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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Friday, June 16, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Eternal Father, whose ways are justice and peace, we beseech Thee to guide this Nation in the creation of programs and in patterns of conduct which are in accord with Thy law. Help us to know and to do Thy will. Lead us not to the life which once we knew but to the more perfect life we never yet have known. May love dispel hate and peace replace war. And grant, O Lord, that our individual lives may be so ordered as to bring moral and spiritual strength to the whole Nation. Guide the President, the Congress, and all who serve in the Government toward that day when Thy kingdom shall come on earth as it is in Heaven.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN 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 Thursday, June 15, 1972, be dispensed with.

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 may be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 820, 821, 822, and 823.

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

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

The Senate proceeded to consider the bill (H.R. 12143) to provide for the establishment of the San Francisco Bay National Wildlife Refuge.

Mr. CRANSTON. Mr. President it is with great pleasure that I rise today in support of H.R. 12143, which will establish the San Francisco Bay National Wildlife Refuge. During the 91st Congress, I authored S. 2291 for this purpose and again in this Congress, I introduced S. 2241 to establish the San Francisco Bay National Wildlife Refuge. I have been delighted by the overwhelming support for this proposal. I would like to thank the distinguished chairman of the Commerce Committee for acting on H.R. 12143 so soon following passage by the House.

H.R. 12143 will preserve and enhance the wildlife habitat for the protection of migratory waterfowl and other wildlife in the South San Francisco Bay and will provide for an opportunity for wildlife oriented recreation and nature study.

There is urgent need for passage of this legislation. During the past 25 years approximately 67 percent of the estuarine wildlife habitat in California has been permanently destroyed by dredge and fill activity. The wildlife habitat has been reduced by 75 percent because of dredge and bay fill. A number of birds and animals threatened with extinction—the red-bellied harvest mouse, the endangered California least tern, and the rare clapper rail—reside in the South Bay and may not survive unless we save their remaining habitat now. In addition, the South San Francisco Bay serves as a major stop on the Pacific flyway for nearly 70 percent of the birds which migrate south.

The south portion of San Francisco Bay is within 1 hour's driving time of 4 million bay area residents. This means that the recreation and environmental education potential of the refuge is enormous. At present only 4 miles of the 276-mile bay shoreline have been set aside for public parks. Only a few have been able to experience and enjoy the wildlife values of the area. This legislation will create not just a wildlife refuge, it will preserve the South San Francisco Bay as a human refuge, where the values of open space and open water, of beauty and the mysteries of nature, will give sustenance and strength to those who seek relief from the antagonisms, the crowding, the pollution, crime, and ugliness of our urban life. Mr. President, the chance to establish such a refuge so near to a major urban area is one that we should not pass up.

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

MILITARY MAIL

The Senate proceeded to consider the bill (H.R. 3808) to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces and for other purposes, which had been reported from the Committee on Post Office and Civil Service with amendments, on page 1, at the beginning of line 3, strike out:

That (a) subparagraphs (A) and (B) of section 3401(a)(1) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91-375), are amended to read as follows:

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while on active duty; or".

(b) Subparagraph (D) of section 3401(a)(2) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 756; Public Law 91-375), is amended to read as follows:

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 406(a) of this title which is located at a place outside the fifty States of the United States; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred while in the services with, or in, a unit under operational control of a command of the Armed Forces of the United States; and".

On page 2, at the beginning of line 25, strike out "(c) Section" and insert "That section"; on page 3, line 1, after the word

"Code", strike out "as enacted by the Postal Reorganization Act (84 Stat. 756 and 757; Public Law 91–375),"; in line 7, after the word "exceeding", strike out "five" and insert "15"; in line 8, after the word "and", where it appears the first time, strike out "sixty" and insert "60"; in line 15, after "post office", strike out "and"; after line 15, insert:

"(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

At the beginning of line 19, strike out "(2)" and insert "(3)"; in the same line, after the word "exceeding", strike out "five" and insert "15"; in line 20, after the word "exceeding", strike out "seventy" and insert "70"; in line 21, after the word "exceeding", strike out "one hundred" and insert "100"; at the top of page 4, insert:

SEC. 2. Section 3401 of title 39, United States Code, is amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f); and

(2) inserting the following new subsection "(c)":

After line 5, strike out:

(a) Chapter 34 of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 755; Public Law 91–375), is amended by adding at the end thereof the following new section:

§ 3406. Air transportation of parcels mailed at or addressed to Armed Forces post offices

"Any parcel, other than a parcel mailed airmail or as air parcel post, not exceeding seventy pounds in weight and one hundred inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title shall be transported by air on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment, in addition to the regular surface rate of postage, of a fee for such transportation by air. Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this section, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers.".

At the top of page 5, insert:

"(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.".

After line 14, strike out:

(b) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end thereof—

"34.06. Air transportation of parcels mailed at or addressed to Armed Forces post offices.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–860), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 3808, as amended by the Committee, is to increase the maximum size and weight of parcels addressed to or mailed from United States Armed Forces postal facilities outside the contiguous 48 States.

LEGISLATIVE HISTORY

Since the beginning of the build-up in Southeast Asia in 1965, Congress has enacted several provisions of law permitting free mailing privileges for U.S. servicemen in combat areas, providing air transportation for letters, tape recordings, parcels, newspapers, and magazines, on a space available basis to military postal facilities, and providing domestic air transportation for some parcels mailed to and from military postal facilities for modest fees.

There are three basic statutes involved in this legislative history, now codified in chapter 34 of title 39, United States Code, sections 3401–3402.

Public Law 89–315, enacted November 1, 1965, permitted free letter mail privileges for servicemen in combat areas and air mail treatment for letter mail to and from noncombat areas, as well as authorizing space available air transportation for parcels weighing not more than 5 pounds and measuring not more than 60 inches in length and girth combined.

Public Law 89–725, enacted November 2, 1966, included casette sound recordings within the letter mail category and authorized the air transportation of weekly news magazines to APO's and FPO's.

Section 117 of Public Law 90–206, the Postal Revenue and Federal Salary Act of 1967, enacted December 14, 1967, provided for the air transportation of parcels exceeding five pounds but not exceeding 30 pounds in weight (and retaining the 60 inches limitation). Unlike previous laws, air transportation was permitted from the point of mailing, rather than the point of embarkation or debarkation, if the mailer paid an additional fee established by the Postmaster General to pay for the cost of domestic air transportation.

These three laws make up the existing parcel law on military mail. Basically, there are four categories of parcel military mail: (1) air mail, which is limited to 70 pounds in weight and 100 inches in measurement, the cost of which is so prohibitive as to prevent its general use; (2) surface mail, subject to similar size and weight limits, the delay of which makes it generally undesirable; (3) SAM, meaning Surface Air Mail, which is transported by surface means to the appropriate APO and by air on a space available basis to the APO or EPO located outside the 48 contiguous States, and which is limited to 5 pounds in weight and 60 inches in measurement; and PAL, meaning Priority Air Lift, which includes parcels exceeding 5 but not exceeding 30 pounds in weight or 60 inches in measurement, which receives air transportation on a space available basis from the point of mailing.

JUSTIFICATION

These military mail provisions of law have undoubtedly served a valuable purpose in transporting letter mail, publications, and parcels to our servicemen overseas. Families of servicemen can mail goods to their loved ones in Vietnam, Korea, Germany, the Canal Zone, or in any other foreign area having a U.S. Armed Forces postal facility and know that there will be little or no delay. The air transportation of magazines and newspapers has undoubtedly helped boost the morale of American servicemen overseas who like to read hometown newspapers or popular news magazines without the long delays necessary when surface sea transportation is involved

It is to increase the effectiveness of this program that the Committee recommends the enactment of H.R. 3808.

However, the Committee recommends certain amendments which it believes are necessary to insure the efficient operation of the program at the present time, and to prevent possible abuses of the program in the future.

FREE LETTER MAIL

H.R. 3808 as referred would have permitted any American serviceman stationed outside the 50 States to mail any letter mail free of postage. The Committee recommends against the enactment of this provision. Free letter mail for servicemen stationed in Western Europe, the Canal Zone, or in any other area which is not determined by the President to be a combat zone is simply not necessary and not in the best interests of the Nation. The reason for developing free letter privileges for combat servicemen during the Second World War was because of the nature of service performed by the servicemen. Soldiers in Vietnam deserve free letter mail; soldiers in Wiesbaden or Tokyo do not. The Committee does not believe it is a serious imposition upon these latter servicemen to buy a book of 8-cent stamps to mail personal and business letters, which are given air transportation to the United States.

NEWSPAPER AND MAGAZINES

Under current law, second-class publications entitled to air transportation on a space available basis must meet the criteria of (1) at least weekly publication; and (2) having current news value principally of interest to servicemen and the general public. If they are, they may be mailed to (1) a combat zone as designated by the President; or (2) a hardship area or combat support area or an area where adequate surface transportation is not available.

H.R. 3808 revises present law by eliminating the restrictions as to what areas are included within the zones of air transportation—that is, they may be mailed anywhere outside the 48 contiguous States.

As administered by the Postal Service and the Department of Defense, the State of Hawaii is currently the only area outside the 48 contiguous States that has not been designated as either a combat area, a hardship area, a combat support area, or an area where adequate surface transportation is not available. Any qualified magazine or newspaper is presently transported by air to any APO outside the continent except Hawaii. Obviously, the intent of the Congress to require selective judgment on the part of the Postal Service and the Department of Defense has produced meager results.

It is also true that the definition of what type of second-class publication is "featuring principally current news of interest to members of the Armed Forces and the general public" has resulted in wholesale admission of second-class weekly publications. While *Harper's* and *Atlantic* are not qualified (because they are not weeklies), the list of eligibles includes magazines the "current news value" of which is curious. For instance, a recent listing of some of the publications entitled to air transportation on a space available basis (and thus paid for by the taxpayers rather than the subscribers) included the following magazines:

1. America
2. Journal of Armed Forces
3. Aviation Week & Space Technology
4. Barron's
5. The Blood Horse
6. Box Office
7. Broadcasting

8. Business Week
9. Chemical Engineering News
10. Chemical Week
11. The Christian Sentry
12. The Chronicle of the Horse
13. Commonwealth
14. The Connecticut Law Journal
15. Engineering News Record
16. Government Contracts Report
17. Jet
18. The Lancet
19. Life
20. The Nation
21. National Review
22. New England Journal of Medicine
23. News Citizen
24. Newsweek
25. New Yorker
26. Oil & Gas Journal
27. Passenger Transport
28. Physical Review Letters
29. Pulp & Paper
30. Railway Age Weekly
31. The Reporter
32. The Saturday Review
33. Standard Corporation Records
34. Standard Federal Tax Reports
35. Sporting News
36. Sports Illustrated
37. Tax Court Reports
38. Technology Week Including Missiles & Rockets
39. Telephoning
40. The Thoroughbred Record
41. Time
42. The Travel Agent
43. TV Guide
44. United Pricing Reports
45. U.S News & World Report
46. The Value Line
47. The United States Law Week

The Committee favors distributing magazines to servicemen overseas and paying for the costs of such air transportation at public expense, but it is clearly beyond the limits of the letter or spirit of the law to include some of the magazines which have been approved on this list. They go far beyond the definition of "current news of interest to members of the Armed Forces and the general public." Those responsible for the administration of this program should take steps to correct this serious deviation from proper interpretation of law. The Committee requests the Postal Service to prepare and deliver to the Committee a complete list of all second-class magazine publications entitled to air transportation under this provision of law as of July 1, 1972, and a subsequent report of such publications so entitled as of January 1, 1973.

PARCELS

The most significant proposals in H.R. 3808 relate to the size and weight limits applicable to parcels carried on a space available basis by air from the United States to Europe and Southeast Asia. It is here that the Committee recommends extensive amendments to the bill passed by the House of Representatives.

