned against other pressure groups. They conveniently ignore that in the same Farewell speech the late President Eisenhower said: "A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction".

Those who trumpet so loudly about the size of our defense budget, using the myth of a military-industrial complex as a scapegoat, invariably call for a reordering of our priorities that there may be an increase in spending on social programs. There is no denying that there is an increased need for some of our social problems—in the area of education, housing, health, environment and all such. I have and shall continue to support the President's programs to meet these human needs. But it does not follow that the way to meet these needs is to proceed to disarm unilaterally.

Insofar as the argument with respect to buget priorities is concerned, what program is entitled to a higher priority than our national security? In my judgment this hue and cry about reordering priorities is nothing more than a smoke screen to justify increased spending on programs that are thought to be politically popular.

There has already been a reordering of priorities. For fiscal years 1969, 1970 and 1971 there has been an average annual decrease of around $2 billion in military spending. And during this same period spending on nonmilitary programs—Federal, state and local—there has been an average annual increase of $23 billion.

For the first time in 20 years, the Federal Government will have spent in this fiscal year more to meet human needs than spent on our national defense. In our 1972 budget defense spending will amount to 34 percent of the total spending, and the outlays for human resources programs will amount to 42 percent of total spending in the next fiscal year.

In the 1972 budget it is proposed that we spend $76 million for our military and military assistance programs. That is a tremendous sum. Understandably, the average citizen registers "shock" when he hears the figure—$76 billion. That is why our social planners persist in emphasizing the dollar amount.

But what the average citizen does not know is that it is less than outlayed for social programs, that it is less on a percentage basis than in any year since 1950, and that is less than we actually should spend if we are to continue to have a national defense second to none.

Bear in mind that not only has there been a decrease in the number of dollars spent for defense, there has been a decrease in what these dollars will buy. Like everything else, a ship, an airplane, a tank and every one of our costly weapons systems costs more today than they did two or three years ago.

And, as is always true in an inflationary period, personnel costs have greatly increased. The average citizen does not realize that over one-half of our total defense budget represents personnel costs.

And these costs will become substantially higher if we proceed, as proposed, to phase out the draft and establish an all-volunteer force. Right now this is being considered by our Armed Services Committee.

I am not an alarmist. And I do not think there is any reason to be alarmed as to our present security. But I must frankly say that I am concerned, deeply concerned, as we look to the future.

While Soviet Russia continues to increase its defense spending, we have been in the process of substantially reducing ours. While Russia continues to build up her Navy, we have been allowing ours to stagnate. That Soviet Russia has had a number of naval ships in the Mediterranean, in the Indian Ocean, and in the Caribbean is not without significance. Their navy is impressive, not only in numbers but in quality.

Most ominous, as we look to the future, is the Soviet drive for technological superiority. It is estimated that they are spending 40 to 50 percent more on military research and development than we are—a difference of around 3 billion a year.

In nuclear power the Soviets are not only developing large warheads, much larger than any in our arsenal, but have been increasing the number and accuracy of their intercontinental missile delivery systems at an awesome rate. They have built up their strategic forces to the point where they have achieved nuclear parity and have continued costly missile development in a determination to achieve superiority.

We simply cannot let Soviet Russia control the seas. We simply cannot let the Russians move into a position of strategic superiority. Our strategic offense forces are not only the principal deterrent to global war, they are the principal deterrent to the kind of nuclear blackmail that a superior Soviet Russia could carry out—nuclear blackmail which would endanger freedom in our own country and destroy it in other parts of the world.

The security situation that confronts us today is decidedly different from what faced us before World War I and World War II. We will no longer have the time, as we did then, to delay an adversary long enough to produce the weapons and to train the men. All our defense planning must look not only to the realities of the present but to the grave potentials of the future.

You who have defended our country in foreign wars, as individuals and as an organization, have always recognized that the realities of national defense require something more than the summer soldier and the sunshine patriot. It requires men of all seasons. And we now seem to be in the winter of discontent insofar as our national defense is concerned.

Our objective is not to make war but to deter it. Our objective is to keep the peace. To achieve this objective we must at all times have a national defense second to none—a defense that is well-balanced—one that is sufficiently strong and sufficiently flexible to meet any threat to our security, whenever and wherever it may arise.

I urge you who have fought in past wars, to fight for a level of preparedness that will prevent wars. I urge you to heed the admonition of your comrades who lie in Flanders fields around the globe: "To you from failing hands we throw the torch; Be it yours to hold it high."

The safety of our country, and our cherished right to be free, is at stake. What we do today will determine our tomorrow.

FISH FARMING

Mr. FULBRIGHT. Mr. President, fish farming is one of the fastest growing agricultural industries in the Nation.

The industry has been particularly successful in Arkansas, and I am pleased to have been of some assistance in aiding the development of fish farming by sponsoring legislation which established fish farming experimental stations and other measures which encouraged this industry.

Mr. Roy Prewitt, of Lonoke, Ark., who has been one of the successful pioneers in fish farming, has written a column entitled "Rambling Along," published in the February 1971, issue of the American Fish Farmer. In his column, Mr. Prewitt traces the development of fish farming and some of the problems—past and present—faced by the industry.

Mr. President, I ask unanimous consent the article be printed in the RECORD.

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

RAMBLING ALONG

(By Roy Prewitt)

Previous to World War II, efforts were made to culture channel catfish in several areas of the country. I tried it in 1927 but lost the farm during the depression two years later. Catfish culture met with some success in Kansas and at least two of the original catfish farmers, Vernon Kreibel and Bus Hartley, are still in business.

After that war, a great many people began farming minnows in many states. At that time, minnow farming was being encouraged by wildlife and conservation agencies as a means of conserving the supply of wild minnows as food for the wild fish population. A boom bit the business about 1950 and expansion set in across the nation. This lasted about three years until a series of major setbacks eliminated about 85% of the growers. There were too many reasons for these failures to detail here. It suffices to say that most of the 15% who survived slowly built their enterprises by good business practices and good management until today it is estimated minnow sales may reach $100 million annually at the retail level.

BIG MINNOW CROP

It has been estimated that at least 5 million dollars worth of minnows were exported from the vicinity of Lonoke, Arkansas during the year 1970. The 8,000 acres of minnows in Lonoke County are running a close second to the $9 million earned from 75,000 acres of soybeans grown in the county. I hope this discussion of millions of dollars does not excite some of our readers into jumping into the minnow business with get-rich-quick ideas. I can assure you that it is a tough,

competitive business and is hard for a newcomer to break into. The people in the business are knowledgeable. All the weak ones fell by the wayside long ago. Even now, this business has ups and downs and recessions. Every few years, it seems that a saturation point will soon be reached, but this never quite happens. Those in the business have learned to live with these things.

About the middle 1950's, farmers were encouraged to grow bass and buffalo to utilize fallow land. This kicked off another boom which lasted about three years then collapsed. A few stayed on and their business has steadily grown. How big this business is, no one seems to know or care. There is a high demand for both species in many areas of the nation and they command prices as high or higher than other species being cultivated.

WIDESPREAD MARKET

The buffalo farmers seem to know their markets. I visited a farm last winter where an 80 acre pond was being harvested and saw fish trucks from several states waiting to be loaded. As almost everyone knows, there is perhaps an unlimited demand for live bass for fee fishing lakes and stocking purposes, so farmers are learning to grow them.

Curiously, farmers who are growing in conjunction with catfish are finding that most of them readily learn to eat catfish feed pellets. Bass even hang around the self feeders and feed on the pellets which the catfish cause to drop from the feeders. Farmers have also found that crappie, which in many areas is a gourmet fish, readily feeds and grows on pellets.

EARLY PROBLEMS

Early fish farmers in Arkansas were beset by many difficulties, legal and social. When I left a legal and political career in Little Rock and began carving a choice rice and cotton farm into a fish farm, some people thought I was crazy and many old friends and acquaintances studiously avoided contact with me. Fish farmers had a long legal battle with conservation agencies and their allied and supporting organizations. Farm organizations gave fish farmers no support, and newspapers gave them no editorial help and put news about their activities on the sports pages. The first support for fish farmers in Arkansas in a major newspaper was voiced by Victor Ray, now public relations director for the Farmers Union in Washington, D.C. who was then agricultural editor for the Arkansas Gazette. For this, he was "called on the carpet" by his superiors but was able to convince them, if not of the rightness of his editorial, at least of his right to say what he said.

RICE AND SOYBEAN CULTIVATION

Rice farming in Arkansas had a similar history. The first rice was grown near Lonoke by W. F. Fuller in 1910. His industry, which now brings into Arkansas about 125 million dollars a year, had many difficulties. One of the chief reasons rice culture was opposed was that it was considered a health hazard. At one time the Arkansas Legislature considered barring its culture on these grounds. In some areas, legal injunctions were obtained against farmers who attempted to grow rice. Fuller's mental stability became suspect and at one time, serious consideration was given to incarcerating him in a mental institution. A curious sidelight of the rice saga was that Fuller improvised a handmade device and about 1909 milled some of his rice, packaged it and had Little Rock grocers give it to their customers, for what is now known as a product acceptance test. Subsequently, customers reported that it was almost as good as imported rice, according to results published in the Little Rock papers.

Soybeans did not have the legal difficulties which beset rice and fish farmers, but there were production and marketing difficulties. I remember that my father successfully grew soybeans on our hillside Ozark farm about 1908 but could not decide what to do with them. He tried using them for hay but had insurmountable difficulties in curing them. From that time until about 1962, soybeans were an insignificant crop in Arkansas. Now we export about 209 million dollars worth a year. As late as 1961, a prominent Eastern Arkansas banker who was also a farmer with large holdings voiced the opinion to me that soybeans had no future in Arkansas. This same man in 1965 said that he was netting more money from soybeans than from rice.

BOOM PREDICTED

This brings me to the point I want to make in this column. About four years ago, catfish culture began to boom and this has been the biggest fish farming boom of all. But before 1970 ended there were widely published predictions by knowledgeable people that 1971 would witness the collapse of the catfish industry. Frankly, I don't believe this will happen, and I think that by the middle of 1971 there will be an actual shortage of farm grown catfish. If the catfish farmers will organize in some way to have their fish certified as wholesome, there will be no end to the demand.

As many of our readers know, I have been involved in fish farming a long, long time. During the past 25 years, my activities have enabled me to know, on a first name basis, most of the leaders in every facet of the fish business throughout the U.S. and most of the world. I am acquainted with the people who process and market the fish this nation eats. For 10 years I have tried to interest them in farm fish, to no avail. Suddenly, due to pollution publicity, they are calling me and wanting to know who can supply them steadily, not sporadically, with an attractively packaged farm grown fish with a certificate of wholesomeness. If ever a business was ready to really boom, it is the entire fish farming industry. In telephone conversations this week, I learned that farm grown Israeli carp were being imported to New York from Israel.

PROPOSED LEGISLATION

Much of the nation is just now becoming aware of farm grown fish. The cries that the industry is collapsing may have a tragic effect on legislation recently introduced in Congress by Congressmen Charles Griffin of Mississippi and J. J. Pickle of Texas, which is intended to supply adequate capital and marketing and other research for the entire farm fish industry. I have seen a letter from a very powerful Congressman indicating that he was already being influenced adversely by rumors that fish farming has little future. He mentioned that much of his information came from ocean and sport fishing interests.

The Griffin and Pickle bills encompass all kinds of fish farming—any fish grown under controlled conditions. It is time that all fish farmers' groups realize that they are a very, very small minority, with little power in Washington and that the time has come for them to stand together and promote an industry which has, in my humble opinion, a future as bright as that of soybeans and that is not limited, as some would like us to believe, to specific areas of the country, if we think in terms of the many different species of aquatic animals which show promise. The passage of this bill would mean that the fish farmer could take his rightful place in the business world and begin to make impressive strides toward making aquaculture as commonly known and respected as agriculture is today.

SECOND-GRADE STUDENTS' CONCERN FOR THE ENVIRONMENT

Mr. NELSON. Mr. President, a specific example of the increasing concern for our environment has come to my attention recently.

The second-grade class at the Washington Elementary School in Waupun, Wis., has been working on a project of how we can go about saving wildlife from extinction and abuse.

The students have been involved in writing letters to conservation organizations, studying the materials received in answer to their requests, and putting up displays in their classroom on the problems of saving our wildlife. Their work on this project has not only brought them greater understanding of the problems of our environment but it has also strengthened traditional skills of reading and writing.

This class and their teacher, Miss Marsha Gravitz, deserve recognition for their accomplishments. I ask unanimous consent that an article from the Fond du Lac Commonwealth Reporter describing their efforts be printed in the RECORD.

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

WAUPUN SECOND GRADERS LEARN OF ENVIRONMENT

(By Thelma Kaiser)

WAUPUN.—"What can I do to save our diminishing wildlife from abuse and extinction?"

Twenty-nine students in Miss Marsha Gravitz' second grade at Washington Elementary School can respond with a multitude of answers to that question. They are aware of the gap of misunderstanding between humans and wildlife and "know" wild animals are meant to be free.

They have been introduced to the exploitation of our environment and of our wildlife because Miss Gravitz, a native of Fond du Lac and treasurer of the Fond du Lac Humane Society, has always been concerned about all living things.

She said she has long admired the "reverence-for-life" humanitarians, such as Albert Schweitzer. She believes that the primary functions of education are: fostering an awareness of the needs and concerns of all life; and developing a responsive, responsible empathy, which will result in a happier world for the student and all his contacts.

Miss Gravitz has embodied this philosophy in an article which is scheduled to appear in the May 1971 issue of "The Instructor," a leading elementary education journal. She is using this philosophy as a basis for her master's thesis, which will be an in-depth study of the question, "Will children develop greater empathy toward people and animals as the result of humane education?"

She said that as she presented the aspects of the wildlife problems to the children, they were dismayed as they learned of it. Their broad knowledge not only comes from the classroom discussions, but from TV specials, magazine articles and resource persons—but their concern has not ended there.

"To find comprehensive answers to these pertinent questions, each second grader in the class wrote letters to prominent experts in the conservation field, such as Sen. Gaylord Nelson, renowned naturalist, Carl O. Marty; authoress Hope Sawyer Buyukmihci; the National Wildlife Federation and Defenders of Wildlife, Inc."

"Much to their inspiration, each child received personal letters—along with a wealth of conservation brochures—from these prominent individuals and organizations. Carl Marty even took the time and expense to send each student his own wildlife record and book."

Miss Gravitz said that the children are taking immediate action on this personal ad-

vice. They proudly wear the emblem tag, "Protect and preserve our wildlife." A visit to their classroom is most rewarding as they excitedly tell of what they have learned from TV programs, such as "Penguin City," "The Florida Everglades," "Say Good-Bye" and "Elephant Country."

All hands quickly raised when the question was asked, "What can you do about it?" Their answers are childlike, yet full of wisdom, as they reply, "They should have more marsh rules, they 're not' pos, d to shoot the geese dead!" "When L'm big. I'll send more guards to guard them," "They shouldn't use the wild mustang hoof for glue" and "Animals should have just as long to live as we do."

It is evident that these second graders are "getting involved" before a visitor even enters their classroom, the corridor walls outside the door have pictures of "Penguin city," Once in the classroom, two beautiful bulletin boards, the smaller one depicting the Florida Everglades and the larger one, wildlife are worth saving, perfect examples that they are not just studying wildlife. Through this one study, they are gaining additional experience in reading writing and art work.

As Miss Gravitz pointed out, they are not limiting their knowledge to the classroom, they are taking on the responsibility of educating others of the importance of preservation. She related that one mother even commented to her that her son brings his zeal to the dinner table with the admonition, "We all must get busy before it's too late!"

THE NATION'S DAIRY ECONOMY

Mr. MONDALE. Mr. President, today I am sending a telegram to Secretary of Agriculture Clifford Hardin, urging him to take immediate action to alleviate the increasingly depressed condition of our Nation's dairy economy. Prices paid to milk producers have failed to keep pace with increases in most other areas of our economy. In the mounting inflation of food prices, farmers have steadily lost ground. It is unfair to penalize dairy farmers for price increases over which they have no control.

Costs of production for dairy farmers have increased during the past year while price support levels have remained the same. There is no reason why farmers should be made the scapegoat for this administration's failure to meet its responsibility to control inflation and assure full employment.

I have strongly urged the following actions by Secretary Hardin to insure that dairy farmers are not made step-children in the economic market place: Restoration of the full 90-percent parity that is allowed by law; follow through on administration promises for increased purchases of cheese for schools and needy families and reconsideration of President's decision not to fund the special school milk program which was approved by Congress last year.

Full 90 percent parity is needed to allow dairy farmers a fair return on large investments of capital and labor. Further, it is essential to counteract the inflationary pressure felt by farmers in purchasing replacement equipment, and in meeting tax payments, high interest rates, and other operating costs.

The inadequacy of cheese purchases by the Department of Agriculture is detrimental not only to farmers but also to those in the school lunch program, needy families, and nonprofit institutions whom such purchases are designed to serve. In order to provide an adequate amount of cheese for these programs, USDA should be purchasing between 130 and 135 million pounds of cheese annually. At the present time less than 50 million pounds are being purchased.

Last month Secretary Hardin said that USDA would step up its purchases of cheese. I note that this pledge has not been carried out. Adequate purchases would benefit the poverty stricken, supplement the diets of children in school, and help to stabilize the market price of cheese at a level that would provide a fair return to producers.

In the Child Nutrition Act of 1970, the special school milk program was extended and Congress made plain its support for this program. I am dismayed that the administration is again trying to eliminate the special school milk program. The President has not requested any funds for this program in his fiscal year 1972 budget. A note found in the appendix to the budget clearly indicates that this was not an oversight. I have protested to Secretary Hardin this deliberate effort to frustrate the will of Congress.

I have asked that the Secretary of Agriculture consider each of these recommendations, and redirect USDA policies both in fairness to farmers and for the sake of our entire economy. I have asked that he take action before April 1, 1971, to prevent present economic slippage among dairy farmers from spreading, with its disastrous consequences for farmers and nonfarmers alike.

Mr. President, I ask unanimous consent that the text of my message to Secertary Hardin be printed in the RECORD.

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

MARCH 9, 1971.

Mr. CLIFFORD HARDIN,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.:

I am very concerned about the depressed state of the dairy economy. The prices paid to producers of milk have failed to keep pace with increases in most other areas of the economy. As a result the price support which you established a year ago, that reflected 85% of parity has now been reduced to 79%.

I strongly urge you to increase the support price of manufacturing milk to the full 90% that is allowed by law. This action is necessary to insure that our dairy farmers will be full participants in the economic market place. I also urge you to increase the amount of cheese that is purchased by the Federal Government. This action is necessary to maintain a stable market for dairy products as well as to provide adequate amounts of cheese for the school lunch program, nonprofit institutions and the poverty stricken. It is my understanding that the Department of Agriculture is currently purchasing less than half of the cheese that is needed for these programs.

I was also very disappointed to learn that no funds were requested in the President's budget for the special school milk program. I would hope that this decision would be reconsidered and that the administration would support this vital program.

I hope that you realize the plight of the dairy farmers and will give serious consideration to these requests.

WALTER F. MONDALE,
U.S. Senate.

SENATOR RICHARD B. RUSSELL

Mr. NELSON. Mr. President, with the rest of the U.S. Senate, I would like to give tribute to the late Senator Russell. For 38 years, he dedicated himself to the Senate, gaining the respect of all who have served here and contributing greatly and lastingly to the character of this institution.

Honor, ability, and integrity were the hallmarks of Senator Russell's long career here. And with his unsurpassed knowledge and understanding of the Senate and its rules, he was a commanding figure in the Senate throughout his long career.

A man of enormous persuasiveness and influence, Senator Russell served as chairman of the Committee on Armed Services and the Committee on Appropriations with great decorum and effectiveness for many years.

In his State and his Nation and among his colleagues, his memory will long endure.

DIET INTAKE AND HEART DISEASE

Mr. NELSON. Mr. President, some recent, significant developments in the relationship of diet intake to the incidence of heart disease offer relief for a vast segment of the public that for years has been plagued by advertising and other propaganda urging less consumption of animal fats, including dairy products, as a means of reducing the risk of coronary heart disease.

A report by the U.S. Department of Health, Education, and Welfare, from a study conducted over a 20-year period on a carefully selected sample of 912 persons, concluded that, "With one exception, there was no discernible association between reported diet intake and serum cholesterol level" in the sample that was studied. Serum cholesterol level in the blood has been linked to the incidence of heart disease.

Only a few days ago the Federal Trade Commission and the Food and Drug Administration started an investigation of the credibility of advertisements that suggest a direct relationship between diet and heart disease.

The Government report that I have referred to is a study conducted by the National Institutes of Health under HEW's Public Health Service. It is popularly known as the Framingham Diet Study.

Results of the Framingham Study provide a dramatic refutation of the exaggerated claims and assertions contained in the public campaign that implores members of the general public to switch their diets from wholesome dairy products to margarine and other vegetable fats. The appeal is that such a switch would lower the cholesterol level in the blood, something that contributes to the development of atherosclerosis and heart attack.

Efforts by dairy farmers and other

affected producers to resist this propaganda campaign have not been successful. In light of the available study results, the record must be corrected so that the public's confidence in the high worth of dairy products can be restored.

The conclusion of the Framingham study, edited by William B. Kannel, M.D., and Tavia Gordon, speaks for itself. I quote directly from the report:

In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing a serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.

In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of de novo CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk. There is in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD.

CONCLUSIONS

With one exception there was no discernible association between reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association between caloric intake and serum cholesterol level in men.

While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.

It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.

On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framingham Study Group. Something explains this inter-individual variation, but it is not diet (as measured here.) Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.

We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.

Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

The conclusion of the Framingham study is clear. Other reported studies in the issue of diet and heart disease indicate similar results.

In view of these studies, two Federal agencies—the Food and Drug Administration and the Federal Trade Commission—have begun to scrutinize the advertising claims that have caused so much confusion and bewilderment over the use of wholesome dairy products.

The actions of these two agencies, and events leading up to the actions, were outlined recently in an excellent article by Mr. Morton Mintz in the Washington Post.

I ask unanimous consent that the full text of the article by Mr. Mintz be printed in the RECORD following the printing of "The Framingham Diet Study."

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

THE FRAMINGHAM DIET STUDY: DIET AND THE REGULATION OF SERUM CHOLESTEROL

In 1957–1960 a diet assessment was undertaken for a sample of the Framingham Study cohort on their fifth biennial examination.[1] The method used was a modification of the dietary interview developed by Burke[2] and was directed to evaluating the "usual" long-term intake of each person interviewed.

A sample of 1049 persons was drawn according to an elaborate sampling scheme. A 25 percent random sample was drawn from a listing of the original sample respondents. This sample was then modified as follows:

(a) One half of the women sampled were removed.

(b) All persons who were known dead were removed (25 men, 7 women).

(c) All persons who had missed the last two consecutive examinations were removed (50 men, 25 women).

(d) All persons with the diagnosis of heart disease or definite hypertension were removed (Table 1). (Persons who were diagnosed as having these conditions subsequent to the sampling but prior to the interview were, however, retained). The diagnoses comprised any form of definite heart disease, including myocardial infarction, angina pectoris, and rheumatic heart disease. A total of 173 persons, 124 men and 49 women, were removed for these reasons. However, these were the only medical exclusions and other persons with known disease, some of them involving dietary therapy, are included in the dietary sample.

The wives of all the men selected for the dietary sample were then added in order to have these women available to supplement their husband's stories. The husbands of women in the random sample were not included. Since the degree of lipidemia is involved in the dietary hypotheses of atherogenesis and since this attribute had been measured in past examinations it was used as a criterion for augmenting the dietary sample. For this purpose, all male subjects in the otherwise qualified population with cholesterol levels[3] of 300 mg% or more or below 170 mg% were included in the dietary sample as "high cholesterol" and "low cholesterol males, respectively. These groups promised to be unusually potent in the evaluation of dietary hypotheses. The wives of these men were also included. These methods yielded a total sample of 1049 subjects, 503 men and 546 women. A summary of the dietary sample is shown in Table 2. These persons were to be studied in a period of 36 months.

Of the 1049 persons in the sample only 912 yielded successful interviews. The other 137 were accounted for as follows:

Not interviewed	61
Refused	33
Dead	5
Moved	23
Unsuccessful interview	76
Failed	10
No pattern	11
Dieting	11
Poor communication	4
Uncooperative	31
Other	9

It was not intended by this procedure to provide an estimate of the usual diets in the Framingham Study group as a whole but rather to collect information to test the hypotheses that "The regulation of the level of serum cholesterol and the development of coronary heart disease are related to

1. The caloric balance
2. Level of animal fat intake
3. Level of vegetable fat intake
4. Level of protein intake
5. Level of cholesterol intake . . ."

This paper presents data relating to the hypotheses respecting the regulation of serum cholesterol. To these has been added the hypothesis that serum cholesterol level is related to

6. Level of the ratio of complex to simple carbohydrates (C/S ratio).

THE MEASUREMENT OF DIET

Two reports have appeared describing the techniques used and the reliability of the measurement of dietary intake.[4,5] While the measurement of nutrient intake is exceedingly difficult the general conclusion of these methodological studies was that the procedure provided a relatively valid and reliable measure of usual daily intake.

However, diet interviews were obtained over a 4-year period and it may well be asked whether the technique remained stable over that period of time. Figures 1 and 2 indicate that the total caloric intake reported for the study group decreased measurably over the 4-year period.

In particular, levels during the last year of interviewing were substantially less than during the first three years. If one specific nutrient is considered—total grams of fat—a parallel trend is noted, as might be anticipated. That this is not easily explained by a change with time in the persons interviewed may be judged from Figures 5 and 6 which show trends in body weight. While the average weight was lower for men inter-

[1] A few interviews were obtained on the fourth and sixth examinations.

[2] Burke, B.S. The dietary history as a tool in research. J. Amer. Diet. Assoc. 23: 1041–1046, December 1947.

[3] On the initial study determination.

[4] Dawber, T. R., Pearson, G., Anderson, P., Mann, G. V., Kannel, W. B., Shurtleff, D., McNamara, P. M. Dietary assessment in the epidemiologic study of coronary heart disease: the Framingham Study. Amer. J. Clinical Nutrition 11: 226–234, September 1962.

[5] Mann, G. V., Pearson, G., Gordon, T., Dawber, T. R., Lyell, L. P., Shurtleff, D. Diet and cardiovascular disease in the Framingham Study. Amer. J. Clinical Nutrition 11: 200–226, September 1962.

viewed at the end of the study than men interviewed at the beginning of the study (a finding that might be construed as consistent with trends for total caloric intake) the opposite was true for women interviewed.

Figures 1 and 2 might also be examined for evidence of seasonal variation in reported intake. The interview was intended to elicit "usual" intake; that is, something more general than the recent diet of the individual. If this effort was successful there should be no evidence of seasonality in reported intake. Despite substantial variation from quarter to quarter in total calories reported, there is no evidence that this variation followed a seasonal cycle.

USUAL INTAKE

While it is difficult to specify exactly how the diet for this study group compares with that for the Framingham cohort as a whole or how the Framingham diet compares with that for United States adults generally, there may be some interest in the findings in a carefully evaluated group of American adults (Tables 3 and 4).

On the average, men consumed 3156 calories and women consumed 2142 calories. Some 40 percent of these calories came from fat and 70 percent of the fat was from animal sources. (There was little difference between men and women in these proportions). Caloric intake decreased with age in both men and women but the percent of calories from fat was about the same across the age range. A slightly larger proportion of the fat came from animal sources in older persons.

Distributions of various nutrient measures are given in Figures 7–20. There is obviously considerable variation in all these measures from one person to another. This is also evident in the standard deviations given in Table 3.

While caloric intake had a considerable range in the study group, there was a heavy concentration of reported intakes for men and women at the modal values (Figure 7). This appears visually in the marked "peakedness" of these curves. When caloric intake is expressed as calories per pound of body weight this peakedness becomes less marked (Figure 8). The curves for the major nutrients also tend to have a large number of values at the mode combined with considerable dispersion (Figures 9–20). Probably the most important feature of these curves is the evidence they show that diet as reported for this Study Group is by no means uniform. There is a wide range of intake.

All such assessments are, of course, dependent on one's perspective. In terms of diets in which only 15 or 20 percent of the calories come from fat almost all values for the Study Group are "high," with roughly 90 percent of the group receiving 30 percent or more of their calories from fat. Clearly, if the effects being assessed appear only above or below some threshold value, a population which was truncated at that value would be unsuitable for studying the effect.

An additional piece of information of some interest is the correlation between the major diet components and total caloric intake (Table 5). It will be noted that the major nutrients correlate highly with total caloric intake. Thus, it would be anticipated that any findings for total caloric intake would generally prefigure the findings for the major nutrients. On the other hand the various ratios and percentages tend to have a much lower correlation with total caloric intake.

RELATION OF SPECIFIED DIET CHARACTERISTICS TO SERUM CHOLESTEROL LEVELS

The relationship of specified diet characteristics to serum cholesterol levels is summarized briefly in Table 6, which gives correlation coefficients with serum cholesterol for a number of diet characteristics. The serum cholesterol value used is that determined at the time of the interview.

Caloric balance

The following measures related to caloric balance were looked at for a possible relation to serum cholesterol levels.

(a) Calories per day

(b) Daily caloric intake per pound of body weight

In addition, each measure (a or b) was examined separately at specified levels of physical activity. Calories per day showed a slight negative association with serum cholesterol level (over all age groups) in men but no association in women. This is evident from the correlation coefficients.

When the population is divided into persons above and below median caloric intake, (or median caloric intake per pound of body weight) those men with higher caloric intake tend to have lower serum cholesterol levels; but there is no similar difference found in women (Tables 7 and 8).

This finding is somewhat puzzling and it is reasonable to inquire if this is related in some way to the level of physical activity. In a given weight group persons who report higher activity levels also report higher caloric intakes Table 9). (This may be taken as a validation of both the diet interviews and the physical activity histories). What is more, relative weight tended to be great in men who were more sedentary (caloric intake fixed) or who had a higher level of caloric intake (physical activity fixed.) Again this tends to validate the measuring techniques used. These associations appear to be considerably stronger for men than women, although this may well be a function of the paucity of women reporting higher levels of physical activity.

If, then, the population is divided into high and low classes on the basis of both physical activity and daily caloric intake men in the same physical activity class tend to have higher serum cholesterol levels at lower caloric intake (Table 10). This finding is contrary to expectation.

Constructing a regression equation in the form

Serum cholesterol=a+b (physical activity index) + c (calories per day) + d (Framingham relative weight)

we find that for men aged 37–49 the regression is statistically significant and that it is near statistical significance at 50–59. These regressions are primarily accounted for by the negative coefficient assigned to the daily caloric intake. For men 60–69 and for women the regressions are not statistically significant (Table 11). These findings are generally consistent with the tabular material already discussed.

Level of fat intake

The following measures related to fat intake were used:

(a) Grams of fat per day

(b) Grams of animal fat per day

(c) Percent calories from fat

(d) Ratio of daily intake of plant fat to animal fat.

Paralleling the findings for total calories there is a slight negative association between daily intake of total fat (and also of animal fat) with serum cholesterol level, in men but not in women.[6] This parallel is not surprising given the high correlation between fat intake and total caloric intake. No association between percent of calories from fat and serum cholesterol level was shown; nor between ratio of plant fat intake to animal fat intake and serum cholesterol level (Tables 12–15).

Protein intake

There was a trivial negative correlation between daily protein intake (in grams) and serum cholesterol=a+b(animal fat)+c

[6] The relationships indicated are unchanged if the specified nutrients are expressed in grams per pound of body weight.

C/S ratio

The evidence in Table 16 when taken in the context of Table 6 can be interpreted as showing no relationship between C/S ratio and serum cholesterol level.

Dietary cholesterol

There is no indication of a relationship between dietary cholesterol and serum cholesterol level (Table 17).[6] If the intake level of animal fat is held constant there is stil no relation of cholesterol intake to serum cholesterol level (Table 18).[6] If (further) a multiple regression is calculated in the form

serum cholesterol=a+b(animal fat)+c (dietary cholesterol)

there is also little suggestion of an association between this pair of variables and serum cholesterol level (Table 19). The age group 60–69 in men is the only exception and it may be due to sampling variability. In that age-sex group a significant positive correlation between dietary cholesterol and serum cholesterol is translated into a significant bivariate regression. (Since the correlation between cholesterol intake and fat intake ranges between .606 and .717 in these various age-sex groups, it is unlikely that relationships not evident for either singly would be evident for both jointly.)

Other analyses

The failure to turn up any positive association between food intake and serum cholesterol level in the Framingham Diet Study led to the exploration of a large number of variant analyses. These were uniformly unsuccessful in finding expected relationships. Only a fraction of these explorations are included in this report.

Two other tables might be considered beyond those already presented. One is a look at mean dietary constituents for persons with "high" (300 mg% or greater) and "low" (less than 180 mg% cholesterol levels (Table 20). These groups are defined not by the serum cholesterol measurements used for drawing the diet sample but by the blood measurements made at the time of the diet interview. Another is a multiple regression using some key diet variables (Table 21).

Neither alters the generally negative conclusions already arrived at. The regression equation for men 50–59 is statistically significant (this may be interpreted as a reflection of the significant negative correlation between total caloric intake and serum cholesterol level in this age-sex group) but the regression equations for the other age-sex groups are not. It is evident that the coefficients assigned to the independent variables follow no clear pattern from one age to another. (The multiple correlation coefficients, while low, look large compared to the univariate correlation coefficients. This is a reflection of the use of 7 independent regressors rather than one but only for 50–59 year old men does the multiple correlation coefficient achieve the 5% significance level.)

Energy balance

Food intake is part of an equation which includes relative weight and physical activity. This is a dynamic relationship in which time is an important dimension. The cross-sectional data obtained by this study may reflect this relationship poorly, if at all. The following correlations from the Framingham Diet Study are not very impressive.

	Correlation of Framingham relative weight with—		
	Physical activity index	Calories per day	Both
Men:			
37 to 49	0.075 (0.030)	0.121(0.167)	0.125
50 to 59	−.008 (−.032)	.159 (.185)	.175
60 to 69	−.083 (−.089)	.120 (.110)	.188
Women:			
37 to 49	.048 (.024)	.007 (.033)	.048
50 to 59	.046 (.026)	.006 (−.011)	.046
60 to 69	−.196 (−.157)	−.040 (.013)	.199

The parenthetical entries are correlations with actual weight. These differ trivially from the correlations with relative weight.

The correlation of the physical activity index and daily intake of calories as expressed in the study data is moderate for men and poor for women:

	Men	Women
37 to 49 years	0.394	0.075
50 to 59 years	.372	.135
60 to 69 years	.411	.043

Considering the presumptive reliability of these two measurements the correlations for men are particularly interesting. Taking the data at face value (that is, ignoring sampling variation) one of these measurements, at least, should have a better than 0.6 correlation with the "true" values it purports to describe. While this is far from ideal, it is better than is sometimes suggested. In all likelihood the better measurement in men is the measurement of diet so that the estimate of 0.6 is really on the low side.

* * * * *

The low correlation between physical activity and caloric intake, on the one hand, and relative weight on the other, may be accounted for by the fact that for most people caloric intake and energy expenditure are closely balanced and that relative weight is the end product of minor differences between them accumulated over an extended period of time.

Thus, if the balance between energy intake and expenditure is critical in the control of serum cholesterol levels it might appear in the relationship of serum cholesterol level to weight change. An equation can be made in the form

$$\text{serum cholesterol (at Exam 4)} = a + b\ (\text{FRW}) + c\ (\text{change in FRW})$$

where FRW is the average relative weight over the first four examinations and the change in FRW is measured by the Exam 4 FRW minus the Exam 1 FRW (Table 22). In this analysis we use data from the entire Framingham cohort. Generally speaking, both weight and weight change appear to have a *weak* association with serum cholesterol level. Thus, energy balance, as contrasted with diet as such, does appear to have some relation to serum cholesterol level in this population, albeit not an impressive relation. The data on energy balance, however, deserve a more extended analysis than would be appropriate in this report.

RELATIONSHIP OF DIETARY IRON AND BLOOD HEMOGLOBIN

A secondary hypothesis of the Framingham Diet Study, quite unrelated to the atherogenesis study, was that there was a direct relationship between the intake of iron and blood hemoglobin levels. To the contrary, the study data suggest a weak negative association, not significantly different from zero in most specific age-sex groups but always negative, always about the same order of magnitude, and (for all age-sex groups combined) statistically significant.

FRAMINGHAM STUDY

	Number	Correlation
Men:		
37 to 49	209	−0.075
50 to 59	131	−0.091
60 to 69	83	−0.055
Women:		
37 to 49	221	−0.117
50 to 59	142	−0.084
60 to 69	75	−0.041

Whether this arises from a tendency of persons to take more iron in their diet when informed they have "marginal anemia" is difficult to say for sure but it seems unlikely. If mean intakes of dietary iron are examined for persons with low and high blood hemoglobin levels there is no indication of a dramatically high intake of iron in persons having low blood hemoglobin levels. Rather, there is a trivial difference between the intakes for persons with high and low blood hemoglobin levels (Table 23).

RELATIONSHIP OF DIET TO CHD INCIDENCE

In undertaking the diet study at Framingham the primary interest was, of course, in the relation of diet to the development of coronary heart disease (CHD). It was felt, however, that any such relationship would be an indirect one, diet influencing serum cholesterol level and serum cholesterol level influencing the risk of CHD. However, no relationship could be discerned within the study cohort between food intake and serum cholesterol level. It does not necessarily follow, however, that food intake is unrelated to CHD incidence by some other unspecified mechanism.

In the period between the taking of the diet interviews and the end of the 16-year follow-up, 47 cases of *de novo* CHD developed in the Diet Study group. The means for all the diet variables measured were practically the same for these cases as for the original cohort at risk (Table 24). There is, in short, no suggestion of any relation between diet and the subsequent development of CHD in the study group, despite a distinct elevation of serum cholesterol level in men developing CHD. (The large mean difference in serum cholesterol levels for men (Table 24) is exaggerated by the sampling scheme which oversampled men with very high and very low serum cholesterol levels.)

CONCLUSIONS

With one except there was no discernible association betwen reported diet intake and serum cholesterol level in the Framingham Diet Study Group. The one exception was a weak negative association betwen caloric intake and serum cholesterol level in men.

While negative findings on a sample can be argued to be consistent with positive findings in the universe, the data strongly suggest that if there really is any association between diet intake and serum cholesterol level in the Framingham Study population it is probably a weak one.

It is important to be perfectly clear what these findings mean and what they do not mean. They mean that in the Framingham Study Group, diet (as measured here) is not associated with concurrent differentials in serum cholesterol level. It does not mean that the difference between Framingham and some other population (say the people of Japan) in serum cholesterol level is unrelated to differences between these populations in diet. Still less does it mean that serum cholesterol levels cannot be changed by changes in dietary intake.