As referred, the limits for PAL of 30 pounds and 60 inches were proposed to be increased to the maximum size and weight limits of any mail—70 pounds and 100 inches. The Committee has carefully studied this proposed increase and has concluded that it would be virtually impossible to comply with these new dimensions. The capacity of the postal facilities in San Francisco and New York would be taxed beyond functional capacity if a significant number of larger parcels were introduced into their mail system. This is particularly true of the air mail facility at Kennedy International Airport in New York, where presently *all* SAM and PAL is handled. The AMF at Kennedy is presently heavily burdened by the amount of mail under current size and weight limits. The conveyor belts used at the loading ramps cannot carry the maximum dimensions now authorized by law, and when such parcels are delivered, they must be hand-carried by a postal employee from the delivery truck inside the building by way of a narrow corridor. To add 30 pounds and 40 inches to the size of parcels which cannot be handled efficiently or effectively at the present time on a general basis would be unrealistic. Postal officials at the Postal Concentration Center in San Francisco advised officials on the Committee staff that the increase in parcel volume resulting from the greater size and weight limits would probably require an additional 60,000 square feet of work space in that facility.

A major argument for the increase in size limits for PAL has been that servicemen would be permitted to mail home their footlockers rather than send them by surface. On the face of it, this seems reasonable and fair, but in actuality, few servicemen use a footlocker for the storage or transportation of clothing and personal effects—they use suitcases and duffle bags. Footlockers are more frequently used for the transportation of official materials which the Department of Defense can now carry by military aircraft if it so wishes.

The true effect of increased size and weight limits for PAL would be to offer a whole new market for the shipment by air of merchandise to servicemen and their families stationed in Europe. Although the Committee has no objection to such mail order business overseas, we believe that the taxpayer and the postal facilities should not subsidize such business transactions to a greater extent than is presently done.

The Committee therefore recommends two basic amendments to H.R. 3808 related to parcel mail:

(1) SAM, now limited to 5 pounds in weight, should be increased to 15 pounds in weight, with no increase in measurement, to accommodate slightly heavier but *not* larger parcels which do not constitute a problem for present mail facilities in New York or San Francisco; and

(2) PAL, now limited to 30 pounds and 60 inches, be increased to 70 pounds and 100 inches for *incoming mail only*—that is, no mail originating in the 48 States could exceed present weight and size limits, but mail originating in an APO outside the continent could exceed such limits.

The Postal Service has agreed with the Committee that these increases, while not favored by the Service, are fair and reasonable, and, more importantly, can be handled by present postal facilities.

AIR TRANSPORTATION

The Committee is mindful of the importance of adequate mail service to our servicemen overseas. But little has been written in the legislative history of these bills regarding other beneficiaries of military mail and air lift proposals.

The following chart illustrates the impact of postal revenues upon the major mail carriers in the airline industry in 1971.

Carrier	Total revenue	Net profit	Mail revenue	Profit without mail
American	$1,244,362,341	$3,029,346	$22,445,653	−$19,416,307
Braniff	329,563,661	9,012,825	8,473,550	539,275
Continental	331,553,873	8,411,037	5,358,721	3,052,316
Eastern	1,053,757,023	5,690,082	13,894,793	−8,204,711
Northwest	425,650,731	23,628,562	19,442,669	4,185,893
Pan American	$1,179,548,990	−$46,501,144	$69,395,923	−$115,897,067
TWA	1,252,034,901	3,254,495	38,526,276	−35,271,781
Western	325,595,336	6,457,419	5,156,884	1,300,535
Seaboard	81,917,500	5,381,512	4,808,456	573,056
Flying Tigers	97,713,036	1,425,222	1,377,600	47,622

The overwhelming majority of this mail is SAM and PAL, carried on a space available basis at 11.4c per ton mile, a substantial savings for the Government from the costs of air mail rates or first-class mail rates. Nevertheless, the carriage of this mail, particularly heavy second-class publications and parcels, results in major revenue for the air carriers involved.

A breakdown by areas of delivery, air lines, and ton-miles of mail traffic is illustrated in the following two charts:

MILITARY MAIL, FISCAL YEAR 1971

[In thousands]

	Mail pay			
	Airmail	MOM	SAM	Totals
Transatlantic carriers:				
Pan American	$3,330	$2,725	$3,032	$9,087
Seaboard World	1,762	1,078	1,669	4,509
Trans World	3,528	2,942	2,968	9,438
Subtotal	8,620	6,745	7,669	23,034
Transpacific carriers:				
American	$14	$1	$5	$20
Continental	124	18	173	315
Flying Tiger	7,410	5,263	13,265	25,938
Northwest	5,349	4,784	3,845	13,978
Pan American	18,777	11,367	19,100	49,244
Trans World	1,644	1,350	1,864	4,858
Subtotal	33,318	22,783	38,252	94,353
Latin America carriers:				
Braniff	100	52	143	295
Eastern	3	2	8	13
Mackey			1	1
Pan American	220	108	291	619
Western	8	1		9
Subtotal	331	163	443	937
Total	42,269	29,691	46,364	118,324

	Ton-miles (thousands)			
	Air mail	MOM	SAM	Totals
Trans-Atlantic carriers:				
Pan American	10,406	12,477	26,596	49,479
Seaboard World	5,506	4,963	14,640	25,109
Trans World	11,025	13,471	26,035	50,531
Subtotal	26,937	30,911	67,271	125,119
Trans-Pacific carriers:				
American	49	1	44	94
Continental	431	82	1,518	2,031
Flying Tiger	25,729	24,098	116,360	166,187
Northwest	18,573	21,905	33,728	74,206
Pan American	65,198	52,047	167,544	284,789
Trans World	5,708	6,181	16,351	28,240
Subtotal	115,688	104,314	335,545	555,547
Latin America carriers:				
Braniff	308	238	1,254	1,800
Eastern	9	9	70	88
Mackey			9	9
Pan American	677	495	2,553	3,725
Western	29	3		32
Subtotal	1,023	745	3,886	5,654
Total	143,648	135,970	406,702	686,320

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to increase the size and weight limits on military mail and for other purposes."

FEDERAL EMPLOYEES HEALTH INSURANCE

The Senate proceeded to consider the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That (a) section 8906(a) of title 5, United States Code, is amended by striking out the number "40" and inserting in lieu thereof the number "50".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period commencing after December 31, 1973.

(c) Notwithstanding the provisions of section 8906(a) of title 5, United States Code, as in effect immediately prior to the date of enactment of this Act, the Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under chapter 89 of title 5, United States Code, shall be 45 percent of the average subscription charges determined under such section from the beginning of the first day of the first applicable pay period commencing after December 31, 1972, through the last day of the last applicable pay period commencing in 1973.

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to benefits under such chapter 89.

SEC. 3. (a) Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract."

(b) This section shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which the Senate passed H.R. 12202, Calendar No. 822, together with its third reading, be reconsidered and that the bill be placed back on the calendar. There was a temporary hold on the bill.

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

FEDERAL FIREFIGHTERS RETIREMENT

The bill (S. 916) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment."

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-862), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 916 is to permit Federal employees who are firefighters to retire at age 50 after 20 years of service or after 25 years of service regardless of age, and to receive 2 percent of average salary for each year of service.

JUSTIFICATION

Under section 8336(c) of title 5, U.S. Code, Federal employees serving in Federal law enforcement positions are permitted to retire earlier and receive slightly preferential retirement benefits than other Federal employees under the Civil Service Retirement System. These employees may retire at age 50, after serving 20 years or after 25 years of service regardless of age. In addition, an annuity may be granted only if the head of the agency recommends retirement and the Civil Service Commission approves the recommendation.

Employees engaged in criminal investigation and law enforcement in the following agencies are now included within the provisions of section 8336(c): Federal Bureau of Investigation; Secret Service; U.S. Marshals; Department of Correction, District of Columbia government; U.S. Prison Guards; U.S. Border Patrol; U.S. Fish and Wildlife Service; U.S. Customs Service; Internal Revenue Service agents and investigators; Headquarters of Special Investigation; U.S. Army; U.S. Air Force and Immigration and Naturalization Service.

There are approximately 9,500 employees who are firemen not accorded these benefits, even though their duties entail frequent exposure to extreme hazards and subjecting them to great physical danger.

Firefighting is one of the most hazardous occupations in the world. The fatality rate for firefighters is approximately five times greater than that of any other occupation. In 1970, there were 38,583 injuries (38.6 per 100 workers) sustained by firefighters. The injury rate has been steadily increasing over the past 10 years, in sharp contrast to the experience of all other workers.

Civil disorder and social strife have in recent years produced new hazards for firefighters. From 1967 to 1969, more than 600 firefighters were injured during civil disorder. In 1970, 195 firefighters were injured as a result of civil disorder and 113 sustained injuries due to acts of individual violence.

The International Association of Firefighters Survey reports that 37 out of every 100 firemen were injured in 1971. These injuries include those sustained from overexertion, sprains and strains, burns, falls, cuts, toxic gas and building collapse. Burns, toxic gas, heat exhaustion and overexertion are the principal sources of injury.

In 1970, 233 active firefighters died from occupational diseases while on duty—96 from heart disease, 126 from lung disease. An additional 463 left the service in 1970 because of physical impairment due to occupational disease and/or injuries received in the line of duty.

Firefighters perform their duties during emergency situations, 24 hours a day, exposed to the elements. This type of duty is often strenuous and performed in extremely high temperatures. Noted physicians report that these conditions tend to burden the cardiovascular system, causing the pulse rate to increase and the stroke volume of the heart to decrease. Federal firemen also perform many of their duties in the extreme cold. From research, authorities have found that this factor seems to produce persistent hypertension. In his work a firefighter is constantly exposed to carbon dioxide and other poisonous gases, which unquestionably promote damage to the heart and cardiovascular system.

The U.S. Civil Service form 8, entitled "Position Description," states that a Federal firefighter is expected to perform his duties with utmost proficiency in the face of personal danger. The committee believes the position of firefighter falls within the category of "hazardous" duty occupation and should be included in early retirement provisions.

It is important to note that the justification for including law enforcement personnel in early retirement provisions was to utilize the individual's highest level of physical proficiency. Medical statistics, for both law enforcement personnel and firefighters, bear witness to the fact that younger men are more capable physically than their older counterparts. Law enforcement activity requires a staff of active, physically capable men and there is no reason to suggest that fire prevention does not also require this high level of efficiency. The need and motives are not dissimilar. Both forces must encourage young men to enter and remain in their respective jobs and older men to leave service at an earlier age. This program benefits both young and old. The young are offered a greater chance for advancement with a liberal retirement system; while the older firefighters, realizing a growing occupational threat to their security and life, are given the opportunity to leave with dignity while they are still relatively healthy.

COST

Enactment of S. 916 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by $120.5 million. Under the provisions of section 8348(f) of title 5, United States Code, this legislation would be deemed to authorize appropriations to finance the unfunded liability in 30 equal annual installments of $6.33 million each.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go

into executive session to consider nominations on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

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

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

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

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

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

LEGISLATIVE SESSION

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

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

SENATE RESOLUTION 321—ELECTION OF WILLIAM H. WANNALL, OF MARYLAND, AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask for its immediate consideration. This resolution has been cleared all around.

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

The legislative clerk read as follows:

S. Res. 321

Resolved, That effective July 1, 1972, William H. Wannall of Maryland, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, may I say that we are losing a good man in Bob Dunphy. We are getting a good man in Bill Wannall.

I know that I speak for all of the Senate when I express my gratitude to Mr. Dunphy for the outstanding service during his tenure as Sergeant at Arms, and for his courtesy, his dignity, and his understanding.

We expect that Bill Wannall will have the same attributes because he has them already, and I am sure that he will keep them.

Mr. GURNEY. Mr. President, as acting leader on the Republican side, I want to echo the remarks and the sentiments of the distinguished majority leader with regard to the retiring Sergeant at Arms and the new one coming in.

The service of Mr. Dunphy has been without blemish and certainly the qualifications of Mr. Wannall who will take his place would indicate that his service will be the same.

The resolution (S. Res. 321) was unanimously agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any routine morning business to be transacted at this time?

THE SEPARATION OF MR. AND MRS. GAVRIIL "GARRICK" SHAPIRO BY THE SOVIET UNION

Mr. TAFT. Mr. President, last week a constituent and trusted friend of mine, Mrs. Gavriil "Garrick" Shapiro, formerly Miss Judy Silver, traveled to Moscow to marry the man she loves, Graviil Shapiro. Miss Silver and Mr. Shapiro were married in a private Jewish Orthodox ceremony in Moscow, but Mr. Shapiro was refused permission to leave the Soviet Union with his bride and is currently being held by Soviet officials, without specification of any criminal charges. Mrs. Shapiro was denied an extension of her visa and has flown back to the United States, anxiously awaiting word of her husband's fate. I am advised that seconds after Mrs. Shapiro's plane left Moscow her husband was arrested at the airport, that since Monday night he has been moved to three different places of detention, that he has been placed on a diet of bread and sugar and that his parents have been unable to see him.

To fully understand this unfortunate situation one must be aware of the fact that Mr. Shapiro is a Jewish chemical engineer and an activist in the pursuit of greater religious freedom for Soviet Jews.

Complex and restrictive requirements are imposed on the right of Russian Jews to emigrate. Mail from outside the Soviet Union to Russian Jews is delayed for long periods of time and quite often discontinued completely. Contacts with the West are difficult. Since 1 week prior to the visit of the President the telephone of the elder Shapiros has been cut off.

These Soviet steps in Shapiro's case appear to be in direct contradiction to the provisions of the Declaration of Human Rights approved by the United Nations. Article 13, paragraph 2, of the Declaration specifically states:

Everyone has the right to leave any country, including his own, and return to his country.

The right of a person to leave any country including his own is founded on natural law. Socrates regarded this right as an essential personal liberty. The right to leave one's country is implicit in the great migrations which people on this earth have undertaken since the dawn of history. The chronicles of Marco Polo and other voyagers of history bear witness to the comparative freedom which they enjoyed in leaving and returning to their respective nations, as well as, entering and leaving many foreign kingdoms.

The Swiss jurist, Emer de Vattel, wrote in the 18th century:

It is not to be supposed that a man has bound himself to the society of which he is a member in such a way as to be unable to leave the country when his . . . affairs require it and when he can absent himself without harm to the country.

He also defended the right to emigrate in the following words:

They may leave a society which seems to be undergoing a process of dissolution or recreation; and they have the right to withdraw elsewhere—to sell their lands and to carry all their goods.

First known acknowledgment in national law of the right to leave one's country is found in the Magna Carta A.D. 1215. Articles 41 and 42 of the historic document stated:

All merchants safe and secure exit and to all others freedom to go out of the Kingdom and to return. . . .

Surely in light of the recent agreements reached with the Soviet Union regarding space exploration, control of the environment, increased trade, and most importantly strategic arms limitations, an understanding can be reached regarding the right of peoples to freely emigrate and travel.

In the past I have brought this matter to the attention of the Senate and I have written President Nixon and Secretary of State Rogers, asking for their thoughtful consideration of this most important problem. I have also written Soviet officials, including Soviet Party Leader Breshnev and Ambassador Dobrynin. I will continue to do so. I urge my colleagues in the Senate to likewise consider this crucial problem of human dignity.

I am hopeful that President Nixon will look into the situation of Mr. and Mrs. Gavriil Shapiro so that they may be reunited as soon as possible. I have called on the State Department and the White House to intercede in this matter, to ask for an emigration visa for Shapiro, or an entry visa for Mrs. Shapiro.

QUORUM CALL

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

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950 (Rept. No. 92-868).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HANSEN:

S. 3714. A bill for the relief of Mario Temperini and James H. Groutage. Referred to the Committee on Government Operations.

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 3715. An original bill to amend and extend the Defense Production Act of 1950. Ordered to be placed on the calendar.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

By Mr BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the Act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury or delay in transit to such property. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. JAVITS, Mr. MONDALE, Mr. NELSON, Mr. STAFFORD, Mr. SCHWEIKER, Mr. STEVENSON, and Mr. WILLIAMS):

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers. Referred to the Committee on Labor and Public Welfare.

HEALTH FACILITIES, MANPOWER, AND COMMUNITY MENTAL HEALTH CENTERS ACT OF 1972

Mr. KENNEDY. Mr. President, I am today introducing the Health Facilities, Health Manpower, and Community Mental Health Centers Amendments of 1972. This bill is cosponsored by nine distinguished colleagues of mine on the Senate Labor and Public Welfare Committee. This bill extends and improves the expiring authorities within the Public Health Service Act in respect to the Hill-Burton hospital construction program, the National Center for Health Statistics, and it adds new authority regarding emergency medical services.

There are a host of expiring PHS authorities over the period of the next year. And this bill is designed to extend and improve four of those expiring authorities. Later this year, I am hopeful that the Congress will take affirmative action to extend several more of these authorities such that they may all be extended in an orderly and systematic way.

The specific provisions contained in this bill, Mr. President, have been extracted from S. 3327, the Health Maintenance Organization and Resources Development Act of 1972. That bill which I introduced March 13, 1972, was ordered reported from the Senate Health Subcommittee, which I chair, yesterday by a vote of 14 to 0. At that time the subcommittee decided that the best way to proceed with the extension of these PHS programs was to introduce a separate bill for the committee's further consideration. Hearings have already been held on the provisions of this bill, Mr. President. Specifically, the committee has taken testimony from the American Nursing Home Association, the American Dental Association, the American Public Health Association, the Association of Schools of the Allied Health Professions, the American Hospital Association, the Association of State and Territorial Health Officers, the Missouri State Comprehensive Health Planning Agency, the American Nurses Association, the American Dental Assistants Association, the Association of Dental Hygienists, the University of Southern California School of Dentistry, the American Association of Dental Schools, the American Psychiatric Association, the National Association for Mental Health, the National Committee Against Mental Illness, and the National Council of Community Mental Health Centers. The administration was invited to present testimony, but declined.

Mr. President, I do not need to describe in detail the great achievements which have been made as a result of the action of the Congress in authorizing these programs. The Hill-Burton program dates back to 1946 and has been responsible for the construction and modernization of hundreds of thousands of needed hospital beds in America. The allied health training authority was substantially revised and improve in 1970. And it is the major vehicle through which the Federal Government can assist in the education of thousands of critically needed health professional personnel. The community mental health centers act was first authorized in 1963 as a result of the first Presidential message on mental health and mental retardation. Under its authority, hundreds of community based mental health programs have been begun as alternatives to the commitment of American citizens to State mental hospitals. The National Center for Health Statistics, authorized by section 305 of the Public Health Service Act, is the principal Federal agency for the collection and analysis of health data and information.

I also want to point out to my colleagues that this bill extends these programs in a somewhat different fashion than has heretofore been the case. Specifically, extensions of authorities contained within the Public Health Service act have routinely been for 3 years. This pattern has resulted in a situation which results in more than a dozen of these important health programs expiring on the same date. Given the importance of all of these programs, and the need for the committee to be able to consider them in an orderly fashion, I have decided to begin to stagger the length of future extensions so as to hopefully break up the logjam which now confronts the subcommittee.

Accordingly, the extensions for the Hill-Burton and Mental Health Centers programs are for 2 years and the extension for the Allied Health Training and the Health Statistics programs are for 1 year each. It is my hope that this process will result in a cycle in which it will be possible for the committee to consider all health programs which principally support research and education in a single year, while the committee's consideration of programs which principally support health services will fall in another year. Such a cycle will, I believe, enable the committee to do an even better job in its consideration of health legislation.

Finally, Mr. President, I want to highlight some of the more innovative features which are included in this bill. First of all, regarding Hill-Burton, the bill includes a provision which will importantly involve the comprehensive health planning agencies and the regional medical programs in the future determination of assistance regarding the construction and modernization of health facilities. Also, the bill modifies the allotment formula under which the Federal monies are made available to the States. The provision in the bill is identical to the allotment formula which passed the Senate in 1970. In addition, there is included a provision, similar to a provision contained in the health manpower legislation which was enacted last year, which requires that in order to make loan guarantees under title VI of the Public Health Service Act, it will also be necessary to award grants. And there is also included a wholly new authority to improve and expand the provision of adequate emergency medical services in the Nation. This amendment was offered in the committee by my distinguished colleague from California (Mr. CRANSTON). And I and the senior Senator from Minnesota (Mr. MONDALE) are delighted to join him in the cosponsorship of this important and innovative provision.

With respect to the Community Mental Health Centers program, I want to highlight the fact that the bill places additional importance and emphasis on operational grants to mental health centers. For example, the bill makes it possible for a mental health center to receive Federal support for a portion of its operating costs, and it also provides that the rate of Federal participation for a specific operational grant may be increased by as much as 20 percent if the mental health

center carries out defined programs with respect to alcoholism, drug abuse, children, and the elderly. And in that respect, Mr. President, the bill includes new authority for mental health programs for the elderly.

Lastly, the bill includes an extension of the provisions in the Public Health Service Act which requires that funds appropriated for the Public Health Service Act or the Mental Health Centers Act shall remain available for obligation and expenditure.

Mr. President, as I have indicated, these features were included in S. 3327, which yesterday was unanimously ordered reported from the Senate Health Subcommittee. My understanding is that the full Committee on Labor and Public Welfare will consider in executive session this bill and S. 3327 next Wednesday.

By Mr. BIBLE:

S. 3717. A bill to amend the Interstate Commerce Act by adding thereto provisions authorizing the Interstate Commerce Commission, in its discretion and under such rules and regulations as it shall from time to time prescribe, to establish minimum requirements with respect to security for the protection of the public for loss of or damage to property transported by carriers subject to parts I and III of the act; and

S. 3718. A bill to amend the Interstate Commerce Act and the Harter Act in order to provide a more effective remedy for owners, shippers, and receivers of property transported in interstate or foreign commerce to recover from surface transportation companies subject to the former act, damages sustained as the result of loss, damage, injury, or delay in transit to such property. Referred to the Committee on Commerce.

CARRIER LOSS AND DAMAGE CLAIM PROCEDURES

Mr. BIBLE. Mr. President, whether those millions of small and large businessmen-shippers who need commodities for their stores, plants, and establishments to meet customer and personal demands know it or not, there is affirmative movement along several fronts these days to help them get faster and equitable settlement payments for their loss and damage claims against freight carriers.

This is a goal of two bills I introduce today, first, to provide the Nation's shipping public for the first time with an effective claims adjudication procedure within the Interstate Commerce Commission and second, to establish ICC-supervised cargo insurance standards for railroads, express companies, and water carriers comparable to those now used by motor carriers and freight forwarders. Both bills were recommended to Congress by the Interstate Commerce Commission as an outgrowth of its 2-year investigation into the rules, regulations, and practices of all regulated surface carriers who transport billions of tons of cargo annually.

As our truck, air, rail, and water carriers prepare to meet the challenges of estimated record tonnages in the next 10 years and more, the subject of freight loss and damage claims procedures has moved to center stage as a prime subject of national interest, pointed up by inflationary pressures, increasing cargo theft, pilferage, and loss, and the greater interest of government, shippers, the consumer public and the carriers themselves.

Three years ago the Senate Small Business Committee opened investigatory hearings into the impact of crime on the country's 5½ million small businesses, estimated to cost business generally at least $5½ billion per year. Closely interwoven into our committee's hearings into the biggest multibillion dollar racket nationally today—the theft, pilferage and hijacking of truck, air, rail, and ship cargo, was the key aspect of freight loss and damage claims. One simple fact emerged from our hearings. Cargoes have overwhelmed facilities. Security efforts have provided too little security. Excessive losses, whether criminal or otherwise, have imperiled ordinary insurance practice, have put transportation companies out of business and too often have left business establishments without consumer goods for their customers and only a claim against somebody for nondelivery of the commodity ordered.