On the other hand, these findings suggest a cautionary note with respect to hypotheses relating diet to serum cholesterol levels. There is a considerable range of serum cholesterol levels within the Framington Study Group. Something explains this inter-individual variation, but it is not diet (as measured here). Clearly if there is to be an attempt to manipulate serum cholesterol level in a general population it would be desirable to know what these powerful but unspecified forces are.

We have repeatedly stated that the findings relate to diet *as measured here*. This implies that using some other technique for measuring diet intake or measuring some other dietary parameters than this study did might yield different conclusions. It is important to recognize this possibility. It is also important in considering some other parameter to determine whether or not it is highly correlated with a parameter included in this study. Furthermore, it should be remembered that, for men at least, internal evidence indicates that the measurement of food intake was relatively good in this study.

Two parameters other than serum cholesterol were also considered. One was blood hemoglobin—was it directly related to iron intake? It was found there was, in fact, a very weak inverse relationship between these two variables, whereas (of course) the postulated relationship was in the other direction. The other was coronary heart disease incidence—was it related prospectively to diet? No relationship was found.

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

FDA, FTC QUESTION POLYUNSATURATE ADS

(By Morton Mintz)

For a dozen years, Americans have been confronted with advertisements in medical and lay publications that encourage use of polyunsaturated fats, usually as margarines or oils, as a means to reduce the risk of heart disease.

Presently, claims made in such ads for margarines are under scrutiny by two federal agencies, the Food and Drug Administration and the Federal Trade Commission.

The agencies' investigations are under way, moreover, as medical researchers are reporting findings that heating polyunsaturates at "temperatures that are typical for family cooking" leads to resaturation of the fats—thereby possibly negating the purpose for which polyunsaturates are advertised.

One full-page ad of this kind, for a widely sold cornoil margarine, has appeared frequently in numerous medical journals.

A photograph of a boy dominates the top half of the ad. He is blowing at candles—eight of them—on a birthday cake.

"Is there a heart attack in his future?" the caption asks.

"More and more doctors," the upbeat answer in the text begins, "are coming to the conclusion that the best time to deal with coronary disease is 30 to 40 years before it is likely to occur.

"That is why they are recommending good dietary practices, especially the low-saturated-fat diet—not only for the heart patient, but for people of *all age groups*—as a means of controlling blood cholesterol and to reduce the risk of coronary diseases later on.

"Such a regimen, of course, involves the substitution of vegetable oils for animal fats wherever possible . . ."

In publications for laymen, the manufacturer picks up the same theme, but points it directly at parents.

"Should an 8-year-old worry about cholesterol?" asks the caption in an often-published ad.

Again, the answer is hopeful: Fathers and mothers who take the precaution of giving their children corn-oil margarine, Fleischmann's, in this case, are acting to reduce "one important risk to coronary disease."

Over the years, such ads, along with similar messages from non-commercial sources—the appeals to physicians reinforcing those to laymen, and vice-versa, have hammered home an implied fear:

To refrain from recommending such margarines and oils may be to invite negligently the diseases of the heart and blood vessels that, each year, cause the deaths of more than a half-million Americans.

For millions, meanwhile, such messages have made the avoidance of animal (saturated) fats part of the conventional good-health wisdom for millions.

In the process, an enormous market has been built up for polyunsaturated fats

(mainly, corn, cottonseed, safflower and soy oils. Peanut and olive oils, which are highly monosaturated, do not alter blood chloesterol levels. Coconut oil and cocoa butter are almost completely saturated).

But is it known that lowering the levels of lipids (cholesterol or other fatty substances) in the blood helps to preserve health and life?

The Food and Drug Administration says that despite a large amount of evidence, some of it conflicting, the case has not been proved.

For that reason, the FDA requires pharmaceutical manufacturers to include an "important note" in every ad for prescription medicines that lower blood lipid levels.

It has not been established, the note reminds physicians, whether drug-induced decreases in serum lipids have "a detrimental, a beneficial, or no effect on the morbidity or mortality due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question."

Many eminent men of medicine share this view. "After 20 years and several hundred million dollars," Vanderbilt University biochemist George Mann has said, "we still do not see any convincing evidence" in support of the "overpromoted and overpublicized" dietary concept of the management of heart disease.

In the prestigious Lilly Lecture before the American College of Physicians last April, Swedish research scientist Lars Werko said:

"Despite considerable effort, nobody has been able to demonstrate that it is possible to reduce the incidence of . . . heart disease by lowering serum cholesterol."

Yet, in ads for foods that have the same purpose as the drugs—that is, to lower blood lipid levels—no such cautionary advice appears.

For example, a physician going through the Journal of the American Medical Association may see the "important note" on one page, in an ad for a drug. But in the pages where there are ads for cholesterol-lowering foods he never sees anything of the kind.

Yet the secretary of the AMA's Council on Foods, Dr. Philip L. White, told a recent meeting of food editors, "We are all tired by now of the unending advertisements for oils and margarines that promise to clear our arteries in much the same way a drain cleaner works."

The inconsistency of the medicine and food ads is the product of a bureaucratic division of legal responsibilities between the FDA and the Federal Trade Commission.

The FDA is able to require the "important note" in drug ads because it has responsibility to be sure that advertising as well as labeling of prescription drugs is truthful and balanced. It has no jurisdiction over the advertising of foods.

In previously undisclosed correspondence prompted by Dr. Edward R. Pinckney, a Beverly Hills, Calif., internist, FDA Commissioner Charles C. Edwards has said that his agency would not permit the claims now in the margarine ads to be made in the labeling over which the FDA does have jurisdiction.

If such claims were to be made in the labels, Dr. Edwards told Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, the FDA "would regard the products as misbranded" and would seize them.

Indeed, Dr. Edwards said "we are considering strengthening the prohibitions" on claims of the type made in three sample margarine ads submitted to him by the subcommittee.

In the absence of all effort by the FDA to treat the advertised margarines legally not only as foods, but also as "drugs" promoted for the prevention of disease, possible action is up to the FTC, because it has responsibility for food advertising.

A few days after the Fleishmann margarine ad captioned, "Should an 8-Year-Old Worry About Cholesterol?" appeared in last November's Reader Digest the commission's Food and Drug Advertising Division began an investigation.

The staff sought "to determine whether that ad and similar ads . . . were in violation of any statutes which the commission enforces, Joseph Martin Jr., the FTC's general counsel, said on Feb. 18 in response to an inquiry from Fountain.

"The staff advises me that its investigation should be completed within the next week and that it will be enforcing appropriate enforcement recommendations to the commission," Martin said.

The differing FTC-FDA policies have been but a symptom of the confusion that besets a troubled medical-scientific community as it grapples with the mysteries of coronary and atherosclerotic heart diseases.

Dr. Pickney, the Beverly Hills internist, has assembled "ample evidence" for possibly the most ironical twist of all: that heating polyunsaturates such as corn oil tends to "resaturate" them.

Pinckney, an author and former professor of medicine at Loma Linda College of Medicine, presents his case in a paper prepared for the recent Southern California meeting of the American College of Physicians in Palm Springs.

Cooking with polyunsaturates would—"if the advertised claims for these products are accepted at face value—defeat the very purpose for which polyunsaturates are commercially promoted," he said.

"Resaturation by heating," he went on, "happens at times and temperatures that are typical for family cooking."

"But the degree of saturation becomes worse if the fat or oil is reused (as is a common custom among housewives)," he continued.

"Even more dangerous—again, assuming saturated fats are as dangerous as they are commercially exploited—are the fats and oils used in restaurants and commercial cooking establishments, where this cooking media is sometimes kept at high temperatures for months at a time, or are reheated daily (new fat or oil being added, when necessary, to maintain the proper cooking level . . ."

Pinckney contends that in addition to saturating vegetable oils, heating makes them harmful in other ways. Both contentions have been disputed. But Pinckney's "main point" is:

". . . That it would seem to me to be negligence on the part of physicians to advise the use of polyunsaturated fats and oils—for the purpose of lowering laboratory-measured blood cholesterol and other fats—without stressing the fact that such oils and fats should not be heated, or used in cooking."

(The phrase, "laboratory measure" reflects evidence that stress—along with such other factors as lack of exercise and cigarette smoking—can elevate blood cholesterol.

(". . . making the patient heart-conscious every time he sits down to eat" could have a self-defeating affect, Pinckney contends. It is even "quite possible that the single act of drawing blood from a patient—especially when the patient is made aware that the blood sample is intended to reveal the condition of his heart—could alter the resultant cholesterol value to a false, elevated reading.")

As noted, the regulatory agencies with responsibilities for foods do not require either the labeling or the advertising to disclose possible hazards in heating the oils. Neither do other primary information sources.

The National Heart and Lung Institute (a unit of the National Institutes of Health), for example, has a set of printed guidelines for treating certain patients with an elevated level of blood cholesterol.

Recommend polyunsaturates for "broiling, baking, or frying," as well as for "popping corn," the guidelines urge physicians.

The American Heart Association long has encouraged the use of polyunsaturated fats to replace a portion of the saturated fat in the diet.

The organization has drawn a rebuke for this advice from the conservative American Medical Association. Dr. White of the AMA's Council of Foods, in his talk to food editors, said the AHA's promotional messages sometimes have been confusing because no one really has pinned down the relation of diet to heart disease.

In encouraging use of polyunsaturated fats, the AHA has not referred to evidence that heating them possibly could be harmful.

The AHA has no "rigid" position on the matter, a spokesman in New York City said. Rather, he said, the AHA, as of now, simply does not regard as adequate the evidence of possible ill effects from heating the oils.

This puts the AHA at an opposite pole from Dr. Pinckney. For the past two years, he has researched the medical and scientific literature, has exchanged letters with officials of the Heart and Lung Institute and others, and has tested his views before his peers in articles and letters in the Annals of Internal Medicine and other journals.

Pinckney's new paper is to be published in "Medical Counterpoint," which is widely circulated among internists. Its editor, Dr. Mark D. Altschule, an assistant clinical professor of medicine at Harvard, shares Pinckney's views on the possible hazards of heating polyunsaturates (and, in addition, contends that blood cholesterol "cannot have a primary role" in causing coronary heart disease).

Those who would dispute Pinckney and Altschule face some awkward statistics.

In the years 1909–65, the proportion of cholesterol in the American diet has changed hardly at all, while the rate of coronary heart disease (CHD) has skyrocketed.

Reporting this last July, Dr. Harold A. Kahn of the Heart and Lung Institute said, "The increased risk of CHD reported to have occurred over this period is not related to dietary fat changes to a very important degree."

During the more than 12 years in which physicians in large numbers have tried to control serum cholesterol and CHD through dietary changes, Pinckney pointed out:

The World Health Organization has reported an increase in heart disease.

But Japan, where there has been a large increase in the consumption of dairy products, eggs and saturated fat foods since 1955, has had a 14 per cent decrease in heart attack deaths, according to the WHO.

In a letter responding to inquiries from fellow physicians, Pinckney said that the following have provided "a direct refutation for the use of heated unsaturated fats in the diet for the proclaimed prevention and therapy of heart disease:"

Dr. David Kritchevsky, an organic chemist at the famed Wistar Institute in Philadelphia, has shown, Pinckney said, "that heating an unsaturated fat (especially corn oil) to 200 degrees Fahrenheit for 15 minutes (far less than normal home cooking temperature and time) actually enhanced atherosclerosis in animals." Pinckney noted that "inferential animal studies" were the basis for the removal of synthetic sweeteners from the market.

Dr. Antoine Gattereau, director of the Nutrition Laboratory at the University of Montreal's Clinical Research Institute, has written Pinckney, "I totally agree with you" that resaturation occurs with heating.

Oils chemist Fred Kummerow of the Uni-

versity of Illinois' Burnsides Research Laboratory, also agrees that heating resaturates fats.

"In household operations I don't think there's much trouble," he said. "It's the restaurant friers that are dangerous because they use the same hydrogenated fats over and over again. In Germany these kinds of fats are banned."

Some householders, especially among the poor, also use fats over and over, figuring they cannot afford to throw them away.

Other scientists who say that heating saturates unsaturated fats include: Drs. Laurance M. Hursh, director of health services and professor of health sciences at the University of Illinois, and Dr. Penny Wells, director of the School of Public Health Laboratory at UCLA.

Resaturation is by no means the only concern. Questions have also been raised by researchers, for example, as to whether heating polyunsaturated fats causes the formation of peroxides, which destroy cells, or decreases the fats' content of linoleic acid—the ingredient the American Heart Association considers to be what makes them valuable. Further, one study indicates the possibility that the likelihood of cancer increases in persons who depend heavily on polyunsaturated fat for a long time.

All the adverse findings cited here are sharply disputed by scientists with impressive credentials and unquestioned integrity.

Without doubt, no consensus in the scientific community about the possible harm done by the unsaturated fats is in sight.

But even among those who disagree on the possibility of harmful effects, there are many who agree with Dr. Pinckney that it is inexcusable for the federal government to, say, allow one of its agencies not to impose on food advertisers the same requirements that another of its agencies imposes on drug advertisers.

Nor is there likely to be a permanent lack of consensus on two other issues raised by Pinckney in his paper:

That answers must be found, through research, to such crucial questions as what happens to the cholesterol that diet or drugs takes out of the blood? Where in the body does it go?

That advertising promoting a dietary approach to cholesterol control and prevention of heart disease, and messages from the American Heart Association that do pretty much the same thing, are not the best way to handle one of the most serious health problems of mankind.

AMERICA'S DAIRYMEN NEED PRICE SUPPORT INCREASE

Mr. HUMPHREY. Mr. President, yesterday I addressed myself to the need for increasing Dairy Price Supports. At the present time, America's Dairy Farmers are receiving $4.66 per hundredweight of manufacturing milk. This is just slightly more than 80 percent of parity.

The Secretary of Agriculture is authorized, under the law, to increase the price support to 90 percent of parity, or about $5.21 per hundredweight. Still, this is only 90 percent of a fair price. He must make his decision by April 1—a decision that will affect the livelihood of all of America's dairy farmers.

Mr. President, an excellent analysis of the dairy situation is presented in a paper entitled, "The Dairy Industry and the Public Interest: The Need For a Price Support Increase." I hope the Secretary will give thoughtful study to this paper before making his decision and I ask unanimous consent that it be printed at this point in the RECORD.

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

THE DAIRY INDUSTRY AND THE PUBLIC INTEREST: THE NEED FOR A PRICE SUPPORT INCREASE

The U.S. dairy industry has led the agricultural sector of our economy in organizing so as to better serve both producers and consumers.

The Federal Order program has been an effective means of orderly marketing of dairy products and of assuring the public an adequate supply of pure and wholesome milk and milk products.

In recent years, dairymen have further improved their efficiency through the consolidation of many small and often inefficient cooperatives into more effective regional cooperatives.

The development and operation of the standby pool has made it possible for milk producers in surplus areas to share equitably in the proceeds from the higher class I markets.

Despite this progress, the economic stability of the dairy industry still largely depends upon the income floor provided by the dairy support price for manufacturing milk. Dairymen have sometimes been able to bargain for prices above the minimum. Yet they cannot depend solely on this means of improving their incomes. Dairy farmers still cannot precisely tailor production to demand. Thus, the level of dairy income is still subject to shifts in consumption, to unanticipated increases in dairy imports and to other factors that are beyond the control of the individual producer.

The dairy support price for the marketing year beginning April 1, 1970 was set at $4.66 cwt—or 85 percent of parity at that time. Increased costs since April 1, 1970 have now reduced the parity ratio for milk to 81 percent. And, unless the Government takes remedial action, inflationary pressures in prices paid by dairy farmers will reduce the parity ratio to even lower levels.

Public interest would best be served by a support level of 90 percent of parity or an estimated $5.35 cwt, for the year beginning on April 1, 1971. Both consumers and dairy farmers would benefit. The industry would have the stability needed to deal effectively with anticipated production and consumption patterns foreseen for the 1970's.

There are compelling reasons for such an increase:

(1) A stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

(2) Adequacy and stability of dairy supplies are threatened by sharp acceleration in the downward trend of milk production. Severe and irremediable contraction in the dairy industry would be catastrophic in impact upon consumers and upon the national economy.

(3) Despite recent milk price increases, average income to dairy farmers still remains extremely low. Dairy producers are now faced with a harsh and continuing cost-price squeeze that can be mitigated only by adjustment of the support price level.

4) Establishment of the support level at the legal maximum of 90 percent of parity is needed if there is to be an orderly adjustment of milk output to milk demand during the 1970's.

5) The contribution to the national interest of an increase in the support price to 90 percent of parity would far outweigh its relatively minor adverse impact.

a) The Federal budgetary impact will be fully consistent with budget commitments of previous years. Stocks acquired by Government can be used effectively in programs to which there is firm national commitment.

b) The price support increase would not cause substantially increased prices to consumers, nor would it provoke inflationary price pressures.

6) An increase of price supports to 90 percent of parity is critically needed in order to further dairy industry "self-help" activities that can lead to eventual termination of price support assistance.

I. A Stable and adequate supply of milk is critically important to the health and welfare of the people of this nation.

Milk is one of our most basic foods. A sound dairy industry is, therefore, vital to the nutritional welfare of our nation.

Milk and dairy products, excluding butter, provided the following components of consumer diets during 1968: [1]

22.6 percent of the protein supply.
13.5 percent of the fat supply.
76.2 percent of the calcium supply.
36.7 percent of the phosphorous supply.
9.9 percent of the riboflavin supply.
11.3 percent of the Vitamin A value.
1.7 percent of the niacin supply.
4.7 percent of the ascorbic acid supply.
2.2 percent of the iron supply.
7.2 percent of the carbohydrate supply, and
11.8 percent of the food energy supply.

Virtually every developed country has a national policy assuring adequate returns to its dairy farmers in order to assure an adequate and stable supply of milk and dairy products for their consumers. Such assistance often includes subsidies—both for export and domestic consumption—and even direct financial assistance in maintaining a stable dairy cow population.

The European Community promulgates price guidelines for butter and non-fat dry milk and, when necessary, the Community sets "intervention" prices, to assure adequate income to its dairy farmers. Australia has a support price program for butter and cheese. Denmark has a two-price marketing plan through which consumers pay prices that return enhanced income to producers and facilitate exports. The United Kingdom supports the price of milk used for fluid purposes and also sets prices for manufactured products to yield a blended pool price that will assure adequate domestic production. Canada supports dairy prices. New Zealand subsidizes milk consumption.

Recognizing the nutritional importance of dairy products—particularly for children—the United States has for many years undertaken to insure that we shall always have an adequate and stable and dependable supply of milk. There can be differences as how best to achieve this national objective. No one disputes the national purpose to assure that the dairy industry will remain economically viable. Accordingly, there is cause for national concern when continued deterioration in the economic condition of the dairy industry threatens this national goal.

II. Adequacy of milk supply is threatened by acceleration of the downward trend in milk production through a severe contraction of productive capacity.

To maintain an adequate supply of milk and dairy products for the growing population of the future requires protection against sudden and sharp decline in productive capacity. During the past 20 years, there has been a steady and continuing decrease in the number of dairy farms.

This contraction of numbers is expected to continue. This trend is summarized in the following table:

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[1] U.S.D.A. "Agricultural Statistics" 1969, Table 805.

Number of U.S. farms selling milk and cream

Year	(Thousands)
1950	1,959
1955	1,475
1960	1,032
1964	641
1969	[1] 400
1980	[2] 200

[1] *Dairy Situation*, September 1969, p. 29, U.S.D.A. estimate.

[2] *Dairying in the 1970's*. Anthony G. Mathis, Agricultural Economist, Economic Research Service, U.S. Department of Agriculture, DS-329, March 1970, p. 30.

Thus, there are now only 400,000 dairy farms in this country. Four-fifths of the dairy farms operating in 1950 have gone out of business. The Department of Agriculture considers that in 1980 there will be only one-tenth as many dairy farms as there were in 1950.

This contraction has not simply been a consolidation of dairy herds into larger farms. The number of milk cows on U.S. farms has also been declining sharply.[2]

In 1950, there were almost 22 million milk cows on American dairy farms.

By 1970, this number had decreased by nearly 10 million cows to a total of 12.5 million.

By 1980, milk cows on farms are expected to decrease by another one-third or some four million cows, to a total of eight or nine million.

Decreases in cow numbers have been offset in part by increases in milk production per cow. Thus the decreases in numbers of farms and cows does not always mean an absolute reduction in milk production. In the early years of the downtrend in numbers, offsetting increases in efficiency have tempered its impact upon output. Yet efficiency gains are increasingly hard to come by. As the number of cows decreases, capacity to maintain aggregate output becomes more difficult. Dairy cows cannot be replaced quickly and inexpensively and it is increasingly difficult to increase output per cow.

All of these factors are reflected in the steady downward trend of milk production during recent years. It is a remarkable fact that 1970 milk production of 117.4 billion pounds was no higher than the production level of 1950—despite the expansion of the American economy. Moreover, annual production of milk has declined from the 1964 high of 127 billion pounds by approximately 10 billion pounds in the past six years.[3]

U.S.D.A. estimates indicate that output rose slightly in 1970 to 117.4 billion pounds, or about one percent above the 1969 output. This is the first time since 1964 that milk output deviated from its prolonged downward tend. Even so, the sustained decline in production per capita continued through 1970.

A number of factors—such as exceptionally good weather conditions and deterioration in pork and beef prices—contributed to this slight increase. Moreover, the general slowdown of the economy during 1970 provided less off-farm employment opportunities for dairymen who might otherwise have quit dairying. It also provided sources of labor for those dairymen who wanted to expand production.

Ignoring possible statistical errors in estimating 1970 output, sustained increase in annual production is not foreseen by the Department. High economic growth will eliminate the causes for the slight upturn in 1970. General increases in wages and other costs will generate increases in dairy farm wage rates and other production costs. Currently rising dairy cattle prices are again inducing close herd culling. As unemployment rates decline, off-farm employment opportunities will attract dairy farmers and dairy labor. All of these economic factors are likely soon to reverse the 1970 increase in production and to resume the long-term downtrend projected by the Department. Indeed, U.S.D.A. economists consider that, by 1980, milk production could fall below 110 billion pounds.[4] Thus, there is standing danger that sharp contraction of output could occur, with major injury to consumers and to the national economy.

III. Despite recent milk price increases, average income to dairy farmers remain extremely low and dairy producers are faced with a continuing cost-price squeeze.

The reasons for the sustained downtrend in production are not hard to find. As in any industry, dairy farmers must have sufficient income incentive if they are to remain on the farm. They must have reasonable prospect that they can produce and market milk at prices that will yield reasonable returns for their work and investment.

These fundamental conditions do not exist today for many dairy farmers. The statistics tell the story in vivid terms: [5]

From 1952 to 1970, the wholesale price of milk increased by only 17.3 percent.

Prices paid by farmers for production items increased by 36 percent. Currently, production cost increases are outstripping price increases. Under present conditions, further production cost increases appear to be inevitable.

During these years, real per capita disposable income for all U.S. wage earners rose by 50.5 percent. There is little wonder that dairy farmers have sought better opportunities.

As a percentage of parity, average prices paid for all milk sold to plants are now lower than a year ago. In January 1971 the average price of all milk amounted to only 81 percent of the parity equivalent as compared to 82 percent in January 1970.

At the end of 1970, the Index of Prices *Paid* by Farmers was up nearly 5 percent above the previous year. The Index of Prices *Received* by Farmers was up only 3 percent. The percentage increase in prices paid for manufacturing grade milk was greater than for fluid milk, due largely to a relatively strong market for cheese. Prices for cheese may not increase as much during 1971 as in 1970, while milk production costs can be expected to increase at least as rapidly as in 1970.

Some of the production items that have increased dairy farmers costs are reported in February 1971 "Farm Cost Situation" as follows:

Farm wage rates in 1970 were nearly seven percent above 1969.

Farm machinery and equipment costs were six percent higher in 1970 than in 1969, but will likely be greater in 1971.

1970 interest cost on real estate debt rose seven percent above 1969, while interest cost on non-real estate debt was up 18 percent.

State and local taxes on farm real estate in 1969 increased by 11 percent over 1968.

Insurance related to farm production is expected to increase in cost by about ten percent in 1971.

Herbicide costs have increased by 50 percent from 1964 to 1968. If herbicide use is reduced, as expected, due to anti-pollution measures, crop production costs will be increased through increased cultivation and lower yields.

A significant feature stressed in the February 1970 *Farm Cost Situation* is that purchased inputs were three-fourths the total in 1969 whereas they were less than one-half the total in 1940. This means that farmers are increasingly vulnerable to price increases in the commercial market for purchased inputs.

The single most important expense item for dairy farms is the concentrate ration fed to milk cows. The key indicator of the relationship of feed prices to returns to dairy farmers is the milk-feed price ratio. This ratio indicates the number of pounds of concentrate ration which can be purchased with the value received from one pound of milk sold to plants and dealers.[6]

As feed prices increased without a corresponding increase in milk prices—such as we have witnessed the past six months—the milk-feed ratio is lowered. This is a prime example of the recent and continuing cost-price squeeze on dairy farmers.

Corn is a major component of the dairy ration. The cost of concentrate rations has increased rather dramatically since July of 1970.[7] The corn blight crisis, and the resulting increase in feed grain prices has definitely affected this cost increase.

Accordingly, as this ration value has increased, the milk-feed price ratio has been diluted to its lowest January level since 1968. With further indications that the corn blight may have further impact in 1971 which would further increase the cost of dairy rations, an upward adjustment of at least 30 cents per cwt in the milk price is needed to offset just this one cost increase.

The special hardship to dairymen that is caused by the downward slide of milk prices as a percent of parity is compounded by the fact that dairying is more labor intensive than most farm enterprises.

The labor intensive nature of dairying is demonstrated by the table in Exhibit F. More labor is used to generate $1,000 of cash receipts in dairying than in nearly all other enterprises for which U.S.D.A. reports such data.

Further, more operator and family labor is used to generate $1,000 of income than in most other farm enterprises. This is partly because a high quality of labor is required for a productive dairy farm. Such labor tends to be relatively scarce and high-priced even in times of high unemployment because the quality of labor required by a dairyman is also likely to be demanded by industrial enterprises.

Because of predictable increases in costs of production, milk prices as a percentage of parity—and therefore real income levels—will continue to slide downward for the next two years unless the price support level is increased. The upward trend in costs of production of at least 5 percent per year will continue at its present rate during 1971 and 1972. Indeed, a review of major items suggests that annual rates of increase may go even *higher* than 5 percent during those two years.

Recent history indicates that when dairy farmers finally respond to sharply unfavorable price relationships they often do so through massive exodus from farming. The ultimate cost of repairing such a sharp down swing could be much more than the relatively modest price increases that would avert large-scale exit of resources out of dairying.

IV. Maintenance of the support level at the legal maximum is needed to provide for an orderly adjustment of milk output to milk demand during the 1970's.

There is no real disagreement between the dairy industry and the government as to the basic economic conditions that will face the industry during the 1970's. There will be sharp and continuing contraction of the industry. There will be fewer commercial dairy farms, fewer cows, higher capital costs and a higher proportion of paid labor and other purchased inputs. While number of cows per

[2] See Mathis, *ibid.*

[3] See Exhibit B.

[4] Mathis, supra, p. 32.

[5] See Exhibit D.

[6] See Exhibit E.

[7] See Exhibit E.

farm will rise, aggregate milk production will continue to decline. Indeed, the U.S.D.A. forecasts that the "dairy surplus will fade" during the 1970's if price supports were maintained at the present level.[8]

We differ with this analysis only in degree. The surplus may well disappear, but the productive capacity to meet the needs of the nation for milk may also disappear. We believe that probable U.S.D.A. estimates of milk production place too little regard on the price-cost factors that can hasten production declines. We consider that consumption estimates are unduly pessimistic.

Our estimates of U.S.D.A. projections for 1971 both at the present price support level and at 90 percent of parity are compared with estimates derived by Associated Dairymen in Exhibit G.

The U.S.D.A. projects substantial decline in dairy production over the next ten years at current levels of price support and government acquisition of stocks. Therefore, it is unrealistic to believe that the proposed 1971 support price of 90 percent of parity would have dramatic or sustained effect upon U.S.D.A. projections. For example, average milk prices rose by $1.30 per cwt. during the 1960's. Gross dairy farm income rose by $1.5 billion. Yet, production trended *down* because net income to dairy farmers was still among the lowest in the economy.

Dairy incomes are *still* at distress levels. Prospective cost increases indicate little prospect for improvement. Given adequate and stable income, production will continue to shrink and surpluses will indeed vanish. These are the basic trends.

The challenge is so to manage this downward trend as to serve the national interest—to provide an orderly adjustment of milk output to milk demand—and to avert sudden shrinkage that bankrupts producers and deprives consumers of adequate supplies at reasonable prices. Indeed, the prevention of such liquidation and the assurance of orderly adjustment are major objectives of the price support program.

The level of price support set for the 1970 marketing year cannot fully assure against the threat of such costly and irreparable liquidation. It is not even certain that support at the maximum statutory level of 90 percent will fully serve the intent of the Congress in defining milk as a mandatory price support commodity. But it is clear that this level is needed now if the intended objectives of the program are to be achieved.

V. An increase in the support price to 90 percent of parity would not have adverse public policy consequences sufficient to offset its contribution to the national interest.

In weighing the need for higher support price, there must be consideration of likely impact upon production, consumption, prices and net Treasury costs.

A. The Federal budgetary impact would be consistent with budget costs in previous years and stocks acquired by the Government could be used effectively in programs to which there is a national commitment.

We estimate that milk production in calendar 1971 will not exceed 118.2 billion pounds if the price support goal is set at $5.35 or 90 percent of parity.[9]

Supply elasticity coefficients in use some years ago are no longer valid. Farmers do not now respond to milk price increases with production increases as they did prior to 1965. As example, the $1.26 increase in all milk wholesale prices from 1965–69, an increase of 30 percent, was accompanied by a milk production *decline* of 6.4 percent.

We also estimate that commercial consumption in 1971 will be not less than 109.3 billion pounds if support prices are set at 90 percent of parity.

Population will increase in 1971 by more than two million people. Per capita disposable income should be higher. The March, 1970, Dairy Situation points out that increases in per capita disposable income of about four percent per year can be expected.

The November, 1970, Dairy Situation states that commercial disappearance of milk in all products turned upward in the third quarter of 1970 by about one percent, and that sales for 1970 are likely to be near the 1969 total of 109 billion pounds of milk equivalent. This demand strength should be maintained in 1971, even with the proposed increased support price, as a result of the stronger economy, the larger population and increased sales promotion by producer groups, using newly authorized pool funds in Federal order markets for this purpose.

Given these production and consumption estimates, projected CCC purchases during calendar 1971—assuming an increase to $5.35 cwt.—would be 5.4 billion pounds as compared to 5.8 billion pounds in 1970. The budget cost would be approximately $324 million as compared to $331 million in 1970—a level consistent with previous budgetary commitments to this program.

Of course, it may be argued that budgetary costs would be even less if the price support were set at a lower level. But this "savings" would be achieved at the expense of denying the necessary minimum income level for dairy farmers to be able to assure an adequate supply for the dairy consumer. The nation would forego the benefits of long-term stability and incur the costs of long-term dislocation of productive capacity. This is too high a price to pay. It is much too high a price to pay when regard is given to the need for dairy products in programs for which there is already firm national commitment.

B. Price support at 90 percent would not cause substantial consumer price increases nor would it provoke inflationary price pressures.

This needed price support increase would not be at the expense of substantially higher consumer prices.

Present market prices for milk and dairy products are above the "price floor" of $4.66 established by the support price announced April 1, 1970. Thus, increase to 90 percent would not increase farm or consumer prices by as much as the increase in the support level.

Dairy farmers have increased productivity at remarkable rates since World War II. They have not shared equitably in the returns for such productivity. In fact, real wage costs of dairy products have decreased dramatically. Yet, these efficiency gains passed onward to consumers have not been paralleled by comparable increases in real income to dairy farmers.

The sharp declines in real wage costs of milk are set out below:

	Man hours required to produce 100 pounds of milk [1]	Pounds of annual milk production per cow [1]
1950	2.36	5,314
1955	1.97	5,842
1960	1.42	7,029
1965	1.04	8,304
1967	.88	8,797
1968	.82	8,992
1969	.77	9,166

[1] Derived from Changes in Farm Production and Efficiency, USDA Statistical Bulletin No. 233, June 1970, table 14 and Dairy Situation, November 1970, table 2 with revised estimates for 1968 and 1969.

As the House Committee on Agriculture states it: [10]

"One hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for one hour's factory labor would buy: Milk (delivered): 10.2 quarts in 1969, 6.5 quarts in 1949, 5.1 quarts in 1939."

With these efficiency indicators, a valid case cannot be made that an increase in the support price to 90 percent of parity would generate an inflationary effect in real wage terms.

The average price in December 1970 was $4.96 per cwt. for manufacturing milk of average butterfat test of 3.80 percent. The 90 percent of parity price proposed is approximately $5.35 for milk of average test for the year. Allowing for the difference in butterfat test of approximately 0.12%, the proposed increase over the December 1970 level would amount to about 47 cents per cwt. for manufacturing milk.

This 47 cents would not be reflected in its entirety in the cost of all milk sold to consumers. Approximately 50 percent of total marketings of milk is used for fluid purposes. Much of the fluid milk supply is priced under formulae reflecting factors other than manufacturing milk values. Other fluid milk prices based directly on the Minnesota-Wisconsin manufacturing milk series values, are currently higher than the minimum Federal order price. Such milk being sold at premium prices will not automatically reflect the higher values for manufacturing milk established by the 90 percent announcement. The average price of all milk wholesale could be expected to increase by approximately 6 percent from its January 1971 level of $5.98 to $6.34.

The American consumer has not paid a disproportionately high price for milk. As noted, the real wage cost of milk has fallen sharply. Further, increases in money prices for milk at retail have been substantially lower than for all foods or for all consumer goods. The consumer price index (1957–59 price=100), shows the following relative price increases at the end of the third quarter of 1970.[11]

The overall consumer price index was 135.0.

The retail price for all foods was 132.3.

The retail price for fluid milk was 126.6.

Thus, milk has been a "good buy" even during this inflationary period. In the balancing process between the consumer interest in reasonable prices and the dairy farmer's need for an adequate return, the consumer has continued to fare well in the marketplace.

One note of caution: There *is* a continuing danger to the consumer interests. Price instability causing losses to dairy producers could generate drastic and prolonged dislocation of production and of productive capacity. Such dislocation could in turn generate drastic and prolonged increases in consumer prices.

Thus, consumer interest is best served by stable prices at adequate levels. This is why support prices are of benefit to consumers. The requested support level will assure farm income that is reasonably related to prevailing and projected farm production costs. Assured farm prices for milk can assure stable and equitable prices for consumers.

VI. An increase of price supports to 90 percent of parity is needed to maintain dairy industry "self-help" efforts so that price support assistance may eventually be terminated.

[8] See Mathis, *supra*.

[9] See Exhibit G.

[10] "Food Cost—Farm Prices," Report to House Committee on Agriculture, June 20, 1970.

[11] See Exhibit H.

No dairy farmer wants to be permanently dependent on the government for part of his income. In recent years, regional dairy cooperative have been formed to bargain for better prices, to enhance efficiency of dairy operations, and to assure more dependable dairy supplies. These cooperatives are instruments of "self-help" in the best sense—and they represent the best opportunity for eventual termination of price support programs.

But the dairy industry is still in a state of transition. Still unable fully to tailor production to demand, it must depend upon a "price floor" to maintain the returns needed for maintenance of adequate production capacity. With incomes still among the lowest in the economy, support prices must be set at levels that will counter inflationary pressures and cost increases if the industry is to reach the self-sufficiency that is now in view.

As the dairy industry "comes of age" through price bargaining, marketing activities, product research, nutritional education and improved organizational techniques, it is essential that dairy prices be maintained at tenable levels. The alternative is a permanent and growing dependence on the government as dairy price levels sink below the minimum necessary to sustain the individual producer.

Thus, an increase in the support price to 90 percent of parity is important—not only to assure adequate long-term supplies, to provide a more equitable income level, and to assure an orderly adjustment between production and demand—but to realize the potential for a fully self-supporting industry.

For these reasons, we submit that an increase of the support price to 90 percent of parity will best serve the interests of our nation in 1971 and in the years ahead.

EXHIBIT B.—MILK PRODUCTION AND PER CAPITA MILK PRODUCTION (UNITED STATES 1960-70)

Year	Total milk production (million pounds) [1]	Per capita milk production (pounds) [2]
1960	123,109	681
1961	125,707	684
1962	126,251	676
1963	125,202	661
1964	126,967	661
1965	124,173	638
1966	119,892	609
1967	118,769	597
1968	117,234	583
1969	116,345	573
1970	117,436	572

[1] Dairy situation, November 1970, p. 6.
[2] Milk production, SRS, USDA, February 1971, p. 6.

EXHIBIT D

	Index of prices paid by farmers for production items, interest, taxes, and wage rates (1957-59, 100)	Price of all milk wholesale [1]	Real per capita disposable income [2]
1952	100	$4.85	$1,641
1953	95	4.32	1,697
1954	95	3.97	1,693
1955	94	4.01	1,786
1956	94	4.14	1,841
1957	97	4.21	1,838
1958	100	4.13	1,818
1959	102	4.16	1,877
1960	103	4.21	1,879
1961	104	4.22	1,903
1962	106	4.09	1,958
1963	108	4.10	2,002
1964	108	4.15	2,109
1965	111	4.23	2,213
1966	116	4.81	2,298
1967	119	5.02	2,360
1968	123	5.24	2,425
1969	131	5.49	2,434
1970 (preliminary)	136	5.69	2,470
Percent change, 1952-1970		17.3	50.5

[1] Dairy Situation, November 1970, p. 10 and other issues of Dairy Situation.
[2] Dairy Situation, November 1970, p. 13.

EXHIBIT E.—MILK-FEED PRICE RATIOS AND RATION VALUE FOR UNITED STATES

Month	Milk-feed price ratio [1]						Ration value [2]					
	1966	1967	1968	1969	1970	1971	1966	1967	1968	1969	1970	1971
January	1.49	1.56	1.69	1.78	1.80	1.69	3.04	3.30	3.12	3.11	3.23	3.54
February	1.48	1.54	1.66	1.74	1.76		3.07	3.28	2.13	3.13	3.23	
March	1.48	1.51	1.62	1.72	1.73		3.06	3.28	3.13	3.11	3.20	
April	1.45	1.46	1.60	1.67	1.71		3.07	3.28	3.14	3.13	3.20	
May	1.41	1.45	1.60	1.63	1.66		3.07	3.27	3.13	3.15	3.25	
June	1.40	1.43	1.58	1.60	1.64		3.11	3.26	3.11	3.17	3.25	
July	1.49	1.48	1.64	1.64	1.66		3.17	3.24	3.09	3.18	3.29	
August	1.56	1.55	1.71	1.71	1.68		3.21	3.21	3.06	3.14	3.31	
September	1.63	1.64	1.78	1.80	1.70		3.24	3.18	3.05	3.13	3.41	
October	1.66	1.68	1.83	1.85	1.76		3.24	3.14	3.03	3.13	3.39	
November	1.66	1.71	1.86	1.87	1.79		3.23	3.12	3.05	3.14	3.39	
December	1.61	1.69	1.83	1.85	1.74		3.28	3.13	3.06	3.16	3.47	

[1] Pounds of concentrate ration equal in value to 1 pound milk sold to plants.
[2] Value per 100 pounds of concentrate ration fed to milk cows.

EXHIBIT F.—CASH RECEIPTS AND LABOR USED ON 21 TYPES OF FARM ENTERPRISE, UNITED STATES' 1968

Type enterprise	Total cash receipts	Total labor used	Operator and family labor	Hired labor
Dairy farms:				
Grade A, Central New York	$27,833	$4,480	$4,000	$480
Grade A, Southeast Wisconsin	25,642	4,560	4,000	560
Egg producing farms, New Jersey	30,076	4,820	3,950	870
Broiler farms, Georgia	3,474	1,850	1,700	150
Hog-beef:				
Raising farms, Corn Belt	16,387	3,600	3,000	600
Fattening farms, Corn Belt	47,627	4,210	3,200	1,010
Cash grain farms, Corn Belt	24,791	2,580	2,070	510
Cotton farms, Mississippi Delta	84,215	15,670	3,000	12,670
Tobacco:				
Farms, coastal plain, North Carolina	10,883	3,780	1,760	2,020
Livestock farms, inner Bluegrass area, Kentucky	18,815	4,030	2,420	1,610
Dairy farms, outer Bluegrass area, Kentucky	14,421	4,650	3,950	700
Beef farms, Pennyroyal area, Kentucky-Tennessee	$15,755	$4,220	$2,850	$1,370
Dairy, Pennyroyal area, Kentucky-Tennessee	17,979	5,210	3,800	1,410
Wheat-fallow farms, northern plains	16,093	2,820	2,600	220
Winter wheat farms, southern plains	18,617	3,400	3,160	240
Wheat-fallow farms, Washington and Oregon	33,632	4,110	3,570	540
Cattle:				
Ranches, northern plains-livestock area	39,844	6,570	3,000	3,570
Ranches, northern Rocky Mountain	40,259	6,700	3,000	3,700
Ranches, southwest	16,799	3,690	2,320	1,370
Sheep:				
Ranches, Utah, Nevada	48,676	6,570	3,000	3,570
Ranches, southwest	20,983	4,910	2,600	2,310

Source: "Farm Costs and Returns," Agricultural Information Bul. No. 230, revised September 1969, ERS-USDE, Washington 1969.

EXHIBIT G.—MILK SUPPLY USE AND CCC PURCHASES (MILK EQUIVALENT IN BILLION POUNDS)

	1970 actual	Anticipated USDA estimate 1971		Associated dairymen estimate calendar 1971	
		$4.66 (no change in supports)	$5.35	$4.66 (no change in supports)	$5.35
Supply:					
Milk production	117.4	117.9	118.9	117.4	118.2
Less farm use	4.1	4.0	4.0	4.0	4.0
Marketings	113.3	113.9	114.9	113.4	114.2
Beginning inventory	3.8	3.6	3.6	3.6	3.6
Imports	1.9	1.4	1.4	1.4	1.4
Total supply	119.0	118.9	119.9	118.4	119.2
Utilization:					
Commercial:					
Domestic	108.7	107.6	106.9	109.5	109.3
Foreign	.9	.9	.9	.9	.9
Total	109.6	108.5	107.8	110.4	110.2
Ending inventory	3.6	3.6	3.6	3.6	3.6
Total use	113.2	112.1	111.4	114.0	113.8
CCC purchases	5.8	6.8	8.5	4.4	5.4
USDA cost (millions)	331.0	388.0	535.0	251.0	324.0

EXHIBIT H.—COMPARISON OF INDEX OF AVERAGE RETAIL PRICES FOR MILK (GRO); INDEX OF AVERAGE PRICES FOR ALL FOODS AND CONSUMER PRICE INDEX, BY YEARS, 1950-70[1]

	Average retail prices		
	Fluid milk[2] (grocery)	All foods[2]	Consumer Price Index[2]
Year:			
1950	81.8	85.8	83.8
1951	90.7	95.4	90.5
1952	95.2	97.1	92.5
1953	94.1	95.6	93.2
1954	92.1	95.4	93.6
1955	92.3	94.0	93.3
1956	95.1	94.7	94.7
1957	98.4	97.8	98.0
1958	100.3	101.9	100.7
1959	101.3	100.3	101.5
1960	103.7	101.4	103.1
1961	104.0	102.6	104.2
1962	103.5	103.6	105.4
1963	103.0	105.1	106.7
1964	103.3	106.4	108.1
1965	102.8	108.8	109.9
1966	109.4	114.2	113.3
1967	113.8	115.2	116.3
1968	118.5	119.3	121.2
1969	121.8	125.5	127.7
1970	[3] 126.6	[3] 132.3	[3] 135.0

[1] Source: "Dairy Situation" November 1970, p. 13.
[2] 1957-59=100.
[3] Nine month average.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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 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, so ordered.

EXTENSION OF RIGHT TO VOTE

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Senate Joint Resolution 7, proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. Pursuant to the previous order, the pending question is on agreeing to the amendment (No. 11) of the Senator from Massachusetts (Mr. KENNEDY).

Under the previous order, there will now be 2 hours of debate, to be controlled by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and the distinguished Senator from Massachusetts (Mr. KENNEDY).

Who yields time?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of my time.

The PRESIDING OFFICER. The clerk will call the roll, with the time to be deducted from the majority leader's time.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I send a modification of amendment No. 11 to the desk which modifies the pending amendment so that it is applicable to the reported resolution, and I ask that the modification be stated.

The PRESIDING OFFICER. The modification will be reported.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the modified amendment will be printed in the RECORD.

The amendment reads as follows:

Beginning with the word "That" in line 1, page 2, strike out all to and including the colon in line 7, page 2, and insert in lieu thereof the following: "That the following articles are hereby proposed as amendments to the Constitution of the United States, any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified separately by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:".

On page 2, after line 4, insert the following:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of government of the United States shall elect two Senators and the number of Representatives in Congress to which the District would be entitled by apportionment if it were a State. Each Senator or Representative so elected shall be an inhabitant of the District and shall possess the same qualifications as to age and citizenship, shall be elected for the same term, and shall have the same rights, privileges, and obligations as a Senator or Representative from a State.

"SEC. 2. When vacancies happen in the representation of the District in either the Senate or the House of Representatives, the people of the District shall fill such vacancies by election.

"SEC. 3. This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District. Each Representative or Senator from the District shall be entitled to participate in the choosing of the President or Vice President in the House of Representatives or Senate under the twelfth article of amendment as if the District were a State.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Massachusetts has 59 minutes remaining. The Senator from Montana has 49 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself such time as I shall require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all I commend the authors of the constitutional amendment that the Senate is considering today which will provide by constitutional amendment the right for 18-year-olds to participate in all elections throughout the country. I think a great deal of the credit must go to the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Indiana (Mr. BAYH).

The Senator from Indiana (Mr. BAYH) chaired the various hearings that have been held and has been greatly interested in providing the right to vote to 18-year-olds, the millions of Americans who have for so long been denied that right and privilege.

I also congratulate the majority leader who played such an important and significant role in the passage of the statute last year, the amendment to the Voting Rights Act, which was upheld by the Supreme Court as it applied to national elections. It has been through his interest in the matter and his feeling of a sense of urgency that we in the Senate have the opportunity, hopefully, to act today to provide to all 18-year-old Americans the right to vote.

Mr. President, as one who is greatly committed to this proposal and who worked closely with the majority leader and the Senator from Washington (Mr. MAGNUSON) in the last session on the amendment which provided the vote for 18-year-olds, I enthusiastically support what I am sure will be the action taken by the Senate this afternoon and by the House of Representatives at a later date. It will at least indicate, as 86 Members of the Senate have indicated, our confidence in the young people of this country participating in a meaningful way in the democratic process in the selection of the people who will represent the citizens in the various offices across the land.

Today we are offering an amendment to this measure which, I think, is completely consistent with the spirit of the constitutional amendment to extend the right to voting to 18-year-olds, a group of citizens in our society who have been disadvantaged and disenfranchised invidiously because of not having the right to vote.

It is entirely appropriate that we consider another group of people who are disadvantaged and have been disenfranchised invidiously—the 750,000 people who live in our Nation's Capital, the District of Columbia. These citizens are similarly denied the opportunity to have representation in the House of Representatives and the Senate of the United States. They have been denied the right of representation which I think all Americans realize is so fundamental to our system and to our society.

I know, Mr. President, that there will be arguments made on the floor today that this amendment is, out of order for various procedural reasons, despite the fact those same critics know how worthy and valuable this amendment is. I am sure that there will be those who will suggest that this is a matter that ought to go through the various committee processes and that we ought to have the due deliberation of the various committees in the Senate and in the House of Representatives. However, the fact remains that this proposition providing for the representation of the people in the District of Columbia has been considered in one form or another by the Congress of the United States for some 70 or 80 years. It has been in the form of legislative proposals for some 40 years.

Yet there has not been one time over this period of time when the Congress of the United States has had a single chance to vote on this proposition. There have been few proposals that have been considered by the Members of the Senate which have been diverted and frustrated as much as the proposition we are considering today.

I think, therefore, that when we consider the days of hearings that have been held by the respective committees of the House and Senate and when we realize the simplicity of the issue, justice demands and compels us to take this action on the floor of the Senate this afternoon.

I think that the Senate will be acting completely responsively and completely within its rights in offering this amendment to the measure we are considering which would lower the voting age to the 18-years of age.

We can ask why on the basis of the merits the 750,000 individuals living in the District of Columbia should not be entitled to some representation.

The Constitution of the United States provides quite clearly that Congress will provide laws to regulate the conduct of business in the District of Columbia.

I for one cannot believe that the Founding Fathers ever thought that someday the environs of the District of Columbia would include 750,000 American citizens. Perhaps a narrow Federal triangle, yes. However, certainly they did not consider disenfranchising the number of citizens that now reside in the Federal Capital. The mothers of the District of Columbia have sent their sons to Southeast Asia to fight and die in that war.

I am mindful that more citizens from the District of Columbia have died in South Vietnam than in nine of the other States. Each one of those nine States has representation in Congress. Each of those States has two Senators and at least one Representative in the House of Representatives. The citizens of the District of Columbia know that they have lost more men in Southeast Asia than any of those nine States.

We know of the hundreds of millions of dollars that are paid in Federal income taxes that go to the various Federal programs that are approved in Congress, and still there is no spokesman in our committees, on the floor of the Senate, or in the House of Representatives speaking for the people who pay Federal income taxes. Simple justice requires and demands that we move toward consideration and enactment of this proposal.

I suppose it must appear as an extraordinary irony to the citizens of the District of Columbia when they send their sons 10,000 miles away to fight in Southeast Asia for the right of self-government of the South Vietnamese; and I suppose this must rise in their minds time and time again when their sons are in training, or traveling across the South Pacific, or in the jungles of Southeast Asia. They must wonder why they are out there fighting for self-determination on the part of the South Vietnamese when they are denied that right in the Nation's Capital. Certainly, very little justice is suggested by this course of action.

Finally, it is extraordinary that we in this Nation who pride ourselves on being the bastion of freedom and democracy in the world should have the citizens of the Nation's Capital denied the opportunity and the role of participating in decisions and judgments which affect directly their lives and well being.

We hear time and time again talk about participatory democracy and bringing more people into the system. Well, there is no example which presents itself more vividly than the fact that the citizens of this great community are denied the opportunity to participate in the routine decisions which affect so dramatically their welfare.

It has been said that the District of Columbia is America's last colony. I think this comment is entirely accurate. We admit it with no sense of pride. We admit it and I think today we have an opportunity to move in a significant and important way to remedy that situation.

That is why the distinguished Senator from Missouri (Mr. EAGLETON), and Members on both sides of the aisle, Republicans as well as Democrats, join in this effort to eliminate this injustice.

Mr. EAGLETON and Mr. COOK addressed the Chair.

Mr. KENNEDY. Mr. President, we are under a time limitation. If the Senator from Kentucky wishes to be recognized I will be glad to yield to him but first I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I wish to support the remarks just made by the distinguished Senator from Massachusetts. I desire not to be repetitive but to approach the matter from perhaps an additional and different point of view.

The notion of full voting representation for the 750,000 of the people of the District of Columbia is not new. It did not originate ab initio in the mind of the Senator from Massachusetts. It had a long history before this Congress, a history of inaction and inattention.

It has been proposed by Presidents of the United States, including the most recent three Presidents of the United States, Presidents Kennedy, Johnson, and the incumbent in the White House, President Nixon. In his April 1969, message to Congress, President Nixon said:

> It should offend the democratic sense of this Nation that the citizens of its capital comprising a population larger than ten of the States, have no voice in Congress.

So there is nothing new about this matter; there is nothing sudden about it; and there is nothing unforeseen.

The question that arises, Is this an appropriate time and place, and is the 18-year-old vote amendment an appropriate vehicle to consider full voting representation for the District of Columbia? I submit that it is unquestionably.

We have before us now in the 18-year-old vote proposition a measure which will afford voting rights to a class of individuals throughout the length and breadth of this Nation who have up until now been denied the right to cast their votes for President, U.S. Senator, Representative, and so forth. We will attempt to remedy that long-standing omission by passing a constitutional amendment to be submitted to the 50 States for ratification so that individuals of this country who are 18, 19, and 20 years of age can fully participate in the fruits of democracy.

Just as that class of citizens has been denied the right to participate—and by participation I mean to be able to vote for people of their choice by ballot—so, too, for the entire history of this country has a class, a group of citizens likewise been denied full participation in the selection of their public officials, namely, the residents of the District of Columbia. Therefore, I think this is the right time and this is the right vehicle to debate, discuss, and hopefully to adopt this particular measure.

The constitutional amendment providing for the 18-year-old vote presumably will be moved along expeditiously and sent to the 50 States for ratification in the hope that three-fourths of them may act promptly enough so as to avoid the disparity in the voting process by the 1972 election which might flow from the Supreme Court decision of a few months ago. The District of Columbia amendment of the Senator from Massachusetts (Mr. KENNEDY) in no way encumbers this process. It is, by its own words, separable. It would go to the States and those States that wish to act promptly and quickly with respect to the 18-year-old vote provision could do so and hold in abeyance for greater debate, if they desire, for a year or so, or to a later date, the efficacy of giving the vote to the residents of the District of Columbia. It in no way impedes or obstructs the quick ratification of the 18-year-old vote amendment by the several States.

That is the history, in brief, and the procedure, as I view it, that we face at this time. Why is it important that the residents of the District of Columbia have a full voice in Congress and not a muffled voice, not a voice that can speak when permitted, but a full voice that can be heard not only in terms of speechmaking, but in voting. And is that not what counts in Congress? The ultimate test of success of legislation is the number of votes obtained. In the Senate 51 votes are required now and 218 are now required in the House of Representa-

tives. Speechmaking is fine. We are indulging in that now and there will be other speeches. But the point is, Mr. President, can you vote yes or no on a particular piece of legislation as it may affect your constituents? That is what the residents of the District of Columbia are denied and have been denied.

We in Congress come from 50 States outside the District of Columbia, from as far away as Alaska and Hawaii, to as close by as Maryland and Virginia—100 Senators and 435 Representatives—and make decisions, some minuscule and some of tremendous importance as to the destiny of the District of Columbia, and at no time is a spokesman of the District of Columbia, accountable to the people of the District, permitted to participate in that process.

What are some of these decisions that we make on behalf of our constituents, and I use that word loosely—accountable or unaccountable constituents? We have a part of Mayor Washington's legislative package before us at the present time in the Committee on the District of Columbia. One of the measures Congress will be called upon to decide this year—and I suggest we can dispose of it more quickly than the SST—is whether we should authorize members of the District of Columbia Fire Department and the Park Police to participate in the Metropolitan Police Department Band.

That is going to be a Federal statute, apparently, that one of these days 100 U.S. Senators and 435 Members of the House are going to be called upon to decide.

Last year, in order to make life easier in the District of Columbia, we passed a reform statute that permits the flying of kites in the District of Columbia, so that the international fly-out contest could be held at the base of the Washington Monument.

We passed, I think, a good reform procedure last year relating to snow and ice removal.

Another one of our reforms last year related to license fees for the District of Columbia. In order to alleviate the financial crisis in the District of Columbia, we imposed license fees by Federal statute so that a registration fee of 25 cents was reequired for each dog owned or kept in the District of Columbia. We are also going to charge $2 if it is necessary that we impound the dog of a resident of the District of Columbia, and we do that by Federal statute.

One hundred of us in this body from without the District of Columbia passed legislation—a Federal law—requiring a $100 fee if one wishes to conduct a closeout sale.

In previous years we have passed such fine pieces of legislation on behalf of these constituents who are voiceless as those which I now name:

In the 90th Congress we amended an act to provide for a public crematorium.

Also, to make life easier in the District of Columbia, we passed a Federal statute in the 90th Congress to permit the name of a spouse to be added to a trailer registration.

Perhaps most significant of all—and I am sure life is much better by reason of it—in the 89th Congress this body considered a provision for construction of a velodrome in the District of Columbia. For those of you who are not athletically inclined, as I am, a velodrome is a place where bicycles are raced.

This is the minuscule; this is what 100 people from 50 States spend their time for on behalf of the District of Columbia residents who have no voice. I do not know that anybody wanted a velodrome in the District of Columbia. I guess somebody did. I suppose somebody wanted to impose a $100 license fee for a closeout sale. I guess; I guess; I do not know.

But the truth is, if we are going to continue in this exercise of minutia, in this endeavor to pass Federal statutes on matters which even most city councils would not do by ordinance, at the very least there ought to be two Members in this body from the District of Columbia who can speak up for their people and who are accountable to their people, to see whether they want some of these unimportant statutes or, more importantly, whether they want something which is more significant. For example, should they not have a right to vote in the District of Columbia to decide whether they ought to have an elected mayor or elected city council? Here we have Federal statutes to cover the "itty-bitty" matters I have mentioned. They should have a right to decide whether there should be a Federal law providing for a 30-percent Federal contribution. That is important. There should be an ongoing Federal contribution.

Should there not be two men or women in this body who have just as much interest in what is good for the District of Columbia and what they want, as every one of the States has, some of them very small, 10 of them smaller in population than the District of Columbia, who can keep ever present in their minds the question, "Is it good for my people," as they do for Nevada or Utah or the Dakotas or Montana?

Why should the people of the District of Columbia be represented either by absence or by sufferance or by tag-along? I am a perfect example of what is representation by tag-along. I am chairman of the District of Columbia Committee, not the most coveted position in the U.S. Senate, I assure my colleagues. In my normal routine day, after trying to dispose and contemplate those matters that I think have some direct bearing on the people of my home State, Missouri, the people who sent me here—and I hope will keep me here—and then considering such matters as are before committees of the Senate that have some national scope insofar as jurisdiction is concerned, and after perhaps attending to personal chores, if I have 5 minutes, or perhaps 10 minutes, then I can contemplate and guess at what might be good for 750,000 people that I do not know, and to whom I am not accountable. They cannot elect me and they cannot defeat me. And if I have time, if I want to give it some time, that is what they get from me. That is what they get from other members of the District of Columbia Committee, and I daresay they get even less from the other 93 Members of the Senate who do not serve on the District of Columbia Committee.

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

Mr. EAGLETON. I yield.

Mr. HUMPHREY. Will the Senator explain if his particular proposal contains what we call separability, so that the constitutional amendment proposal for the 18-year-old voting would not in any way be jeopardized by the tie-in of the District of Columbia proposal?

Mr. EAGLETON. The Senator from Minnesota is correct. It is separable. If the Minnesota Legislature, when it met this year, said "We want to ratify the constitutional amendment for 18-year-olds to vote," it could ratify it—and we hope three-fourths of the States will do that—but it could also say, "We want to think for 2 more years about the District of Columbia representation in Congress, so we will postpone that until later."

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. EAGLETON. I yield.

Mr. HUMPHREY. In other words, is the proposal of the Senator from Massachusetts and the Senator from Missouri that we should get before the States in the process of amending the national Constitution the proposal for adequate representation in the Senate and the House for the District of Columbia, equivalent to the representation of the States?

Mr. EAGLETON. That is precisely our position.

Mr. HUMPHREY. So it is wrong to assume that the passage of this particular proposal would in any way impair the 18-year-old-vote constitutional amendment?

Mr. EAGLETON. That is the way the Senator from Massachusetts and I view it.

Mr. HUMPHREY. Permit me to take just a moment, if the Senator will yield for that purpose. I have another appointment, and there is no need for me to say more——

Mr. EAGLETON. With the permission of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield.

Mr. HUMPHREY. Mr. President, I want to take about 2 minutes to say that I have long been an advocate of home rule for the District of Columbia. We have made some progress with an elected school board. We now have an appointed mayor and an appointed city council.

The argument that has been made, year in and year out, for home rule, I believe is a solid, irrefutable argument, justified by the history of this country and justified by the simple arguments for equal treatment.

The Senator from Missouri, chairman of the Senate Committee on the District of Columbia, has stated directly the problems that the committee and this body and this Congress face in dealing with all the tag and minutia of local government. There is an old American maxim or slogan, "No taxation without representation," and here we are in the

Nation's Capital, one of the great cities of America, larger in population than several States, in which citizens are required to pay substantial amounts of Federal taxes, voted by representatives in Congress but taxes paid by people who have no representation in Congress.

I think it is indefensible. I do not care what the history of the Federal city may be. The fact is that there are American citizens living here who only recently were given even the right to vote. We treat them worse than we treat people in other parts of the world.

The Senator from Massachusetts and the Senator from Missouri are once again asking the Senate to do what is just, to do what is right, and to do what is fair. If their proposal were tied in to the point where it would jeopardize the 18-year-old vote amendment, I could not support it; but I must say I believe it is time the people of the United States faced up to the facts of this great Federal city. The fact is that this city has no representation in the Congress of the United States. The fact is it is getting very difficult to get Members of Congress to serve on the Committee on the District of Columbia.

The facts are that people here have no real representation, except out of the kindness and goodness of heart of men like the Senator from Missouri. The facts are that it is time for reform. We have been talking a great deal about modernizing and reforming the Government, and I think one of the necessary reforms is reform for the District of Columbia.

I commend the Senators. I think they have again demonstrated their insight into the problems of government. This city is not going to be the kind of city it ought to be until the people of the city feel that they have a stake in their Government. I think it was John Stuart Mill who once said:

> Let a man have nothing to do for his country, and he will have no love for it.

If a man have no participation in his government, and no representation in his government, why should he call it his government, then? A community of almost a million people cannot or should not be long denied the opportunity to call its government its own.

I thank the Senator.

Mr. EAGLETON. Mr. President, I am deeply grateful, as I know the Senator from Massachusetts is grateful, for the most compelling and persuasive remarks of one who has labored long and hard in this body on behalf of the residents of the District of Columbia.

Mr. MANSFIELD. Mr. President, I yield not to exceed 10 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, I rise first to state that on the introduction of Senate Joint Resolution 7 my name appears as a cosponsor. I must say in all fairness to the distingushed Senator from Massachusetts and the distinguished Senator from Missouri that I did not authorize the use of my name as a cosponsor of this resolution, and I would like the RECORD to so show.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator's name be withdrawn.

I point out at this time that there must have been a breakdown in communications, because it was my understanding that there was authorization; but I ask unanimous consent that the Senator's name be withdrawn.

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

Mr. COOK. Second, Mr. President, I rise to oppose the amendment and the remarks that have been made in support of it by the Senator from Massachusetts, the Senator from Missouri, and the Senator from Minnesota. I oppose it because of its limitations.

Its limtations are that regardless of the size of the District of Columbia, regardless of how big it may become in the future, regardless of how many representatives it may be entitled to, it still is completely and thoroughly subjected to the limitations of the 23d amendment to the Constitution, which say that under no circumstances will the District of Columbia and its people ever be allowed more than the electoral votes of the smallest State of this Union.

I refer to section 3 of the pending amendment, which says:

> This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District.

In other words, they have taken care of the matter on a piecemeal basis. They say that the District of Columbia should be entitled to voting representatives; that the District of Columbia should be entitled to Senators; that the two or three or four political parties can have political races; but we would say to the people themselves according to this amendment:

> The built-in inequality of the Twenty-third Amendment as to you, the inequality that regardless of your size, you shall be considered no greater in force under the present system of electing a President and a Vice President than the smallest State in this Union, shall remain.

I suggest, Mr. President, that there are many American citizens in this position. For instance, I serve on the ad hoc committee to determine the availability of the presidential and vice-presidential vote for the people of the Island of Puerto Rico. Every one of them are American citizens, Mr. President. The people of the Virgin Islands are American citizens. Yet they do not even have the opportunity to vote for President or Vice President. The people of the Virgin Islands pay Federal income taxes, and yet they have no vote.

If we are to determine, Mr. President, that the people of Puerto Rico, for instance, when we make our report to the President, should be entitled to vote, how do we get around the 23d amendment, which says that we have taken, for the first time, with the adoption of the 23d amendment, a territory other than a State, given them the right to vote for President and Vice President, and yet said to them, "Your proportion of the electoral vote for President and Vice President shall be limited to that of the smallest State?"

The population of Puerto Rico is almost 3 million. Would they really want to be limited to the built-in inequality of the 23d amendment? I think not. So I can only say that when we talk in terms of seeing to it that the people of the District of Columbia are entitled to representation, let us not talk about whether the people of the District of Columbia are entitled to two Senators, or a number of Representatives proportionate to their population; let us talk about all of the people of the District of Columbia, Mr. President. Let us talk about whether all of the people of the District of Columbia have an equal say in the selection of the President and the Vice President.

This community may grow in size to 5 million. It would then be entitled to two Senators and nine Representatives. Yet under this amendment, they would still have only three electoral votes.

In essence, I am asking, Are the people of the District of Columbia really being represented by reason of this proposal? I ask the question sincerely. And I can only say, in that respect, that if section 3 means what it says, that—

> This article shall have no effect on the provision made in the twenty-third article of amendment to the Constitution—

And I read the 23d amendment, the second paragraph:

> A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.

That means, right now, that they have three electoral votes. So I can only say, Mr. President, that if we are going to take care of the problems of the District of Columbia, in all fairness, let us take care of all the problems. Let us take care of the built-in inequality that was built into the 23d amendment. If we do that, we take care of the problems that present themselves to the other millions of American citizens who do not live in States, who live on the island of Puerto Rico, which has belonged to us ever since we acquired it from the Spanish.

Under the 23d amendment, we have limited the representation of the people of the District of Columbia, in choosing their President and their Vice President, to equality with the least State of this Nation; and the amendment proposed by the distinguished Senator from Massachusetts and the distinguished Senator from Missouri retains that problem.

So, Mr. President, I have risen to speak against the amendment only because I think when one tackles a problem, one should tackle the whole problem. I think the amendment tackles a very serious part of the problem, but I do not believe it tackles all of it.

I do not think we should have to come back at a later date and say, "Now, we have one more problem that has to be solved for the people of the District of Columbia, that of amending the 23d amendment to give full equality for the citizens of the District of Columbia."

Mr. President, I yield the floor.

Mr. KENNEDY. I yield myself 3 minutes, and then I will yield to the distinguished Senator from Maryland.

Mr. President, it amazes me that my good friend, the Senator from Kentucky,

would like to use the quotation from the 23d amendment, which is one additional kind of example of discrimination against the people in the District of Columbia. In order for them to get the right to vote, one of the most basic and fundamental rights, they had to make adjustments and compromises to limit their representation in terms of the electoral system. It is one additional example of invidious discrimination. To use the 23d amendment as justification for denying this right today is just compounding the felony.

The examples that the distinguished Senator from Kentucky used are a good deal different from the proposal we have here today. The people of Puerto Rico had an opportunity to vote and indicate whether they wanted statehood. Procedures were established. They had an opportunity to vote for commonwealth or independence or statehood, and they made a determination based on their desires. Perhaps sometime in the future they will change that judgment. Nevertheless, they have been afforded that opportunity, which the people of the District of Columbia have for too long been denied. If the people of the Virgin Islands want to make some proposal and want some admission and representation here, too, we should not deny them that opportunity. We have a procedure for permitting them to make some indication as to what they want for their future. But the District of Columbia is the only example written into the Constitution that denies them the right for representation, and this is the basic and fundamental question. That is why this matter is of such urgency and importance.

The whole tradition, the whole history, in terms of consideration of the District of Columbia, is sufficiently unique to bring about a distinction.

If the Senator from Kentucky would like to say that just because our proposal for two Members of the Senate and two Members of the House of Representatives would be, in effect, four electoral votes, and he thinks that under the 23d amendment they are allowed only three, would he be willing to support two Members in the Senate and one Member in the House? Why are we setting up this kind of test for the District of Columbia?

The distinguished Senator from Kentucky was not in the Senate when Hawaii became a State but when it became a State, they got two Members of the Senate and two Members of the House of Representatives. Why were we not standing up then or saying they had to come in as the smallest or the least of the States because they would have more electoral votes than a number of other States? Once again, we are advancing a proposal to work to the disadvantage of the people of the District of Columbia, and I think this has really been all too well written into our tradition in the past.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. COOK. Did I correctly understand the Senator to say that the people of Puerto Rico had a choice as to whether they wanted to be a State?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. MANSFIELD. I yield the Senator 2 minutes.

Mr. COOK. Whether they wanted to be a State or whether they did not want to be a State? Did I correctly understand the Senator to say that?

Mr. KENNEDY. In 1967 there was a plebiscite in which, as I understand, the alternatives were suggested or the people of Puerto Rico had an opportunity to express themselves on the question of independent commonwealth status or procedures to move to statehood. No such procedure has ever been advanced for the District of Columbia.

It is always interesting that those who oppose any kind of representation are always throwing up roadblocks in the final hours before we have a chance to vote on this. I am for establishing similar kinds of procedures for the District of Columbia and let them decide eventually whether or not they want statehood.

Mr. COOK. I hope that the Senator from Massachusetts does not think that I am throwing up roadblocks. I have presented what I thought was a serious problem and serious defect in this resolution. It is not my resolution. If this cure could be made in this resolution, I would vote for this resolution, because I think the 23d amendment is an inequality developed for the purpose of seeing to it that the District of Columbia has no greater representation than the smallest State. If that could be cured, I would be in favor of the Senator's resolution, and I want him to know that.

Mr. KENNEDY. Mr. President, will the Senator yield, on my time?

Mr. COOK. No. I have been yielded 2 minutes by the majority leader.

Mr. KENNEDY. I mean that I would use my time to make a response, instead of using the Senator's time.

Mr. COOK. I yield.

Mr. KENNEDY. Do I correctly understand the position of the Senator from Kentucky to be that he supports the representation of two Members from the District of Columbia in the U.S. Senate?

Mr. COOK. I am for representation for the District of Columbia as if it were adopted and considered a State of the Union, on an equal basis for all its people, not representation for its people only in the House or in the Senate, but for the selection of the President and Vice President as well. The 23d amendment denies them equality in the selection of the President and the Vice President.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 24 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Maryland whatever time he desires.

Mr. MATHIAS. I thank the Senator from Massachusetts for yielding.

Mr. President, my reaction to the remarks of the Senator from Kentucky is somewhat different from that of the Senator from Massachusetts. My reaction is that the Senator from Kentucky has done a very thoughtful and valuable thing here today, because what he has underscored and emphasized is the shabby treatment that the District of Columbia and the people of the District of Columbia have received from Congress from the day the District of Columbia was established pursuant to the provisions of the Constitution of the United States.

I think this is shabby treatment today, because, while I am in great sympathy with the motives and goals of the Senator from Massachusetts and the Senator from Missouri, the distinguished chairman of the Committee on the District of Columbia, it is almost inconceivable that a proposition with the merit of the proposition for which we seek to gain the support of the Senate today would not sit on its own bottom, would not sail through the Senate with nearly unanimous approval. Yet, here we are, because of the long history of shabby treatment that has been given to the Nation's Capital, forced to resort to treating this subject as a rider on another measure of proven popularity. I think that is part of the shabby history.

Mr. President, I am going to vote for this amendment, and will vote against any motion that may be made to table it, because I think that clearly we are here dealing with one of the anomalies of history that has plagued the District of Columbia for almost 200 years.

The reason for the District of Columbia is this: Before there was a city of Washington, before there was a District of Columbia, the Continental Congress was sitting in Philadelphia. The unhappy fact is that troops, who were desperate because of poor pay and inflated money and various other grievances, mutinied and threatened the Continental Congress. The Continental Congress felt that neither the city of Philadelphia, the municipal authority, nor the Commonwealth of Pennsylvania, the State police power, exerted itself to protect Congress. The Members of the Continental Congress, who were in some cases the same Members who later were elected to the Constitutional Convention, determined that never again would the Federal Government be placed in a position where there was a State or municipal police power interposed between the people and the Federal Government.

So they wrote the constitutional provision for the establishment of a seat of national government with no police power interposed between Congress and the people, so that the police power at the seat of government would be the police power of the Federal Government.

I think that is sound constitutional policy. I do not think that anything we are doing here today impinges upon that. Once we have removed the police power of a State or a city from between the Federal Government and the people, then we have accomplished the full constitutional purpose of the founders of this Republic. That has been done. Once that purpose has been accomplished, there is no other reason why the people of the District of Columbia should be

any less American citizens than anyone else in any one of the 50 States. They are entitled to full citizenship.

I have not come to this position lightly. When I first came to Congress nearly 12 years ago, I was rather opposed to some of these ideas about home rule and representation for the District of Columbia. But my experience on the District Committee in the other body and on the District Committee in the Senate, my experience and observation of what is really the neglect of the essential interests of the people of the District of Columbia, plus the fact that they are more numerous than the populations of a number of States which are represented here in the Senate, and the fact that we deny, by the conditions which exist here, some of the most fundamental principles of this Republic—all of these have slowly led me to the belief that home rule, as desirable as it is, is not enough without that full representation in Congress which is an attribute of American citizenship. There is no constitutional reason and no reason in principle why that attribute of citizenship should not belong to the people of the District of Columbia.

I, therefore, hope that the Senate will recognize and advance this right this afternoon. I intend to support the measure offered by the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Missouri (Mr. EAGLETON), the chairman of the Senate District Committee.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Maryland for his comments.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. (STEVENSON). The Senator from Massachusetts has 19 minutes and the Senator from Montana has 40 minutes remaining.

Mr. MANSFIELD. Mr. President, so far as the Senator from Montana is concerned, he would be prepared to allot to himself the last 9 minutes to wind up this debate and turn the other time over to the distinguished senior Senator from Massachusetts.

Mr. KENNEDY. What we would like the opportunity to do is to develop these points further with the distinguished majority leader and those who have reservations about procedures which we follow regarding the merits of our cause. Both the Senator from Missouri (Mr. EAGLETON) and I have additional comments to make but we are interested, I think, in trying to respond to the questions of those who have reservations about either the procedures we are following here or the merits of our proposal.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, will the distinguished Senator from Massachusetts yield to me at this point for a question?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. As the Senator knows, I am a cosponsor of the legislation which he introduced earlier this year on this subject. I have not cosponsored the amendment being discussed today. The purpose of his legislation has my support. It is a needed measure to secure full representation for the citizens of the District of Columbia. And I will vote in the Senate on the merits of that resolution when it is before us, but I cannot today vote for it in connection with Senate Joint Resolution 7, I just make this statement for the RECORD, indicating that I believe presentation of the amendment now, worthy as it is—and it is understandable that the Senator, joined by the Senator from Missouri (Mr. EAGLETON), would present it—is not the opportune time. I say that in good purpose, believing in the subject matter and in the cause which the Senator and others have advocated.

Mr. KENNEDY. Mr. President, I appreciate the comments of the Senator from West Virginia. As the Senator might be aware, I have commended him on his efforts to bring about a constitutional amendment to provide for the 18-year-old vote which we are about to consider in the Senate. I believe he has been the earliest sponsor of such a proposition and he deserves great credit for bringing it to the point where we are now having the opportunity to consider it here today.

On the question of timing, we can always consider various alternatives. I remember, when we were considering proposing this as an amendment to the electoral reform bill, there were those who said, "Well, if we put this amendment onto electoral reform, where we need only five more votes to get two-thirds for electoral reform, and if this gets attached to it, we will send electoral reform down to defeat and therefore it is not timely to have that."

There have been those who opposed it in terms of an amendment to the equal rights for women, saying that it would not be able to make it if it has to go with that proposition as well.

So there is always a question of timeliness. I am aware of the observations that have been made by some Senators that if we attached this to the 18-year-old vote we will see a delay and even frustration in the purpose of the direction of the legislation. I am very much aware of those propositions, because I heard them all last year when we were talking about amending the Voting Rights Act with the 18-year-old amendment. There were those prophets of gloom and doom who said that if we attached the 18-year-old vote to the Voting Rights Act we would find delay in the most basic right, the right to vote, and if we attached it the Senate would not take it, and so forth, and there would also be the question of more complication.

We took the better part of wisdom and moved forward. The Senate, on both sides of the aisle, responded admirably to the 18-year-old proposal. The House of Representatives passed it and it was upheld in terms of national elections for 18-year-olds. I think in terms of our present procedures, we are acting prudently and we are acting responsibly.

I know there are those who say that this may be blocked in conference, but we can come to that when we have to come to it. We are not there at the present time.

There are also those who say the different State legislatures, if this is delayed for a few days, will not be in session. But once again that proposition has to fall when we realize that coming into next year there will be some 34 State legislatures that will meet in 1972 and nine others later this year, to ratify this 18-year-old voting constitutional amendment even if the District of Columbia amendment is attached to it. There are many other State legislatures that will be meeting to consider reapportionment. There are congressional districts also, so I think we are providing adequately for a possibility of this nature.

So I would hope that those who feel this would serve as some kind of hindrance, in terms of reaching orderly consideration of the 18-year-old constitutional amendment by the respective States, would have some appreciation for these facts.

Mr. RANDOLPH. Mr. President, will the distinguished senior Senator from Massachusetts yield further?

Mr. KENNEDY. I yield.

Mr. RANDOLPH. When I was serving in the House of Representatives, I introduced legislation for District of Columbia representation in Congress. I believed in it then and I believe in it now. I will welcome the opportunity to support such legislation as a separate measure.

I am not critical of the commendable efforts being made at this time to attach the amendment to the pending resolution. I am only saying that each Senator in his own thinking has to resolve a matter of this kind. That is why I have explained my position today.

Mr. KENNEDY. Mr. President, I appreciate that, and I understand the Senator's position.

Mr. EAGLETON. Mr. President, will the Senator from Massachusetts yield me 3 minutes?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I address myself to the only objections that have been voiced vocally by the Senator from Kentucky and will then, in a shadowboxing way, try to address myself to such objections as I can conjure that might be raised by others who have not spoken and will not speak before 2 o'clock. It is a bit difficult and rather hypothetical, but it is about the best we can do under these circumstances in this debate.