There are those who believe that with the dramatic increase in freight losses, whether criminally induced or from general loss and damage, the old claims adjudication and processing system has broken down and greater problems are forecast to meet the demands of record tonnages to be moved in the 1970's and beyond.

To review developmcnts over the last 3 years, it was in 1969, and concerned by growing air cargo thefts, that as chairman of the Senate Small Business Committee I urged the Civil Aeronautics Board to begin an investigation into claims rules and practices and limits of liability for the Nation's air carriers. Subsequently, that Board issued an order recognizing the "considerable dissatisfaction with the air carriers' liability and claims rules and practices."

Additionally, our Small Business Committee, in a formal report to the Senate in 1969, urged the Federal transportation regulatory agencies, the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission, to adopt a mandatory uniform loss reporting system for all carriers. Our reasoning was that in 1969 no governmental, private carrier or trade organization had any kind of an idea about how big the cargo theft or loss problem really was. The fact was that this information was just not tabulated anywhere. After prodding by the Small Business Committee, the Interstate Commerce Commission became the first regulatory agency, beginning last October 1, to require loss and theft data from all class 1 interstate motor carriers. The Civil Aeronautics Board on March 15, 1972, again after consistent urging by our committee, authorized uniform loss reporting data from its domestic carriers beginning April 1. The Federal Maritime Commission is presently in the final stages of authorizing loss and damage reports. And ICC Chairman George Stafford assured us recently that uniform loss and damage reports for railroads should be in effect by January 1, 1973.

These compilations, for the first time, will show to economic regulatory agencies the real impact of loss and damage on carrier revenue and tariffs and what the shipper and ultimately the consumer are getting or not getting from the federally certificated carriers. Commodity experience will be shown and agency regulations can be prescribed for improved movement and handling of those commodities in particularly loss susceptible categories. Exactly how one carrier is performing compared to another will be shown.

Certainly, with loss and damage security incentives for carriers that uniform reports are expected to bring, loss experience from improved handling procedures should provide assistance all along the transport chain so that responsibilities can be pinpointed and constructive steps taken.

At our committee hearings in 1970, the claims loss and damage problem area was highlighted by an Assistant Secretary of Transportation who said:

> Shipper disputes with carriers over loss and damage matters have badly exacerbated shipper-carrier relationships to the detriment of shippers, carriers and the public at large.

He cited four factors as:

> 1. Unfair settlement offers by carriers of loss and damage claims.
> 2. Undue administrative costs incurred in making loss and damage claims to carriers.
> 3. Unreasonable delay by carriers in the payment of claims for loss and damage.
> 4. Burdensome costs of pursuing loss and damage claims in court.

A national retail association representative told our Committee:

> In addition to such attempts at lessening the basic responsibility, carriers have become more restrictive in claim rules and regulations seeking lesser claims payments. These involved: a curtailed time for inspection of damaged merchandise, refusal to prorate on concealed loss claims; and a trend toward claims declinations in cases involving amounts too small for litigation. . . .

As I see it, all of these factors, increasing cargo losses, thefts, inflationary pressures and growing shipper and consumer unrest, were the backdrop for a landmark decision by the Interstate Commerce Commission on February 24, 1972, in Ex Parte No. 263 and titled, "Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims."

The prestigious traffic management weekly news magazine, Traffic World, simply called the decision:

> A new, strong link in the claim prevention chain.

And said further,

> One predictable and desirable result of this ICC decision will be much greater attentiveness by carrier management to claim-prevention and other activities of their freight claims departments . . . and many more carrier vice-presidents in charge of safe handling of freight.

The New York Journal of Commerce called the Commission's decision the beginning of a "new era" and one which is expected "to have a profound effect on all elements of the business community."

For shippers across this country, this ICC decision should have tremendous impact in the months and years ahead as carriers, shippers, government and the consumer public seek to work closer together to help solve an increasingly complex problem, one some have called "a national disgrace" in recent years.

In its recommendations, the Commission said that:

> The prompt, impartial adjudication of cargo claims and electronically cataloging of claims data would serve a three-fold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation and resolved by the Commission on largely documentary evidence at hand and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

It would provide a claims settlement forum within the ICC not unlike a small claims court.

As the Commission pointed out, most of these disputes can be resolved without the necessity of the parties and their witnesses taking days and weeks away from their normal tasks to attend courtroom trials ordinarily held several years after the events in question. Additionally, there are litigation costs to the shipper and the carrier with such passed along to the consumer finally. There seems no question that the high costs of claims and court litigation has had an impact on the total cost of transportation.

Another provision of ICC's decision in Ex Parte 263 required motor carriers, railroads, and freight forwarders to end certain claims rules they had adopted restricting their liability, such action by the carriers originally prompting the ICC's full investigation and report covering the general loss and damage claims picture including the recommended legislation which I offer today. Concurrently, the ICC established a new set of rules effective July 1, 1972, to require carriers to acknowledge claims within 30 days and settle them within 4 months, or explain to the claimant the status of the claims and the reason for the delay. They must also report on the status of the claim every 60 days thereafter until it is settled. The Commission also held that carrier rules limiting payment on concealed damage claims to only a portion thereof would no longer be applicable. There is some evidence now that some carriers presently may be denying all concealed damage claims of shippers as an outgrowth of the ICC's ruling.

It certainly would seem the primary judgment made by the Commission in this comprehensive report was stated very succinctly:

> There now prevails throughout the country a tremendous need and a growing public sentiment for an entirely new approach to be taken in attempting to resolve the mounting national crisis in cargo loss and damage claims.

Obviously, in weighing the impact of the Commission's decision, we believe its significance is pointed up by carrier industry figures showing that hundreds of millions of dollars in cargo is lost, stolen or damaged each year, with the railroads and motor carriers handling 2½ million and 1 million separate claims annually.

Therefore, all of these factors point up the desirability of congressional consideration of the legislation which we introduce today as recommended and prepared by the ICC. We hope these bills will stimulate more congressional interest in this growing problem to the end that carriers, the shippers and the consumer public can all be helped. There are those who say that the carrier industry will oppose these legislative proposals. However, we believe that carriers generally today are becoming more alerted to the growing problems of their industry and realize more than ever that the problems of shippers and consumers eventually become the problems of carriers, and vice versa. Just like a caboose on a bumped string of freight cars, the caboose gets the biggest bump finally unless something constructive is done to provide a cushion for the parties who may get bumped.

The first legislative proposal offered today would grant to the ICC authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers covered by the Interstate Commerce Act. Obviously this would provide no panacea for adjudicating cargo claims, but it would establish an alternative method where present arbitration methods and resort to overcrowded courts seem to leave much to be desired.

The Commission has labeled some of the hard core problem areas of transportation claims as: first, those in which a bill of lading is marked at origin as "shipper's load and count" and there is a shortage discovered at the destination, second, those in which concealed damage is found after delivery and it is not known how, when or where the damage occurred, third, those in which loss and damage may result from an act of God and other excepted causes, fourth, those in which special damages are sought in addition to the invoice value of goods shipped, fifth, those in which different weights are obtained at origin and destination on shipments of grain, meat, scrap metal and various other commodities and sixth, those in which delay and market-decline claims are filed for shipments of fresh fruits and vegetables which may or may not have been transported by the carrier with reasonable dispatch.

In support of this bill, the ICC in its report spelled out fully documented claims problems of furniture movers nationwide, potato growers in Maine, Idaho, and other Western States, citrus growers in Florida and California, farmers throughout the grain-producing States, manufacturers in Connecticut, Michigan and other industrial States, and merchandisers in New York and elsewhere.

Because of the lack of reliable claims data, only estimates can be made. One estimate is that concealed damage claims alone account for payments by carriers of $50 million annually. The Commission found that carrier responsibility in some areas has declined, noting only 29 percent of full payment claims for concealed damage was paid to steel office furniture merchandisers in 1969 compared to 90 percent in 1968.

The Commission found that establishing an effective legal remedy for resolving disputed claims where none now exists can provide a number of additional advantages. Presently, as the Commission said, if a carrier chooses to be arbitrary or unreasonable in a dispute over a question of liability or damages, the shipper is simply out of luck unless he takes what the carrier offers, if anything. The reasons listed were the time involved in court litigation of cargo claims, the disruption of normal business operations, the expense of court costs several years in advance of actual trial, and the fact that the carriers can take advantage of these factors. Since the majority of single claims seek less than $100, the litigation of such in courts makes the cost-versus-benefit ratio a key factor. The old axiom of justice delayed is "justice denied" is overworked these days, but it seems to have validity in the cargo loss and damage claim area under the ICC's reasoning. And unquestionably, the carrier must be fairly treated because another axiom says "there are two sides to a question."

Certainly, loss and claims disputes would seem to be adjudicative largely on documentary evidence. Under a modified procedure provided for by the Administrative Procedure Act, the use of such a forum would seem to lend itself to expeditious handling, especially if fully modernized data-processing equipment and techniques could be utilized to find and catalog the basic cause-and-effect relationships of cargo claims.

As our committee has learned in its examination of cargo theft claims, the ICC has a duty to insure a national transportation capability. When cargo loss and damage claims pose a substantial threat to that capability, then it would appear that the Congress should place responsibility in the ICC to take positive long-range steps to meet today's challenges of security whether from loss or damage.

Obviously, this first bill would protect the legal rights of all parties by assuring subsequent judicial review of the ICC's claims decisions and yet would respond to the thousands of claims disputes where both the certified carrier and the shipper have every right to be fully heard.

Mr. President, the second bill I offer would expand the ICC's authority to act in an area where it can now only act in part. Namely, it would allow the Commission to adopt regulations to require maintenance by ICC-supervised express companies, rail and water carriers of adequate liability insurance to protect shippers from loss and damage claims.

Presently, the ICC has authority to set cargo insurance standards for motor carriers and freight forwarders but may not do so for railroads, express companies, and water carriers under its jurisdiction.

In its Ex Parte 263 report, the Commission compared the extensive economic protection accorded to claimants of a bankrupt trucking company to the dissimilar prospects for those holding claims against the bankrupt Penn Central Rail-

way. As an example, Yale Transport Corp. in 1965 was unable to meet its financial obligations. However, insurance standards for motor carriers imposed on Yale by the ICC permitted nearly $2½ million to be paid to Yale's customers for their cargo loss and damage claims. No comparable protection is afforded to shippers and receivers today who utilize services of railroads, water carriers, and express companies. If shippers are to be fully protected and if ICC is to carry out its economic regulatory function spelled out in its organic act, certainly this expansion of its insurance standards authority would seem most appropriate as a safety valve in his whole cargo loss and damage claims picture.

In summary, the two bills offered today would:

First. Amend the Interstate Commerce Act so that railroads, motor carriers, express companies, and freight forwarders would be held to stricter accountability for cargo loss and damage claims.

Second. Amend the Harter Act to require of water carriers under ICC jurisdiction the same degree of responsibility as motor freight and rail carriers.

Third. Amend the Interstate Commerce Act to authorize the ICC to set cargo claims insurance standards for railroads, express companies, and water carriers.

As I have stated previously, what has concerned me most in our committee's examination of the cargo theft and loss problem is that neither industry nor Government has yet been able to mount an effective response. There are those who believe that the loss and damage claims present a comparable if not a greater problem. Certainly, this ICC-sponsored legislation proposes that this transportation regulatory agency be given an opportunity to deal more effectively with it. It is for this reason that I concur wholeheartedly in the remarks the distinguished majority leader (Mr. MANSFIELD) made before this body on this same general subject on February 28, 1972, in commending the Interstate Commerce Commission for its responsibility and initiative.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the texts of the two bills, a section-by-section analysis of each bill, a letter dated February 24 from Interstate Commerce Commission Chairman George M. Stafford and enclosure, and relevant articles from the New York Journal of Commerce of February 25, 1972, and March 2, 1972.