Insofar as the objection of the Senator from Kentucky is concerned, he loves the Kennedy-Eagleton amendment. He loves it to death. He loves it so much that he says it does not go far enough. It is not good enough for him to have two Senators and two Congressmen, which is what the current population of the District of Columbia would warrant if it were a State. He is very much worried what will happen when the city has 5 million people with the gigantic high-rises by that time built on the Four Sisters Bridge, or will it be the Five Sisters Bridge or the Six Sisters Bridge.

He wonders what we will do when we

have 5 million people. He thinks that we must provide for this contingency. I am sure that the Senator from Massachusetts and I will be very willing to accept a perfecting amendment to this amendment from the Senator from Kentucky to this amendment, which we hope will be the 26th amendment to the Constitution, that would rectify the inequities that have been created by the 23d amendment.

Mr. President, we appreciate his warm embrace of our proposal. We wish he loved it a bit more realistically than stated on the floor.

As to the objections that might be raised, the Senator from Minnesota raised a question in a very appropriate way. He asked what would happen if this proposed amendment to the Constitution containing both the right for the 18-year-olds to vote and congressional representation for the District of Columbia goes to the 50 State legislatures. He asked whether they must ratify it en bloc or separate it and act expeditiously and promptly on one part and be deliberative on the other. The answer is a categorical yes. Any State legislature can ratify it en bloc, in toto, or one part or the other, as they see fit. In no way, in my judgment, will it impede the ultimate progress and success of the 18-year-old amendment.

Finally, the point may be raised that this is not the way to do it procedurally. As is so often the case, we have with us people who agree with us on the merits but say that procedurally this is not the way to do it. They say that we should take the clean bill reported from the committee.

Mr. President, if we were to do that, this would be a long way down the road. Mr. President, District of Columbia home rule bills, representation bills, and the constitutional amendments relating to the District of Columbia have been pending in the committees of Congress, I guess, since the very first day that Congress convened.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield the Senator from Missouri 2 additional minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 additional minutes.

Mr. EAGLETON. Mr. President, if procedure be a hangup—and I am not sure that it is—I point out that the 23d amendment to the Constitution, which was promptly acted on by the Senate committee, was adopted by the Senate as a floor amendment. That was the only way we could get it acted on. It could not come out of the committee. That is the amendment that provides that the people of the District of Columbia could vote for the President and have three electoral votes. That measure had been kicked around in Congress not for a millenium, but for a century.

Interestingly enough, that was one of the most swiftly ratified constitutional amendments in the Nation's history. From the time in 1960 that Congress tacked the 23d amendment on as a floor amendment to the time it went to the States and was ratified, it took 10 months. That is almost a track record for brevity insofar as State ratification of a proposed or submitted constitutional amendment.

So, in my judgment, talking somewhat legalistically, it is a precedent. It is a case in point, first, for doing this by the amendment route on the floor; and, second, it is illustrative of the fact that it in no way impedes, impairs, obstructs, or delays action. That amendment, as I have pointed out, was one of the most swiftly ratified of all constitutional amendments.

Mr. President, I attempt, as best I can, to meet objections that have been voiced and try to anticipate the objections that might be raised in the minds of some.

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

Mr. EAGLETON. I yield.

Mr. KENNEDY. Mr. President, would not the Senator agree with me, as suggested by his recent comments, that this is really a question on which the American people really do not understand that there are 750,000 people in the District of Columbia that really do not have voting representation?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself such time as we might require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am convinced that great numbers of American people never realized that the people in the District of Columbia did not have the right to vote in presidential elections.

As pointed out by the Senator from Missouri, when the people realized that fact, they were just as amazed and surprised as one could possibly imagine. They then took action to insure that the people of the District of Columbia would have the right to vote.

I think it is an exact parallel in terms of representatives in the Government. Obviously if they have the right to vote in presidential elections, they should have the right to vote for people who would represent them.

Would not the Senator agree with me that the people of this country are, by and large, unaware of the fact that the District of Columbia does not have voting representation in the House of Representatives or in the Senate?

Mr. EAGLETON. Mr. President, in response to the Senator from Massachusetts, I state that he is unquestionably correct. The unawareness and, I am sad to say, the unconcernedness—pardon my sematics—of the American people in the 50 States for the governmental structure, the problems, and the plight of those in the District of Columbia are appalling.

Let me cite one example. When it was announced that I had become a part of the Senate power structure, having become chairman of the District of Columbia Committee, I went back to my State.

They inquired at the Kiwanis Clubs and the Rotary Clubs lunches as to the job I held. I told them it involves whether one can fly a kite in the District, what a dog license will cost, and also that I sponsored a bill to provide for $100 closing costs in the District of Columbia.

Without trying to be clever, the truth is that people in my State do not know, and, I am sad to say, do not care whether in the District of Columbia people vote for President, for a Senator, for a Congressman, whether they have a Governor or a mayor, an elected or an appointed council.

They do not know. It is out of sight. It is out of mind. It is out of heart.

It is going to take an educational campaign to acquaint the people of this country with this problem, and the only way we can get one going is by passing this amendment today so that we can then submit it to the 50 State legislatures.

Then the Senator from Massachusetts (Mr. KENNEDY) can go to Boston, I can go to Boston, I can go to Jefferson City, and the Senator from West Virginia (Mr. RANDOLPH) can go to his State capital. We can educate our general assemblies that there are 750,000 American citizens in the District of Columbia who pay $345 million in Federal taxes, who have had more sons—as the Senator from Massachusetts pointed out—that died in Vietnam than 14 other States.

They are fit to pay taxes. They are fit to die. But they are not fit to vote for the Senators who ratify treaties, and who vote on the most pressing national issues. They have no voice in that. But they are fit to pay taxes which pay the costs of these proposals.

It came as a shock to the Nation, as the Senator knows, when the people of this country first learned a few years ago that the people in the District of Columbia could not vote for President. They admitted that that was unfair.

Three-fourths of the States quickly ratified that in 10 months. I will wager—even though I predicted the victory of Mohammed Ali——

[Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries.

The PRESIDING OFFICER. The galleries will be in order.

Mr. EAGLETON. I will wager that if we adopt this amendment at this time as part of the 18-year-old vote measure, it will be ratified by three-fourths of the States in under 10 months. If I am wrong someone will point it out.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, I was under the impression that the majority leader had yielded the remainder of his time, reserving the final 9 minutes of his time. Am I correct?

The PRESIDING OFFICER (Mr. GAMBRELL). According to the understanding of the Chair, a statement was made to that effect but a unanimous-consent agreement was not entered into.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Massachu-

setts has clearly stated the position of the majority leader. He did indicate he would like to yield all the time, with the understanding that the final 9 minutes be reserved.

The PRESIDING OFFICER. Is there objection to that agreement? If not, it is so ordered.

Mr. KENNEDY. I thank the Senator.

Mr. President, I wish to discuss the final point.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, if I have time remaining from the Senator from Montana, I would like to yield to myself whatever time I might use, with the understanding that the Senator from Montana reserves the final 9 minutes, and with the understanding that if he wants any of that time, it will be yielded to him.

Mr. MANSFIELD. No, I do not want it back. Nine minutes is plenty.

Mr. KENNEDY. I thank the Senator

Mr. President, the fact remains that the great majority of the American people really do not understand the lack of representation on the part of the people of the District of Columbia. When they have been made aware of it, they have been extremely sympathetic to this proposition.

I am reminded of the fact that the League of Women Voters made this proposition one of their priority items last year and they were able to get 1.5 million signatures from people all over the country on this question. Time and time again when they presented this matter to their constituents, on every occasion when they went to the American people, the people were willing to sign up; and they were amazed by the fact that there was no representation of the people of the District of Columbia in Congress. I think this supports the argument of the Senator from Missouri and myself that most Americans are unaware of the situation and that once they are aware, if given the chance to address this question, they would support the kind of proposition we have advanced here today.

On the question of adequacy of hearings, I would like to include a short excerpt from the RECORD in the Senate of September 16, 1970, which is a partial list of congressional hearings on representation for the District of Columbia in Congress. There is a list of the different hearings going back from June 1, 1970, by the Committee on the Judiciary, to February 24, and March 9, 1960, by the Senate District Committee. The list contains page after page and hour after hour of testimony, in many instances with recognition of the fundamental tenet which motivates our amendment today, and that is the fact that the District of Columbia does not have representative government.

I ask unanimous consent that the list to which I have referred be printed in the RECORD.

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

PARTIAL LIST OF CONGRESSIONAL HEARINGS ON REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Congressional Representation for the District of Columbia—June 1, 1970; 91st Congress, 2d session; Senate Judiciary Committee.

Congressional Representation for D.C.—November 8, 9, 1967; 90th Congress, 1st session; Senate Judiciary Committee.

D.C. Representation in Congress—July 19–August 2, 1967; 90th Congress, 1st session; House Judiciary Committee.

Congressional Representation for D.C.—May 23, 25, 1962; 87th Congress, Senate Judiciary Committee.

D.C. Enfranchisement—April 6, 7, 1960; 86th Congress; House Judiciary Committee.

D.C. Enfranchisement—September 9, 1959; 86th Congress; Senate Judiciary Committee.

D.C. Enfranchisement—August 17, 27, 1959; 86th Congress; Senate Judiciary Committee.

National Representation for D.C.—May 20, 1954; 83d Congress; Senate Judiciary.

Delegate to Congress for D.C.—July 1, 1953; 83d Congress; Senate District Committee.

Congressional Representation for D.C.—September 25, 1945; 79th Congress; Senate Judiciary Committee.

Congressional Representation for D.C.—February 14, 1945; 79th Congress; House Judiciary Committee.

Congressional Representation for D.C.—June 16, 1943; 78th Congress; House Judiciary Committee.

Congressional Representation for D.C.—April 16, 17, 29, May 6, 8, 1941; 77th Congress; Senate Judiciary Committee.

Suffrage for D.C.—May 18, 19, 20, 1938; 75th Congress; House Judiciary Committee.

National Representation for D.C.—January 24, February 2, 6, March 8, 15, 1928; 70th Congress, 1st Session; House Judiciary Committee.

National Representation for D.C.—April 20, 21, 28, 1926; 69th Congress; House Judiciary Committee.

Delegate to House of Representatives for D.C.—January 15, 1923; 67th Congress, 4th session; House District Committee.

Suffrage for D.C.—November 8, 14, 21; December 13, 1921; January 12, 13, 1922; 67th Congress; Senate District Committee.

Representation of D.C. in Congress and Electoral College—January 11, 12, 15, 1921; 66th Congress; House Judiciary Committee.

Representation of D.C. in Congress—February 24, 29, March 2, 1916; 64th Congress; Senate District Committee.

Mr. KENNEDY. Mr. President, I would like to include at this time a comment from Senate Report No. 507, 67th Congress which states:

> Yet in the District of Columbia, the seat of the government of the United States, 437,571 Americans, performing justly and honorably all the duties of peace and war, remain without any representation whatever in the Government which rules and taxes them, makes the laws they must obey, and sends their sons to battle.
>
> What is there in our scheme of government that requires that the Capital of the United States should be the one capital among the civilized nations, the inhabitants of which are excluded, deliberately and of set purpose, from all participation in their government?

Mr. President, the excerpt I have just read is taken from a Senate committee report prepared in 1922. One could make the same statement today about the situation in our Nation's capital. Except that now the population figure should read 760,000 Americans. The situation is the same today as it was in 1922; and some 50 years later we in this body should be able to meet the responsibilities in providing for representative government.

Finally, I observe that those of us who are sponsors of this amendment have been trying to respond to the interrogatories that might be addressed to us in the best way we can, and the reasons we have put forward this proposition in terms of its procedures, and the substance of the issue. We are prepared to discuss and debate this matter within the framework of time, but we are frustrated by the fact that we are unable to engage in the kind of illumination which I think would be of great service and great value to the Members of this body.

I think once again it is part of the tradition, and that is when the Congress considers questions affecting the District of Columbia, that far too often those questions are decided in the quietness of the committee room or in the isolation of the Senate Chamber. That obviously has been part of the tragic tradition of this measure. But we are still firm in support of this proposal and we are extremely hopeful that we may be able to get the kind of support necessary to have it implemented.

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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I shall not speak long. I wish to touch on a few points in support of the amendment, on which shortly a motion to table will be made. There are a few final observations that I would like to make.

First of all, the amendment which will be considered in just a few moments has bipartisan support. Only yesterday we had a meeting with some of the leaders of the Republican Party in the District of Columbia and with national committeemen from the District of Columbia who represent the national party, who expressed quite clearly and unequivocably support of the members of the Republican Party for the efforts we are undertaking here this afternoon.

I think the support and cosponsorship we have been able to gather for the total amendment, as an independent proposition as well as the proposition we are making here today, indicates that there is strong bipartisan support for this proposition, as there should be. I commend those leaders of the Republican Party who have taken this position and for the support they have indicated for it. So there is no issue of partisanship involved in the consideration of this matter.

Second, I am certainly hopeful that the contemplation of representatives

from the District of Columbia who might be elected by people whose skin is black would not be a justification for rejecting this proposal. I think it is significant and important to realize that, in view of the fact that the overwhelming majority of the people who live in this community have black skin, there is every reason to believe and justifiably so, that those who would be sent to represent them in the House of Representatives and in the Senate would have black skin as well. And that is as it should be. I certainly am hopeful we have moved beyond the point where there would be any reservation on the part of any Member of the Senate in terms of opposition to this proposal because of the possibility that in the future individuals who would be selected to this body would be of a different color.

There are those who say, well, the District of Columbia is just another American city; there are many cities in this country that have a larger population, with many of the same kinds of problems that are attendant in the District of Columbia, whether they be in education, health, welfare, rebuilding of the cities, or pollution. If we are going to provide representation for the District of Columbia in terms of two Senators and two Members of the House of Representatives, why should we not do the same kind of thing for New York City, Maimi, or Boston, and ensure that there will be appropriate representation?

There is, of course, one obvious distinction, and that is that the cities of this country and the inhabitants of those cities are represented uniformly throughout the country by spokesmen within the Senate and the House of Representatives. The District of Columbia is the only city that fails to have that kind of representation. Therefore, it is a unique situation, which requires a unique but fully justified proposal.

Finally, there is the proposition that article V of the Constitution provides that no State's representation shall be diluted in the Senate of the United States. That proposition has been interpreted as meaning that if we are in fact to allow the District of Columbia representation in the Senate, in effect we are diluting the voting power of the representatives of the 50 States.

There has been no such interpretation of article V, nor could there be, because if we were to follow the rationale of that argument, we would still be 13 States scattered along the eastern seaboard. Time and time again when new States have been admitted to the Union that article has been interpreted to permit representatives to come to this body to represent the people of their respective States. Therefore, there should not be any reasonable interpretation of that position as justifying the exclusion of Members here in the Senate.

Finally, let me just reiterate that the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), and other Senators who have stated unequivocal support for this proposal have indicated that we would not advance this proposal as an amendment to the 18-year-old voting amendment if we thought there was a chance of jeopardizing the ratification of that proposition.

There is no such justification made by those who are opposed to it, that this would be the case. And there will be no substantial delays, Mr. President, in achieving this 18-year-old proposition. This is a proposal whose time is well overdue. The equities require, I believe, that we provide this opportunity for representative government to the 760,000 people who live in the District of Columbia, and I am exceedingly hopeful that we can have favorable consideration of it.

Finally, Mr. President, I would like to make a brief summary of the issue.

The time has come for Congress to bring the people of the District of Columbia out of the shadows and into the sunlight of American democracy. For nearly 200 years, we have condemned the people of the Nation's Capital to the status of second-class citizens—subject to all the burdens and responsibilities of American citizens, but deprived of the most basic right of all in a democratic society, the right to vote, the right to a voice in making the laws by which they are governed.

For too long, Congress has played George III to the colonists of the District of Columbia. At a time when 50,000 Americans have fought and died thousands of miles away in Asia to secure the right of self-government for the people of Vietnam, it is intolerable that we should deny the self-same right to the people on our own doorstep, the people of the Nation's Capital. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its Capital the blessings of democracy.

The facts of the situation are clear:

Washington, D.C., today is a city of 756,000 people. It has a population greater than that of 10 States. Yet, each of these States has two Senators and at least one Congressman to help in writing the Nation's laws. The District of Columbia has none.

Washington, D.C., has had more sons killed in Vietnam than nine States. Yet, the people of Washington have no voice or vote in making the laws by which their sons are drafted to fight and die half way around the world.

In 1970, Washington, D.C., paid $990 million in taxes to the Federal Government—more Federal taxes than were paid by 15 States. In addition, the people of the District of Columbia paid $341 million in local taxes—more local taxes than were paid by the people of 12 States. Per capita, the District of Columbia has one of the heaviest tax burdens in the Nation—$427 per person, heavier than in 43 States. The 200 million Americans in the 50 States have a voice in determining the taxes they pay. Yet, "taxation without representation," the war cry of the American revolution, is a way of life for the people of the Nation's Capital.

Tragically, the plight of the citizens of Washington is virtually unknown to the people of America at large. But that ignorance, however much it may explain our years of neglect for the basic rights of the people of the District of Columbia, cannot excuse our inaction. Wherever I travel in the Nation, I find people amazed to learn that self-government is a myth for the people of Washington. Wherever I travel, however, I also find people anxious to remedy this glaring injustice, if only we give them the opportunity.

At last, the call for an end to this mockery of American democracy has reached the floor of the U.S. Senate. The movement for reform has begun in earnest. We are no longer whistling pious platitudes in House and Senate hearing rooms.

Earlier in this decade, we saw what can happen when the Nation is aroused to the plight of the District of Columbia. In 1961, the people of Washington obtained the right to vote for their President. The constitutional amendment that accomplished that goal—the 23d amendment—was one of the most rapidly ratified amendments in our history. I am confident that the same rapid ratification would be granted for the District of Columbia representation in Congress amendment, if only we can get the issue to the people and give them a chance to work their will.

Indeed, the 23d amendment is a striking precedent for our action today. That reform itself began its life as a Senate floor amendment, offered by Senator Kenneth Keating of New York to give the citizens of Washington the right to vote in presidential elections. It is precisely this procedure, justified by recent history, that I seek to follow for the amendment to achieve full voting representation in Congress for the people of the District.

Although the present opportunity to achieve District of Columbia representation has come up quickly, I believe it may be the only real chance we will have—now and for the foreseeable future—to reach the goal.

We start with the proposition that the District of Columbia amendment, on its own, simply cannot survive the gauntlet it has always been forced to run in the Senate Judiciary Committee and the House Rules Committee. For nearly a century, since the first District of Columbia representation amendment was introduced in 1888, hundreds of amendments and dozens of legislative hearings in the Senate and the House have been ignored by Congress. It is a tragic commentary on the fate of these amendments that the hearings held in 1970 are almost a precise replay of hearings held half a century ago. The record is always the same. All we ever do is change the needle.

I doubt, therefore, that there has ever been a more meritorious case in Congress that called out for the unusual procedure of legislation by rider. For generations, the basic rights of hundreds of thousands of our citizens have been ignored—or worse, actively suppressed—behind the closed doors of congressional committees. Now, however, the debate has reached the bright light of the Senate floor.

The record we make today is a record of a new kind. It will be heard by millions of Americans throughout the Nation. I am confident that the people will respond, that the conscience of the Nation will be seared, and that we will be farther toward our goal.

It is entirely appropriate that the vote today seeks to use the 18-year-old voting amendment as a vehicle to win District of Columbia representation in Congress. At a time when Congress is moving to extend the franchise to millions of 18-, 19-, and 20-year-olds in State and local elections, it is extremely fitting that we should also seek to give the franchise to the hundreds of thousands of Washingtonians who have been denied this right for so long.

The argument that somehow the District of Columbia amendment will jeopardize the voting age amendment is false. Indeed, the present parliamentary situation has a double irony.

Many of the Senators who so vigorously oppose the District of Columbia amendment today as a threat to the voting age amendment were the same Senators who joined me so vigorously last year in our successful effort to amend the Voting Rights Act on the Senate floor to lower the voting age to 18 by statute. We heard the same claims last year—that our floor amendment would jeopardize the Voting Rights Act. We know that argument was false, just as I believe the argument of jeopardy is false today, and even more so. Support for the voting age amendment is overwhelming. Rarely, if ever, have so many Senators—86—supported any measure as it reached the Senate floor.

Last year, when we sought to add the District of Columbia amendment to the direct election amendment, many Senators asked us to delay, to wait for a vehicle that had clear support in the Senate. Today, we have that vehicle, but still they ask us to wait. The message is clear. So far as the District of Columbia is concerned, the time is never now.

At the very most, if the Senate accepts the District of Columbia amendment, there will be a brief delay—of the order of days, not weeks—while the two amendments proceed through the House of Representatives. I believe that the House will accept the District of Columbia amendment. But if the House should refuse to do so, I would fully acquiesce in action by the conference committee to remove the District of Columbia provision. The point is that we should try, and abide by the result.

A brief delay now is a small price to pay to achieve the great goal of District of Columbia representation in Congress. Whether or not the District of Columbia amendment is added, the voting age amendment can easily be ratified in time for the 1972 elections.

In 1972 alone, at least 34 State legislatures will meet and have the opportunity to ratify the amendment. Another nine legislatures will have the opportunity to ratify it in their regular sessions later this year, 1971. In addition, in both 1971 and 1972, many State legislatures will be meeting in special session to reapportion their congressional districts on the basis of the 1970 census.

Clearly, there will be ample opportunity to ratify the voting age amendment before the 1972 elections. It makes no sense to me to pass by this extraordinary opportunity. We must end the long night of injustice for the citizens of Washington. We must reject the cruel and myopic argument that we have to get the voting age amendment to the States today and not tomorrow.

The opportunity is at hand to perform an act of simple justice for the people of this city, and I urge the Senate to embrace it.

CONSUMER FRAUD CONVENTION ACT OF 1971—MULTIPLE REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication from the office of the Attorney General on the Consumer Fraud Convention Act of 1971, which has been referred to the Committee on the Judiciary only, be jointly referred to the Committee on the Judiciary and the Committee on Commerce.

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

MESSAGE FROM THE PRESIDENT ON RURAL COMMUNITY DEVELOPMENT—MULTIPLE REFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the President of the United States on rural community development, received today, be referred jointly to the Committee on Agriculture and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Committee on Public Works.

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

The message from the President is as follows:

To the Congress of the United States:

I am today proposing a new program of Rural Community Development through revenue sharing—the fourth of my six Special Revenue Sharing proposals. I have spoken of revenue sharing as a new partnership between the Federal Government and the State and local governments within our Federal system. The proposal I am advancing today would use that essential government partnership to strengthen an equally essential social and economic partnership between rural America, where the farms that feed us and the great open spaces that renew our spirit are found, and urban America, where the majority of our people and the greater share of our wealth are concentrated. Rural Americans deserve a full share in the Nation's prosperity and growth, just as urban Americans deserve cities that are livable and alive. Both objectives are attainable—and rural development revenue sharing, linked to urban development revenue sharing by the comprehensive planning proposal also put forward in this message, could be a giant step toward them.

RURAL AMERICA IN TRANSITION

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. This Nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agri-business," the number of openings was not nearly enough to match the number of people cast adrift by technolcgical progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, health facilities, transportation systems, and other infrastructure attractive enough to keep people *in* rural America, or to lure jobs and opportunity *to* rural America. Many of the small towns which dot the countryside have to struggle for existence; they often have difficulty attracting good school teachers or physicians; many fight stagnation while most of the economy is expanding;

they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

THE URBAN STAKE IN RURAL DEVELOPMENT

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas in the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one Nation, and for the good of all Americans we need one national policy of balanced growth.

FEDERAL RESOURCES FOR RURAL DEVELOPMENT

For the sake of balanced growth, therefore, but even more for the sake of the farmer and all his neighbors in rural America—first-class citizens who deserve to live in first-class communities—I am proposing that the Federal Government *re-think* America's rural development needs and *rededicate* itself to providing the resources and the creative leadership those needs demand.

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training, and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure such as water and sewers is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial locations.

Essentially what I am proposing is to unite the funding for a number of programs operating directly in rural areas and smaller cities into a Rural Community Development Revenue Sharing Program, to add $179 million to that fund, and then to bolster this effort with new initiatives in critically related areas, such as health and welfare reform.

The following chart shows the programs which I propose to combine into the Rural Development Revenue Sharing Program:

PROGRAMS COMBINED UNDER RURAL DEVELOPMENT REVENUE SHARING

GENERAL

New Money $179 Million
Title V Regional Commissions
Appalachian Regional Commission
Economic Development Administration
Resource Conservation and Development Program

EDUCATION

Cooperative Agricultural Extension Service

WATER AND SEWER

Rural Water and Waste Disposal Grants

ENVIRONMENT

Rural Environmental Assistance Program
Forestry Assistance Grants
Great Plains Agricultural Conservation Program
Water Bank Program
Tree Planting Grants

Altogether, the 11 programs listed above are spending $921 million in fiscal 1971.

But much more is needed to extend to rural Americans the full share of national prosperity and the full participation in the rich benefits of our society, which they rightly deserve. Much more would be done if the Congress acts to set in motion the broad strategy for accelerated rural development which I have placed before it in recent weeks.

Rural communities throughout the nation would share in the $5 billion of General Revenue Sharing which I have proposed. Rural communities would receive direct assistance in building their human resources, their social services, and their economic base through my Special Revenue Sharing proposals for manpower, education, transportation and law enforcement. My proposals for improving our system of health care include Area Health Education Centers to be located in rural areas and financial incentives for doctors and providing medical care in scarcity areas. My welfare reform proposals would have immediate and dramatic effects on rural poverty: in the first year nearly $1 billion in new cash benefits would go into rural areas to add to the incomes of the millions of rural Americans who are poor or underemployed.

To unify and consolidate the rural development effort in each State—I am today proposing that the Federal Government establish a $1.1 billion fund to be shared among all the States for fully discretionary spending to meet their rural needs and accelerate their rural development. This would be accomplished by combining programs which I listed above into a new program of Special Revenue Sharing for Rural Community Development, and by increasing their present annual funding of $921 million by $179 million during the first year.

HOW REVENUE SHARING WORKS

Beginning January 1, 1972, these funds would be paid out to the States and to Puerto Rico, the Virgin Islands, and Guam, in regular installments on a formula basis, according to an index of need based on three factors: the State's rural population, the State's rural per capita income compared to the national average of per capita incomes, and the State's change in rural population compared to the change in population of all States. All 53 recipients would share equally in 1 percent of the funds. Every State would receive at least as much from Special Revenue Sharing for Rural Community Development, as it now receives from the eleven existing rural assistance programs combined.

This proposal recognizes that patterns of development potential vary widely within the different States and seldom conform neatly to intra-State governmental jurisdictions. It therefore imposes no Federally dictated distribution of shared revenues within the States. Neither would it require matching or maintenance of effort spending by a State in return for the shared rural development funds. Indeed the shared funds could if necessary be used to match other Federal grants-in-aid for rural assistance. But there would be a firm requirement that all rural community development funds be spent for the direct benefit of *rural people*. The funds could be spent for any of the purposes now authorized under the existing aid programs, including the option of direct grant assistance to private firms which locate in rural communities.

Rural areas would be defined in this Act as counties with a population density less than 100 people per square mile, and all other counties, regardless of population density, which are not included in one of the 247 Standard Metropolitan Statistical Areas (SMSAs) which the U.S. Census Bureau defines around cities of 50,000 or more.

I will also propose $100 million in additional non-formula funds for the Urban Community Development Special Revenue Sharing program, to assist those smaller cities of population between 20,000 and 50,000 which have been receiving grant assistance from the Department of Housing and Urban Development but which would not now be eligible for a formula share of Urban Community Development Revenue Sharing. The

Secretary of Housing and Urban Development would administer this fund on a discretionary basis. Such communities would thus be eligible for funds from both the urban and rural revenue sharing programs—as they should be, since many communities of this size have not only urban problems and needs but also strong rural development potential as economic and social opportunity centers for nearby rural counties. The same overlap would be true as well of some of the smaller and less densely populated Standard Metropolitan Statistical Areas which have less than 100 people per square mile, and thus qualify for both formula grants under Urban Community Development Special Revenue Sharing, and use of funds from the Rural Community Development Special Revenue Sharing.

The act would apply the requirements of title VI of the Civil Rights Act of 1964 to prohibit discriminatory use of the Federal money.

BUILDING ON SUCCESS

Conversion of the existing categorical aid programs for agriculture and development into Special Revenue Sharing for Rural Community Development is a logical evolution in line with the history of these efforts and consistent with their basic purposes.

Over a number of years the Department of Agriculture has been moving to make its assistance to farmers and rural residents more effective and flexible by a steady process of decentralization. Placing these programs fully in the hands of the States is just one more step in sharpening their ability to deliver the services they were designed to provide. Whether the transfer will be beneficial and the transition smooth is a question to which the example of the Cooperative Extension Service may provide a partial answer. The States are ready to take charge of the Extension Service, which they already largely administer and which all States now fund above the present Federal contribution.

In the case of EDA, the Appalachian Regional Commission and the Title V Commissions, revenue sharing in superseding them would actually incorporate the coordinated development approach that has made them successful, at the same time it removed some of the Federal "fences" that may have restricted their activities unduly in the past. The grass roots planning process which has proved itself under the Appalachian Regional Commission is carried over into the statewide development plan I am now proposing for *all* States under rural and urban development revenue sharing. Close account would be taken of the human factor and of the continuity of ongoing development efforts as the program transition is effected. Counties that have launched projects under the Appalachian Regional Commission, for example, would continue to receive adequate funding to make good on the money already obligated for such projects.

With revenue sharing, therefore, as with all change, there would be adjustments to make but great benefits to be gained. Every single activity now carried on under the Commissions and categorical programs could be continued in any State whose own people decide it is worth continuing. The farm, forest, and conservation programs that have succeeded in the past could go right on doing so—and freed of Federal restrictions, they could probably reach out farther and keep better pace with changing needs and technologies. In each instance the people of the State would make the decision.

STREAMLINING THE RURAL ASSISTANCE EFFORT

What Special Revenue Sharing for Rural Community Development *would* do is to remove many of the negative and inhibiting side effects which now plague rural assistance as a result of categorical narrowness, lack of coordination, and excessive Federal involvement. *By combining these programs we could produce a new whole significantly greater than the sum of the present parts.* It is worthwhile here to discuss some of the problems that would be eliminated—principally inflexibility, priority distortion and flawed accountability.

Inflexibility: As well-intentioned as past rural development efforts have been, strict Federal eligibility rules have often stood in the way of fair sharing of all the Federal resources for rural development, or have made it difficult for States and localities to do what they must to attract industry and services. For instance, many parts of the Midwest, which experienced some of the heaviest rural outmigration in the Nation during the 1960s, still do not qualify for Economic Development Administration grants.

In other cases Federal standards have acted to bar aid from those communities in a region where it could do the most good. Experts in rural development feel that the most leverage is achieved by reinforcing healthy development trends, rather than fighting them—that is, by concentrating aid in these smaller and medium sized cities of a rural area which have shown strength and effort in attracting industry. Every area of rural America has such centers of potential growth. Using government assistance to strengthen their development trends could make the difference in attracting new job-producing industry and expanding employment opportunities for rural people living in the surrounding counties. It could also help these communities attract doctors, teachers and others whose services are so needed in or near rural areas. Yet current Federal program restrictions, by and large, do not permit aid to be used this way, because of a "worst-first" criterion which often puts funds into areas that lack the development potential to help either themselves or others near them—rather than using funds to open up new opportunities regionally so that benefits flow out to low-potential areas nearby.

Distortion of State Budgets: Narrow Federal project definitions can force States and localities to spend scarce revenues on "matching shares," urgent community priorities aside, or risk the loss of Federal funds. Once begun, a Federal project may demand additional local spending, beyond the matching money, for support facilities to tie the project into community usefulness.

Flawed Accountability: The quasi-governmental agencies which often exercise a determining influence on the conduct of these programs tend to obscure and fragment responsibility for decisions made and therefore to subvert the democratic accountability of elected officials. Regional commissions, comprised of a Federal Co-chairman and Governors from member States, take part in many program and planning decisions which really affect only one Governor's State. Too often the Federal officials responsible for rural assistance are geographically distant, and the local, State or multi-State institutions that have a say are politically insulated or remote.

THE STATEWIDE DEVELOPMENT PLAN

Special Revenue Sharing for Rural Community Development would be administered initially by the Secretary of Agriculture; eventually both this program and the urban community development program would come under the direction of the Department of Community Development whose formation I have proposed. In addition to paying out each year's rural development funds to the States and territories, the Secretary of Agriculture would stay abreast of rural development aspects of the statewide development plans which each Governor would file with him annually.

The statewide planning process which would help States and localities coordinate activities carried on under both urban and rural community development revenue sharing will be established in legislation that I will submit shortly. It would require annual preparation of a comprehensive statewide development plan outlining spending intentions for programs in metropolitan, suburban, smaller city, and rural areas alike. The $100 million Planning and Management Assistance program which I proposed in my message to the Congress on Urban Community Development Revenue Sharing would provide funds which States and local jurisdictions could use in this planning process.

The Governor of each State would be given the responsibility for drawing up the statewide development plan. Formation of the plan would be based on a consultative process which considers plans submitted by State-established, multi-jurisdictional planning districts covering all areas of the State. Planning bodies of these districts would be composed of local elected officials. One member from each of the district planning bodies would sit on a panel which would assist the Governor in the planning process. The Secretaries of Housing and Urban Development and Agriculture could accept an alternative consultative process proposed by the State.

The completed plan would be filed with the Secretaries of Agriculture and of Housing and Urban Development—not for their approval, but as a declaration of intent; a Governor could amend his plan by letter during the course of a year.

The process of developing the statewide plan would focus official concern and

public attention upon the inter-relationship of urban and rural community development within the State. The plan could identify potential growth areas, potential new community development sites, and environmentally important areas. It should seek to integrate all important community development factors, including land use.

All the money a State receives under Special Revenue Sharing for Rural Community Development would have to be spent for the benefit of persons in rural areas as outlined in the statewide plan. A State could of course also supplement its own rural development activities with money received under General Revenue Sharing and under other Special Revenue Sharing programs within program definitions. The Secretary of Agriculture would conduct an annual post-audit of State rural development activities, with payment of the next year's rural revenue sharing funds conditional upon State compliance with rural development spending plans for the year past.

THE LOGIC OF RURAL DEVELOPMENT REVENUE SHARING

To review briefly:

The major challenge facing rural America is to diversify its economy and to provide full opportunity for its people to enjoy the benefits of American life. Meeting this challenge will enhance the quality of life for those who remain to operate the nation's family farms and for all their neighbors in the small towns and countryside of America. As a secondary effect—like upstream watershed management for downstream flood control—meeting the rural challenge will also help to relieve the overburdened urban structure by stemming rural outmigration and attracting a share of future growth to rural communities.

The key to a rural development strategy is my proposal for $1.1 billion in Special Revenue Sharing for Rural Community Development—money which all States and territories would share and which they could spend in their rural areas as they deem wisest. Other proposed Federal assistance for rural America includes part of the $5 billion General Revenue Sharing program and part of five Special Revenue Sharing programs, as well as the benefits of a reformed welfare system and an improved health care system.

At the core of rural development revenue sharing would be eight agricultural grant programs and three broad development assistance programs now in being. Consolidating them, the revenue sharing approach would build on decentralizing trends in the agricultural programs and on the multi-State, State, and multi-county development planning experience accumulated under EDA and the regional commissions. It would do away with narrow aid categories, spending restrictions, duplication, and red tape now surrounding these programs. It would make the money now devoted to them go further and would provide more money.

Existing programs and development projects could continue or not at the discretion of each State, and the right of choice would rest close to the rural people at whom the aid is directed. A statewide planning requirement with a broadly representative input would promote coordinated development of a sort not now approached and would insure that all areas of the State have a voice in the planning process; but in no case could rural development revenue sharing money be diverted from rural needs.

URBAN-RURAL PARTNERSHIP

More money, plus more freedom to spend it, plus better planning in doing so, add up to better living for rural Americans and brighter futures for rural communities. Mutual benefits of the urban-rural partnership would be manifest as cities enjoyed the fruits of a healthy agricultural economy and the relief of more evenly distributed population growth, while rural areas felt the effect of new social and economic advantages. Rural and urban communities would no longer siphon off one another's strengths and resources nor shunt problems and burdens from one to the other. They would progress together in a dynamic balance, as partners in the best sense.

RICHARD NIXON.

THE WHITE HOUSE, *March 10, 1971.*

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

Mr. BAYH. Mr. President, amendment No. 11 would add to the 18-year-old vote amendment, Senate Joint Resolution 7, a second constitutional amendment. This amendment is identical to the text of Senate Joint Resolution 6, which would provide for full voting representation for the District of Columbia in the U.S. Congress.

Mr. President, I am one of the three principal sponsors of the measure giving the District of Columbia full voting representation, together with the distinguished Senators from Massachusetts (Mr. KENNEDY) and Maryland (Mr. MATHIAS). No one who has studied the arguments on this question, as I have in the course of hearings before the Subcommittee on Constitutional Amendment, can have any doubt of the desperate need for full voting representation for the District of Columbia. Here in the Nation's Capital we have completely disenfranchised—with the exception of presidential elections—nearly 800,000 of the Nation's citizens, a population larger than that of each of the 10 least populous States.

The people who live in the District are subject to the most complete control by the Congress of the United States. The Congress imposes their taxes, conscripts them into the military service, and even regulates the most minute detail of municipal government and civil law. Yet the people have no vote for any Member of the U.S. Senate, and they are entitled only to nonvoting representation in the House. This is the kind of immoral imposition, the kind of political hypocrisy, that has no place in a democratic society.

But I am deeply troubled at the prospect of achieving reform in this area by the manner proposed today.

First, I fear that this amendment, if successful, could substantially delay the prospects for passage and ratification of the 18-year-old vote amendment. It would be less than candid not to recognize the danger of a filibuster if amendment No. 11 were to carry. Although some 40 legislatures are expected to be in session sometime next year, we must recognize that securing ratification by 38 legislatures is a difficult and time-consuming process. It is currently expected that at least 47 legislatures will be in session during this calendar year. However, many of these 47 are either required by law or expected by custom to adjourn by the end of March. Indeed, by the end of April, 24 of these legislatures are expected to have concluded their sessions. Therefore, the delay of any protracted filibuster could be a very serious handicap.

Second, I have very serious doubts whether a fundamental constitutional change of any kind should be undertaken by this mechanism. I agree with the distinguished Senator from Massachusetts (Mr. KENNEDY) who has shown such progressive and forceful leadership on this issue, when he condemns the committee structure which allows an issue of this magnitude and significance to be stymied without debate, to be prevented from coming to the floor of the Senate. But I believe that a different question is involved when we are discussing the mandate of the Constitution, in article V, that proposed constitutional amendments must secure a two-thirds vote in both Houses of the Congress. That requirement was written into the Constitution to provide a fundamental safeguard and to insure that basic changes are made only when they have gained the very broadest kind of national support.