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

S. 3717

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 "Regulated Carriers Minimum Insurance Requirements Act of 1972".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding at the end thereof a new paragraph as follows: "(14) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."; and

(3) That section 304 of the Interstate Commerce Act (49 U.S.C., sec. 904) is amended by adding at the end thereof a new paragraph as follows: "(f) The Commission shall have the authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a transportation service subject to this part is performed."

(4) The provisions of this Act shall take effect upon enactment.

SECTION-BY-SECTION ANALYSIS

S. 3717—CARGO INSURANCE REQUIREMENTS

Section 1—Short Title.

Section 2. This Section sets forth a new paragraph (14) to be added at the end of section 20 (49 U.S.C. sec. 20) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rule and regulations governing the mandatory filing with it by railroads and express companies subject to part I of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by railroad and express companies the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part I of the act.

Section 3. This section sets forth a new paragraph to be added at the end of section 304 (49 U.S.C. sec. 904) of the Interstate Commerce Act. The new paragraph authorizes the Interstate Commerce Commission to prescribe reasonable rules and regulations governing the mandatory filing with it by water carriers subject to part III of the act of surety bonds, policies of insurance, qualifications as self-insurers, or other securities or agreements for the protection of the public against loss of or damage to property transported by them. This authority will enable the Commission to extend to shippers and receivers of freight by water carrier the same protection against cargo loss and damage and in the same manner as now is provided to those utilizing the services of motor carriers and freight forwarders subject to parts II and IV, respectively, of the act.

The new paragraph also authorizes the Commission to set reasonable monetary standards for surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements it requires to cover loss or damage to property transported by carriers subject to part III of the act.

Section 4. Provides that the Act shall take effect upon enactment.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., February 24, 1972.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: This Commission is alarmed by the mounting frustration and dissatisfaction associated with cargo loss and damage claims involving carriers subject to our regulation. Indeed, during the period January 1969 through March 1970 we received 25,294 individual pleas for assistance concerning various facets of the problem. We were also deeply concerned when associations of railroads, motor carriers, and freight forwarders adopted, on their own, rules purporting to restrict their members' liability on cargo claims for concealed loss or damage.

As a direct result of these concerns, we instituted an investigation specifically designed (1) to inquire into the nature of all claims rules and practices of regulated carriers; (2) to investigate the effect of such rules and practices; (3) to determine this Commission's jurisdiction with respect thereto; (4) to consider whether we should adopt rules and regulations governing these and other matters relating to the handling and processing of loss and damage claims; and (5) to take such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require.

I am pleased to enclose a copy of our completed report in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims,* which thoroughly treats the above-mentioned considerations. Also enclosed is a copy of our news release of this date concerning the report.

Drawing on the full measure of the powers conferred upon this Commission by the Congress, we have prescribed claims-processing standards to be observed by regulated carriers. Under these standards, carriers are required to acknowledge receipt of each loss and damage claim and to complete the investigation and disposition of claims promptly. Carrier rules and practices contrary to or inconsistent with their duties as regulated carriers are found to violate the Interstate Commerce Act and are ordered discontinued. Further, carriers have been ordered to file for review by this Commission any rules and regulations they may promulgate concerning the processing of loss and damage claims and any agreements with respect to claims matters.

Perhaps the most compelling and troublesome issue presented in Ex Parte No. 263 is the injustice inherent in the inability of shippers and receivers of freight to obtain prompt and effective redress for disputed claims attributable to lost or damaged shipments. The major quarrels shippers and receivers have with the presently available judicial avenue to an impartial determination as to the merits of a disputed claim include: (1) the overall cost of litigating a claim usually exceeds the amount recovered; (2) it is frequently necessary to engage an attorney whose fee alone may well exceed the amount in controversy; (3) attorneys' fees are presently not recoverable in claims litigation; (4) since the average amount in dispute is usually less than $100, there is an open invitation to the unscrupulous to unfairly decline responsibility for damage on the theory that the claimant cannot afford to litigate the matter; (5) personnel in key production positions can seldom be spared to testify in court trials; (6) the length of time required to conclude litigated claims occasioned by heavily congested court dockets results in a significant burden; (7) courts with their jurisdictional boundaries are unable to direct a meaningful nationwide effort to improve the cargo claims situation; and (8) strict accountability for cargo claims is most difficult, if not impossible, to achieve.

After exploring the possible alternatives to the vexing problems described above, including compulsory arbitration and no-fault insurance, we concluded that disputed claims should be submitted for determination by this Commission in the first instance under a simplified procedure. Such determination would be based principally upon documentary evidence in order that the expenses, attorneys' fees, and lost production time of key personnel necessitated by presentation of evidence in court or before an arbitrator could be avoided. As a positive adjunct to this procedure, meaningful data on claims could be gathered and electronically catalogued in order to define particular problem areas. On the basis of this information particularized claim-prevention programs could be implemented on a national scale.

A specific legislative recommendation is made a part of the report (see Appendix F, Part 1) which, if enacted into law, would vest in this Commission authority to adjudicate in the first instance all unresolved cargo loss and damage claims filed against carriers subject to the Interstate Commerce Act. In the manner more fully described in the report, the prompt, impartial adjudication of cargo claims and electronically cataloguing claims data can serve a threefold purpose: It would provide an effective legal remedy to claimants where none now exists; the administration of justice would be more efficiently achieved in a factually technical area of civil litigation; and valuable data could be gathered on a national scale which may be employed to develop a national policy with respect to the prevention of cargo loss and damage claims and the consequent waste of our Nation's resources.

While this Commission is convinced of the need to adopt the proposed bill vesting claims jurisdiction in it, the task cannot, in all candor, be undertaken with our current manpower and budgetary resources. Without tools commensurate to the task, we could not be expected to achieve any worthwhile or lasting improvement in the perennial loss and damage claims problem.

In a second specific legislative recommendation, the Commission places before the Congress for its consideration, a proposal to allow this Commission to adopt regulations to require maintenance by rail and water carriers subject to the Act of adequate insurance to protect the shipping public for loss and damage claims. Pursuant to existing authority this Commission presently requires motor carriers and freight forwarders subject to parts II and IV of the Act to maintain sufficient insurance in this respect; the proposed legislation (Appendix F, part 2) would extend the power to carriers subject to parts I and III of the Act. In other portions of our report we reiterate our position on attorneys' fees legislation which already is well known to the Congress, pitfalls of creating courts of limited jurisdiction to deal with cargo claims matters are examined; we pledge to institute a rulemaking proceeding for the purpose of investigating reasonable dispatch in the transportation of perishable commodities; and the practices of carriers in inspecting commodities and packaging when they are involved in concealed loss and damage claims are analyzed.

Many of the inquiries you may have received from your constituents have been answered or commented upon in the enclosed report. To the extent, however, that the powers of this Commission do not go far enough to provide effective remedies for dealing with the discontent that prevails throughout the country in these cargo claims matters, this Commission has endeavored to meet its duty to the Congress and the public by responding to what it concludes is a public demand and need for remedial legislation in the claims area.

If you have questions not covered by this letter, I shall be happy to forward a prompt reply.

Sincerely yours,

GEORGE M. STAFFORD, *Chairman*.

NEW RULES ADOPTED FOR LOSS AND DAMAGE; COMMISSION REQUESTS STRONGER AUTHORITY

Interstate Commerce Commission Chairman George M. Stafford announced today (February 24, 1972) the development of a dual program—regulatory as well as legislative—designed to resolve the mounting problems shippers are facing in having their loss and damage claims processed by the various carriers the Commission regulates. Amounting to more than $300 million yearly, loss and damage of cargo during transit has reached crisis proportions in recent months.

In a comprehensive report and order in Ex Parte No. 263, *Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims*, the Commission said that rules adopted by groups or associations of carriers to restrict their lability on claims for concealed loss and damage are unlawful. Accordingly, the Commission today set down a series of its own regulations which prescribe the form in which claims are to be handled. The new rules, which are to take effect April 21, direct carriers to:

Acknowledge receipt of each loss and damage claim;

Investigate the claim promptly;

Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay in making a final disposition.

Additionally, the new regulations require all carriers to maintain complete records of salvage they obtain from shipments damaged in transit and to account for all money recovered from the sale of such salvage.

While the new rules are designed generally to tighten the processing of loss and damage claims, the Commission said it will ask Congress for statutory authority to adjudicate a claim whenever a shipper and carrier are unable to reach agreement. The legislative proposal was conditioned, however, on the need for the Commission to be given an adequate staff and budget to carry out the task.

Should the legislation be enacted, the Commission said it will be able to arrive at a prompt determination on the merits of a loss and damage dispute when it arises. In most instances this would be done through the submission of documentary evidence only, without the need for a hearing. Such a process would contrast markedly with the present practice of a party having to go to court, a procedure that is both costly and time-consuming.

In a second legislative recommendation, the Commission asked Congress for authority to issue regulations requiring railroads and water carriers to maintain adequate cargo insurance to protect the public in loss and damage claims. Currently, only motor carriers and freight forwarders are fully insured.

Finally, the Commission promised to institute an investigatory rulemaking proceeding looking to the overall adequacy of service in the transportation of perishable commodities. At issue is whether the term "reasonable dispatch" should be defined as it relates to the transportation of perishables.

Today's action was by a unanimous decision of the 11-member Commission. Commissioners Kenneth H. Tuggle, Laurence K. Walrath and Dale W. Hardin did not concur in the first legislative proposal.

[From the New York Journal of Commerce, Feb. 25, 1972]

INDUSTRY'S CARGO CLAIM PLAN RAPPED

(By William A. Martin)

WASHINGTON, February 24.—The Interstate Commerce Commission ruled unlawful today a plan of the surface transportation industry to limit liability for concealed loss and damage of goods to less than 100 per cent of their value and asked Congress for the right to adjudicate claims.

The decision is expected to be opposed in the courts by the surface carriers. The decision also is expected to have a profound effect on all elements of the business community.

ECONOMIC LEVERAGE

The regulatory agency pointed out that the carriers often use their economic leverage against small businesses in settling claims for concealed loss and damage, or disregard the claim, and the issue has now reached crisis proportions.

Industry figures show that about $300 million in cargo is lost or damaged each year, and in 1969 the surface carriers paid out over $47 million in claims. The railroads handle about 2.5 million claims a year, and the trucking industry handles close to 1 million claims.

To help stem this problem, the regulatory agency established new rules for concealed loss and damage claims, effective April 21. The ICC directed the carriers to:

—Acknowledge the receipt of each loss and damage claim;

—Investigate them promptly;

—Dispose of the claim within a specified time, or inform the claimant of the status of the claim and explain the reason for the delay.

—Maintain complete records of salvage they obtain from the shipments damaged in transit, and account for all money recovered from the sale of such salvage.

"REASONABLE DISPATCH"

The agency agreed to institute an investigation into the overall adequacy of transportation for perishable commodities, and define the term "reasonable dispatch."

In addition, the ICC agreed by an 8 to 3 vote, to ask Congress for authority to adjudicate a claim whenever a shipper and carrier are unable to reach an agreement, such authority, the agency said, would be done without oral hearings, and speed up the process.

A second legislative recommendation to Congress made today involved the requirement that railroads and water carriers maintain adequate cargo insurance to protect the public in loss and damage claims. Currently only motor carriers and freight forwarders are fully insured.

Commissioners Kennety H. Tuggle, Laurence K. Walrath, and Dale W. Hardin agreed with the other commissioners on all points except the adjudication of claims.

The law specifies that surface carriers are liable for 100 per cent of the damage caused by them. There are exceptions.

As practiced by the railroad industry, the carriers have no set rules but establish maximum liability based on the value of the shipment. The motor carrier industry works under the same guideline (a released rates order) and limits liability to the value of the property.

INCREASED PREMIUM

Household goods carriers, generally speaking, set their liability at 60 cents per pound of the shipment, unless otherwise indicated at the time of the shipment. A higher coverage carries with it an increased premium.

Freight forwarders, airlines, and express companies limit liability to 50 cents per pound for the shipment, with provisions for additional coverage in increments of $100.

The ICC case was initiated in 1969 when the surface carriers attempted to lower their liability obligations. The railroads established rules in June 1969, setting the liability at 50 per cent of the proven net monetary loss. The rules went into effect on Aug. 1, 1969 and were withdrawn five months later.

The freight forwarders and motor carriers attempted to prorate the liability based on the number of carriers who participated in the movement. The motor carriers sought

the 50 per cent loss limit and wanted 15 days to inspect the concealed damage.

The agency rejected a suggestion that a system of no-fault insurance be established to deal with the concealed loss and damage problems.

LOSS OF MOTIVATION

"Perhaps the greatest detriment . . . that we can foresee is that in implementation of a no-fault insurance plan for loss and damage claims, there may well be a loss of some motivation on the part of the carriers to attempt to prevent claims," the agency said.

The agency rejected all requests for exceptions to the ruling.

The two-year investigation pointed to many shortcomings in the way the transportation industry handles claims, the ICC said.

Among these were coercion of shippers, duping of small businesses, foot-dragging, and self-deception.

"To calculate a degree of liability less than full net loss without the benefit of established facts is a substantial barrier to the provision of adequate service," the report said.

The ICC said the carriers cannot expect the loss and damage claims problem to decrease, nor the problem of organized crime and hijacking to slow down, unless the carriers tried to face the problems, rather than turn away from them.

The new rules and legislative proposals are an attempt to do that, the agency said.

RULING ON CLAIMS CALLED "NEW ERA" FOR U.S. SHIPPERS

The executive vice president of the National Association of Wholesalers-Distributors says the Interstate Commerce Commission has opened a "new era" for shippers by outlawing certain carrier rules on settlement on concealed loss and damage claims. The rails, truckers and freight forwarders had proposed rules to limit their liability for concealed loss and damage claims. The regulatory agency struck down the proposal last week.

"In its findings the ICC clearly identified the legal obligations of carriers to fairly and promptly act on all loss and damage claims submitted by shippers and consignees," said William C. McCamant, executive vice president of the NAWD.

"We note with great satisfaction that the ICC will not tolerate an arbitrary 15-day limit for the filing of requests for inspection of concealed damages. In the normal stream of commerce, many cartons are not opened until after several months. The denial of every consideration of these claims was arbitrary and never authorized by law," Mr. McCamant said.

The wholesalers' association filed suit in U.S. District Court in Washington a couple of years ago against the American Trucking Assns. over the issue. The association is studying the effect of the ICC decision on its pending legal action.

"Certainly, if the carriers relied on illegal rules as a basis for settlement, as they have indicated in thousands of cases, there is a need for reexamination," Mr. McCamant said.

The wholesalers-distributors group is composed of 78 national commodity line wholesaling associations representing over 26,000 wholesalers-distributors over the country.

S. 3718

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 "Claims Adjudication Act of 1972".

(2) That section 20 of the Interstate Commerce Act (49 U.S.C., sec. 20) is amended by adding a new paragraph at the end thereof as follows:

"(13) Notwithstanding any other provisions of the Interstate Commerce Act, all actions brought under and by virtue of paragraph 20(11) of that Act against a carrier (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor, and the order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided*, That issues arising in the determination of such actions shall be determined in the most expeditious manner and, so far as practicable and legally permissible, without formal hearings or other proceedings: *And provided further*, That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, and any aggrieved party shall, upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(3) That section 219 of the Interstate Commerce Act (49 U.S.C., sec. 319) is amended by deleting therefrom the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(4) That section 413 of the Interstate Commerce Act (49 U.S.C., sec. 1013) is amended by deleting therefrom in the two places in which they appear in the first sentence of that paragraph the words "and (12)," adding a comma after the words "section 20(11)," and inserting after that comma the words "(12), and (13)."

(5) That the Harter Act (46 U.S.C., secs. 190–196) is amended by adding a new section at the end thereof, as follows:

"Sec. 197. All actions brought to recover the value of property lost, damaged, injured, or delayed while being transported by a carrier subject to part III of the Interstate Commerce Act (except those that may also include claims for the recovery of attorneys' fees) shall be brought in the first instance only before the Interstate Commerce Commission by the filing of a complaint in writing setting forth therein the nature of the action and the amount of money claimed therefor. The order of the Interstate Commerce Commission thereon shall be binding upon all parties to such disputes unless otherwise revised on judicial review: *Provided*, That in all actions filed with the Interstate Commerce Commission in accordance with this paragraph, appellate review of the orders of the Commission issued to dispose of such matters shall only be by a district court of the United States in a district through or into which the defendant carrier operates, any and aggrieved party shall upon request timely made to the court, receive an opportunity for a trial before a jury as to disputed issues of fact."

(6) There are authorized to be appropriated for the purposes of this Act, such sums, not to exceed $3,000,000 for each fiscal year.

(7) The provisions of this Act shall take effect six months after the date of its enactment.

SECTION-BY-SECTION ANALYSIS

S. 3718. Adjudication of Claims by the Interstate Commerce Commission.

Section 1. Short Title.

Sec. 2. This section adds a new paragraph (13) at the end of section 20 (49 U.S.C., sec. 20) of the Interstate Commerce Act to require all actions against carriers to recover for the loss, damage, or injury to a shipment transported in interstate or foreign commerce, except those in which an award of an attorney fee is also sought by the complainant, to be brought in the first instance by filing a written complaint therefor with the Interstate Commerce Commission.

The section to be added vests in the Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires cargo claims disputes to be processed by the Commission in the most expeditious manner, and, where practicable and lawful, on documentary evidence without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Sec. 2. This section amends section 219 (49 U.S.C. sec. 319) of the Interstate Commerce Act. That section now provides that sections 20 (11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to motor carriers subject to part II of the act, and the amendment merely extends the applicability of the new subsection 20(13) to those carriers.

Section 3. This section amends section 413 (49 U.S.C. sec. 1013) of the Interstate Commerce Act. That section now provides that sections 20(11) and (12) and other provisions of part I of the act as are necessary for the enforcement thereof, are applicable to freight forwarders subject to part IV of the act. The amendment merely extends the applicability of the new subsection 20(13) to freight forwarders.

Section 4. This section adds a new paragraph, to be designated section 197, at the end of the Harter Act (46 U.S.C. secs. 190–196), to require that (except with respect to those actions in which an attorney's fee is also sought by the complainant) all actions against a carrier subject to part III of the Interstate Commerce Act to recover the value of property lost, damaged, injured, or delayed while being transported by such carrier, shall be brought in the first instance only before the Interstate Commerce Commission and by the filing of a written complaint therefor with the Commission.

This section vests in the Interstate Commerce Commission exclusive jurisdiction initially to determine the merits of liability and damages in cargo claims disputes and subjects those determinations to judicial review. It is also established in the new section that Commission orders conclusive of the issues in cargo claims disputes shall be binding upon the parties thereto unless reversed on judicial review.

The new section also requires that cargo claims disputes are to be processed by the Commission in the most expeditious manner, and where practicable and lawful, without a hearing. Finally, the new section preserves to the parties their constitutional right to a trial of factual issues before a jury, on appeal, which must be taken to a United States district court in a district through or into which the defendant carrier operates.

Section 6. Authorizes to be appropriated $3 million dollars for each fiscal year.

Section 7. Provides that the act shall take effect 6 months after enactment.

By Mr. HARTKE:

S. 3719. A bill to provide for the licensing of motor vehicle repair shops and damage appraisers in order to insure the safe repair of motor vehicles, improve the technical competence of the Nation's

automotive safety mechanics, and for other purposes. Referred to the Committee on Commerce.

MOTOR VEHICLE REPAIR INDUSTRY LICENSING ACT

Mr. HARTKE. Mr. President, in recent years the motoring public has been expressing dissatisfaction with the quality of motor vehicle repairs. Over 80 million automobiles now operate on the streets and highways of the Nation. A motor vehicle is almost a necessity to meet the needs of mobility, not only for business and industry but for modern family life. The Congress has, on many occasions, indicated its interest in advancing motor vehicle safety, in increasing the availability of transportation facilities and in reducing the economic cost of motor vehicle transportaton. The National Traffic and Motor Vehicle Safety Act of 1966, and the Highway Safety Act of 1966 are two great landmarks of Federal legislation. Both the Senate and the House have, in the last few months, passed bills regarding the design of motor vehicle standards in order to reduce economic loss which stems from motor vehicle collisions. Further, various committees of the Congress have, for the past 2 years, been considering legislation regarding motor vehicle insurance in order to reduce the cost thereof, and avoid lengthy court proceedings in order to speed payment of benefits to those who have suffered either personal bodily injury or motor vehicle damage.

Each of these pieces of legislation—those enacted and those now under consideration—meet certain specific needs of the motoring public.

There is also another basic area, however, which is in need of legislation and today I am introducing the Motor Vehicle Repair Industry Licensing Act. This bill will encourage each of the States to provide a procedure for the licensing of all motor vehicle repair shops and all individuals who are engaged in the business of appraising the extent of collision damage to motor vehicles. Therefore, we are involving not only the automotive repair industry but the many insurance companies which sell insurance to the motoring public and who pay either the cost of repair of the insured's damaged vehicle or assume the liability that the insured may incur when his vehicle damages other property, especially other motor vehicles.

Over the years, there has been considerable controversy regarding procedures followed by the insurance companies settling claims for damage to motor vehicles. In hearings held in 1969, and 1970, before the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, representatives of the insurance industry set forth many charges regarding the rapid increase in the cost of repair of motor vehicles. At the same hearings, representatives of the independent garage industry have expressed their dissatisfaction with the insurance companies regarding the appraisal methods and techniques used for the determination of payments for the repair of motor vehicles. There is no need to recite the details of charge and countercharge because it is evident that the victims of these continued, unsettled controversies are the vehicle owners who have paid the insurance companies premiums for financial protection and must drive the vehicles after they have been repaired by motor vehicle repair shops. The bill I am introducing is designed to establish a greater responsibility not only for motor vehicle repair shops but also for appraisers who assess damages. The time is long past due for Congress to legislate in this area. Studies of problems in the auto repair industry have been conducted by the Federal Trade Commission and the Department of Justice, but no administrative or regulatory resolution by these agencies is in sight.

There are approximately 400,000 establishments in the United States which service and repair motor vehicles. These shops are classified in the following categories: franchised new car dealers, service stations, general garages, autobody shops, auto paint shops, and specialty shops.

LICENSING OF AUTO REPAIR SHOPS

The bill provides that each State would require the licensing of any business entity which is engaged in business for profit in the repair of motor vehicles including repair as the result of collision or accident, major overhaul, repairs to drive train, brakes, steering and suspension systems, straightening frames, and similar work which is related to either safety or to the proper functioning of the engine and its exhaust systems. Excluded from the requirements of the bill would be the licensing of business entities engaged in the sale of gas or other motor fuels, lubricants, tires, batteries and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair and changing of tires, lubricating of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters.

Thus, the bill would require the licensing of all body repair shops, franchised dealer repair shops, general garages, and many specialty shops including paint shops, transmission shops, exhaust and muffler shops, and brake shops. Auto service stations which go beyond ordinary maintenance and engage in such work as brake linings, front-end alinements, and smiliar safety related activities, would be licensed under this bill.

During the past several years, I have on numerous occasions expressed my dissatisfaction with the failure of the Department of Transportation to issue safety standards for motor vehicles in use. The National Motor Vehicle and Safety Act enacted in 1966 contains a legislative mandate to the Secretary of Transportation to issue standards for vehicles in use not later than 2 years after enactment of the act, yet today, almost 6 years after enactment, the Department of Transportation still has not issued any standards for vehicles in use.