I do not mean to imply that this amendment is unconstitutional. I believe that is constitutional, and I recognize that in at least one other case, the 23d and 24th amendments, the Senate and the House were forced to vote on proposing two constitutional amendments at the same time.

However, I think it vitally important that we recognize that procedures of this kind can be used in other cases but this one. Those of us who believe Senate Joint Resolution 6 proposes a commendable and desirable constitutional amendment may not agree that other possible constitutional amendments are commendable or desirable. The Senator from Indiana has fought for many years for passage not only of the amendment proposing full voting representation for the District of Columbia, but for constitutional amendments providing for the election of the President by a system of direct popular vote, and for the equal rights amendment. These are measures which this body has faced in the past. I am hopeful that we will face them again in the near future, and with somewhat more success. But I believe that the Senate has a right to face each constitutional issue on its merits, and to vote it

up or down by a two-thirds vote. If we follow other procedures when it suits us, we weaken our moral force for the day it may not suit us.

Despite the objections, Mr. President, I will vote against a motion to table this amendment. I do so because, in my judgment, this vote will be taken as a test of strength for District of Columbia representation. I do not think such a vote is a true test, but I am not prepared to diminish the support for District of Columbia representation in any way. But I cast this vote with substantial doubt as to the effect of this procedure if we continue on this course. I hope we will have the opportunity to fight this battle on its merits in the very near future.

Mr. TAFT. Mr. President, for too many years the political role of young Americans, 18 to 21 years of age, has been restricted to ringing doorbells and licking postage stamps. Now for the first time these young people will be able to vote in Federal elections.

I have long been a supporter of lowering the voting age to 18 and was pleased to support this legislation in the last Congress. I believe that the decision of the Supreme Court to uphold the constitutionality of the 18-year-old vote in national elections was a sound one.

It seems logical that this right to vote should be extended to 18-year-olds in State and local elections as well. I am a cosponsor of Senate Resolution 7 which would amend the Constitution to lower the voting age to 18 in all elections.

Never before has America's youth had a better opportunity to exercise its influence. Today's young people are more highly educated and better informed than ever. I believe that they are willing to work through the system to achieve progress and they deserve the opportunity to do so.

Unfortunately, election statistics indicate that a large percentage of young people, 21 to 24, have not exercised the right to vote. The task of improving the country is too important for young people not to be involved.

Passage of this resolution will give young people who want to make our Nation a better place in which to live, an opportunity and an obligation to become participants in the political process. I believe that our political parties will benefit from increased active participation of young people and respond to their concerns in a meaningful way.

This resolution is too important to be clouded by additional amendments. I oppose any attempt to complicate the issue with consideration of voting representation for the District of Columbia. Each of these proposals merits separate and careful consideration and neither should suffer from opposition generated by the other.

Mr. MANSFIELD. Mr. President, it is with the greatest reluctance that I rise at this time to explain the action that I am about to take. What I intend to do is move to table the pending amendment. In my judgment, prevailing circumstances justify such action. The circumstances are as follows: There are at present two issues pending before the Senate. Each is distinct. Each stands alone on its merits.

With respect to the 18-year-old proposition, it will be recalled that last year many of my colleagues on both sides of the Senate aisle, including the distinguished senior Senator from Massachusetts (Mr. KENNEDY), offered an amendment to the Voting Rights Act which by law would have granted voting rights to all citizens 18 years of age and over in all elections—Federal, State, and local. That amendment was eventually enacted into law on the basis of responsible legal authority. When the issue was reviewed by the Supreme Court, however, so much of the proposal that applied to State and local elections was struck down as not authorized by the Constitution. The States are thus confronted with a most serious dilemma. They are now required to permit—quite correctly—citizens who are 18, 19, and 20 to register to vote in all elections for Federal office. When it comes to State and local elections, however, the registration rolls—just as correctly—must be limited to citizens qualified under State law and the age requirement is 21 years in all but nine States. As discussed fully by the distinguished Senator from Indiana (Mr. BAYH), and the Senator from West Virginia (Mr. RANDOLPH)—the granddaddy, if I may say so of this legislation—such a dual-age voting system can result only in added cost, confusion, delay, and waste, to say nothing of the unjust and unreasonable burden it imposes upon those citizens who are 18, 19, and 20 years of age. The adoption of Senate Joint Resolution 7, as reported by the committee, provides the exclusive way out of this dilemma.

It is imperative, in my judgment, that no action be taken to jeopardize the effort to extend to 18-, 19-, and 20-year-olds the full franchise of the ballot in all elections. I have advocated such an extension ever since coming to the Senate, and before. I have advocated the extension not only to Federal elections, but to all elections. I have done so and I do so today because our young men and women 18 years of age and older should participate fully in the political processes of this Nation. They have demonstrated their capability of assuming obligations and responsibilities in keeping with this right—in school, in work and in military service. Their contribution to the electoral process is not only welcome, it will be indispensable in the years ahead.

It is not enough to say that they now enjoy the right to vote for the President of the United States. Nor is it enough to say that they are now permitted to vote for the Senators from their States and for the Representatives from their Congressional districts. This last barrier ought also to be removed. They must be fully enfranchised, and no action should be tolerated that would jeopardize this effort to give them the ballot in State and local elections. With that proposition, I believe just about every Member of this body agrees.

But there is far from unanimity on the second proposition now confronting the Senate. It is the issue of representation in Congress for the people of the District of Columbia as provided by the amendment of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), and others.

Unquestionably, the people of the District deserve full and fair representation. Unquestionably, there is a rational basis for providing such representation. It is no secret, however, that many Members of this body—not to mention the other body—would insist that such a proposal undergo exhaustive examination and have at least full benefit of committee consideration before allowing it to come to a vote. The prospect of such a filibuster can have no effect but to jeopardize the whole effort to gain full voting rights for citizens 18 years old and older in all elections all across the land.

And if this measure should be brought before the Senate as an appendage to the 18-year-old voting measure, what of other constitutional proposals? What about public school prayer, electoral college reform, equal rights for women, and all the rest—all of which I favor? It is my intention to move to table all of these proposals that would serve only to endanger full access to the ballot box by all citizens 18 and older.

In closing, it should be said that I am not unsympathetic to the position in which the Senator from Massachusetts finds himself. I know how sincerely he has devoted himself to this cause, as he did, last year, to the passage of the 18-year-old amendment. He was, in reality, the initiator and father of the amendment giving to all 18- to 20-year-olds the right to vote in State and local as well as national elections. I only suggest that this is not the time; nor is it the place for pressing the proposal he now advocates.

Mr. President, I wish to see the full franchise of the ballot a reality for 18-, 19-, and 20-year-olds next year in all elections. I move to table the pending amendment.

Mr. President, I withhold that motion for the time being, and yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Miss Nancy Camden and Mr. Carey Parker, assistants to Mr. EAGLETON and Mr. KENNEDY, respectively, the coauthors of the amendment, be permitted the privilege of the floor during the rollcall vote on the amendment.

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

Mr. MANSFIELD. Mr. President, before I renew my motion, 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. MANSFIELD. 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. MANSFIELD. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the standing order, the Sergeant at Arms will clear the Senate Chamber of

all aides to Senators during the yea and nay vote.

The Chair would remind visitors in the gallery that the rules of the Senate prohibit demonstrations of any type by occupants of the gallery. Unless order is observed by our visitors, the Chair will be compelled to direct attendants in the gallery to remove those causing the disturbance, so that the Senate may conduct its business in an orderly manner.

The question is on agreeing to the motion to table. 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 Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The result was announced—yeas 68, nays 23, as follows:

[No. 17 Leg.]

YEAS—68

Aiken	Dominick	Pearson
Allen	Eastland	Pell
Allott	Ellender	Percy
Anderson	Ervin	Prouty
Baker	Fannin	Randolph
Beall	Fong	Roth
Bellmon	Fulbright	Saxbe
Bennett	Gambrell	Schweiker
Bentsen	Goldwater	Scott
Bible	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hollings	Spong
Buckley	Hruska	Stennis
Burdick	Jordan, Idaho	Stevens
Byrd, Va.	Long	Symington
Byrd, W. Va.	Magnuson	Taft
Cannon	Mansfield	Talmadge
Case	McClellan	Thurmond
Chiles	McGee	Tower
Cook	McIntyre	Weicker
Cotton	Miller	Williams
Curtis	Moss	Young
Dole	Packwood	

NAYS—23

Bayh	Humphrey	Mondale
Brooke	Inouye	Montoya
Cooper	Jackson	Pastore
Cranston	Javits	Proxmire
Eagleton	Kennedy	Ribicoff
Griffin	Mathias	Stevenson
Hart	McGovern	Tunney
Hughes	Metcalf	

NOT VOTING—9

Church	Hartke	Mundt
Gravel	Hatfield	Muskie
Harris	Jordan, N.C.	Nelson

So Mr. MANSFIELD's motion to table Mr. KENNEDY's amendment was agreed to.

Mr. NELSON subsequently said: Mr. President, when the vote was held on the motion to table an hour ago, I was in the Senate dining room and did not hear the bell. If I had been present, I would have voted "nay."

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the majority leader if he can give us some information as to the order of business for the rest of this week and perhaps for the beginning of the next week.

Mr. BYRD of West Virginia. Mr. President, may we have order so that Senators can hear the majority leader?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, in response may I say that——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The majority leader will suspend until we have order in the Senate. There will be order in the Senate.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, may I say that on yesterday the joint leadership, with the approval of the manager of the bill, the Senator from Indiana (Mr. BAYH), and the sponsors of the amendment just considered, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Missouri (Mr. EAGLETON), did ask and did receive the unanimous consent of the Senate to continue for 1 hour after the disposal of the amendment. But that consent agreement was later negated.

If the distinguished minority leader would like me to discuss this matter, I would like to ask unanimous consent at this time that there be an hour on the pending resolution, at the conclusion of which the vote will take place.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that S. 575, the so-called Appalachian Regional Development Act of 1965, will be laid before the Senate this afternoon. However, there will be no debate on that measure—unless someone wants to debate it—until tomorrow.

That will be followed on Friday by H.R. 4690, an act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes—the so-called Debt Ceiling Act. There may well be some contention on that bill.

Mr. BYRD of West Virginia, Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, there are indications that an amendment dealing with social security will be offered. It is quite possible that on Friday there will be votes. It is quite possible that that measure will have to be carried over until Monday.

Following that, it is hoped, with the approval of the distinguished Senator from New Hampshire (Mr. COTTON), and my distinguished colleague, the junior Senator from Montana (Mr. METCALF), that the Senate will take up Senate Joint Resolution 17, a joint resolution to establish a Joint Committee on the Environment.

Following that, if nothing intervenes, there is the possibility of taking up Senate Resolution 17, a resolution submitted by the distinguished Senator from Oklahome (Mr. HARRIS), the distinguished Senator from Maryland (Mr. MATHIAS).

At some time or other, the Senate will consider the bill introduced by my distinguished colleague, Senator METCALF, and me having to do with the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., may well be taken up.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I had nothing to do with placing that bill on the calendar, I assure the distinguished minority leader.

Mr. SCOTT. I was going to praise the majority leader for mentioning Montana twice in one sentence. But I want to revert to the question of the debt limit bill and social security. If we are going to have votes on Friday, we want to have everyone here. If there is any way to work out agreements on time, since there is the possibility there will be a great deal of debate on the social security aspect, I want to express the hope that the manager of the bill might consider whether Senators can expect votes on Friday or whether they could come on Monday. I realize that if we are not able to work out something, we will have to be here.

Mr. MANSFIELD. The debt limit matter cannot be taken up until Friday because the chairman of the Committee on Finance (Mr. LONG) will be absent on official business tomorrow, but any agreement which he and the distinguished ranking minority Member, the Senator from Utah (Mr. BENNETT), would care to advance I am sure the joint leadership would be happy to consider in an effort to try to accommodate Senators. But I should point out that on the basis of the recess schedule which has been laid down on the basis of 4 or 5 days off at the end of certain months, it really behooves us to be here and I am happy to note that no Senator up to this time on either side has asked that he be given special consideration with respect to voting on a day certain; but wherever the leadership can, we will try to accommodate Senators.

Mr. SCOTT. I thank the Senator.

EXTENSION OF RIGHT TO VOTE

The Senate continued with the consideration of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from Montana if the time for colloquy which has just taken place is to be subtracted from the allotted time.

Mr. MANSFIELD. Yes.

Mr. PERCY and Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair believes the Senator from Illinois had requested recognition.

Mr. PERCY. Mr. President, because we are under controlled time I will limit my comments. If the Senator from Indiana wishes to be recognized, my remarks on this subject will only take 5 or 6 minutes.

Mr. BAYH. I was going to make a 30 second observation relative to the question that I thought was rightfully posed by the Chair. We are in the midst of debating a major matter, and I think 1 hour is not excessive for Senators to express their thoughts. I will be quiet now so Senators can express themselves.

I yield to the Senator from Illinois.

Mr. MANSFIELD. Mr. President, the Senator from Indiana will be in charge of the time.

Mr. PERCY. Mr. President, I agree that this is an extremely important subject. I have long advocated the extension of the franchise to 18-year-olds. I cosponsored legislation which passed in the last Congress lowering the voting age, and I was very pleased when the Supreme Court ruled the 18-year-old vote constitutional when applied to Federal elections.

Unfortunately, however, the Supreme Court decided that the new law franchising citizens 18, 19, and 20 years old was unconstitutional for State and local elections. As a consequence, State and local election boards face what may be an administrative nightmare unless we take the remedial action that is available to us today.

I speak with deep feeling with reference to the administrative nightmare facing State and local election boards. I have spent every election since 1948 in the polling booths in Cook County, and particularly in Chicago. I have observed the voting practices, the charges of irregularity, and the great problem we have in the two party system, even in a simple election, to insure an honest vote and an honest count.

I cannot imagine the complexities that will be added if we impose this tremendous burden. I do not make this charge in a partisan sense. Republicans through the years have charged that elections in Cook County have been stolen; and the Democrats, in turn, have charged that down State elections have been derelict in assuring honest elections and count; but there is no use adding to the complexities.

The mere prospect of dual voting machines or separate paper ballots, one listing all offices and candidates and the other—for younger voters—listing only Federal candidates, should by itself be enough to convince us to support the constitutional amendment that is now before us. If it is enacted by the Congress and ratified by three-quarters of the States, we will have a uniform national voting age for all elections—Federal, State and local. Not only would this relieve the States and localities of the administrative burdens connected with dual election procedures, but it would also save them the millions of dollars that implementing such procedures would unquestionably entail.

But the principal reason for my support of the constitutional amendment giving the right to vote to 18-year-olds in State and local elections goes far beyond the serious mechanical problems posed by dual elections.

It also goes beyond the often cited issue of the "voteless soldier." The argument that an individual who is old enough to fight and die for his country should also be old enough to vote is certainly very persuasive, but there are others that are equally impressive. Eighteen-year-olds are regarded as adults by the penal codes, by the insurance companies, by the state agencies which issue automobile operator's licenses. They can enter the Federal Civil Service; they can be taxed; they are legally entitled to marry in any State.

In brief, Americans who are 18, 19 and 20 are adults in virtually every legal sense. There is no justifiable reason for withholding from them the most basic of their civil rights—the right to vote, in any and all elections.

It makes no sense to young people today to say that they are qualified and empowered to vote for President and Vice President, for Senator and Congressman, but that they cannot vote for their mayor, city councilman, Governor, and in Cook County they cannot even vote for a sanitary district candidate.

The contention that young people are too ill-informed about public affairs to exercise wisely the right to vote can have little credence. Perhaps this argument had some validity at the turn of the century, when only 6 percent of the Americans who had reached 18 were high school graduates, or in 1940, when only about half had completed high school.

But in the year 1971, when 81 percent of all Americans have graduated from high school by the age of 18 and when nearly half of the 18-, 19-, and 20-year-olds are college students, young Americans have the education and the maturity to participate fully in our political process. Anyone who watches television or reads a newspaper understands that they already are deeply involved in questions of public policy. Their commitment is likely to become even deeper if we give them a peaceful means to achieve the ends they seek.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, how much additional time does the Senator need?

Mr. PERCY. Mr. President, will the Senator yield to me for 3 additional minutes?

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. Mr. President, the argument that the vote should be denied to young people because a small minority of them hold views that are unacceptable to many adults would not be worth discussing if it were not so prevalent. To do so would be comparable to taking the franchise away from any group whose views are not held by a majority of Americans—whether they be prohibitionists, Presbyterians or—for that matter—Republicans. Diversity of belief is one of this country's most important assets. It must be encouraged—not merely tolerated—if we wish to avoid the intellectual stagnation that is characteristic of nations in which ideas are imposed upon the people.

It is true, of course, that if the State legislatures were to act to lower the voting age to 18 in State and local elections, a constitutional amendment would not be required. But even if this is theoretically possible, I do not believe that any among us is naive enough to believe that the legislatures will act swiftly enough to avoid chaos by the next general election. If we wish to have a uniform voting age requirement—and to have it in time for the 1972 elections—we must amend the Constitution.

My own State of Illinois is one of the several States that have rejected the 18-year-old vote proposition at the polls. But these decisions were made before the Supreme Court affirmed the constitutionality of the 18-year-old vote in Federal elections. I strongly believe that, in light of this ruling, it is very likely that the electorates in these States would now view the question somewhat differently. I cannot conceive of any State's voluntarily selecting a dual system of voting.

The Census Bureau's projections indicate that approximately 11.5 million Americans between 18 and 20 years old will be eligible to vote in the 1972 elections. We will determine today whether or not they will be fully or partially enfranchised citizens, eligible to vote in all elections or simply in presidential and congressional contests.

Mr. President, this is not a partisan issue. The distinguished Senator from Kentucky (Mr. COOK) has noted that in his State, which has permitted 18-year-olds to vote for 15 years, the rise of the Republican Party has paralleled the enfranchisement and increased participation in politics of 18-to-20-year-olds. Many other political analysts feel that a majority of young people tend to be Democrats. And Richard M. Scammon, the perceptive director of the Elections Research Center, has suggested that young voters will in all likelihood behave in much the same way at the polls as their elders do.

Obviously we will be dealing principally in speculation until young people actually begin to vote in large numbers. I, for one, am perfectly willing to compete for the allegiance of young people, and I am sure that my colleagues on both sides of the aisle will agree that this type of healthy competition is the essence of politics.

The basic question we are examining today has nothing to do with political parties. It can be summarized in one word—justice. We must give 18- to 20-year-olds the vote because it is right. Mr. President, I strongly urge the adop-

tion by the Senate of this constitutional amendment.

I would like to close by stating that young people in this country have had a tremendous impact on public affairs. It was young people who went South to register voters, and had their skulls cracked open sometimes, but that resulted in the Voting Rights Act of 1964 and a whole new policy. It was young people who started the trend to get out of Vietnam rather than deeper into it. Young people saw that this war was getting no place fast, and we had to have a policy of getting out and a clear-cut policy enunciated to the South Vietnamese, rather than getting into it deeper. They were right. Everyone agrees with that. Young people brought about the environmental control situation we face today.

The PRESIDING OFFICER (Mr. TAFT). The time of the Senator has expired.

Mr. PERCY. May I have 30 seconds more?

Mr. GRIFFIN. Mr. President, I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. I would like to explain that my vote in favor of the tabling motion was not a vote against representation for Washington, D.C. I believe deeply in a voting representation for Washington, D.C., but I firmly believe that this issue on the 18-year-old vote before us is so important that we should not encumber it with any other single issue.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOK). However, I would like to preface the Senator's remarks with an observation that I think should go into the RECORD. He has been an eloquent and faithful member of the Subcommittee on Constitutional Amendments, who has advocated lowering the voting age since he came to the Senate. The State of Kentucky has practiced that principle, and I think we can look to him because of his firsthand experience. The chairman of the Constitutional Amendments Subcommittee is deeply grateful to the Senator from Kentucky for the time and effort he has devoted to that subject, and to the subcommittee.

Mr. COOK. Mr. President, I thank the Senator from Indiana for his remarks.

It is a pleasure to rise in support of Senate Joint Resolution 7, a measure permitting 18-year-olds to vote in all elections—State and local as well as Federal.

Since 1955, when the voters of the Commonwealth of Kentucky ratified an amendment to the State constitution, this age group has voted in all primary and general, local, State, and National elections subject to the same residency and registration requirements as all other voters. We have now had the benefit of 14 years' experience, and it has been a complete success. I know of no public official in Kentucky who has not been satisfied with this experience.

As is often the case, the Federal Government is often behind some States in the enactment of progressive and rational legislation. Since 1942, when the first joint resolution was introduced, by then Congressman JENNINGS RANDOLPH, to amend the Constitution and lower the voting age to 18 for both Federal and State elections, a similar proposal has been introduced in every Congress. Each year it gained momentum and support. It was endorsed by President Eisenhower in his 1954 state of the Union address, again by President Johnson in a message to the 90th Congress, and by the Nixon administration in the 91st Congress. Deputy Attorney General Richard Kleindienst said in testimony before the Constitutional Amendments Subcommittee:

> America's 10 million young people between the ages of 18 and 21 are better equipped today then ever in the past to be entrusted with all of the responsibilities and privileges of citizenship. Their well-formed intelligence, enthusiastic interest, and desire to participate in public affairs at all levels exemplifies the highest qualities of mature citizenship.

By March of last year, the question of lowering the voting age became by which method, rather than why or when. At hearings held by the Subcommittee on Constitutional Amendments a number of leading constitutional law scholars suggested that the Congress, under the 14th amendment, could accomplish this by a Federal statute. The concept gathered broad support from such diverse thinkers as Senator EDWARD KENNEDY and Senator BARRY GOLDWATER.

On March 9, 1970, I introduced with the support of Senators GOLDWATER, DOMINICK, SCOTT, JAVITS, PACKWOOD, HATFIELD, CASE, BOGGS, SCHWEIKER, BROOKE, FONG, PERCY, YOUNG of Ohio, BAYH, RIBICOFF, MCGEE, CHURCH, CRANSTON, and HUGHES, S. 3560, a bill to lower the voting age to 18 years by statute.

I ask that my remarks concerning that bill be inserted in the RECORD at the end of this speech.

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

(See exhibit 1.)

Mr. COOK. Mr. President, 3 days later Senator MANSFIELD offered an amendment to the Voting Rights Act of 1970, the pending Senate business, which would accomplish this same purpose. Within 3 months the measure was passed by the Congress. After having been signed into law by President Nixon, an early decision by the Supreme Court was sought to determine the bill's constitutionality.

In Oregon against Mitchell, by a narrow 5-to-4 decision, the Court upheld those sections of the act allowing 18-year-olds to participate in Federal elections but denying them a similar right in State and local elections. As a result of this ruling, 10 million young people from ages 18 to 20 in 47 States may vote for their President, Senator, and Congressman, but not for their Governor, mayor, and other local officials.

While the Court may have been constitutionally correct, its decision lacked reason, understanding, and practicality. All of the arguments made in favor of enfranchising this age group have been brought forth, debated, and accepted. That they apply equally to both Federal and State elections cannot be denied.

A report by the Constitutional Amendments Subcommittee, "A 50-State Survey of the Costs and Other Problems of Dual-Age Voting," pointed out the difficulties in implementing this decision at the State and local level. Because of the Court's decision, special and separate facilities and procedures will become a necessity in order to accommodate two classes of voters. By age, voters will have to be separated at the time of registration and at each election. In those areas of the country which do not require registration it will be necessary to verify not only the voter's identification and residence but also his exact age.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. COOK. May I have 3 more minutes?

Mr. BAYH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOK. Mr. President, at least 50 percent of the country's voters vote by machine. Some election officials have stated that their voting machines cannot be adapted in order to "lock out" State and local elections. Others say it is possible but that it would require an additional person at the polls and would likely result in delay, confusion, and possible fraud. Reliance on paper ballots put an additional burden on those using machines. Where paper ballots are still in use, special ballots will have to be used. Also, additional administrative burden will necessarily result in added costs to the States. There will be the initial expense for new equipment and the continuing expenses of maintaining dual sets of registration books, additional election supervisors, and voting personnel clerks. The subcommittee report estimated this cost to be between $10 and $20 million.

To avoid this additional cost and to grant full and complete citizenship to this age group, there are two alternatives. The most difficult would be amending each State constitution. Only eight States reported to the subcommittee that it would be possible to complete such action in time for the 1972 elections. The quickest method is the passage and ratification of an amendment to the Federal constitution. Should the Congress report out such a measure, at least 35 State legislatures may act upon it before 1972. In addition, a number of legislatures will be holding special sessions for various reasons, including apportionment required by the 1970 census.

The right to vote—in all elections—is a basic right for the young people between 18 and 21. We must not tarry in the fulfillment of this objective. As President Johnson so eloquently stated:

> Today, the young people of America are asking the opportunity to give of their talents and abilities, their energies and enthusiasms, to the greater tasks of their times. I believe their proper request can and must be properly answered by a national affirmation of our faith in them. For a nation without faith in its sons and daughters is a nation without faith in itself.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 9, 1970]

ALLOWING 18-YEAR-OLDS TO VOTE

Mr. COOK. Mr. President, the question of allowing 18-year-olds to vote has become not whether but when and how. With the exception of a few aged relics in Congress, the

overwhelming majority of the peoples' representatives now realize we must enfranchise 18-year-olds and do it as soon as possible.

Since almost all Senators now recognize the need to lower the age of democratic participation to 18 and are familiar with the arguments for such a step, I will be very brief in describing the other ways in which this age group fully participates in our society. Deputy Attorney General Kleindienst, indicating the support of the Nixon administration for lowering the voting age, named just some of the ways in which they are currently involved, in his testimony before the Constitutional Amendments Subcommittee the other day. He stated:

"We do not wait until 21 years of age to permit our young people to enter the labor market or to require the payment of income taxes. Before 21 many states permit our young men and women to shoulder the responsibility of marriage; we ask that they man our Armed Forces and "provide for the common defense." We hold them liable for their civil and criminal actions."

In that regard, I should like to note for the Record that, according to Defense Department statistics of June 1968, of the 3,510,000 men in the Armed Forces, 27,000 were 17 years of age, 123,000 were 18 years of age, 266,000 were 19 years of age, and 567,000 were 20 years of age. In other words, of the 3,510,000, 983,000 were under 21.

With regard to the present conflict in Vietnam, I should like the RECORD to show that of this group and of those who have lost their lives for this country, nine were 17, 2,413 were 18, 6,368 were 19, and 10,421 were 20.

Little more needs to be said in answering the question "whether?" except to relate, briefly, the experience in my own State of Kentucky. In 1954, the general assembly of my State enacted a bill submitting to the electorate the matter of lowering the voting age to 18. In November 1955 the voters ratified the proposal with little or no controversy.

We have now had the benefit of 14 years experience with responsible voter participation by this block. Contrary to the allegations of many of my conservative friends, there has not been any discernible pattern of voting behavior. In fact, it could be strongly contended that the growth of the Republican Party in Kentucky, generally considered to be the more conservative of the two parties, has directly paralleled the enfranchisement and increase in participation of this age group.

Every major statewide candidate in recent memory has had a fulltime youth chairman whose sole function it was to seek out and secure the support of this block of roughly 100,000 potential voters. For those who attend a college in Kentucky, politics is a way of life. Some argue we should keep politics off the campuses. I agree to the extent that that means political interference by State officials or even Federal officials with academic and political freedom of thought and expression. I most emphatically do not agree if it means college people should not be allowed to vote and in a meaningful way support the candidates of their choice.

Politics on the campus in Kentucky means that for a candidate to be credible he must appear and subject himself to the intelligence and insight of today's politically sagacious youth. Our bright young Kentuckians are a great force against the hypocritical handshaking, backslapping, baby kissers of the old school of politics. In fact, it could be argued very persuasively that their participation has significantly up-graded both the caliber and the campaigns of the Kentucky politician of today.

In summary, the Kentucky experience has been a complete success, and I would venture a wager that one could not find 1 percent of Kentuckians, whether liberal or conservative, mountaineer or farmer, city dweller or tobacco grower, who would advocate raising the age.

The next question is, "How?" We have traditionally believed that lowering the voting age must be done by constitutional amendment, primarily because we took this course in enfranchising blacks and women. This view, however, does not take into account our living Constitution and the expanding role of the 14th amendment when aided by an act of Congress, in striking down the irrational barriers which States have placed between those who would otherwise be qualified to vote and the ballot box.

The expanded role of the 14th amendment in this area, when supported by an act of Congress, is a relatively new feature in the constitutional law of our land traceable to the historic Voting Rights Act of 1965 and the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, which rules section 4(e) of that act constitutional. It is upon the authority of this case that we can reasonably predict that a statute lowering the voting age to 18 under the authority of the 14th amendment, section (5), would be upheld as constitutional.

Let us look briefly at the facts of that case to see how they apply to what we are seeking to do this year. The Morgan case tested the constitutionality of section 4(e) of the Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school in, or a private school accredited by, the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. New York claimed the statute to be justified because of a State interest in assuring intelligent use of the franchise.

As Prof. Archibald Cox pointed out in his testimony before the Constitutional Amendments Subcommittee, in the absence of statute, the Supreme Court might have sustained New York's position. However, the court said, in effect, as Professor Cox put it, that "Congress may decide, within broad limits, how the general principle of equal protection applied to actual conditions."

The Court cited, in Morgan, the early case of *Ex parte Virginia*, 100 U.S. 339, 345, in describing what section (5) of the 14th amendment intended to give to Congress—

"It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendment fully effective."

Section (1) of the 14th amendment provides that no State shall deny to any person within its jurisdiction equal protection of the laws. The equal protection clause is violated by any State which imposes an arbitrary or unreasonable discrimination or an invidious classification. This is then followed by section (5) of the amendment which gives Congress the power to enforce the amendment by "appropriate" legislation.

It would be entirely possible to find two different results on the same set of facts where in one instance Congress had acted pursuant to section (5) to strike down invidious discrimination and in the other case where it had not so acted. Thus, the speculation earlier that the result might have been different in Morgan in the absence of the passage of 4(e) of the Voting Rights Bill pursuant to section (5) of the 14th amendment.

In support of this assertion, the Court said in the Morgan case:

"Without regard to whether the Judiciary would find that the equal protection clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under section (5) of the 14th Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by section (5), *appropriate* [emphasis added] legislation to enforce the equal protection clause."

The Court then proceeded to consider whether section 4(e) was "appropriate" legislation—the *McCulloch* v. *Maryland*, 4 Wheat 316, 421, standard. In deciding what was appropriate legislation to enforce the equal protection clause, the Court said:

"It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk of pervasiveness of the discrimination in government services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. *It is not for us to review the Congressional resolution of these factors. It is enough that we are able to perceive a basis upon which the Congress might resolve the conflict as it did."* [Emphasis added.]

The question, then, is whether the language and logic of Morgan would be equally applicable to a statute passed by Congress pursuant to section (5) of the 14th amendment lowering the voting age to 18. Under the 14th amendment, in the absence of statute, the question would be whether denying the right to vote to 18-, 19-, and 20-year-olds is arbitrary or capricious. I agree with Professor Cox that the Supreme Court would not so hold.

However, if Congress passed legislation under section (5) of the 14th amendment then the Court, it is reasonable to predict, would uphold the constitutionality of such a statute, with a supporting statute the Court's inquiry would be, under Morgan, could it "perceive a basis upon which the Congress might resolve the conflict (between state interest in not allowing 18, 19 and 20 year olds to vote and Congress' interest in lowering the age to 18) as it did."

In examining the congressional basis for the passage of such a statute the Court would surely find as Cox put it:

"Congress would seem to have power [under section (5), 14th Amendment] to make a similar finding [as in *Morgan*, that English language requirement is constitutionally irrelevant] about the state laws denying the franchise to eighteen, nineteen, and twenty year olds even though they work, pay taxes, raise families, and are subjects to military service."

I might suggest, for those who would deny the vote to 18-, 19-, and 20-year-olds, in regard to that service, that we allow young men at 18 to go into officers' candidate school in this country and become officers in the military service of this Nation.

It is clear to me that we are constitutionally able to proceed with the long-overdue task of lowering the voting age to 18 in all elections in one of two ways.

The final question is "when?" We may, out of some inexplicable reverence for the past, choose the difficult route of the constitutional amendment or we may, recognizing that we exist under a living, changing Constitution, choose a more expeditious alternative. I see no virtue in masochistically proceeding with a constitutional amendment which will require years to ratify, when the Congress could have the courage to act now to remedy one of the most pervasive injustices of our day.

I, therefore, introduce for appropriate reference a bill to provide for lowering the minimum age at which citizens shall be allowed to vote in all elections to 18. Also, I ask unanimous consent that the bill be printed in its entirety at the end of my remarks, and that the following Senators be added as cosponsors: Mr. GOLDWATER, Mr.

DOMINICK, Mr. SCOTT, Mr. JAVITS, Mr. PACKWOOD, Mr. HATFIELD, Mr. CASE, Mr. BOGGS, Mr. SCHWEIKER, Mr. BROOKE, Mr. FONG, Mr. PERCY, Mr. YOUNG of Ohio, Mr. BAYH, Mr. RIBICOFF, Mr. MCGEE, Mr. CHURCH, Mr. CRANSTON, and Mr. HUGHES.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at this point.

The bill (S. 3560) to provide for lowering the minimum age of which citizens shall be eligible to vote in elections, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3560

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 "Voting at Eighteen Act".

SEC. 2. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

(1) denies and abridges the inherent constitutional rights of citizens who are eighteen years of age but not twenty-one years of age to vote, which is unfair in view of the national defense burdens imposed on such citizens;

(2) has the purpose and effect of denying to citizens who are eighteen years of age but not twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution, particularly in view of the unreasonable classification based upon the proposition that such citizens are not intelligent or mature enough to exercise the right to vote; and

(3) does not bear a reasonable relationship to any compelling State interest in the conduct of elections.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

SEC. 3. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

SEC. 4. (a) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution and section 5 of the fourteenth amendment of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this Act.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this Act, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

SEC. 5. Whoever shall deny or attempt to deny any person of any right secured by this Act shall be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 6. As used in this Act the term "State" includes the District of Columbia.

SEC. 7. The provisions of this Act shall take effect with respect to any primary or election held on or after January 1, 1971.

Mr. COOK. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement made today by the Senator from Arizona (Mr. GOLDWATER) before the Subcommittee on Constitutional Amendments entitled "18 Is Old Enough."

This is one of the finest statements I have ever read on this subject, and I recommend it to the reading of all Senators.

EIGHTEEN IS OLD ENOUGH

Mr. Chairman and Members of the Subcommittee: It is a pleasure to have the opportunity to testify on the important question of whether or not the minimum voting age should be lowered to 18.

Mr. Chairman, I want to say at the outset that I think it should. This is a goal that I have worked for over a long period of years. And I am delighted to be able to restate my position at this time.

The main argument that I have heard against the proposal is the claim that young persons are not mature enough. They are said to be too rebellious and militant.

But I want to say here and now that this kind of reasoning is nonsense. Talk about young people being irrational. What about the supposedly mature persons who would deny the right to vote to nearly 11 million citizens just because a tiny minority has engaged in militant behavior?

When will people learn that what they see and hear through the mass media is not necessarily typical of the way things really are? Yes, if all people do is to sit in front of their T.V. screens or skim over the headlines, then the predominate image which they are going to get of our young men and women is one of an unclean, vile-tongued, rock-throwing, campus-storming, street-rioting bunch of hoodlums and misfits.

But, Mr. Chairman, I want to state as firmly as I can that this picture is distorted, stupid, and absolutely wrong. All that the major networks and liberal newspayers have achieved by their endless over-exposure of the extremist tactics used by a piddling few of our young Americans is to prejudice the judgment of many of their elders against youth in general.

Mr. Chairman, I ask the public to think for themselves. I want the average American to make his impressions from what he himself has actually seen. Don't rely upon the defamatory bunk which you are being fed by liberal journalists and reporters who are falling all over each other to see who can shock their audience the most.

If the average viewer or the average reader could travel through the length and breadth of our nation as I have to meet with students on the campuses of universities, both large and small, then I know that they would agree with me that this generation of young people is the finest generation that has ever come along.

Mr. Chairman, I have probably visited more colleges and universities in the last decade than anyone in the country. And I am constantly impressed by the wisdom and interest, and concern with vital matters, that is shown by the students whom I have met.

In fact, their grasp of national issues is downright amazing. Far from being the possible victims of demagogues, I think the challenging, probing minds of today's youth will serve to expose the dishonest politician quicker than anything else.

Unless a person has honest convictions and sincere principles, these eighteen year olds, and 19 year olds, will shatter his veil of hypocrisy in short order. They will see through the phony promise and the faked crisis sooner than many of their elders do.

Mr. Chairman, I have confidence in our nation's educational system. I have pride in the way our young people are being taught to analyze issues and to think things through for themselves. Unlike many older persons, these young Americans are willing to question what they read and what they watch in the mass media.

Some people, who should know better, say eighteen-year-olds are too idealistic. They are said to be unable to follow the complicated, practical reasons why the things politicians promise them don't really happen.

Well, I want to say that this is exactly what we need more of in this country. We need more citizens who are concerned enough to pose high social and more goals for the nation. Civil servants and legislators, of any political party, need to be prodded to cut through the bureaucratic jungle of red tape so that the government will serve the people in the way it is intended.

Some more idealism will do us all good. It will help remove the crusty, shop-worn reasons why the policies and goals which are promised to voters don't ever seem to get accomplished. It wil make us find the positive answers that will put us on the right track. Instead of explaining why this law or that program can't benefit the public the way we thought it would when it was passed, idealism will send us searching for innovations and new departures that will get the job done.

Whether we are speaking of world peace, cleaning the air and water, stopping crime in the streets, eliminating smut in the mails, or any other important goal, the energies and enthusiasm and urgings of young Americans will help us do our best.

Mr. Chairman, I support extending the vote to young citizens because I know it is right. I do not rely on the argument that because a person is old enough to serve in the Armed Forces he is old enough to vote. That is a duty of citizenship.

But there are other impressive arguments which demonstrate that eighteen-year-olds have reached maturity. Insurance companies hold a person to be an adult when he is eighteen. Eighteen-year olds are treated as adults by penal codes. Eighteen-year-olds are allowed to obtain unrestricted automobile operator's licenses in every State. Young Americans can enter the Federal Civil Service at 18, be taxed at 18, and marry in any State at 18. Indeed, 25% of all girls are married at 18 and 19, and 50% are married at 20.

So they can raise families, hold jobs, be taxed, be tried in adult courts, and be trusted on the public highways. And yet they are not allowed to vote.

Mr. Chairman, this attitude is outmoded and archaic. It is literally based on a tradition which dates back to medieval times.

Perhaps, in the days around the turn of the century, it once had meaning. In 1900 only 6% of Americans who had reached 18 were high school graduates. In fact, as late as 1940, only one-half of all 18-year-olds had completed high school.

But this is 1970. This is the age of instant communications, all-news radio stations, T.V. news, and the most avid political concern on the part of young Americans that I have ever witnessed.

Today fully 81% of Americans have graduated from high school before they reach 18. Almost 50% of 18-, 19-, and 20-year olds are enrolled in college. And the education which they are receiving is more advanced and intense than at any time in our history.