Congress has also enacted significant legislation regarding pollution by motor vehicles. Up to the present most attention has centered on standards for new cars requiring manufacturers of motor vehicles to certify that their products meet the requirements of the Environmental Protection Administration regarding the emission of visible smoke, nitrous oxides, carbon monoxide, and hydrocarbons. While motor vehicle manufacturers are required to warrant that their vehicles will meet such standards for a term of 5 years or 50,000 miles, whichever occurs the earliest, the motor vehicle owner is called upon to exercise proper maintenance. In addition, the States will be called upon to establish pollution-testing stations in order that those vehicles which, either through failure of design or through improper maintenance, are emitting pollutants above the level allowed, may be corrected. It is very important to the motorist to know that the correction of such defects can be made in shops that are licensed by the several States.

LICENSING OF MOTOR VEHICLE DAMAGE APPRAISERS

Despite all efforts to reduce the number of collisions on our streets and highways, there is still a vast number of collisions every day. The repair of most damaged motor vehicles is paid for through insurance. Upon having an accident, the policy holder calls his insurance company and arrangements are made for the damage of the vehicle to be appraised. Some insurance companies employ their own appraisers, while others use the services of individual appraisers or appraisal companies. Most often, arrangements are made for personal inspection of the automobile, but some appraisals are made through photographs and other methods not involving personal inspection of the damaged vehicle. Some insurance companies operate "drive-ins" where the vehicle, if in operating condition, is driven to a business location of the insurance company, where the appraisal is made, a check is given to the insured, and the insured in turn signs a release relieving the insurance company of any further liability regarding the damaged property. These appraisals are made, and these payments are given without any reference to any garage as to whether the vehicle can be repaired for the amount given to the insured. When such payments are inadequate, the insured is required to accept either incomplete repairs or pay the difference out of his own pocket.

The garage industry itself has long claimed that three or four insurance companies dominate vehicle insurance in each geographical area of the country. They have also asserted that these few dominant companies, which may control as much as 80 to 90 percent of the autobody repair work in a particular locality, are arbitrary in establishing the cost of repair and do not permit true competition among members of the industry in order to establish rates. The garagemen report that the insurance companies place their charges on a take-it-or-leave-it basis. On the other hand, the insurance companies have complained that some members of the garage industry have been engaged in efforts which restrain competition and increase prices.

In my view, there are three parties of interest in the repair of a damaged motor vehicle which is covered by insurance and all three parties deserve to be treated

fairly and squarely. First, there is the motorist who has paid his premiums as established by State insurance commissioners or boards, who deserves as a result of his payments to have his vehicle restored to the condition which existed prior to the collision. Second, there is the insurance company, which has the responsibility for paying for the damages and such payments should be fair and just. Third, there is the motor vehicle repair shop, usually a body repair shop or a franchised dealer repair shop, which must perform the repair work for the insured motorist but which is paid for by the insurance company. A high level of competence is required to restore the motor vehicle to safe operating condition. Further, the repair garages should not be returning cars to the road until they have been restored to a safe operating condition. They, too, must have their standards of competence and of safety.

Therefore, I view the motor vehicle damage appraiser in the role of impartial umpire and, as such, he has responsibilities to the three parties of interest in the dispute. At the present time, several States have licensed motor vehicle damage appraisers. There are: Connecticut, Delaware, Massachusetts, North Carolina, and Minnesota. Some of these States' laws require an appraiser to give a copy of his appraisal to the repair shop which makes the repairs, and to the insured. This appraisal must give an outline listing all of the damages and specify those parts to be replaced or repaired. The Delaware law states:

Because an appraiser is charged with a high degree of regard for the public safety, the operational safety of the vehicle shall be paramount in considering the specification of new parts. This consideration is vitally important where the parts involved pertain to the drive train, steering gear, suspension units, brake systems, or tires.

The Connecticut law, enacted in 1970, requires that:

Each appraiser shall (1) conduct this in such a manner as to inspire public confidence by fair and honorable dealings, (2) approach the appraisal of damaged property without prejudice against or favoritism toward any party involved, in order to make an impartial appraisal, (3) disregard any efforts on the part of others to influence his judgement in the interest of the parties involved, (4) prepare an independent appraisal of damage.

My bill defines a motor vehicle damage appraiser as "any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit." Under the licensing system each State would require motor vehicle damage appraisers to furnish to the State agency or authority his name, address, educational background or training, the number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop. Further, it would require the damage appraisers to provide a written estimate of cost and services to any person to whom they furnish services.

It is my hope that this bill will establish new standards of responsibility for motor vehicle damage appraisers. While each State regulates insurance, there is relatively little regulation of claim settlements. The motoring public needs the very valuable services of the insurance companies and of the motor vehicle repair shops. Congressional establishment of the concept of public service of damage appraisers will go a long way to remove the misunderstandings between the insurance industry and the repair industry—misunderstandings which only hurt the motorist in the final analysis.

Mr. President, a recent study indicating that, during a driving lifetime, the average motorist will have at least one accident. If this be the case, the Motor Vehicle Repair Industry Licensing Act is designed at assure that the motorist has his car repaired by a reputable shop, that he pays a fair price, and that the repairs are performed in a safe and proper manner. It seeks to insure the maintenance of high industry standards, thus promoting greater public trust. Above all, this legislation will mean the savings of tens of millions of dollars which are now being misspent on faulty or fraudulent repairs.

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

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

S. 3719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Repair Industry Licensing Act".

SEC. 2. It is the purpose of this Act to encourage the States to provide a procedure for the licensing of shops which are involved in the repair of motor vehicles and of individuals who are engaged in the business of appraising the extent of damage to motor vehicles.

SEC. 3. (a) As used in this Act—

(1) the term "motor vehicle repair shop" means any business entity which is engaged in business for profit in maintaining or repairing motor vehicles, including repairs as a result of a collision or accident, major motor overhaul, repairs to drive train, straightening frames and similar work.

(2) the term "motor vehicle repair shop" does not include business entities engaged in the sale of gasoline or other motor fuel, lubricants, tires, batteries, and accessories, and the furnishing of goods and related services in performing such ordinary maintenance as repair or changing tires, lubrication of motor vehicles, the installation and adjustment of spark plugs, or the changing of oil filters, unless such business entity is also engaged in the activities set forth in paragraph (1) above.

(2) the term "motor vehicle damage appraiser" means any person who appraises damaged motor vehicles or estimates damages to motor vehicles and who is in business for profit;

(3) the term "Secretary" means the Secretary of Transportation; and

(4) the term "State" means the several States of the United States and the District of Columbia.

(b) Nothing in this Act applies to—

(1) any individual who is an employee of a motor vehicle repair shop;

(2) any person who is engaged in the business of maintaining or repairing the motor vehicles of a single commercial or governmental entity or two or more such entitles which are related by common ownership, affiliation, control, or otherwise.

SEC. 4. The Secretary is authorized to furnish financial assistance to any State if he determines that such State has adopted and is carrying out a program for the licensing of motor vehicle repair shops and motor vehicle damage appraisers which meets the requirements of section 5 of this Act. Upon the approval of any application by the Secretary, the Secretary may pay to the State an amount not to exceed 80 per centum of the cost, as determined by him, of such State in any fiscal year in carrying out the program. Payments under this section may be in advance or by way of reimbursement.

SEC. 5. To be eligible for assistance under this Act, a State shall adopt a program which—

(1) establishes a State agency or authority responsible for the licensing of motor vehicle repair shops and motor vehicle damage appraisers, for annual renewals of licenses, and for the investigation and processing of complaints concerning the performance of activities subject to the program by persons licensed thereunder;

(2) requires each motor vehicle repair shop doing business in that State to furnish annually to the State agency or authority the name and address of the owner of the shop, the address of each location at which the repair shop does business, the number of employees, and the type and volume of work performed at each location during the preceding year;

(3) requires each motor vehicle damage appraiser doing business in that State to furnish the State agency or authority with his name, address, educational background or training, number of years of experience as a motor vehicle damage appraiser, and any commercial relationship with any motor vehicle repair shop;

(4) requires motor vehicle repair shops and motor vehicle damage appraisers to provide a written estimate cost of services to any person to whom they furnish services;

(5) requires each motor vehicle repair shop to secure written authorization for the performance of repairs or maintenance if the estimated cost of such repairs or maintenance exceeds $25; and

(6) provides for appropriate sanctions and penalties, including license suspension or revocation, for any person who fails to comply with the requirements of the program.

SEC. 6. (a) The Secretary shall prescribe regulations to carry out the provisions of this Act not later than January 1, 1974.

(b) On July 1, 1975, the Secretary of Transportation shall reduce by 10 percent the amount available for expenditure from the Highway Trust Fund for highway construction in any State which has not adopted a program which meets the requirements of section 5 of this Act. Any reduction under this subsection shall be in addition to any other reduction or limitation provided for by law.

SEC. 7. The Secretary, after consultation with the Secretary of Labor, is authorized to furnish technical and other assistance to encourage the States to establish and conduct manpower training programs for persons engaged in activities subject to this Act, and notwithstanding section 4(b)(1), for the employees of such persons, in order to assure the availability of qualified personnel to facilitate the application of advanced technology to the motor vehicle repair industry.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. CANNON), the

Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2837

At the request of Mr. PELL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2837, a bill to improve museum services.

S. 2854

At the request of Mr. BURDICK, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 2854, a bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

S. 3327

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) and the Senator from West Virignia (Mr. RANDOLPH) were added as cosponsors of S. 3327, the health maintenance organization and resources development bill.

S. 3538 AND S. 3539

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 245

At the request of Mr. RANDOLPH, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 245, to designate the calendar month of September 1972 as "National Voter Registration Month."

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1242 AND 1243

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

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF RECONVENING OF HEARINGS ON GEOTHERMAL ENERGY RESOURCES AND RESEARCH

Mr. BIBLE. Mr. President, on Thursday, June 22, the Interior and Insular Affairs Committee will reconvene hearings on the potential of our Nation's geothermal energy resources as a source of electrical power. The purpose of this hearing, which is being held pursuant to Senate Resolution 45, which authorizes a study of national fuels and energy policies, is to receive testimony from Dr. Gerald Johnson, Director of the Division of Applied Technology, Atomic Energy Commission, and Dr. Alfred J. Eggers, Jr., Assistant Director for Research Applications, National Science Foundation, on the potential of the geothermal energy resource in the United States.

This hearing is a continuation of the Interior Committee's hearing at which representatives of the Department of the Interior, Dr. Robert Rex of the University of California at Riverside, and Mr. Donald H. Stewart of the Battelle Northwest Laboratories presented testimony regarding the potential of and research on geothermal energy resources.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA YOUTH ACT OF 1972

Mr. TUNNEY. Mr. President, I wish to announce 2 days of hearings by the Subcommittee on Public Health, Education, Welfare and Safety of the Senate District of Columbia Committee on S. 2693, the District of Columbia Youth Act of 1972.

The hearing on Tuesday, June 20, 1972, will begin at 9:30 a.m. and the hearing on Wednesday, June 21, 1972, will begin at 10:30 a.m. Both days of hearings will be held in room 6226, New Senate Office Building.

Persons interested in testifying on this bill should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

INADEQUATE SOCIAL SECURITY BENEFITS

Mr. MONDALE. Mr. President, the 10-percent increase in social security benefits recommended by the Committee on Finance is completely inadequate to meet the real and pressing needs of elderly Americans.

The Finance Committee's action is a serious blow to those Americans dependent on social security who are already struggling to make ends meet. Because of inflation—and its particularly heavy impact on those living on fixed incomes—a 10-percent increase is almost no increase at all.

In my own State, existing social security benefits are tragically inadequate:

Of the 400,000 elderly Minnesotans receiving social security, more than 30 percent now get less than $100 per month.

The average benefit in Minnesota is only $128 per month, which is 25 percent of what most workers earn before they retire.

Furthermore, there are approximately 40,000 Minnesotans who now receive no more than the existing minimum benefit of $70.40 per month. Those in this category who do not qualify for the special minimum benefits approved by the Finance Committee will receive an increase of only 5 percent—from $70.40 to $74 per month.

Considering the fact that 30 percent of Minnesota's retired couples and 50 percent of Minnesota's widows have no other income but social security, these terribly low payments mean that many of our elderly face a bleak and difficult existence.