In short, youth today is better informed and better equipped than any previous generation. They are without a doubt equally mature, both mentally and physically, as the average citizen who had reached 25 when I was growing up. In fact, they may be better able to comprehend the dramatic technological advances and changing perspectives of modern life than many of their parents.

Therefore, I hold that there is no sensible reason for denying the vote to 18-year-olds. What's more, I think we have studied the issue long enough. The voting age should be lowered and lowered at once across the entire nation.

To my mind, the change can validly be achieved by either a Constitutional Amendment or a statute. For once a person reaches the conclusion, as I have, that there is no reasonable justification for denying the right to vote to eighteen-year-olds, then it is quite clear that Congress can act to protect and enhance that right.

It is true that the States possess a power to set reasonable qualifications for voters in their elections. When these requirements are applied in a sensible way, they should not be altered by Federal intrusion.

But not even the strongest advocate of State's rights could claim that a State may limit the right to vote on arbitrary or unreasonable grounds. It would be nonsense to say that a State could fence out all left-handed persons from the polls. Or all Catholics. Or all males with long hair.

Clearly there are limits as to how this authority may be used. To say that the States may establish voting qualifications is not to say that their power is absolute.

To me, where there is a conflict between the fundamental, personal right to vote and the purely administrative power of a State to regulate its elections, the State power may prevail over the right of the individual citizen only if it serves a major and compelling State interest. Since no such interest has been shown in the case at hand, I believe it is entirely fitting for Congress to act to protect the freedom to vote of young Americans.

While I am not a lawyer, I would like to present a few arguments which will establish the principles on which I base my conclusion.

The first principle which I want to set forth is as old as our Union itself. This is the concept that Congress may act by statute to secure the rights which are inherent in National citizenship.

Mr. Chairman, one of the most firmly imbedded concepts of Constitutional law is the premise that there are certain fundamental personal rights of citizenship which arise out of the very nature and existence of the Federal government. Without these basic rights, there would be no national government and no meaning to United States citizenship.

Thus, in the case of *Ward* v. *Maryland*, 12 Wallace 418, 430 (1870), the rights of National citizenship were held to embrace "nearly every civil right for the establishment and protection of which organized government is instituted."

The Supreme Court has consistently interpreted these rights as belonging to United States citizenship, as distinguished from citizenship of a State. In the *Slaughter-House Cases*, 16 Wallace 36, 79 (1872), the Court remarked that these fundamental rights "are dependent upon citizenship of the United States, and not citizenship of a State."

Perhaps the best exposition of the scope of National citizenship is found in the opinion written by Justice Frankfurter in *United States* v. *Williams*, 341 U.S. 70 (1951). At pages 79 and 80, the learned Justice presents a history of the broad recognition accorded to what he calls the "rights which arise from the relationship of the individual with the Federal government."

Consqeuently, the existence of a separate category of implied rights that are based upon the nature and character of the national government has been confirmed in case after case throughout the history of the nation.

Furthermore, it is well settled that the right to vote is included among these fundamental rights. *Ex parte Yarbrough*, 110 U.S. 651, 663, (1884), is but one of many decisions by the Court in which the right to vote for Federal officers has been held to be a right granted or secured by the Constitution and not one that is dependent upon State law.

The rule was expanded by the recent case of *Texas* v. *United States*, 384 U.S. 155 (1966), in which the Supreme Court affirmed the decision of a three-judge District Court that the right to vote in all elections, State or Federal, "clearly constitutes one of the most basic elements of our freedom—the 'core of our constitutional system."

It is clear that Congress may act to protect a national right under the Necessary and Proper Clause. As it was said by Chief Justice Waite in *United States* v. *Reese*, 92 U.S. 214, 217 (1875), "Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide."

The doctrine was also defined in *Strauder* v. *West Virginia*, 100 U.S. 303, 310 (1879), where the Court held that: "A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress."

Mr. Chairman, the test to be applied in cases where Congress is acting to enforce or enhance an inherent Constitutional right is the one laid down by Chief Justice Marshall for all cases involving the power of Congress under the Necessary and Proper Clause.

According to this rule, three questions must be asked: (1) Is the end "legitimate?" (2) Is the statute "plainly adapted to that end?" and (3) Is the approach used "not prohibited, but consistent with the letter and spirit of Constitution." *McCulloch v. Maryland*, 4 Wheaton, 316, 420 (1819).

In applying these standards to the proposal at hand, I believe the Courts would uphold the power of Congress to pass a statute reducing the voting age in all elections, Federal, State and local.

First, there can be no doubt that the end is "legitimate." The legislation would be designed to protect the fundamental right to vote for almost 11 million citizens.

Second, the proposal is "plainly adapted to that end." By removing a voting impediment which Congress has found to be unnecessary and unfair, the Constitutional right to vote will be immediately and effectively enhanced for millions of Americans.

Third, the law is "not prohibited, but consistent with the letter and spirit of the constitution."

Here is where the crux of the whole issue must stand or fall. It will unquestionably be argued by some that since the Constitution allows the States to create reasonable voting qualifications, Congress may not override those State requirements.

However, I believe that the rule of *United States* v. *Texas*, 252 Federal Supplement 234 (1966), which I have cited above, settles the question.

In this case, a three-judge District Court, convened under section 10 of the Voting Rights Act of 1965, sustained the power of Congress to prohibit the use of the poll tax as a prerequisite to voting in State elections.

Although the Court recognized that the poll tax system in Texas had the important function of serving "as a substitute for a registration system," it held that payment of the tax as a precondition to voting must fall because it restricted "one of the fundamental rights included within the concept of liberty." (252 Federal Supplement 250.)

In reaching its decision, the Court said it was following the rule announced by the Supreme Court that "Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *Bates* v. *City of Little Rock*, 361 U.S. 516, 524 (1959).

Also, the lower Court cited the principle of *McLaughlin* v. *State of Florida*, 379 U.S. 184, 196 (1964), that such a State law "will be upheld only if it is necessary, and not merely rationally related, to the accomplishment of a permissible state policy."

Since the judgment of the District Court was affirmed by the Supreme Court, 384, U.S. 155 (1966), I believe it offers the controlling principle which must be applied to cases involving a conflict between the assertion of an individual's Constitutional right and a State law that touches on that right but serves a permissible State objective.

Another recent case that follows the same rule is *Shapiro v. Thompson*, 394 U.S. 618 (1969). This case concerned the validity of waiting periods imposed by the States to deny welfare assistance to new residents of the States.

The case is relevant to the question which we are considering because the Court specifically rejected the argument that a mere showing of a rational relationship between the qualification and a permissible State purpose is enough to justify the denial of welfare benefits to otherwise elegible applicants.

The Court held that "in moving from State to State or to the District of Columbia appellees were exercising a constitutional right, and any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a *compelling* governmental interest, is unconstitutional." (394 U.S. 634)

Since the State qualifications involved here also touch on the exercise of a fundamental Constitutional right, I believe the same rule will be applied. Congress may, in order to protect the exercise of the right to vote, regulate State laws which deny that right, unless the State laws are shown to be necessary in order to promote a "compelling" State interest.

Under this standard, I conclude that Congress may, consistent with the Constitution, establish a minimum voting age of 18 years.

There simply is no compelling reason why a State has to deprive citizens who are between the ages of 18 and 21 of their right to vote. As I have discussed earlier in my statement, the only reason put forth to justify the present minimum of 21 is a distrust of the intelligence of maturity of young persons.

There is no rhyme or reason to either of these points in today's setting. They are based strictly on emotion rather than facts. Unless a State can come up with a better explanation than this; I believe Congress can and should act to enhance the right of young citizens to vote.

Mr. Chairman, there is another ground upon which Congress may act. For the Supreme Court has held that Congress may act independently of the courts to enforce the guarantees of the Fourteenth Amendment.

This doctrine was first announced in the recent case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

There the Court was faced with deciding whether or not Congress could preclude the enforcement of New York's English language literacy test as applied to Puerto Rican residents of that State. The Court was also faced with its decision in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959), in which it had rejected a challenge to the English literacy test of North Carolina.

Nevertheless the Court held that Congress could override the New York law. In writing the Court's opinion, Justice Brennan said that the true question was: "Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the State law by legislating under section 5 of the Fourteenth Amendment?" (384 U.S. 649)

Justice Brennan said: "In answering this question, our task is limited to determining

whether such legislation is, as required by section 5, appropriate legislation to enforce the Equal Protection Clause." (384 U.S. 649–650).

The basic test of what constitutes "appropriate legislation," according to the *Morgan* decision, is the same as the one formulated by Chief Justice Marshall in *McCulloch* v. *Maryland*, when he defined the powers of Congress under the Necessary and Proper Clause. As adapted to legislation passed under section 5, this test requires that three questions shall be asked: (1) Is the statute designed to enforce the Fourteenth Amendment? (2) Is it "plainly adapted" to that end? and (3) Is it consistent with "the letter and spirit of the Constitution?" (384 U.S. 651).

In deciding the answers to these questions, the Court said: "it is enough that we are able to perceive a basis upon which the Congress might predicate a judgment" for acting as it did. (384 U.S. 653).

Thus the Court upheld the power of Congress to preclude the enforcement of the New York literacy requirement. And so, I believe it would uphold the power of Congress to preclude the enforcement of State laws which deny the right to vote to eighteen-year-olds.

It may be granted that the Courts have never held that the enforcement of a 21-year-old voting requirement is invalid. But according to the rule of *Morgan* this doesn't matter. When the case involves an enactment of Congress which is designed to enforce the guarantees of the Fourteenth Amendment, the question is not whether the judicial branch itself would decide that the State law violates that Amendment. Rather the question is whether or not the Congressional measure is appropriate legislation under section 5 of the Fourteenth Amendment.

Under this doctrine, I have no difficulty in believing that the enactment of a uniform voting age is Constitutional. The identical analysis would apply here that I have given above with regard to the power of Congress to act under the Necessary and Proper Clause.

The proposed statute is clearly meant to carry out the legitimate purpose of enhancing the right to vote, is plainly adapted to that end, and is consistent with the Constitution in the absence of a compelling State interest.

Mr. Chairman, this completes my discussion of the authority under which Congress may act. But we must also consider the policy questions. Is this an appropriate issue to tackle by legislation? And is this the time to do it?

Only two States have set the voting age at 18. Should we impose a standard on 48 States which has been accepted in merely two States?

Since 1960, voters in nine States have turned thumbs down on proposals to reduce the voting age below 21. Should we change the laws in these States whose residents have expressly voted not to do so?

In 1970 the voters of ten States will be asked to pass on amendments which would lower the voting age in their States. Should we preempt the issue and remove the choice from the local citizens themselves?

These are the kinds of hard questions which we must consider and discuss in detail. We must set out the conflicting considerations fully and fairly. We must balance a proper concern for the preservation of State authority against the attractive opportunity to enhance the right to vote for nearly 11 million citizens—a full 15% of the number of Americans who went to the polls in 1968.

So, let each of us make his own decision. Let us determine what we believe the citizens in our State want us to do and what we believe to be right.

To me, one thing is clear. The idea has found its time. This is the year to act. The proposal for giving full citizenship to young Americans is right. I know it in my heart.

For my part, I shall join with the distinguished Senator from Kentucky (Mr. Cook) in proposing a bill to extend complete voting privileges to all Americans between 18 and 21.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we don't intend to risk the voting opportunities of tens of millions of Americans by tossing the age issue into the Voting Rights struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

Let's face it. There have been no prior extensive hearings in the Senate. There has been no previous consideration of the Constitutional issues in the House of Representatives. And the Chairman of the House Committee which holds jurisdiction over the subject is known to possess a career-long record of opposition to dropping the voting age.

In circumstances such as these, the House is not about to follow the statutory route until it can study the matter for itself.

This means that passage of the Voting Rights bill is certain to be endangered, and at the very least held up, if the voting age question is tied to the pending Senate bill.

Let's also face up to the fact that we do not yet have the kind of solid legislative record that is needed to bring the issue before the Courts. We have only the testimony of two or three United States Senators and two Professors of law to show that this can be done by a statute.

While this might be impressive to those of us who are among this group, I am not so certain we have won our case before the entire Congress or before the nine men in black robes who sit in the chamber across the street.

We still need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments for our cause.

We still have not heard from any State or local officials who might want to advise us of their problems or give us their recommendations as to the swiftest way in which the Constitutional questions can be decided in the courts.

Therefore, the junior Senator from Kentucky and I will seek to lower the voting age by means of a separate bill, which can be considered on its own merits.

Our bill will provide for the unusual step of an appeal directly to the Supreme Court from a three-judge District Court. By removing the Court of Appeals as the "middle man," the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can improve this feature of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something on this order has been used in the original Voting Rights Act of 1965, and if appropriate here, it would provide a means to settle the legal issues without tying up an election.

In any event, Mr. Chairman, I agree 100% with the proposal to grant full voting rights to our young Americans. To me, 18 is old enough.

Mr. Chairman, I have prepared a four-part summary on the most recent State actions to lower the voting age, and I ask that this material be inserted at the end of my statement.

APPENDIX TO SENATOR GOLDWATER'S TESTIMONY

I. 18-, 19-, AND 20-YEAR-OLD POPULATION

1. Age 18:	
Male	1,830,000
Female	1,776,000
2. Age 19:	
Male	1,781,000
Female	1,729,000
3. Age 20:	
Male	1,791,000
Female	1,747,000
Total males	5,402,000
Total females	5,252,000
Total population	10,654,000

SOURCE.—United States Bureau of the Census, as of July 1, 1969.

II. RECENT STATE ACTION TO LOWER THE VOTING AGE

1. *Alaska.* In 1969 the legislature passed an amendment to lower the voting age from 19 to 18. The proposal will go to the voters in the 1970 elections.

2. *California.* In 1969 the California Constitutional Commission recommended lowering the voting age to 19.

3. *Connecticut.* In 1969 the Connecticut legislature approved an 18-year-old vote proposal which will go on the ballot in November, 1970.

4. *Delaware.* The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970 or 1971, it will take effect.

5. *Hawaii.* In 1969 the legislature approved an 18-year-old vote amendment. It will be on the ballot in 1970.

6. *Maine.* In 1969 the legislature passed a 20-year-old amendment. It will go before the voters in 1970.

7. *Massachusetts.* In 1967 the General Court approved a reduction in the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970.

8. *Minnesota.* In 1969 the legislature approved an amendment lowering the voting age to 19. This proposal will be on the ballot in 1970.

9. *Montana.* In 1969 approval was given to a 19-year-old amendment by the legislature. It will be submitted to the voters in 1970.

10. *Nebraska.* The legislature approved a 20-year-old vote amendment in 1969. This proposal will be submitted to the voters in 1970.

11. *Nevada.* In 1969 the legislature approved an 18-year-old voting amendment. It must reapprove in 1971 to place the question on the 1972 ballot.

12. *Oregon.* The legislature passed a 19-year-old vote amendment in 1968. It will go to the voters in 1970.

13. *Wyoming.* In 1969 the legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970.

III. VOTER APPROVAL OF PROPOSALS TO LOWER THE VOTING AGE

1. *Alaska.* The State constitution contains a provision making all citizens 19 years of age and older entitled to vote. The constitution was approved by a 2 to 1 majority of the voters on April 24, 1956.

2. *Georgia.* In 1943 the voters ratified the 18-year-old voting amendment. The vote was 42,284 (yes) and 19,682 (no).

3. *Hawaii.* The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20. Ratification: 82,788 (for) and 27,109 (against).

4. *Kentucky.* In 1955 a referendum was held to lower the voting age to 18. The proposal passed by a 2½ to 1 margin: 190,838 (for) and 107,650 (against).

IV. VOTER REJECTIONS OF PROPOSALS TO LOWER THE VOTING AGE

1. *Idaho.* In 1960 a referendum was held on the proposal to amend the constitution to lower the voting age to 19. The measure was defeated: 113,594 (yes) and 155,548 (no).

2. *Hawaii.* In 1968 the voters specifically rejected a part of the new constitution which would have lowered the voting age to 18. The vote was 72,930 (yes) and 80,660 (no).

3. *Maryland.* In 1968 a constitutional provision to lower the voting age to 19 was defeated by the electorate. The vote was 283,050 (yes) and 366,575 (no).

4. *Michigan.* In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18. The vote was 1,267,872 (yes) and 703,076 (no).

5. *Nebraska.* In 1968 a proposal to lower the voting age to 19 was submitted to the voters. The vote was 246,672 (yes) and 255,051 (no).

6. *New Jersey.* In 1969 the voters decisively rejected a proposal to lower the voting age to 18 years old. The vote was 788,978 (yes) and 1,154,606 (no).

7. *North Dakota.* In 1968 a 19-year-old voting age amendment went to the voters. It was rejected: 59,034 (yes) and 61,813 (no).

8. *Ohio.* In 1969 the voters considered a 19-year-old vote amendment. It was rejected: 1,226,590 (for) and 1,274,334 (against).

9. *Oklahoma.* In 1952 the proposal to lower the voting age to 18 was overwhelmingly defeated at the referendum. The vote was 233,094 (yes) and 639,224 (no).

10. *South Dakota.* In 1958 the voters defeated a proposal to lower the voting age to 18. The vote was 71,033 (yes) and 137,942 (no).

11. *Tennessee.* In 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18. The vote was 236,214 (yes) and 290,922 (no).

SOURCE.—For Items 2, 3, and 4: Library of Congress, Legislative Reference Service, Report Number 69, 241, December 11, 1969.

RESUMPTION OF PROCEEDINGS

Mr. GOLDWATER. Mr. President, the goal of extending full voting rights to all Americans 18 and over is one which I have worked for throughout a long time.

Today it was my privilege to restate my position before the Senate Subcommittee on Constitutional Amendments. At that time I announced that it was my intention to join as a coauthor of a bill to be introduced today by the distinguished Senator from Kentucky (Mr. COOK).

Our bill is designed to establish a nationwide minimum voting age of 18 and to obtain a swift judicial decision on the constitutional issues involved.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we do not wish to risk the voting opportunities of tens of millions of Americans by adding the age issue into the voting right struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

In our view, the responsible way to handle this proposal is to offer a completely separate bill to lower the voting age, which can be considered in committee and stand on its own merits.

One important feature of our bill is that it provides for the unusual step of an appeal directly to the Supreme Court from a three-judge district court. By removing the court of appeals as the middle man, the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can carry out this goal of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something like this has been used in section 10(b) of the original Voting Rights Act of 1965. And, if appropriate here, it would provide a means to settle the legal issues without tying up an election.

It is this kind of question that we need time to study in detail.

We also need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments that will support our cause.

Mr. President, it is for these reasons that I believe the wisest course is for Congress to act on separate legislation, rather than on an amendment to the voting rights bill.

Mr. President, to my mind Congress may properly act by means of a statute.

To me, the proposal for giving full voting privileges to our young Americans is right. It should be enacted sometime in this year.

But let us do it right. Let us build a strong legislative history and work on shaping a means of judicial review that can produce a court ruling without throwing an election in doubt.

Mr. President, I am pleased to join with my good friend from Kentucky in this effort and I hope that most of our colleagues will see fit to pursue this goal in the manner we suggest.

Mr. PERCY. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) intended to be here at this time in order to compliment the Senator from Kentucky (Mr. COOK) on his presentation. However, he was called away for a speech he had to give and is not in the Chamber now. I, therefore, ask unanimous consent that the statement he intended to deliver in person be printed in the RECORD.

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

STATEMENT BY SENATOR SCOTT

Mr. President, I rise to compliment the distinguished Senator from Kentucky on his presentation on lowering the voting age to 18. I cosponsored this legislation with nine other distinguished Senators.

The time has come to lower the voting age in the U.S. and to bring our young people into the main stream of our political process. We can do no less than to give the legislation introduced today by Senator Cook, my colleagues, and me, the fullest attention and consideration. I think it is possible, constitutionally, for the Congress to adopt a statute permitting the lowering of the voting age. As I have stated before, I tend to feel that 19 may perhaps be a better age than 18. However, I have cosponsored this legislation in order to stress my particularly strong feelings that the legislation now before this body—the Voting Rights legislation—not be encumbered with what, in essence, is a very complex and complicated matter. The legislation which the distinguished Senator from Kentucky has proposed would permit voting at the age of 18 in all elections, but would not be operative until January 1, 1971. There are, of course, many alternatives to be considered including a constitutional amendment.

I believe it possible and essential for this body to act favorably on the issue of lowering the voting age this session. But I do not feel that an amendment to the present legislation is the proper way to proceed. Hearings on this subject are progressing well within the Judiciary Committee and I would think the members of this body would want to avail themselves of the opportunity to study the alternative which Senator Cook, my colleagues, and I have proposed today in detail.

However, I do not want to delay the consideration of an 18 or 19 year old vote beyond a reasonable time.

I am suggesting, however, that we should not risk embroiling the extension of the Voting Rights Act of 1965 with the subject of an 18 or 19 year old voting age.

Federal action on lowering the voting age is both necessary and appropriate this year. I believe that Congress has the authority to act in this area by statute, by establishing a uniform minimum voting age applicable to all states and to all elections.

RESUMPTION OF PROCEEDINGS

Mr. PERCY. Mr. President, I too, should like to commend the distinguished Senator from Kentucky (Mr. Cook) on his presentation this morning. He has answered the questions thoroughly and completely which I had in my own mind as to whether we could, by statute, provide for 18 year olds to vote. I am content that his arguments are complete and thorough in that regard.

Second, I think that we are blessed by the fact that four States have had tested the 18-year-old vote. As the Senator from Kentucky has indicated, it has been a successful experience in Kentucky, and in other areas. We see that England itself has gone to the 18-year-old vote so it is not a radical proposal. It has been tested here and in other countries.

The Senator has pointed out, and the research I have done myself has proved, that the young vote is not a radical vote; it follows pretty much the patterns of the established vote in the various regions.

We need to acknowledge that there is presently, an anti-youth feeling in the country. Two States have tried to lower the voting age, and the effort was rejected at the polls. But I believe that those voters who feel antagonistic toward youths are penalizing the majority of the young today for the excesses of some of them.

In studying the violence on campus in the Committee on Government Operations, we determined that less than one-half of 1 percent of college and university students in the United States were engaged in any kind of disruptions that involved violence.

I look upon the college and university student as an intelligent, concerned, and deeply involved individual. I think he is worthy of support, and the privilege to vote.

Mr. President, I think the proposal of the Senator from Kentucky is an excellent one and ask unanimous consent that my name be added as a cosponsor of the bill he has just introduced.

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

Mr. COOPER. Mr. President, I join in congratulating and commending my colleague from Kentucky on his very able presentation.

I recall that I made five statewide races in Kentucky before the voting age was lowered to 18. The contrast since that time is remarkable. In days before, meetings were usually attended by partisan members of one's party and seldom were questions directed to the candidate about the points at issue. But now, candidates speak before colleges and even high school classes and are subjected and properly so, to important and penetrating questioning. I believe that it has attained its greatest purpose and value, in that it gives the young men and women of our country the right of participating in their government, State, local, and national, in its decisions, and under the processes of law.

I understand that the Senator is not intending to offer the bill as an amendment to the Voting Rights Act. Is that correct?

Mr. COOK. That is correct.

Mr. COOPER. I thank my colleague. I am glad because in my studies of two recent cases—South Carolina against Katzenbach and Katzenbach against Morgan—the court

indicated that the Congress must provide the facts upon which the country can determine that the Congress has acted rationally, under section 5 of the 14th amendment. The purpose of the Senator's bill is one in which I concur, but there are grave questions about the constitutionality of a statute as compared to an amendment. I am very happy to have heard my colleague from Kentucky.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from South Carolina (Mr. THURMOND) 8 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, today we are presented with a unique opportunity to register a vote of confidence in the youth of our country. By approving Senate Joint Resolution 7, proposing a Constitutional amendment which would lower the voting age to 18 for all elections, we can entrust our young citizens to expand their role in the process of self-government and reaffirm our faith in the principles of our Nation's founders.

Mr. President, I have long advocated reducing the voting age to 18. I have always maintained, however, that this goal must be achieved within the framework of the Constitution. That is why I was a cosponsor of an amendment to the Constitution last year, and of the proposed amendment this year.

The Congress took an unconstitutional approach to enfranchising 18-year-olds by enacting the Voting Rights Act of 1970. The right to vote for the 18- to 20-year-old age group should never have been attempted by Federal legislation. In my opinion, this right should only be granted by an amendment to the Constitution.

The Supreme Court, however, upheld the constitutionality of the Voting Rights Act of 1970 as it applies to Federal elections only. Since the right to vote in State and local elections has only been granted by three States, we, therefore, presently have a burdensome and unworkable system. This situation should be corrected by amending the Constitution to grant the right to vote to 18-year-olds in all elections.

Mr. President, by its very nature, a dual-age voting system imposes a financial burden on the States and generates confusion among the electorate. According to a 50-State survey of election officials recently completed by the Constitutional Amendments Subcommittee, putting the dual-age system into effect would cost the Nation's taxpayers a minimum of from $10 to $20 million. In my home State of South Carolina alone, the costs of maintaining a dual system for the more than 165,000 of our citizens in the 18 to 21 age bracket are estimated at between $25,000 and $30,000 per calendar year.

Unless a uniform minimum age is established for voting in all elections, separate registration and voting procedures will have to be established in most of our States. More manpower will be needed in handling elections. More voting machines, or special "lock-out" devices for existing machines, will have to be bought by all communities.

Mr. President, dual-age voting would also prove unworkable because of the difficulty in determining just what constitutes a Federal election. Some States select nominees for Federal office in State conventions. Delegates to these State conventions are often selected in State elections or caucuses. The existing law prohibits the young voter from participating in this vital activity, thus denying him even an indirect voice in choosing his party's candidates for Federal office.

The greatest cost of not allowing our young people full participation cannot be measured in monetary terms. In traveling throughout this country and talking with young citizens from many different backgrounds I am deeply impressed with the knowledge and maturity of the great majority of our youth. They are the most highly educated of any generation this Nation has produced. By the age of 18 the majority have completed their high school education, and many are continuing their education in trade schools, colleges, and universities. Nearly 1 million young men and women in this age bracket are serving with honor in the Armed Forces. More than 3 million work at full-time jobs, and countless more serve as part-time employees, paying taxes on their earnings to finance the operations of our local and State governments.

Mr. President, I believe young people have proven their responsibility, and should be granted full citizenship. It just does not make sense to permit young people to have a voice in choosing national leaders while denying them the opportunity to participate in local government. I am convinced that government functions best at the local level, where citizens have the greatest individual effect by working with their elected officials to solve their own problems. Effective local government demands greater citizen involvement. To stifle the potentially productive power of the young—especially at a time when our youth have a greater appreciation of government and are stimulated to become involved in its processes—would be a grave error.

I believe in the young people of our country, for they are our Nation's future. The self-styled revolutionaries performing on the nightly news are not the real spokesmen for their generation. The responsible actions of the majority of our young people speak for themselves. I look forward to working with them in finding solutions to our common problems, in helping to make this Nation a better place through what President Nixon has called "those small, splendid efforts" made at the local level.

Mr. President, there must be no generation gap barring the path to the voting booth. Our 18-year-olds are not preparing for citizenship, they are living as citizens; thus they should be accorded all the attendant rights and responsibilities. This is why I have cosponsored this resolution and urge my colleagues to join in granting our young citizens full partnership in the political process.

Mr. JACKSON. Mr. President, if the Constitution of the United States is amended to lower the voting age to 18, this will be thanks more than anything else to the efforts of one man—the distinguished senior Senator from West Virginia.

Senator RANDOLPH is the staunchest friend the 18-year-old vote ever had. Twenty-nine years ago, back in 1942, Senator RANDOLPH, who was then a Member of the other body, introduced his first joint resolution to enfranchise 18-year-olds. Since that time, he has introduced 10 other resolutions with the same aim—two in the House and eight in the Senate. In his quiet personal style and without ever seeking the limelight, Senator RANDOLPH has continued to champion a cause that he believes in, and in the 29 years that have elapsed since his first House joint resolution, he has seen an increasing number of people come to feel the way he does about the 18-year-old vote.

More and more people now agree with Senator RANDOLPH that there is something deeply unfair about requiring a man to fight for his country while at the same time denying him the right to vote for his country's elected officials. More and more people now see that if 18-year-olds are considered responsible citizens by one standard—because they are treated as adults in courts of law, because they can be sued in many States and make wills and purchase insurance—then they should also be considered responsible citizens by the standard that gives them the right to vote.

Personally, Mr. President, I feel that Senator RANDOLPH's confidence in the intelligence, commonsense, and high ideals of our young people is justified. I have never seen any evidence to suggest that 18-year-olds are incapable of exercising sound judgment as responsible voters, and I am proud to be a cosponsor of this resolution, Senate Joint Resolution 7.

Mr. MONDALE. Mr. President, I want to register my strong support for Senate Joint Resolution 7, the proposed constitutional amendment to lower the voting age to 18 in all elections—State and local, as well as Federal.

This resolution is a singular tribute to the wisdom and fortitude of its principal author, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) who has worked with such dedication for almost three decades for this progressive extension of the franchise.

The case for this amendment could not be more clear or compelling.

We have given the vote to our young citizens in Federal elections. To withhold that right in State and local elections would be a senseless travesty.

But there is much more here than a matter of consistency. The enormous problems and the fateful choices we will face in the 1970's are too big for any single level of Government.

If ever there was a moment when we had to make "grassroots democracy" more than rhetorical flourish, it is now.

And the way to breathe life into our political institutions at every level is to engage in the political process the energy, the idealism, the critical intelligence, and the fresh integrity of our young people.

This resolution is an essential step in that direction. The passage of Senate Joint Resolution 7 is a responsibility that

Congress must meet. The rest will be up to the young people of this country.

It makes no sense to continually admonish young people to work within the system—while denying them the basic tool for making the system work.

There are many legitimate ways to bring about social change. But nothing is so effective as the right to vote.

The vast potential for constructive and orderly change inherent in the right to vote cannot be overestimated. In the past several years, we have witnessed the dramatic changes in this country resulting from the passage of the Voting Rights Act of 1965.

In 1972, there will be over 15 million Americans between the ages of 18 and 21. We have an obligation to bring that vital part of our population into the political decisions that will shape their future.

There are those who argue that young Americans no longer care about their country.

But I am convinced that they do care—that they are concerned about the plight of their communities and their Nation as never before.

This amendment can be a building block for a new America. I am proud to join the distinguished senior Senator from West Virginia in urging its passage.

Mr. BROOKE. Mr. President, I am pleased to cosponsor and to vote for final passage of Senate Joint Resolution 7, a constitutional amendment extending the right to vote in all elections—Federal, State, and local—to citizens 18 years and older.

Approval of this proposal will represent a highly significant event in the history of the effort to extend the voting franchise. Millions of individuals who rightly merit a voice in the operation of the government that affects their lives in many ways will be afforded an opportunity to shape the policies of their country.

This amendment represents democracy at its best; it assumes that those who are obligated to pay taxes, who are held legally responsible for their actions, and who are required to defend their Nation can have an equal voice with their peers in setting its laws and policies. Indeed, it could well be said that ratification of this constitutional amendment will remove one of the last vestiges of compulsory servitude in our legal system.

But more than that, our support of this proposal will be a clear message to young people that in the eyes of their country they possess the maturity and wisdom to register a full voice in the functioning of government. It will be a firm statement to them that they can work to change the system while operating within the system. At a time when many of them have an opportunity to do intensive thinking about American tradition and its social and legal structures, college-age individuals will now have a greater incentive to test their own ideas and to be able to judge as well as to influence their Nation's direction.

The average 18-year-old in 1969 had completed 12.2 years of education. More than 50 percent of those age 18—male and female—are today enrolled in school. This, of course, is a great change—and a welcome one—from the statistics of a generation ago, when only 16 percent of all young people went to college in 1940.

Our young adults have conclusively proven, I believe, that they do deserve and will use wisely the full political rights which this proposal will bestow upon them.

From a practical standpoint, there is another important reason why this constitutional amendment should be ratified as soon as possible. As a result of the Supreme Court decision last December upholding a provision of the 1970 Voting Rights Act which lowered the voting age to 18—but making it applicable only to Federal elections—there are bound to be many complex administrative problems and added expenses for election officials for so long as there are different minimum ages for voter qualification in State and local as opposed to Federal elections. The best and most expeditious solution to the problem will be for the Senate and House to each pass the amendment and then for at least three-fourths of the State legislatures to approve it.

Congressional action followed by the Supreme Court's ruling will, hopefully, have the effect of hastening the implementation of this proposal which so many distinguished individuals and groups have been advocating for so many years.

It is a change which I have long advocated. I firmly believe that the millions of young people who will be given the right to vote by this amendment will use that right proudly and honestly, and that our country will benefit greatly from their contributions.

SENATOR JENNINGS RANDOLPH, FATHER OF THE 18-YEAR-OLD VOTE

Mr. CRANSTON. Mr. President, no Member of the Congress deserves more credit for action on lowering the voting age to 18 than my distinguished friend and colleague, the Senator from West Virginia (Mr. RANDOLPH). The Senator has been fighting for this measure for 29 years, in both Houses. In 1942, while serving in the other body, Senator RANDOLPH introduced his first joint resolution to achieve his conviction that more of our young people should be given full participation in setting the course of this country. Senate Joint Resolution 7, now before us, is the 12th such measure my colleague has proposed. I have made clear my own firm support of Senate Joint Resolution 7, as have 86 other Senators.

I feel certain that not one of my colleagues does not share my gratitude and sincere appreciation for the nearly three decades of diligent work given this legislation by the Senator from West Virginia. I think he is deserving of our highest commendation. It was Senator RANDOLPH, testifying before the Senate Committee on the Judiciary, who gave the most compelling reason why this measure should be favored by every Member of the Congress.

"The future in large part," he said, "belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Mr. President, I am personally confident that Senate Joint Resolution 7 will be passed by the Congress. We owe this eventuality to Senator RANDOLPH. Millions of American young people, and the Congress, are already in his debt.

THE 18-YEAR-OLD VOTE: A LONG, HARD BATTLE

Mr. WILLIAMS. Mr. President, I wish to applaud the efforts of the Senator from West Virginia in his attempt to extend the right to vote, one of the most privileged rights of our democratic society, to those Americans between the ages of 18 and 21 who are presently disenfranchised by State and local regulations.

The recent decision of the U.S. Supreme Court, which has brought this dream partly to fruition, marks a turning point in the history of Senator RANDOLPH's long struggle in behalf of this measure. As a Congressman in 1952, Senator RANDOLPH submitted his first proposed constitutional amendment to this effect, and the degree of his dedication and persistence in attaining this goal is reflected in the fact that Senate Joint Resolution 7, which now has the support of a total of 86 cosponsors, is the 11th in a series of proposed constitutional amendments that the Senator from West Virginia has sponsored since 1942.

Few times in my memory has a proposed constitutional amendment had such overwhelming support from the Senate. This is a tribute not only to the diligence of the senior Senator from West Virginia, but to the basic justice inherent in his proposed resolution.

Those young Americans who are now required to bear arms in the furtherance of our foreign policy—indeed all young people who share full citizenship responsibility in every other way—should have a right to participate, through the electoral process, in the formulation of national policies and goals. This has been affirmed in principle by our Supreme Court and by the overwhelming support that the Senate has given to this measure.

The correctness of this stand is also attested to by the unmistakably high level of political maturity evident in young people today. Due to the impact of our media and educational system, they are extremely well-informed and interested in the political issues of our day, and, overwhelmingly interested in participation in the political process. It is important that we afford them this opportunity to increase their participation in this respect, not only because it is fair, but because I firmly believe that Americans in the 18- to 21-year-old category can make very positive contributions to our society. Through their idealism, their energy, and their ability to take a fresh look at our unsuccessful attempts to solve problems, they can be of invaluable assistance. I have created a Subcommittee on Youth within Labor and Public Welfare Committee for essentially this same purpose, to provide for the channeling of this constructive potential into our governmental process.

The resolution of the Senator from West Virginia provides young Americans with an even more direct access to our democratic institutions. It is a resolution I wholeheartedly support. I am proud to

have been associated with him in this determined and relentless pursuit of this goal.

Mr. TUNNEY. Mr. President, we are here today to decide whether or not 18-year-olds ought to be granted the right to vote. All of us in the Senate are aware of the fact that since 1942 the distinguished Senator from West Virginia, Senator RANDOLPH, has championed the cause of providing 18-year-olds with voting rights. It is most appropriate that we are today considering his bill.

Mr. President, we are here today while, half a world away, 18-year-olds are fighting and dying for their country in Southeast Asia.

We are here today as Senators; as elected representatives of the 50 States, trying to deal with the issues of war and peace, of race, of justice, of repression, and of civil liberties. We deal with many issues. That is our mandate.

All of these issues affect 10 million Americans between the ages of 18 and 21. They are taxed. They are drafted. They fight and die in wars. They can marry. They have children. They can be jailed; but they cannot vote.

They carry all of the responsibilities of adults and yet they do not carry the most important right that can be granted to any American citizen, the right to vote. They are both disillusioned and disenfranchised. They have played an important part in American politics within the last 5 years. They have helped lead our country on the most important single issue of our times—the war. They have canvassed the land on behalf of new priorities and new candidates. They have represented a trend toward conscience instead of consensus. They have relied on issues and not merely ideology. They have stood for their beliefs.

And yet, despite all of their interest, their awareness, and their activity, they have been denied the right to vote.

I feel that it is long past time that we lower the voting age to 18 in every election across the land. We cannot, in good conscience, continue to ask 10 million Americans to share in the responsibilities of democracy while denying them a real voice in shaping the policies that they live with and die for.

Mr. MONTOYA. Mr. President, I want to commend those workers in the vineyard who have labored hard and whose determination has finally brought general acceptance to the proposition which is before the Senate today.

For years the distinguished senior Senator from West Virginia (Mr. RANDOLPH) was the prime mover and sponsor of this resolution. Little by little he gained a following which mushroomed into today's general acceptance. I congratulate him for his tenacity and perseverance and for the culmination of his great efforts in this fine victory which is about to be realized.

The distinguished Senator from Indiana has been the real shepherd of this legislation in its journey through the Judiciary Committee and his presentation has been most effective.

THE 18-YEAR-OLD VOTE

Mr. DOLE. Mr. President, last year Congress and the Supreme Court took significant steps toward expanding the franchise to a large segment of the American public. Congress enacted the Voting Rights Act Amendments of 1970 which by legislative authority sought to reduce the minimum voting age from 21 to 18 years in all elections. Later, in passing on the validity of this congressional action, the Court held that the 18-year-old-vote provisions were "constitutional and enforceable as they pertain to State and local elections." Going further, Mr. Justice Black, in delivering the judgment of the Court, said:

> It is obvious that the whole constitution reserves to the States the power to set voter qualifications in State and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States.

This decision confirmed the apprehension of many constitutional scholars who held serious doubts as to the propriety and validity of legislative action in this area. The President and many Members of Congress submitted their belief last year that a constitutional amendment to lower the minimum voting age was the appropriate vehicle for realizing this commendable and worthwhile goal. Nonetheless, Congress chose to utilize its legislative powers, and we are faced with the obligations of ameliorating the consequences.

The Court's decision created a formidable problem for State and local officials charged with administering elections in jurisdictions which have not adopted the 18-year-old minimum age. Under the present state of the law, separate registration and balloting procedures will be required for those individuals who are qualified to vote only for presidential and vice presidential electors, Senators and Congressmen, and for those qualified to vote for all candidates and issues presented to the electorate. Needless to say, this requirement will impose a substantial burden on State and local election officials. In my State of Kansas alone approximately a quarter-million new voters have been granted the Federal franchise. The monetary and administrative factors are staggering; the cost for implementing dual systems in the 47 States required to deal specifically with at least 10 million voters between 18 and 21 is estimated to be in excess of $20 million. In view of the Congress' creation of this problem it is imperative for Congress to act expeditiously to remedy it.

Swift approval of Senate Joint Resolution 7 is the best and most appropriate means of providing an 18-year-old minimum voting age for all elections. As the Senator from West Virginia (Mr. RANDOLPH) said yesterday, the hour is late, but it is still possible to arrange a solution in time for the 1972 elections. The Senate can do its part by approving the proposed constitutional amendment contained in this joint resolution and sending it to the House, from where it can be sent to the State legislatures, which, it is hoped, will cooperate in solving this expensive and invidious form of discrimination.

At this point I believe it would be appropriate to remark on the vision, foresight, and persistence of the distinguished senior Senator from West Virginia, who since 1942, as a Member of the House of Representatives, has been in the forefront of efforts to secure passage of an 18-year-old vote amendment. As the author of Senate Joint Resolution 7 he has again this year championed the cause of constitutional approbation for the 18-year-old vote, and he must take well-deserved pride in being associated with an ideal, the ripeness and momentum of which are nearly universally recognized.

I have had the privilege of being associated with the Senator from West Virginia's efforts in this cause since coming to the Senate, and prior to entering the Senate I was associated with similar efforts in the House of Representatives. I wholeheartedly support the goal of universal 18-year-old suffrage and commend the Senator from West Virginia for his efforts.

As the list of cosponsors of Senate Joint Resolution 7 attests, this measure has exceptional bipartisan support, and I urge that, as amended by the Committee on the Judiciary, it receive the approval of which it is so deserving.

Mr. RANDOLPH. Mr. President, I rise at this point to express general appreciation to those Senators who have just reiterated their support of Senate Joint Resolution 7. A total of 86 Senators have joined as cosponsors of the resolution we are now considering. I ask unanimous consent to have printed in the RECORD at this point the list of Senators who have joined me as cosponsors of Senate Joint Resolution 7.

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

Mr. Aiken, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Gambrell, Mr. Goldwater, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young.

Mr. BAYH. Mr. President, I yield 1 minute to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I want to pay my tribute to the Senator from Indiana (Mr. BAYH) and my colleague from Kentucky (Mr. COOK) for their work in bringing this amendment from the Committee on the Judiciary to the Senate. I particularly wish to pay honor to the distinguished senior Senator from West Virginia (Mr. RANDOLPH) for spon-

soring this amendment, and for his earlier sponsorship of 1942 similar amendments in, and since that time. He should be very proud that he was one of the first to propose this constitutional amendment 29 years ago, even in broader form, and that at last his work and his hopes will be realized. We owe him our appreciation, but his greatest satisfaction will come in the knowledge that he has played a major part in strengthening the democratic process, and our country.

My reason for speaking, other than commending our colleagues, is to speak of the experience of my State of Kentucky. It was the second State in the Union to give, in 1955, to its 18-year-old citizens the right to vote. I had participated in five general State elections before that date, and three since then, and I know that giving to these young men and women the right to vote invigorated the election process in Kentucky.

They have not only participated in their parties as Democrats and Republicans, but they have broken away from parties when they felt they should do so. They brought into the debate between candidates and the people a fuller discussion of the issues.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOPER. Could I have an additional half minute?

Mr. RANDOLPH. Mr. President, acting for the chairman of our Subcommittee on Constitutional Amendments (Mr. BAYH), and with his authority, I yield 2 additional minutes to the Senator.

Mr. COOPER. I wanted only to finish the sentence.

I have said they brought into political debate and discussion in our State a fuller inquiry. They ask questions; they do not just listen to candidates' speeches, but they want to know the reasons for their stands upon issues. They have brought to our State and to our people a wider intelligence, a better understanding of the issues, and a more faithful democratic process. I believe the experience of Kentucky will be confirmed throughout the United States when this amendment is ratified.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. I yield myself 1 minute.

Mr. President, I am appreciative of the reference of my cherished friend from Kentucky (Mr. COOPER) in referring to the intense interest, over a considerable number of years, which I have had in this very important, very vital, and very basic subject.

Mr. President, I yield 2 minutes to my able colleague from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I wish to pay tribute to my senior colleague today. It was 29 years ago when, as a Representative from the Second District of West Virginia in the U.S. House of Representatives, the then Representative JENNINGS RANDOLPH initiated the effort which is going to culminate today, certainly with respect to this body's action, in the adoption of a resolution putting before the people of the United States an amendment to the Federal Constitution to allow 18-year-old citizens to vote in State and local elections.

I commend my colleague on his statesmanship, his vision, his dedication, and his never tiring efforts to see this amendment ultimately brought before the people of the United States for their decision. He has been very active here in the Senate in obtaining cosponsors of which I am one. He has actively urged upon the Committee on the Judiciary and the appropriate subcommittee the favorable reporting of this resolution. He cast his "bread upon the waters" 29 years ago, and it is returning now, after "many days."

I also want to express commendation and appreciation to the distinguished Senator from Indiana (Mr. BAYH), who has so ably guided the proposed legislation through his subcommittee. It was largely through his vigorous leadership on the subcommittee and in the full Committee on the Judiciary that favorable action was taken by the subcommittee and the full committee.

So, I join my colleagues today in paying very deserved tribute again to my senior colleague (Mr. RANDOLPH), and also to the Senator from Indiana (Mr. BAYH), and to the Members on both sides of the aisle who have worked in the subcommittee and on the full committee to bring this proposed legislation to its fruition. They have done an excellent job.

Not only the young people of the United States are going to benefit from the vision and the work of these Senators, but also, this great Nation as a whole may benefit therefrom.

I know that my senior colleague looks upon the action of the Senate today with great satisfaction and pride as it prepares to vote on this measure, which he has so long diligently supported and endeavored to bring to a final decision. I congratulate him.

Mr. RANDOLPH. Mr. President, will the Senator yield me 2 additional minutes?

Mr. BAYH. I yield 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, perhaps I rise too often, but I do so because of the statements, rather of a personal as well as of an official nature, which are being made as we near the time for a vote on this important matter.

The Senator from West Virginia (Mr. BYRD) is a cosponsor of the resolution. He has been an effective advocate.

I have noted, Mr. President, that approximately 35 young people are sitting in the gallery at this time, in one particular section. As they came in and took their seats, I thought again, as I have thought through the years, how important it is to implement the body politic, as we know it, with the franchise of freedom and responsibility to this group of 18-, 19-, and 20-year-olds, whom I call young adults. I think we perhaps emphasize too much that they are just youth. They are young adults, and they are faced with the problems that we, who are older, are faced with in considerable degree. To have them, in a sense, not on the sidelines but in the main arena, as participants is a satisfaction which I have anticipated.

I earnestly set forth my thinking now, as I have on many, many occasions, that if we refer this matter to the States, as I believe we should, and if a sufficient number of the States ratify, as I believe they will, we will have strengthened the process under which the elective system of government moves forward, meeting the changes and the challenges of this Republic and all its people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished minority leader.

Mr. President, usually it is said that there are two sides to every question; but, apparently, there is only one side to the issue now before the Senate, and that is the matter of granting the vote to young people of the age of 18 years and older.

I, too, want to commend the distinguished senior Senator from West Virginia (Mr. RANDOLPH) on his statesmanship and on his determination and the dedication he has had to the cause of providing the vote for 18-year-olds. He initiated this movement in Congress in October 1942, when he introduced a resolution in the House, of which he was then a Member. He has never let up in this drive to submit a constitutional amendment back to the States, and during the 91st Congress he was the author and the chief sponsor of Senate Joint Resolution 147, of which there were 73 cosponsors. I am proud to say that the junior Senator from Alabama was one of the cosponsors of Senate Joint Resolution 147, which should have been submitted to the States in the 91st Congress. We are running 7 months behind the schedule that we would have been on had the amendment been submitted back at the time the 18-year-old by statute effort was made in the Senate and the amendment added to the voting rights bill.

At that time, the junior Senator from Alabama and several other Senators urged that we follow the route of submitting the constitutional amendment to the States at that time. Senate Joint Resolution 147 provided for giving the franchise to 18-year-olds in all elections. That would have been the better practice, and it would have avoided the chaos and confusion that has been created by the opinion of the Supreme Court. The purpose of Senate Joint Resolution 7 is to mop up and clean up the confusion caused by that decision of the Supreme Court.

In the 91st Congress, the junior Senator from Alabama argued that it would be unconstitutional to change by statute a right given to the States by the Constitution. Considered legal opinion in this country is that the Supreme Court resorted to the worst sort of legal gymnastics in coming to a 5-to-4 decision authorizing 18-year-olds to vote in na-

tional elections but denying that right in State and local elections.

It is interesting to note that five separate opinions were written by the Justices in the 18-year-olds vote case and that the supposed majority opinion held that 18-year-olds are authorized to vote in Federal elections but not in State and local elections, and that the majority opinion was not agreed to by a single other of the Justices, because not a single other Justice agreed with the conclusion that 18-year-old voting is authorized in one and not authorized in the other.

So it is significant to note that Senate Joint Resolution 7 is not confined to giving the franchise to 18-year-olds in State and local elections. It gives the franchise to those 18 years of age and older in all elections.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I ask for 1 additional minute.

This should have been done during the last Congress. If it had been done at that time, then we would be 7 months ahead of the schedule we are on now. The junior Senator from Alabama is one of only 17 who voted against doing by statute what should have been done at that time by constitutional amendment.

I am proud to be a cosponsor of Senate Joint Resolution 7 in the 92d Congress, just as I am proud that I was a cosponsor of Senate Joint Resolution in the 91st Congress, and just as I am proud that I opposed 18-year-old voting authorization by statute and insisted that it be authorized by constitutional amendment.

Mr. GRIFFIN. Mr. President, may I inquire how much time is left?

The PRESIDING OFFICER (Mr. BROCK). Three minutes to the Senator from Michigan and 9 minutes to the Senator from Indiana (Mr. BAYH).

Mr. GRIFFIN. Mr. President, I yield myself the remaining 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I rise to indicate my strong support for this proposed constitutional amendment to lower the voting age to 18 years for all elections.

Mr. President, proposals similar to Senate Joint Resolution 7 have been before Congress since 1941. Since that time literally hundreds of bills and resolutions have been introduced to lower the voting age.

Yet today is only the second time that either House of Congress has had the opportunity to vote to extend the franchise to 18-,19-, and 20-year-olds by means of a constitutional amendment—the first opportunity was in 1954 when the Senate by a vote of 34 to 24 fell short of the necessary two-thirds majority.

Last June Congress passed the Voting Rights Amendments of 1970 which included a provision purporting to lower the voting age to 18 by statute. I indicated my serious concern then that such an attempt to lower the voting age by statute would run into grave constitutional questions. I urged then that the Senate proceed instead to adopt a constitutional amendment such as the one before us now.

Six months later, on December 21, 1970, the Supreme Court, in Oregon against Mitchell, struck down the statute at it applied to non-Federal elections.

As a result, we are confronted with a confusing, nonsensical situation in which persons 18 to 20 years old are entitled to vote in Federal elections but they are precluded in most States from voting in State and local elections.

I agreed with the President when, as he signed the voting rights amendments on June 22, 1970, he said:

> The time has also come to give 18-year-olds the vote, as I have long urged.
>
> The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of the law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

This appeal by the President is all the more meaningful now that the Supreme Court's predictable decision has left in its wake a confusing, chaotic situation.

Mr. President, I cosponsored a resolution proposing a constitutional amendment to lower the voting age in the 91st Congress, and I was pleased this year to be a cosponsor of Senate Joint Resolution 7, now before the Senate.

Our 18-, 19-, and 20-year-olds are the best educated and best informed young people in our Nation's history.

Two hundred years ago, the average 18-year-old had received only 5 years of education.

Today the typical 18- and 19-year-old has more than 12 years of education.

Today, of the 11½ million persons in the 18- to 20-year group, 80 percent are high school graduates and 46 percent are college students.

That young people today are politically aware hardly needs to be stated. Indeed, there has been no lack of criticism of extreme behavior on the part of a very small minority of these young people, particularly during the past few years. However, we need to keep in mind, as reported by the Eisenhower Commission on the Causes and Prevention of Violence, that less than 2 percent of young people in this country have been involved in violent behavior.

The remaining 98 percent—the concerned but law-abiding majority—are entitled to assurances that avenues are open for responsible and constructive political expression. If these young people are to work "within the system," they need access to the system. The right to vote will provide that access.

Mr. President, there is another important reason why Congress should act now to send a constitutional amendment to the States for ratification.

Since 18-year-olds in most States can vote only in Federal elections, the prospect, in the absence of such a constitutional amendment, is confusion and added expense if election officials should be required to conduct divided elections.

In Michigan, it is reported that an additional 400,000 new voters will be eligible to participate in Federal elections. Although exact figures are not yet available, it has been estimated that dual age voting could cost the State of Michigan several hundred thousand dollars by 1972.

Estimates in other States run much higher. For example, the extra cost of dual voting arrangements may run as high as $5 million for New York City alone.

Prompt action is necessary if we are to save these extra costs by extending the franchise to young people in time for them to vote in local and State elections, as well as Federal elections in 1972.

The Senate Subcommittee on Constitutional Amendments reported in February 1971 that—

> Of the 47 States with a voting age greater than 18 for State elections, change before the 1972 election appears impossible in 39 States in the absence of a Federal constitutional amendment.

On the other hand, the subcommittee has indicated that there is a "realistic possibility" of ratification of a Federal constitutional amendment by the requisite 38 States before the 1972 election.

In this regard it may be significant to recall that when Congress approved a constitutional amendment extending the vote to women in 1919, many predicted that the States would not ratify it. In fact, however, the 19th amendment was ratified by the required number of States in less than 15 months.

Mr. President, I was pleased to note that a special commission on the age of majority appointed by Michigan's Governor, William A. Milliken, recommended last Monday, after a 6-month study, that the voting age in Michigan be lowered from 21 to 18 for all elections.

I heartily endorse Governor Milliken's recommendation, and I hope that Michigan will be among the first States in the Union to ratify this proposed amendment to the Constitution. I am happy to report that my own State representative, the Hon. Mike Dively, who serves as vice chairman of the Youth and Student Participation Committee of the Michigan House of Representatives, is confident and optimistic about the prospects for prompt ratification by the State Legislature of Michigan.

For the sake of equity and clarity, as well as economy, I urge the Senate to give its overwhelming approval to this historic amendment.

Mr. RANDOLPH. Mr. President, I rise to express appreciation to Senators ALLEN and GRIFFIN who have just spoken. I remember the effective leadership in the constitutional amendment approach which the Senator from Alabama (Mr. ALLEN) ardently advocated during consideration of the Voting Rights Act in the 91st Congress.

I think he might take some solace—if that is the correct word—in the comments contained in an editorial published in the New York Times last Sunday, which expressed the belief that it would have been preferable, or it would have been the right way, if we had pursued a constitutional amendment.

I am in agreement with the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN). He is, as always, factual. He has referred

to the situation which obtains in his own State of Michigan with reference to the action which has been taken there. Of course, considerable problems would not only affect that great State and its people, but also the people of the United States generally, if we do not act promptly and bring to fruition the effort which is now being made.

I express my thanks again to these two Senators who have just spoken.

Mr. BAYH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 6 minutes remaining.

Mr. BAYH. Mr. President, just about everything has been said that conceivably could be said about the merits of this proposed constitutional amendment, which will soon be voted on. In the course of the debate much praise has been heard for many Members of this body, but there has been special praise—and deservedly so—for the distinguished Senator from West Virginia (Mr. RANDOLPH).

I have already expressed my deep appreciation to the Senator from West Virginia for his untiring efforts in this cause. I had the opportunity to be on three college and university campuses in the last 4 or 5 days. Some of the younger generation tend to think that the problems confronting us today might be the result of the generation gap. That is not true. The Senator from West Virginia—who, I have just learned to my surprise, turned 69 a day or so ago—has been in the forefront of very far-reaching legislation not only here, but also in the other body.

Senator RANDOLPH has been an effective advocate in the formulation and enactment of numerous programs of vision which have as their aim the betterment of our society. His philosophy in promoting projects and programs is to offer a basis on which people can work out their needs in common undertakings and through which more segments of our population have greater flexibility and alternatives in a creative partnership with their government. The senior West Virginia Senator is a staunch believer in providing a helping hand—not a handout to those in need.

The meaningful programs in health, education, training, public facilities, pollution control, and environmental improvement, which have been fashioned through the dedicated efforts of Senator RANDOLPH reflect his philosophy and are impressive.

In reviewing these achievements, it is well to remember that, in many of these areas, this is the first time our Government, in focusing on the needs of the people, has developed comprehensive attacks on problems too long overlooked and neglected.

The Senator from West Virginia was the principal sponsor and Senate floor manager of the Appalachian Regional Development Act of 1965—and subsequent renewal amendments—which authorizes a program of regional economic development in all of West Virginia and parts of 12 other States. Shortly, he will bring reauthorization amendments to the Senate for consideration.

The Public Works and Economic Development Act was cosponsored by Senator RANDOLPH and he assisted in the floor management of these measures. He has now directed the Public Works Subcommittee on Economic Development to undertake extensive economic development hearings in preparation for new legislation this year.

As a member of the Senate Committee on Labor and Public Welfare and its Subcommittees on Education, Employment, Manpower, and Poverty, Labor, and Alcoholism and Narcotics, Senator RANDOLPH has been an active sponsor of legislation to develop human resources and health care and medical facility programs and increased educational and training opportunities for all citizens. He has been an effective force in the formulation and passage of the Manpower Development and Training Act, the Elementary and Secondary Education Act, Higher Education Facilities Act, Library Services and Construction Act, Economic Opportunity Act, and the Juvenile Delinquency Prevention and Control Act. The Senator's efforts in the area of education and human resources span the entire spectrum of education and training needs of our society. Despite the remarkable successes in the existing programs, the senior West Virginia Senator is the first to recognize that much remains to be done and that the Nation's efforts must be redoubled.

The Randolph-Sheppard Act, authored by Senator RANDOLPH when he was a Member of the House of Representatives, established the program of vending facilities operated by blind persons. There are approximately 3,400 blind persons who are gainfully employed under the vending stand program.

From the enactment of the original Fair Labor Standards Act in 1938 to the passage in the 91st Congress of the Coal Mine Health and Safety Act and the Occupational Safety and Health Act, Senator RANDOLPH's name has been synonymous with the efforts and programs to aid the working people of our Nation. In the House of Representatives, he was an active advocate in the fight to secure a minimum-wage program. He participated in the formulation of the National Labor Relations Act and the Full Employment Act. Throughout his public service career, he has consistently endeavored to secure programs to assist our working people and to better working conditions.

Senator RANDOLPH's advocacy of effective programs to improve public facilities, transportation systems, and the environment goes back many years. His record of achievement in these fields of endeavor is known throughout our Nation. As a member of the Senate Committee on Public Works since 1958 and its chairman since 1966, the West Virginia Senator has been intimately involved with the legislative leadership in the areas of air and water pollution control, solid waste disposal, highways, and water resources development.

Truly, Senator RANDOLPH is one of the influential Members of Congress who for several years have been providing active opposition to the continued environmental degradation that has now aroused national outrage. Under his guidance, the Committee on Public Works has moved on numerous fronts to develop a national policy to halt destruction of America's natural resources and reversing the pollution that is making increasingly large parts of the Nation undesirable. The landmark pollution control and environmental measures of recent years, including the Federal Water Pollution Control Act, Solid Waste Disposal and Resource Recovery Acts, Water Quality Improvement Act, the Air Quality Act, the Clean Air Act, and the Environmental Quality Act, bear the imprint of my esteemed colleague's work and represent significant steps toward enhancement of environmental quality.

The Senator from West Virginia has had a long and distinguished record in the field of highway legislation. This notable record had its beginning when he was a Member of the House of Representatives and authorized legislation prior to World War II which led to the consideration and establishment of the National System of Interstate and Defense Highways. Today, he is recognized as the leading authority on highways in the U.S. Senate. The highway measures which the Senator has sponsored or cosponsored have covered every aspect of highways from planning, design, and research to their safe and efficient use by the motoring public. Among them are such landmark measures as the Federal Aid Highway Act of 1964, the Highway Beautification Act of 1965, the Federal Aid Highway Act of 1966, the Highway Safety Act of 1966, the Federal Aid Highway Act of 1968, and the Federal Aid Highway Act of 1970.

Among public officials, he is probably the one most aware of the importance of a soundly developed road program to provide the Nation with the safest and most efficient means of transporting people and goods. During Senator RANDOLPH's chairmanship, highway legislation has reflected the changing needs and wishes of the public and reflects a move toward greater public responsibility in the relationship of highways and the communities. Highway laws developed in the committee now require the consideration of social and environmental goals and objectives in the location of proposed highway projects.

Today, Mr. President, I believe that the Senate will pass yet another one of Senator RANDOLPH's fine proposals. I think that this measure will pass the Senate today, that it will pass the House of Representatives, and that it will be ratified in time for the 1972 elections.

I think that we ought to ask ourselves what will happen after ratification, I have said to young and old that lowering the age is not a panacea for the problems confronting us. Both young and old have both strengths and weaknesses. There are young peoeple who will not vote just as there are older people who will not vote.

This amendment will not solve all our problems and sweep away all our woes. It will give the 11½ million young people who are outside of much of the legislative process, young people who are

subject to all laws passed in this body and in all other legislative bodies, the right to participate in the election process and shape and mold their own futures.

Passage of this amendment will challenge young Americans to accept even more responsibility and show that they will participate. I have faith that they will participate.

I think the RECORD ought to show that, according to material the Senator from Kentucky submitted during the hearings, young people do vote when they have the opportunity. The record of the participation in the franchise is one of the real tragedies in our democratic society. There should be no reason under the sun why less than 60 percent of our citizens vote.

I predict that young people will vote, in large numbers. I believe that once these younger citizens have the right they have sought, they will use it.

Mr. COOK. Mr. President, will the Senator yield before the Senator from West Virginia closes? Obviously he should do so, because this really has been his project for 30 years.

Mr. BAYH. I yield to the Senator from Kentucky.

Mr. COOK. Mr President, with all due respect to all people who have worked in this of recent vintage, I really hope that someone in the country after this measure passes does the Senator from West Virginia the honor of referring to this as the Randolph amendment.

Mr. RANDOLPH. Mr. President, I am genuinely grateful for the thoughtful remarks of the Senator from Kentucky. He is very kind.

The PRESIDING OFFICER. All time has expired.

QUORUM CALL

Mr. GRIFFIN. 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. GRIFFIN. 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 question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution 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 legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[No. 18 Leg.]

YEAS—94

Aiken	Ervin	Moss
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Fulbright	Pastore
Baker	Gambrell	Pearson
Bayh	Goldwater	Pell
Beall	Griffin	Percy
Bellmon	Gurney	Prouty
Bennett	Hansen	Proxmire
Bentsen	Hart	Randolph
Bible	Hartke	Ribicoff
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Buckley	Humphrey	Scott
Burdick	Inouye	Smith
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, Idaho	Stennis
Case	Kennedy	Stevens
Chiles	Long	Stevenson
Church	Magnuson	Symington
Cook	Mansfield	Taft
Cooper	Mathias	Talmadge
Cotton	McClellan	Thurmond
Cranston	McGee	Tower
Curtis	McGovern	Tunney
Dole	McIntyre	Weicker
Dominick	Metcalf	Williams
Eagleton	Miller	Young
Eastland	Mondale	
Ellender	Montoya	

NAYS—0

NOT VOTING—6

Gravel	Hatfield	Mundt
Harris	Jordan, N.C.	Muskie

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution (S.J. Res. 7) is passed.

The joint resolution as passed reads as follows:

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. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

Mr. BAYH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Joint Resolution 7.

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

Mr. BURDICK. Mr. President, I commend the subcommittee for its expeditious handling of this amendment. I would like also to say that this is a supreme moment for our colleague from West Virginia (Mr. RANDOLPH). The passage of this resolution today marks the end of a fight which has been waged by him since 1942, when he first introduced a House joint resolution for a constitutional amendment permitting 18-year-olds to vote.

Time after time he introduced his resolution, and doggedly pursued it. The resolution we have passed today was the 11th he had sponsored since the original one.

So today we see the culmination of years of effort with success. I congratulate the able Senator from West Virginia (Mr. RANDOLPH) upon the successful passage by the Senate of Senate Joint Resolution 7, which affects the rights of so many people.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that the Senate turn to the consideration of Calendar No. 36, S. 575. I do this so that it may be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended.

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 amendments on page 2, after line 24, insert a new section, as follows:

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any

easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

On page 4, after line 16, insert a new section, as follows:

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

On page 5, after line 12, insert a new section, as follows:

SEC. 107. (a) The first sentence of subsection (a) (1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

On page 6, after line 16, insert a new section, as follows:

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organization and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

On page 9, after line 3, insert a new section, as follows:

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate area wide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its cost.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operation for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

On page 11, at the beginning of line 9, change the section number from "105" to "110"; on page 13, after line 6, insert a new section, as follows:

SEC. 111. Section 224(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out

"or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

After line 16, insert a new section, as follows:

SEC. 112. Subsection (a)(2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a)(2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

On page 14, at the beginning of line 8, change the section number from "106" to "113"; in line 12, after the word "expenses", strike out "and"; in line 14, after the word "Roads", insert a comma and "and in section 201A for Appalachian Airport Safety Improvements,"; in line 20, after "June 30,", strike out "1975, of which amounts so authorized for such periods ending June 30, 1973, and June 30, 1975, not to exceed $155,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $170,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 202 and 211; not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $15,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out sections 203, 204, 205, 206, and 212; not to exceed $4,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $6,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 207; not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $90,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 214; and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1973, and not to exceed $13,000,000 is authorized for the two-fiscal-year period ending June 30, 1975, to carry out section 302." and insert "1975"; and, on page 15, at the beginning of line 17, change the section number from "107" to "114"; so as to make the bill read:

S. 575

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 "Appalachian Regional Development Act Amendments of 1971".

SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section, there is hereby authorized to be appropriated to the Commission, to be available until expended, such sums as may be necessary."

SEC. 103. Section 106(7) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106(7) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1975".

SEC. 104. Section (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section, there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; $180,000,000 for the fiscal year ending June 30, 1973; $180,000,000 for the fiscal year ending June 30, 1974; $185,000,000 for the fiscal year ending June 30, 1975; $185,000,000 for the fiscal year ending June 30, 1976; $185,000,000 for the fiscal year ending June 30, 1977; and $180,000,000 for the fiscal year ending June 30, 1978."

SEC. 105. There is inserted after section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) a new section as follows:

"APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

"SEC. 201A. (a) In order to provide a system of airports in the Appalachian region which can accommodate a greater number of passengers in safety and thereby increase commerce and communication in areas with developmental potential, the Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to make grants to existing airports for the purpose of enhancing the safety of aviation and airport operations.

"(b) Such airport safety improvement projects may include (A) approach clearance, the removal, lowering, relocation, and marking and lighting of airport hazards, navigation aids, site preparation for navigation aids, and the acquisition of adequate safety equipment (including fire-fighting and rescue equipment), and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace which is necessary for such projects or to remove or mitigate or prevent or limit the establishment of, airport hazards.

"(c) Grants under this section shall be made solely from funds specifically made available to the President for the purpose of carrying out this Act in accordance with the provisions of this Act, and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

"(d) Except as context otherwise indicates, words and phrases used in this section shall have the same meaning as in the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958, as amended.

"(e) Federal assistance to any project under this section shall not exceed 90 per centum of the costs of the project, except for assistance for navigation aids which may be 100 per centum.

"(f) The Secretary is authorized to incur obligations to make grants for airport safety improvement projects, in a total amount not to exceed $40,000,000 during the period ending June 30, 1975. There are authorized to be appropriated to the President such sums as may be required for liquidation of the obligations incurred under this section."

SEC. 106. (a) The third sentence of subsection (c) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended by striking out "health services" and inserting in lieu thereof the following: "health and child development services, including title IV, parts A and B, of the Social Security Act. Notwithstanding any provision of law requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approved by the Commission, such State shall be considered as meeting such requirement".

(b) Subsection (d) of such section is amended by adding at the end the following: "The Federal contribution to such expenses of planning may be provided entirely from funds authorized under this section or in combination with funds provided under other Federal or Federal grant-in-aid programs. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by this subsection."

SEC. 107. (a) The first sentence of subsection (a)(1) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by inserting before the period at the end: "; and to control or abate mine drainage pollution."

(b) Subsection (b) of such section is amended to read as follows:

"(b) Notwithstanding any other provision of law, the Federal share of mining area restoration project costs, including reasonable planning, engineering, and costs of land acquisition (limited to the reasonable value of the land in its unreclaimed state as determined by the Commission), carried out under subsection (a) of this section and conducted on lands other than federally owned lands, shall not exceed 75 per centum of the total cost thereof."

(c) Subsection (d) of such section is amended to read as follows:

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas (except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law for public recreation, conservation, or economic development purposes, including the construction of low- or moderate-income housing) until authorized by law. As a condition of any grant made pursuant to this section, provision shall be made for the recovery of such grant from the proceeds of the sale or lease for private purposes of lands reclaimed with such a grant, for the purpose of further reclamation projects."

SEC. 108. (a) The catchline for section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended to read: "ASSISTANCE FOR PLANNING AND OTHER PRELIMINARY EXPENSES OF PROPOSED LOW- AND MODERATE-INCOME HOUSING PROJECTS".

(b) Subsections (a), (b), and (c) of such section are amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the "Secretary") is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, for necessary expenses of nonprofit, limited dividend, or cooperative organizations, or of public bodies, in planning and obtaining federally insured mortgage financing for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under sections 221, 235, or 236 of the National Housing Act or any other Federal law, in any area of the Appalachian region determined by the Commission.

"(b) No loan under subsection (a) of this section shall exceed 80 per centum of the

cost of planning and obtaining financing for a project, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts. Such loans shall be made without interest, except that any loan made to an organization established for pofit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for such project. The Secretary shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of such a loan, if he determines that a permanent loan to finance such project cannot be obtained in an amount adequate for repayment of such loan under this section.

"(c) (1) Except as provided in paragraph (2) of this subsection, no grant under this section shall exceed 80 per centum of those expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of any permanent loan made to finance such project, and no such grant shall be made to an organization established for profit.

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit organizations and public bodies for reasonable site development costs and necessary off-site improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant shall exceed 10 per centum of the cost of such project."

(c) Subsection (e) of such section is amended by striking out "The Secretary is further authorized to" and inserting in lieu thereof "The Secretary or the Commission may".

SEC. 109. (a) The catchline for section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 211) is amended by adding at the end "AND EDUCATION DEMONSTRATION PROJECTS".

(b) The first sentence of subsection (a) of such section is amended by inserting "or operation" after "equipment".

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this Act and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(2) No grant for the construction or equipment of any component of an education demonstration project shall exceed 80 per centum of its costs.

"(3) Grants under this section for operation of components of education demonstration projects, whether or not constructed by funds authorized by this Act, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of demonstration education projects shall be made after five years following the commencement of the initial grant for operation of the project. Notwithstanding section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3134), an education-related facility constructed under title I of that Act may be a component of a demonstration education project eligible for operating grant assistance under this section.

"(4) No grant for expenses of planning necessary for the development and operation of an education demonstration project shall exceed 75 per centum of such expenses.

"(5) No grant for planning, construction, operation, or equipment of a demonstration education project shall be made unless the facility is publicly owned, or owned by a public or private, nonprofit organization, and is not operated for profit.

"(6) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection."

SEC. 110. (a) Section 214 (a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended to read as follows:

"SEC. 214 (a) In order to enable the people, States, and local communities of the region, including local development districts, to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the President is authorized to provide funds to the Federal Cochairman to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs, as hereafter defined, above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets the applicable requirements of such Federal grant-in-aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other Act. Any findings, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant-in-aid program shall be accepted by the Federal Cochairman with respect to a supplemental grant for any project under such program."

(b) The first sentence of subsection (c) of such section is amended by striking out "December 31, 1970" and inserting in lieu thereof "December 31, 1974".

SEC. 111. Section 224 (b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by striking out "or" immediately preceding "(4)", and inserting before the period at the end of such subsection: "or (5) for any land reclamation, water resource, or other environmental project under section 203, 204, 205, 212, or 214, except in furtherance of a comprehensive environmental improvement plan for an area of the region to be served by such a project, which is approved in the manner provided for programs or projects under sections 223 and 303."

SEC. 112. Subsection (a) (2) of section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended to read as follows:

"(a) (2) to make grants to the Commission for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to such activities, which will further the purposes of this Act. Grant funds may be provided entirely from appropriations to carry out this section or in combination with funds available under other Federal or Federal grant-in-aid programs or from any other source. Notwithstanding any provision of law limiting the Federal share in any such other program, funds appropriated to carry out this section may be used to increase such Federal share, as the Commission determines appropriate."

SEC. 113. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended to read as follows:

"SEC. 401. In addition to the appropriations authorized in section 105 for administrative expenses, in section 201 for the Appalachian Development Highway System and Local Access Roads, and in section 201A for Appalachian Airport Safety Improvements, there is hereby authorized to be appropriated to the President, to be available until expended, to carry out this Act, $268,500,000 for the two-fiscal-year period ending June 30, 1971; $277,000,000 for the two-fiscal-year period ending June 30, 1973; and $294,000,000 for the two-fiscal-year period ending June 30, 1975."

SEC. 114. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "1971" and inserting in lieu thereof "1975".

Mr. MANSFIELD. Mr. President, it is my understanding that there will be no action on the bill today; that the introductory remarks and debate will occur tomorrow.

SUMMER JOBS FOR YOUTH

Mr. JAVITS. Mr. President, on February 23, with 14 other Members of this body, we wrote the Vice President, who is the chairman of the President's Council on Youth Opportunity, urging the Council to fulfill at an early date its responsibility of assuring summer jobs and other manpower and recreational programs adequate to meet the growing unemployment problem faced by white

and nonwhite youths in poor neighborhoods.

We were moved by the facts that while the most recently available quarterly statistics place teenage unemployment at 18.8 percent and among poor black teenagers at a startling 42.4 percent and while everyone—including the administration—expects continued unemployment above the 4.5 percent benchmark well into fiscal year 1972, the President's budget for that year would permit the funding of only 49,600 more employment and training opportunities under current authorizations than in this fiscal year, meeting less than one-tenth of the so-called "target" population.

Of particular and immediate concern is the inadequacy of funding for next summer's Neighborhood Youth Corps summer job program, which provides work experience for disadvantaged youths 14 to 21 years of age. The funds appropriated for projects under that program for this summer's program—which begins in June and which is—contained in the fiscal year 1971 budget—total $164,000,000, some $18,600,000 below the $182,600,000 available last summer.

Despite this cut, the Department of Labor proposes to provide the same number of opportunities as provided last year—414,000—by reducing the program from 10 weeks to 8 weeks. This, in our opinion, is most inadvisable.

The fact is that the needs for the coming summer's programs extend well beyond even last year's level. As a letter dated December 4, 1970, and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors has documented, there is a total need of at least 641,639 full-time opportunities nationwide, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas, for example, in Wilmington, Del., Little Rock, Ark., and South Bend, Ind.

Since a Federal expenditure of $481—compared with $442 last year—will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in Federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

Our letter urged both in respect to these programs and other programs that the Council assess the overall job and recreational situation for the period of expected continued high unemployment and recommend that the appropriate agencies of the Federal Government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response. In particular, to insure effective planning, we urged that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer job and related recreational programs.

Mr. President, so that Members will be able to assess the extent to which the needs in their particular areas will be met under current plans, I ask unanimous consent that there be included in the RECORD at this point a chart prepared by my office comparing the slot allocation for the 50 major cities under present funds with the needs documented by the National League of Cities—U.S. Conference of Mayors, along with the supportive materials consisting of the following: a letter dated February 17, 1971 from the Secretary of Labor; three tables provided on March 4, 1971, by the Department of Labor; the letter dated December 4, 1970, from the League of Cities, and a copy of the letter which we have sent to the Vice President.

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

NEEDS FOR ADDITIONAL NEIGHBORHOOD YOUTH CORPS SUMMER OPPORTUNITIES IN THE NATION'S 50 LARGEST CITIES

	Opportunities as documented by League of Cities—U.S. Conference of Mayors [1]	Opportunities allocated by the DOL with funds now appropriated [2]	Additional opportunities needed
City:			
Akron	1,200	477	723
Atlanta	3,408	1,795	1,613
Baltimore	8,000	5,068	2,932
Birmingham	2,086	1,186	900
Boston	3,500	2,156	1,344
Buffalo	4,268	2,159	2,109
Chicago	40,000	23,434	16,566
Cincinnatti	3,000	1,512	1,488
Cleveland	10,000	5,315	4,685
Columbus	2,000	852	1,148
Dade County (Miami)	8,226	2,492	5,734
Dallas	2,280	1,194	1,086
Dayton	930	572	358
Denver	2,100	739	1,361
Detroit	11,670	8,270	3,400
El Paso	1,125	517	608
Fort Worth	1,178	604	574
Gary	4,300	1,584	2,716
Honolulu	2,191	405	1,786
Houston	3,000	2,106	894
Indianapolis	2,500	710	1,790
Jersey City	1,993	1,076	917
Kansas City Mo	4,000	1,300	2,700
Los Angeles (including Long Beach)	20,000	12,459	7,541
Louisville	3,500	1,874	1,626
Memphis	2,394	1,214	1,180
Milwaukee	3,000	1,656	1,079
Minneapolis	2,735	1,286	1,449
Newark	14,563	3,415	11,148
New Orleans	5,000	1,412	3,588
New York	77,500	31,362	46,138
Norfolk	2,625	1,386	1,239
Oakland	5,785	3,114	2,671
Oklahoma City	1,000	931	69
Omaha	700	1,056	−356
Philadelphia	12,500	4,339	8,161
Phoenix	17,000	2,388	14,612
Pittsburgh	2,500	4,321	−1,821
Portland, Oreg	5,000	1,075	3,925
Rochester	1,000	918	82
St. Louis	1,500	1,755	−255
St. Paul	1,025	386	639
San Antonio	5,514	2,782	2,732
San Diego	2,500	2,172	328
San Francisco	5,000	2,152	2,848
Seattle	5,000	1,558	3,442
Tampa	2,887	2,384	503
Toledo	990	545	445
Tulsa	850	311	539
Washington, D.C	36,000	10,775	25,225
Total	330,973	141,064	189,909

[1] See letter dated Dec. 4, 1970, and accompanying chart.
[2] See table III provided by U.S. Department of Labor, Mar. 4, 1971.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., February 17, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your letter of January 28, 1971, concerning the funding and enrollment opportunity levels for the 1971 Neighborhood Youth Corps (NYC) summer program.

A total of 414 thousand enrollment opportunities is planned for summer 1971. This is the same as the full-term equivalent opportunity level of the summer 1970 program, which included a number of short-term opportunities which raised the contracted level above 414 thousand.

In 1970, obligations for the regular NYC summer program were $182.6 million, including obligations against the supplemental appropriation. The average cost per full-term equivalent enrollment was $442.

The funding level for 1971 is $165.7 million. Subtracting National Office costs for audit, $164.0 million are available for allocation to project sponsors. The minimum wage will be $1.60 per hour compared to $1.45 per hour last year. The unit per enrollment, at the higher wage, is estimated at $481 if the same 260 hours allowed each enrollee last summer is repealed.

With fewer total dollars and higher wage costs it is evident that either the number enrolled, or the hours of participation and the earnings of enrollees would have to be adjusted.

We plan to continue to finance the program with 90 percent of Federal money and 10 percent cash or in-kind contributions from local sponsors. Therefore, it is our judgment that it is best to maintain enrollment at 414 thousand but reduce each enrollee's maximum participation from 260 to 212 hours for the summer.

I appreciate your continued interest in the Neighborhood Youth Corps.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region and State	1970	Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Region I		12,409	16,631
Connecticut		2,636	3,765
Maine		10,360	1,813
Massachusetts		5,590	7,588
New Hampshire		690	894
Rhode Island		1,430	1,727
Vermont		703	844
Region II		51,626	64,545
New Jersey		8,633	10,891
New York		36,927	45,561
Puerto Rico		5,936	7,937
Virgin Islands		130	156
Region III		32,546	40,270
Delaware		552	818
Maryland		6,116	7,285
Pennsylvania		13,507	17,339
Virginia		6,091	7,351
West Virginia		6,280	2,447
Region IV		60,070	75,772
Alabama		6,186	8,204
Florida		6,234	9,760
Georgia		8,375	10,298
Kentucky		9,245	11,010
Mississippi		5,879	7,500
North Carolina		11,253	13,401
South Carolina		5,476	6,523
Tennessee		7,422	9,076
Region V		61,236	77,644
Illinois		24,111	28,715
Indiana		4,612	6,808
Michigan		10,125	14,258
Minnesota		5,189	6,179
Ohio		12,433	15,692
Wisconsin		4,766	5,992
Region VI		37,881	45,874
Arkansas		5,215	6,212
Louisiana		7,564	9,399
New Mexico		2,553	3,041
Oklahoma		4,453	5,303

TABLE I.—FISCAL YEAR 1971 NYC SUMMER PROGRAM SLOT ALLOCATIONS—Continued

Region and State	1970 Fiscal year 1971 slot initial slot allocation	Fiscal year 1971 slot allocation
Texas	18,096	21,919
Region VII	13,644	17,381
Iowa	3,198	3,894
Kansas	2,219	2,929
Missouri	6,122	8,050
Nebraska	2,105	2,508
Region VIII	8,002	10,104
Colorado	2,214	3,134
Montana	1,578	1,879
North Dakota	1,077	1,283
South Dakota	1,331	1,583
Utah	1,394	1,684
Wyoming	408	541
Region IX	34,235	43,788
Arizona	5,636	6,712
California	27,032	34,977
Hawaii	889	1,061
Nevada	592	788
Guam	86	205
American Samoa and Trust Territories	0	45
Region X	7,821	11,216
Alaska	1,117	1,561
Idaho	670	930
Oregon	2,366	3,273
Washington	3,668	5,452
District of Columbia	8,530	10,775
National total	328,000	414,000

Source: Department of Labor (Mar. 4, 1971).

TABLE 2.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM, NOA FUNDS ALLOCATION

[In thousands of dollars]

Region and State	EOA	MDTA	Total fiscal year 1971 NOA funds allocation
Region I	$5,475	$1,111	$6,586
Connecticut	1,240	251	1,491
Maine	597	121	718
Massachusetts	2,497	508	3,005
New Hampshire	294	60	354
Rhode Island	569	115	684
Vermont	278	56	334
Region II	21,240	4,320	25,560
New Jersey	3,585	728	4,313
New York	14,450	3,592	18,042
Puerto Rico	3,143	0	3,143
Virgin Islands	62	0	62
Region III	13,252	2,695	15,947
Delaware	269	55	324
Maryland	2,398	487	2,885
Pennsylvania	5,706	1,160	6,866
Virginia	2,419	492	2,911
West Virginia	2,400	501	2,961
Region IV	24,935	5,071	30,006
Alabama	2,700	549	3,249
Florida	3,212	653	3,865
Georgia	3,389	689	4,078
Kentucky	3,623	737	4,360
Mississippi	2,468	502	2,970
North Carolina	4,410	897	5,307
South Carolina	2,146	437	2,583
Tennessee	2,987	607	3,594
Region V	25,553	5,194	30,747
Illinois	9,450	1,921	11,371
Indiana	2,240	456	2,696
Michigan	4,692	954	5,646
Minnesota	2,034	413	2,447
Ohio	5,164	1,050	6,214
Wisconsin	1,973	400	2,373
Region VI	15,100	3,066	18,166
Arkansas	2,045	415	2,460
Louisiana	3,095	627	3,722
New Mexico	1,000	204	1,204
Oklahoma	1,745	355	2,100
Texas	7,215	1,465	8,680
Region VII	5,720	1,163	6,883
Iowa	1,282	260	1,542
Kansas	964	196	1,160
Missouri	2,649	539	3,188
Nebraska	825	168	993
Region VIII	3,325	676	4,001
Colorado	1,031	210	1,241
Montana	618	126	744
North Dakota	422	86	508
South Dakota	521	106	627
Utah	555	112	667
Wyoming	178	36	214
Region IX	14,410	2,930	17,340
Arizona	2,209	449	2,658
California	11,370	2,481	13,851
Hawaii	420	0	420
Nevada	312	0	312
Guam	81	0	81
American Samoa and Trust Territory	18	0	18
Region X	3,807	774	4,581
Alaska	758	0	758
Idaho	368	0	368
Oregon	1,077	219	1,296
Washington	1,604	555	2,159
District of Columbia	4,267	0	4,267
Total	137,084	27,000	164,084

Source: Department of Labor (Mar. 4, 1971).

TABLE 3.—FISCAL YEAR 1971 NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM—50 CITY ALLOCATIONS

	Fiscal year 1970 initial slot allocation	Fiscal year 1971 slot allocation	Fiscal year 1971 NOA funds allocation
Region I:			
Boston	1,588	2,156	$853,780
Region II:			
Jersey City	853	1,076	426,100
Newark	2,707	3,415	1,352,340
Buffalo	1,750	2,159	854,960
New York	25,419	31,362	12,419,350
Rochester	744	918	363,530
Region III:			
Baltimore	4,255	5,068	2,006,930
Philadelphia	3,380	4,339	1,718,240
Pittsburgh	3,366	4,321	1,711,120
Norfolk	1,148	1,386	548,860
Region IV:			
Birmingham	894	1,186	469,660
Dade County (Miami)	1,592	2,492	986,830
Tampa	1,523	2,384	944,060
Atlanta	1,460	1,795	710,820
Louisville	1,574	1,874	742,100
Memphis	993	1,214	480,740
Region V:			
Chicago	19,676	23,434	9,279,860
Gary	1,073	1,584	627,260
Indianapolis	481	710	281,160
Detroit	5,873	8,270	3,274,920
Minneapolis	1,080	1,286	509,260
St. Paul	324	386	152,860
Akron	378	477	188,890
Cincinnati	1,198	1,512	598,750
Cleveland	4,211	5,315	2,104,740
Columbus	675	852	337,390
Dayton	453	572	226,510
Toledo	432	545	215,820
Milwaukee	1,317	1,656	655,780
Region VI:			
New Orleans	1,136	1,412	$559,150
Oklahoma City	782	931	368,680
Tulsa	261	311	123,160
Dallas	986	1,194	472,820
El Paso	427	517	204,730
Ft. Worth	499	604	239,180
Houston	1,739	2,106	833,980
San Antonio	2,297	2,782	1,101,670
Region VII:			
Kansas City	989	1,300	$514,800
St. Louis	1,335	1,755	694,980
Omaha	886	1,056	418,180
Region VIII: Denver	522	739	292,640
Region IX:			
Phoenix	2,005	2,388	945,650
Los Angeles (Incl. Long Beach)	9,629	12,459	4,933,760
Oakland	2,407	3,114	1,233,140
San Diego	1,679	2,172	860,110
San Francisco	1,663	2,152	852,190
Honolulu	339	405	160,380
Region X:			
Portland	777	1,075	425,700
Seattle	1,048	1,558	616,970
Washington, D.C.	8,530	10,775	4,267,000
Total	130,353	164,549	65,161,490

Source: Department of Labor, Mar. 4, 1971.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
December 4, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contacts with a sample of smaller cities, we estimate their needs and the number of slots these cities could effectively utilize to total 310,666.

Combining these figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1,200
Atlanta	2,267	1,460	3,408
Baltimore	7,000	8,000	8,000
Birmingham	1,390	1,738	2,086
Boston	2,200	2,750	3,500
Buffalo	2,845	3,557	4,268
Chicago	31,000	38,750	40,000
Cincinnatti	1,935	2,419	3,000
Cleveland	6,900	8,000	10,000
Columbus	1,100	1,378	2,000
Dade County (Miami)	2,150	2,668	8,226
Dallas	1,520	1,900	2,280
Dayton	620	775	930
Denver	800	1,000	2,100
Detroit	7,780	9,725	11,670
El Paso	719	900	1,125
Fort Worth	785	981	1,178
Gary	1,380	1,725	4,300
Honolulu	1,461	1,826	2,191
Houston	2,844	3,555	3,000
Indianapolis	650	812	2,500
Jersey City	1,275	1,584	1,993
Kansas City Mo	1,400	2,225	4,000
Los Angeles (including Long Beach)	12,828	16,000	20,000
Louisville	2,605	3,256	3,500
Memphis	1,500	1,875	2,394
Milwaukee	1,925	2,406	3,000
Minneapolis	1,750	2,188	2,735
Newark	1,480	12,000	14,563
New Orleans	8,490	10,615	5,000

THE NEEDS OF THE 50 LARGEST CITIES—Continued

City	1969 total need	1970 total need	1971 total need
New York	50,000	62,500	77,500
Norfolk	1,750	2,188	2,625
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Ohmaha	1,455	1,819	700
Piladelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,887
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	333,973

1970 estimate need balance of Nation, selected smaller cities

[1971 total need]

Wilmington, Del	2,000
Fort Lauderdale, Fla	400
Winston-Salem, N.C	250
Little Rock, Ark	300
Providence, R.I	1,100
Utica, N.Y	400
South Bend, Ind	450
Estimated need balance of Nation	310,666
Estimated total need of 1971 for Nation	641,639

(Source: League of Cities.)

U.S. SENATE,
Washington, D.C., February 22, 1971.

DEAR MR. VICE PRESIDENT: We are writing you to urge that the President's Council on Youth Opportunity fulfill at the earliest possible date its responsibility of assuring effective program planning for summer and other youth programs of the Federal Government.

The current national unemployment rate of 6 percent falls very heavily on disadvantaged youth. The most recent available statistics show a jobless rate among all teenagers in poor neighborhoods of 27.8 percent in the last quarter of 1970—compared with 17.4 percent in the last quarter of 1969; the rate among white teenagers in such neighborhoods was 18.8 percent—compared with 11 percent in 1969; and the rate among black teenagers in such areas was 42.4 percent—or almost half—compared with 26.7 percent in the last quarter of 1969.

While we hope that the situation will be otherwise, past experience indicates that unemployment usually reaches its highest point after the economy has started its recovery and expert opinion holds that high levels of unemployment will continue into 1972. In that connection, we note the recent Economic Report of the President which indicates that the Administration's own plan is to set a path that will probably not reduce the unemployment rate to "the 4½ percent zone" at the earliest until the second quarter of 1972.

Accordingly, we are concerned that the appropriations already made or requested for manpower training and employment programs from now through mid 1972 will not be adequate to alleviate the hardship imposed upon youth, as well as others, by these conditions.

For example, the appropriation for projects under the Neighborhood Youth Corp Summer job program—which provides opportunities to disadvantaged youth 14-21 years—is at a level (funded under this fiscal 1971 budget) of $164,000,000 for next summer, $18,600,000 below the $182,600,000 available last summer.

We understand that despite the lower federal funding level, the Department of Labor intends to provide approximately the same number of opportunities, 414,000, by reducing the hours of participation for each youth to 212 (approximately 8 weeks) compared with 260 (approximately ten weeks) in past years.

In our opinion, this new policy is regrettable in light of the need to provide a full experience for youths enrolled in the programs, particularly under the current economic circumstances.

Indeed, the established needs for the coming summer's programs extend well beyond even last year's level. As the enclosed letter dated December 4, 1970 and a city-by-city chart from the National League of Cities and U.S. Conference of Mayors shows, there is a total need of at least 641,639 opportunities, consisting of 330,973 in the 50 largest cities and 310,666 in rural and other areas.

Since a federal expenditure of $481 (compared with $442 last year) will be required to provide each opportunity, without cutting the hours of participation, the documented needs can be met only if a total of $308,628,359 in federal funds is made available for the program. Thus, an additional appropriation of $144,628,359 should be requested to supplement the $164,000,000 already available.

We also note with concern that, although the adoption of the President's revenue sharing proposals might improve the situation, the President's budget for fiscal year 1972 for currently authorized manpower programs will permit the funding of only 49,600 more employment and training opportunities than in this fiscal year. Of special concern is the fact that public sector programs which particularly reach youth—for example, the Neighborhood Youth Corp out-of-school program and the Public Sector on the Job Training program would be held at the current funding levels.

Accordingly, we hope that the Council will assess the overall job and recreational situation for the period of expected continued high unemployment and will recommend that the appropriate agencies of the federal government submit revised budget requests to the appropriations committees of the Congress in time for a meaningful response.

In particular, to ensure effective planning, we urge that the Council's annual report on the summer job situation be issued at an early date, and that the Department of Labor and other concerned agencies be encouraged to submit revised budget requests for the Neighborhood Youth Corp summer and related recreational programs.

It is clear that as in the past summer, economic conditions will also make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen.

As members of the Senate, we share responsibility with the Council and the concerned agencies to help to alleviate the problem of unemployment as it affects youth and we hope to work together to that end.

Sincerely,

JACOB K. JAVITS, ALAN CRANSTON, JENNINGS RANDOLPH, ABRAHAM RIBICOFF, GAYLORD NELSON, BIRCH BAYH, ADLAI STEVENSON III, CLIFFORD P. CASE, WALTER F. MONDALE, EDWARD W. BROOKE, WILLIAM PROXMIRE, THOMAS F. EAGLETON, GEORGE MCGOVERN, EDWARD M. KENNEDY, PHILIP A. HART.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will cal the roll.

The legislative clerk proceeded to call will 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 FOR ADJOURNMENT UNTIL 10:30 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 10:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the colloquy for which an order already has been entered, recognizing the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Maryland (Mr. MATHIAS) for 30 minutes, the able senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able Senator from New York (Mr. JAVITS) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the time for the transaction of routine morning business not to exceed 45 minutes.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. 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 FOR ADJOURNMENT FROM THURSDAY, MARCH 11, UNTIL 10 A.M., FRIDAY, MARCH 12, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday next.

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

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 assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTHORIZATION FOR ADDITIONAL TIME TO FILE COMMITTEE REPORT

Mr. CHURCH. Mr. President, I ask unanimous consent, on behalf of both the minority and majority members of the Special Committee on Aging, that the time for filing the report of the committee be extended from March 10, today, to March 24, 1971.

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

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 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.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA AND SENATOR DOLE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the disposition of the reading of the Journal, the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the calendar, if there be any, the able Senator from Virginia (Mr. BYRD) and the able Senator from Kansas (Mr. DOLE) be recognized for not to exceed 20 minutes for the purpose of conducting a colloquy.

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

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene, following an adjournment, at 10:30 a.m. and, following the recognition of the two leaders under the standing order, and the disposition of any unobjected to items on the Calendar, if there be any, there will be colloquy for not to exceed 20 minutes, the time to be controlled by the distinguished senior Senator from Virginia, (Mr. BYRD) and the distinguished junior Senator from Kansas (Mr. DOLE).

Following the aforementioned colloquy, the distinguished senior Senator from Georgia (Mr. TALMADGE) will be recognized under a previous order for not to exceed 10 minutes; to be followed by the equally distinguished senior Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes.

Following the remarks of the able Senator from Idaho (Mr. CHURCH), there will be a colloquy for not to exceed 30 minutes with the time to be controlled by the distinguished Senator from South Dakota (Mr. MCGOVERN) and the able Senator from Maryland (Mr. MATHIAS); following which the able senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes; to be followed at about 12 o'clock meridian by a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the pending business—which by virtue of the adjournment will become the unfinished business—will be laid before the Senate and the Senate will continue its consideration thereof.

The unfinished business will be S. 575, a bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965 as amended.

It is likely that one or more rollcall votes will occur tomorrow.

Mr. President, as a reminder to Senators, the able majority leader has indicated that following action—hopefully tomorrow—on S. 575, extending the Appalachian Regional Development Act, the Senate is expected to take up H.R. 4690, the bill to raise the ceiling on the public debt. Action on that bill is expected to occur on Friday.

The able majority leader has indicated that there might be some contention on the bill raising the debt ceiling and that a social security amendment will likely be offered thereto.

The majority leader has indicated that there will likely be rollcall votes on Friday and that if action on that bill, H.R. 4690, is not completed on Friday, the Senate will continue to consider the matter on Monday next.

The majority leader also indicated that, following action on H.R. 4690, there would likely be action on Senate Joint Resolution 17, to establish a Joint Committee on the Environment.

The majority leader stated that there is a possibility, following action on the measures heretofore enumerated, that the Senate will likely consider S. Res. 17, a resolution amending rule XXIV of the Standing Rules of the Senate, by the Senator from Oklahoma (Mr. HARRIS) and the Senator from Maryland (Mr. MATHIAS).

The majority leader further indicated that at some time—sooner or later—there is a likelihood that the Senate will act on S. 671, a bill introduced by Senators METCALF and MANSFIELD, to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

So, Senators are reminded that rollcall votes are anticipated on tomorrow and Friday and perhaps Monday. That is as far into the future as we can see for the present.

ADJOURNMENT TO 10:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 11, 1971, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1971:

IN THE AIR FORCE

Ernest F. Hasselbrink, [redacted] for reappointment to the active list of the Regular Air Force, in the grade of captain, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duty indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (judge advocate)

Lyman D. Bedford, [redacted]
Jack S. Bender III, [redacted]
Michael R. Emerson, [redacted]
Frank J. Falk, Jr., [redacted]
William C. Thompson, Jr., [redacted]
Frank M. Wells, [redacted]

The following Air Force officers for appointment in the Regular Air Force in the grade of first lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Abbott, Sherwood S., [redacted]
Abney, Billy W., [redacted]
Adkins, Joel E., [redacted]
Adler, Bradley B., [redacted]
Alexander, Joseph D., [redacted]
Alexander, Thomas L., [redacted]
Allen, George W., [redacted]
Allen, Richard H., [redacted]
Alley, Charles E., [redacted]
Allgaier, William A., III, [redacted]
Allick, Samual O., [redacted]
Alvord, Robert A., [redacted]
Alwood, Gary L., [redacted]
Ambrose, John W., III, [redacted]
Amick, Michael D., [redacted]
Anderson, Frank W., Jr., [redacted]
Anderson, John M., Jr., [redacted]
Anderson, Jon J., [redacted]
Anderson, Morris E., [redacted]
Angelo, William J., [redacted]
Armstrong, Francis C., III, [redacted]
Arzola, Nelson, [redacted]
Asadourian, George G., Jr., [redacted]
Ashman, David, [redacted]
Atchley, Gordon H., [redacted]
Augspurger, David E., [redacted]
Austin, Charles E., [redacted]

Azuma, Robert T., xxx-xx-xxxx.
Backers, Glen E., xxx-xx-xxxx.
Bainbridge, Richard R., xxx-xx-xxxx.
Bair, Charles A., Jr., xxx-xx-xxxx.
Baker, George L., xxx-xx-xxxx.
Bakonyi, Laszlo J., xxx-xx-xxxx.
Baldwin, Ralph H., III, xxx-xx-xxxx.
Ball, Norman K., xxx-xx-xxxx.
Balmanno, William F., xxx-xx-xxxx.
Bangeman, Mark P., xxx-xx-xxxx.
Baratelli, Philip J., xxx-xx-xxxx.
Barber, David M., xxx-xx-xxxx.
Barnhardt, James W., Jr., xxx-xx-xxxx.
Barr, Charles M., xxx-xx-xxxx.
Barr, Tommy D., xxx-xx-xxxx.
Barrett, Gerald F., Jr., xxx-xx-xxxx.
Barrett, John R., xxx-xx-xxxx.
Barry, Maurice H., xxx-xx-xxxx.
Bartenfeld, Chelsea L., xxx-xx-xxxx.
Barton, Richard W., xxx-xx-xxxx.
Bartos, Henry S., xxx-xx-xxxx.
Bass, Charles A., xxx-xx-xxxx.
Bassham, Cecil N., xxx-xx-xxxx.
Baugh, John E., xxx-xx-xxxx.
Baxter, Ronald L., xxx-xx-xxxx.
Beal, John F., xxx-xx-xxxx.
Beard, Faye L., xxx-xx-xxxx.
Beaver, Phillip E., xxx-xx-xxxx.
Beck, Gerald D., xxx-xx-xxxx.
Beggs, Richard G., xxx-xx-xxxx.
Beierschmitt, Gerald A., Jr., xxx-xx-xxxx.
Bell, Craig S., xxx-xx-xxxx.
Belman, Larry J., xxx-xx-xxxx.
Bencks, Edward G., xxx-xx-xxxx.
Benedict, Andrew H., xxx-xx-xxxx.
Benedict, Stephen L., xxx-xx-xxxx.
Benner, Joseph G., xxx-xx-xxxx.
Bennett, Stephen L., xxx-xx-xxxx.
Benson, Joseph L., xxx-xx-xxxx.
Bentley, Edward F., xxx-xx-xxxx.
Bergo, Kenneth M., xxx-xx-xxxx.
Bernard, Julius A., Jr., xxx-xx-xxxx.
Berry, Danny L., xxx-xx-xxxx.
Berta, William C., xxx-xx-xxxx.
Best Stoddard L., xxx-xx-xxxx.
Bevan, Wayne, R., xxx-xx-xxxx.
Biezad, Daniel J., xxx-xx-xxxx.
Biggs, John C., xxx-xx-xxxx.
Birch, Craig A., xxx-xx-xxxx.
Bird, Ronald W., xxx-xx-xxxx.
Bishop, William R., xxx-xx-xxxx.
Blackwell, Joe E., xxx-xx-xxxx.
Blair, Harry B., xxx-xx-xxxx.
Blake, Earl G., Jr., xxx-xx-xxxx.
Bochicchio, Leonard P., xxx-xx-xxxx.
Bolhm, Albert R., xxx-xx-xxxx.
Bor, Frederick C., xxx-xx-xxxx.
Bond, James F., xxx-xx-xxxx.
Bonner, Lawrence M., xxx-xx-xxxx.
Borandi, Bernard A., xxx-xx-xxxx.
Borders, Gerald D., xxx-xx-xxxx.
Borgon, Frank A., xxx-xx-xxxx.
Boswell, Lance, xxx-xx-xxxx.
Bothwell, Robert L., Jr., xxx-xx-xxxx.
Boudreaux, Ray M., xxx-xx-xxxx.
Bowen, Vernon W., Jr., xxx-xx-xxxx.
Bowman, John G., Jr., xxx-xx-xxxx.
Boyle, Matthew A., xxx-xx-xxxx.
Brackenhoff, Don M., xxx-xx-xxxx.
Bradley, John L., III, xxx-xx-xxxx.
Brady, Cedric T., xxx-xx-xxxx.
Brady, John M., xxx-xx-xxxx.
Brady, Thomas F., Jr., xxx-xx-xxxx.
Braeutigam, Robert E., xxx-xx-xxxx.
Bremer, Donald H., xxx-xx-xxxx.
Brickman, Larry E., xxx-xx-xxxx.
Britton, Jack W., xxx-xx-xxxx.
Brock, James D., xxx-xx-xxxx.
Brooks, Frank S., III, xxx-xx-xxxx.
Brust, William P., xxx-xx-xxxx.
Brothers, Douglas A., xxx-xx-xxxx.
Brown, Benjamin J., xxx-xx-xxxx.
Brown, Edward C., xxx-xx-xxxx.
Brown, James R., xxx-xx-xxxx.
Brown, Louis C., Jr., xxx-xx-xxxx.
Brown, Robert L., xxx-xx-xxxx.
Bruce, David J., xxx-xx-xxxx.
Bruer, Charles R., xxx-xx-xxxx.
Brunstetter, David A., xxx-xx-xxxx.
Brus, Robert A., xxx-xx-xxxx.
Bryson, Bernard E., xxx-xx-xxxx.
Bryson, Jon H., xxx-xx-xxxx.
Buchanan, Norman H., xxx-xx-xxxx.
Buettell, Roger B., III, xxx-xx-xxxx.
Butler, Billy G., xxx-xx-xxxx.
Butler, Marlin J., xxx-xx-xxxx.
Butler, Robert L., xxx-xx-xxxx.
Butterfield, William F., xxx-xx-xxxx.
Buyniski, Edward F., Jr., xxx-xx-xxxx.
Byron, Robert A., xxx-xx-xxxx.
Calder, William T., xxx-xx-xxxx.
Callahan, John C., xxx-xx-xxxx.
Camacho, Francisco P., xxx-xx-xxxx.
Cameron, Charles D., xxx-xx-xxxx.
Campbell, Donald D., xxx-xx-xxxx.
Campbell, Tom J., xxx-xx-xxxx.
Canavan, Thomas, xxx-xx-xxxx.
Canida, H. B., xxx-xx-xxxx.
Cannon, Roger S., xxx-xx-xxxx.
Carington, Thomas C., xxx-xx-xxxx.
Carlson, Rodney L., xxx-xx-xxxx.
Carpeaux, Walter B., xxx-xx-xxxx.
Carpenter, Charles L., xxx-xx-xxxx.
Carpenter, Dennis D., xxx-xx-xxxx.
Carr, Ronald L., xxx-xx-xxxx.
Carrillo, John, xxx-xx-xxxx.
Carrington, Henry G., xxx-xx-xxxx.
Carroll, Gerard M., Jr., xxx-xx-xxxx.
Carter, Edward B., xxx-xx-xxxx.
Carter, Larry G., xxx-xx-xxxx.
Carter, Robert W., xxx-xx-xxxx.
Cassulo, Frank A., xxx-xx-xxxx.
Castonguay, Joseph L., xxx-xx-xxxx.
Cathers, George R., xxx-xx-xxxx.
Center, James W., xxx-xx-xxxx.
Chadwick, Charles R., xxx-xx-xxxx.
Chaffee, Robert G., xxx-xx-xxxx.
Charlton, John T., xxx-xx-xxxx.
Childs, Charles I., xxx-xx-xxxx.
Christenson, Gerald A., xxx-xx-xxxx.
Christian, Don O., xxx-xx-xxxx.
Christian, James D., xxx-xx-xxxx.
Clark, Gary L., xxx-xx-xxxx.
Clark, John C., II, xxx-xx-xxxx.
Clark, Raymond E., xxx-xx-xxxx.
Clark, Ronald D., xxx-xx-xxxx.
Clement, Thomas E., xxx-xx-xxxx.
Clements, Frederick D., xxx-xx-xxxx.
Clements, John R., xxx-xx-xxxx.
Clendenin, Gary L., xxx-xx-xxxx.
Cobb, Earl H., xxx-xx-xxxx.
Cochran, Charlie T., xxx-xx-xxxx.
Collard, Robert L., Jr., xxx-xx-xxxx.
Congleton, Duane E., xxx-xx-xxxx.
Conley, David R., xxx-xx-xxxx.
Connors, Paul C., xxx-xx-xxxx.
Coon, Richard K., xxx-xx-xxxx.
Cooper, David W., xxx-xx-xxxx.
Cooper, Robert M., xxx-xx-xxxx.
Cooper, Roger S., xxx-xx-xxxx.
Cooper, William D., xxx-xx-xxxx.
Copeland, David W., xxx-xx-xxxx.
Copler, Thomas H., xxx-xx-xxxx.
Copley, Waldo H., xxx-xx-xxxx.
Core, Charles M., Jr., xxx-xx-xxxx.
Coughlin, Raymond J., xxx-xx-xxxx.
Councilman, Richard A., xxx-xx-xxxx.
Counts, Jake S., xxx-xx-xxxx.
Cox, Joseph E., Jr., xxx-xx-xxxx.
Cox, Ronald O., xxx-xx-xxxx.
Craft, Robert D., xxx-xx-xxxx.
Crane, Stephen G., xxx-xx-xxxx.
Crawford, James W., xxx-xx-xxxx.
Creedon, Michael J., xxx-xx-xxxx.
Crunholm, John J., xxx-xx-xxxx.
Cropper, William P., Jr., xxx-xx-xxxx.
Crossett, David C., xxx-xx-xxxx.
Crowther, Wayne R., xxx-xx-xxxx.
Crump, Manning L., xxx-xx-xxxx.
Cullen, Bruce J., xxx-xx-xxxx.
Cunningham, Jimmie D., xxx-xx-xxxx.
Curry, Arthur A., xxx-xx-xxxx.
Curtin, Gary L., xxx-xx-xxxx.
Curtis, Larry L., xxx-xx-xxxx.
Dale, Kenneth W., xxx-xx-xxxx.
Dangerfield, Joseph W., xxx-xx-xxxx.
Darnell, Donald R., xxx-xx-xxxx.
Darter, Lewie J., III, xxx-xx-xxxx.
Daugherty, Ronald H., xxx-xx-xxxx.
Davidson, William F., xxx-xx-xxxx.
Davis, Charles W., xxx-xx-xxxx.
Davis, Gene R., xxx-xx-xxxx.
Davis, John A., xxx-xx-xxxx.
Davis, Noel C., xxx-xx-xxxx.
Davis, Perry P., Jr., xxx-xx-xxxx.
Davis, Randolph R., xxx-xx-xxxx.
Dearing, James W., xxx-xx-xxxx.
Deck, Ronald L., xxx-xx-xxxx.
Decker, Daniel E., xxx-xx-xxxx.
Deer, Thomas E., xxx-xx-xxxx.
Degrand, James M., xxx-xx-xxxx.
Dehay, Jesse C., Jr., xxx-xx-xxxx.
Delury, John W., Jr., xxx-xx-xxxx.
Denne, Arthur C., xxx-xx-xxxx.
Dennis, William G., xxx-xx-xxxx.
Dettmer, Herman W., xxx-xx-xxxx.
Detrow, Carl S., xxx-xx-xxxx.
Devincenzo, William M., xxx-xx-xxxx.
Devine, Lawrence L., xxx-xx-xxxx.
Dewees, Ronald H., xxx-xx-xxxx.
Dewerff, Robert W., xxx-xx-xxxx.
Dibartolomed, Frank, xxx-xx-xxxx.
Dickinson, David J., xxx-xx-xxxx.
Diggins, William H., xxx-xx-xxxx.
Dillehay, Lawrence B., xxx-xx-xxxx.
Dimon, Frederick L., xxx-xx-xxxx.
Dineen, Peter F., xxx-xx-xxxx.
Dixon, Glenn R., Jr., xxx-xx-xxxx.
Doak, Larry A., xxx-xx-xxxx.
Doege, Larry B., xxx-xx-xxxx.
Dominguez, Joseph T., Jr., xxx-xx-xxxx.
Donahue, William J., xxx-xx-xxxx.
Donkonics, Peter J., xxx-xx-xxxx.
Donovan, Michael L., xxx-xx-xxxx.
Dooly, Michael R., xxx-xx-xxxx.
Dorsey, Phillip A., xxx-xx-xxxx.
Dotson, Bernard E., Jr., xxx-xx-xxxx.
Dotson, Robert S., xxx-xx-xxxx.
Doucette, Christopher, xxx-xx-xxxx.
Douglas, Donald E., xxx-xx-xxxx.
Douglas, Jerry M., xxx-xx-xxxx.
Douthitt, Gary L., xxx-xx-xxxx.
Downer, Charles P., Jr., xxx-xx-xxxx.
Doyle, Bruford L., xxx-xx-xxxx.
Dressler, Daryl V., xxx-xx-xxxx.
Drulet, Richard, xxx-xx-xxxx.
Drury, Edward T., xxx-xx-xxxx.
Duchamp, Eugene A., III, xxx-xx-xxxx.
Duck, Eugene D., xxx-xx-xxxx.
Duerbig, Alfred H., Jr., xxx-xx-xxxx.
Dugan, Frank J., xxx-xx-xxxx.
Duke, William W., xxx-xx-xxxx.
Dunlap, Marvin D., xxx-xx-xxxx.
Durbin, Michael E., xxx-xx-xxxx.
Dutton, Gilbert W., xxx-xx-xxxx.
Dvurak, Vic G., xxx-xx-xxxx.
Eagle, John P., xxx-xx-xxxx.
Earle, Lawrence C., xxx-xx-xxxx.
Earley, William M., xxx-xx-xxxx.
Ebron, Gene I., xxx-xx-xxxx.
Eccellente, Robert L., xxx-xx-xxxx.
Edmondson, Michael D., xxx-xx-xxxx.
Edson, Robert W., xxx-xx-xxxx.
Egan, Dennis, xxx-xx-xxxx.
Ehrie, William J., xxx-xx-xxxx.
Eichner, David L., xxx-xx-xxxx.
Eidson, Merrill L., xxx-xx-xxxx.
Eigenbrot, Richard L., xxx-xx-xxxx.
Ekberg, David J., xxx-xx-xxxx.
Elder, Frank R., Jr., xxx-xx-xxxx.
Elston, Gary J., xxx-xx-xxxx.
Emry, Raleigh E., xxx-xx-xxxx.
Englund, Gene E., xxx-xx-xxxx.
Engman, Richard N., xxx-xx-xxxx.
Epner, Gerald I., xxx-xx-xxxx.
Eppler, Frank M., xxx-xx-xxxx.
Eppler, Gary D., xxx-xx-xxxx.
Eramo, Daniel J., Jr., xxx-xx-xxxx.
Erbacher, John K., xxx-xx-xxxx.
Erhardt, William F., III, xxx-xx-xxxx.
Estep, Eldon E., xxx-xx-xxxx.
Eychner, George L., xxx-xx-xxxx.
Fagan, William M., Jr., xxx-xx-xxxx.
Fandel, William T., xxx-xx-xxxx.
Farmer, Peter E., xxx-xx-xxxx.
Farnsworth, Earnest L., xxx-xx-xxxx.

Farr, Herbert M., xxx-xx-xxxx.
Farrar, James D., Jr., xxx-xx-xxxx.
Felty, Norman P., xxx-xx-xxxx.
Ferenz, John J., Jr., xxx-xx-xxxx.
Ferenz, Paul J., xxx-xx-xxxx.
Ferron, Francis R., xxx-xx-xxxx.
Fersch, Joseph E., xxx-xx-xxxx.
Fields, McArthur, xxx-xx-xxxx.
Files, William S., Jr., xxx-xx-xxxx.
Filo, Robert J., xxx-xx-xxxx.
Finch, James R., xxx-xx-xxxx.
Finnegan, John M., xxx-xx-xxxx.
Fisher, Larry E., xxx-xx-xxxx.
Fjelsted, Lyle G., xxx-xx-xxxx.
Flanagan, Edward E., xxx-xx-xxxx.
Fleckten, Thomas C., xxx-xx-xxxx.
Flowers, David A., xxx-xx-xxxx.
Flynn, William A., Jr., xxx-xx-xxxx.
Ford, Charloie, M. K., xxx-xx-xxxx.
Ford, Maynard W., Jr., xxx-xx-xxxx.
Fortner, William F., xxx-xx-xxxx.
Fowler, J. R., Jr., xxx-xx-xxxx.
Fowler, Terry R., xxx-xx-xxxx.
Fox, Lewis R., xxx-xx-xxxx.
Foye, Martin J., xxx-xx-xxxx.
Fraser, David J., xxx-xx-xxxx.
Frazer, Stuart A., xxx-xx-xxxx.
Freeman, Charles W., xxx-xx-xxxx.
Freeman, Kenneth P., xxx-xx-xxxx.
French, Larry W., xxx-xx-xxxx.
Friend, Shelby L., xxx-xx-xxxx.
Friestad, David E., xxx-xx-xxxx.
Frunzaglia, Anthony, xxx-xx-xxxx.
Frost, Timothy B., xxx-xx-xxxx.
Folford, Jimmy N., xxx-xx-xxxx.
Fuykerson, Grover D., xxx-xx-xxxx.
Fuqua, William J., Jr., xxx-xx-xxxx.
Furness, Thomas A., III, xxx-xx-xxxx.
Furuta, Gary S., xxx-xx-xxxx.
Gabriel, Edward J., Jr., xxx-xx-xxxx.
Gagnon, David J., xxx-xx-xxxx.
Gallagher, John J., xxx-xx-xxxx.
Gallof, Sanford, xxx-xx-xxxx.
Gamble, Lynn L., xxx-xx-xxxx.
Gangl, Eugene L., xxx-xx-xxxx.
Garcia, Miguel, xxx-xx-xxxx.
Garner, William J., xxx-xx-xxxx.
Garretson, Henry C., III, xxx-xx-xxxx.
Garriss, James P., xxx-xx-xxxx.
Gates, Thomas G., xxx-xx-xxxx.
Gatz, James R., xxx-xx-xxxx.
Gaudet, Kathleen A., xxx-xx-xxxx.
Gentry, James M., xxx-xx-xxxx.
George, Robert L., xxx-xx-xxxx.
Gerroth, H. M., xxx-xx-xxxx.
Gerringer, Luther T., xxx-xx-xxxx.
Gex, Louis J., III, xxx-xx-xxxx.
Ghormley, Robert C., II, xxx-xx-xxxx.
Gibbs, Daniel P., xxx-xx-xxxx.
Giblin, Richard T., xxx-xx-xxxx.
Gillespie, John M., II, xxx-xx-xxxx.
Girard, Christopher S., xxx-xx-xxxx.
Girard, Roger J., xxx-xx-xxxx.
Glasser, Gerald T., xxx-xx-xxxx.
Glisson, John S., xxx-xx-xxxx.
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