The hardships faced by these Minnesotans are no different from those experienced by millions of other Americans. That is why the President's own White House Conference on Aging strongly recommended a 25-percent increase in social security benefits.

I have introduced legislation to implement this recommendation and to provide a $100 minimum benefit for all recipients. But, at the very least, the Senate should accept nothing less than the 20-percent increase called for in legislation introduced by the Senator from Idaho (Mr. CHURCH) and cosponsored by myself and many other Senators. Anything less than this 20-percent figure will do little to help elderly Americans lead a more secure and dignified life.

It is therefore imperative that the full Senate reject the Finance Committee's 10 percent recommendation—and approve an increase in social security benefits which is equitable and just. I will do everything I can to assure that Congress fulfills its responsibility to America's senior citizens.

FOREIGN FLEETS HAMPER ALASKA FISHING DEVELOPMENT

Mr. STEVENS. Mr. President, last week, I received a telegram from the city of Toksook Bay, on Nelson Island, in the Yukon-Kuskokwim delta of western Alaska asking me to take immediate action against Japanese fishing fleets which were fishing in Alaskan waters. The telegram said: "because they will take all our herrings."

The concern that prompted that request was not groundless. On May 27 the Coast Guard received reports from National Guard units that four or five vessels, "much larger than tankers," were near Nelson Island. One was anchored at approximately 3 to 5 miles from shore. They were later identified as part of the Japanese herring fleet.

In recent years the herring catches of large Soviet and Japanese fleets in the Bering Sea have increased alarmingly. Herring is the No. 1 fishery resource of the Arctic; and a settlement of the Alaskan Natives claim in December of 1971 makes possible the development of this fishery. But, foreign fleets, unencumbered by restrictions which we place on our own fishermen, operating without research or conservation measures as to levels of catch, are depleting those resources and greatly hindering the future development and expansion of our domestic fisheries. In 1970, the Soviet-Japanese trawl fishery took 166,000 metric tons of herring from the Bering Sea. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons.

Today 15 Japanese vessels are taking herring in that same area. Sixteen Russian, 134 Japanese and one Korean are taking groundfish in the Bering Sea. Three Japanese are taking snails just off the Pribilof Islands. Forty Japanese are taking crab north of Unimak. One hundred and twenty-eight Japanese are fishing for salmon on the other side of the international dateline, just south of the Aleutian chain. Thirteen Russian and 27 Japanese are taking black cod and perch along the shoreline of the Gulf of Alaska.

Alien fishing fleets are taking more

than 3 billion pounds of fish every year from waters off Alaskan shores. American fishermen take about 500 million pounds. Thus, foreign fishing fleets are taking an average of six times as much of our fish resources as we are.

The impact of this enormous catch cannot be ignored. It is severely damaging existing resources and it poses a serious threat to future development and expansion.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Wallace H. Noerenberg, until recently the commissioner of the Alaska Department of Fish and Game, which appeared in a publication of the State Department of Fish and Game. The article describes in detail the concern of Alaskans and the fishing industry over the foreign fleets that are hampering Alaska fishery development.

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

FOREIGN FLEETS HAMPERING ALASKA FISHERY DEVELOPMENT

(By Wallace H. Noerenberg, Commissioner, Alaska Department of Fish and Game)

Foreign fleets fishing off Alaska are greatly inhibiting the future development and expansion of the state's domestic fisheries and the tendency of these fleets to overfish most stocks is causing great concern to the industry.

The seriousness of the problem becomes apparent when the magnitude of the foreign catch is understood. Catches by Canadian, Japanese, Russian and South Korean fleets off Alaska currently exceed three billion pounds per year, while the domestic Alaska catch by U.S. fishermen is about 500 million pounds.

Thus, the foreign fleet catch is on the average about six times larger than the domestic catch in gross tonnage. The value of the domestic catch is greater, however, because of the emphasis on different species.

The impact of this enormous foreign catch cannot be ignored. In many cases it is severely damaging existing domestic fisheries and it also poses a serious threat to their future diversification and expansion.

An examination of the activities of foreign fleets shows that they are now directly competing with U.S. fishermen for salmon, king and tanner crab, herring, shrimp, black cod and halibut.

In the salmon fishery, the Bristol Bay sockeye run has been a consistent target of the Japanese fleet since the end of World War II. The Japanese catches of Bristol Bay sockeye average about three million salmon per year, which at times is equivalent to half the allowable catch from the run.

The Japanese sockeye fishery has caused consistent hardship to the Bristol Bay fishermen in terms of general income potential and closed seasons in years of low run forecasts. It also makes it extremely difficult for the management agency to uniformly procure escapement goals in the 10-river spawning complex.

Japanese fisheries also are having an impact on Alaskan salmon stocks of the Bering and Chukchi seas north of Bristol Bay. Lack of research in appropriate zones on king, chum and coho salmon has resulted in a serious void as to the extent of Japanese interception of these stocks which are so vital to the native economy.

This highly complicates inshore management and, even more important, threatens the expansion of the economy of the natives of the area, who make up one of the most disadvantaged human populations in North America.

Concern over the Canadian salmon fisheries centers on the expanding chinook and coho troll fisheries off the Southeastern Panhandle, the explorations by portions of the same fleet off Central Alaska and inshore net fisheries of northern British Columbia which are capable of intercepting enormous numbers of Ketchikan district pink, chum and sockeye salmon. Current rehabilitation efforts on all of these target species may well be hampered by Canadian fishing efforts.

Foreign fisheries for king and tanner crab interact with the domestic fleets only in the Bering Sea and eastern Aleutian Islands. In the southeastern Bering Sea alone, Japanese and Russian catches in some recent years have exceeded 30 million tanner crabs.

The United States has become the dominant user of king crab but marketing and processing problems on tanner crab have thus far kept a substantial competing U.S. effort out of the Bering Sea. We are extremely concerned that inadequate conservation measures by foreign fleets may result in depletion of the resources before U.S. fisheries, both in the Aleutians and Norton Sound, can develop.

Herring catches by a very large Soviet and Japanese trawl fishery in the central Bering Sea have increased alarmingly, with the 1970 catch estimated at 166,000 metric tons. A separate Japanese gill net fleet, fishing near Alaskan spawning grounds in Bristol Bay and Norton Sound in late spring, took about 6,000 metric tons in 1970.

Herring are the No. 1 fishery resource of the Arctic, and since Congress recently agreed to pay vast sums for native land claims settlements, major inshore development of this fishery might be expected.

But here again we find an expanding foreign fishery operating without associated research as to proper catch levels. Whether the native peoples will still have a resource to develop a few years from now is one of our most serious problems.

Foreign activities on pink shrimp have tended to decline since the U.S. declaration of the 12-mile contiguous fishery zone in 1966 but a substantial Soviet fishery persists each spring in the Peninsula and Kodiak areas. The expanding U.S. fishery is now moving toward these same grounds and the fisheries may overlap.

If the Russian fishery continues to decline and if the Japanese stay out of the fishery, little interaction is to be expected. Proper management of the much larger U.S. fishery is our key problem.

The domestic fishery on black cod in Alaska is presently very small, but many experts consider it to be a major target for productive expansion.

The Japanese are engaged in an enormous effort on black cod off northern Southeastern Alaska and Yakutat and a serious decline in that fishery would hamper plans by U.S. fishermen to exploit this resource.

The recent serious declines in the domestic halibut catch may be caused by incidental catches of halibut by foreign trawl fisheries targeting on other species.

This history of decline in the Gulf of Alaska is even more serious on the Bering Sea fishing grounds. Significant production there has all but ceased due to over-fishing by Japan in the early 1960s and the continued heavy incidental catches of juveniles by trawl fleets fishing other species.

Thus again we see that a great potential for U.S. fishermen, especially the developing native economy, has been frustrated by foreign fishery activities.

Alaska's long-range future lies in the wise management of its renewable resources and the largest of these—fisheries—has a bleak outlook because of foreign fishery activities and our general inability to effectively control them.

FUTURE OF MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, ALA.

Mr. SPARKMAN. Mr. President, due to the fact that the Apollo program will be completed when the last moon shot—No. 17—is made in December, a great many people in the Huntsville area have been very much concerned as to what the future of the Marshall Space Flight Center may be. In the Huntsville News of May 24, 1972, Phil Smith, a very fine staff writer of that paper, gave an account of a statement made by Dr. Eberhard Rees, the Director of MSFC, as to the future of space work at the Huntsville installation. I think it is a very fine and clear statement and reflects optimism on the part of Dr. Rees. I share fully his optimism.

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:

MSFC'S LAST RIF FORECAST BY DR. REES

(By Phil Smith)

Despite recent reduction in force notices, Dr. Eberhard Rees expressed optimism Tuesday for Marshall Space Flight Center's continuing operations.

Dr. Rees, who took over as director of the NASA-Marshall Space Flight Center succeeding Dr. Wernher von Braun in 1970, told Huntsville Rotarians that MSFC's role had changed but space work will go on.

Dr. Rees said he felt MSFC, the largest NASA employer in the nation, would receive at least one leading role in special projects coming in the future.

He said another anticipated RIF is expected in fiscal year 1973 which begins this summer. "Hopefully" he said, this will be the last RIF affecting Marshall which must reduce its employment ceiling to 5,341 by June 29.

Dr. Rees, noted throughout the world as one of the foremost authorities in rocketry, indicated the communications field might be the project in which MSFC receives the lead role. MSFC will also do performing and back-up work in numerous other areas.

NASA has but one more Apollo mission (No. 17) to work on for a December launch.

In line with President Richard Nixon's message in March, Dr. Rees said numerous studies and projects to relate to human and health needs are to be adopted by NASA workers at Marshall.

"Our responsibility will continue," said Dr. Rees. Work on Skylab begins in April of 1973. "Scientific and engineering data will be invaluable to the public welfare," Dr. Rees said of the Skylab project. A 4-story facility will be floated into space. Launch is scheduled for 1975.

Beginning in 1973, in the Skylab project, shifts will work night and day, he said.

A huge telescope (costing $700 million) which will be 40 feet in length and weigh 110 tons will be perfected by Marshall Center.

How big will the Huntsville-developed telescope be? Take an example. The telescope on Mount Palomar in California, now the largest in the world, can penetrate to 1.5 billion light years.

The LST (largest space telescope) to be developed here will penetrate to 12 billion light years . . . "almost to the end of the cosmos."

In the Space Shuttle program, Marshall will have the responsibility of developing a 10-story high liquid reservoir in the late 1970s project.

The direct benefits to improve life on earth?

To improve communications, to learn

more about environmental problems, ascertain more about metallurgy, engineering, and medicine to help man on earth, are involved, according to Dr. Rees.

Already, Marshall-NASA is working with TVA in studies of hydrology, with Birmingham in efforts to find ways to combat air-pollution and with TARCOG (Top of Alabama Regional Council of Governments) in numerous projects.

Dr. Rees said MSFC is "taking on a new image—a transition."

Further reductions in personnel not only will be painful, but will force NASA to do more with fewer people, Dr. Rees said.

OREGON COMMUNITY DEVELOPMENT PILOT MODEL

Mr. PACKWOOD. Mr. President, in view of the upcoming consideration of the Economic Opportunity Amendments of 1972 which contain therein a new community economic development title, I commend to the Senate a model project being implemented by the Oregon State Economic Opportunity Office to effect institutional change through a process of community development. I ask unanimous consent that the very exemplary statement of purpose and objectives of Oregon's Community Development Pilot Model be inserted in the RECORD along with the policy statement support of the Oregon Department of Human Resources.

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

COMMUNITY DEVELOPMENT PILOT MODEL, STATE ECONOMIC OPPORTUNITY OFFICE, SALEM, OREG.

STATEMENT OF PURPOSE

This project proposes to:

1. Develop with Federal, State, local agencies, and people a broad team approach assisting local people solve local problems;
2. Solidly establish CAAs into the planning and decisionmaking of their communities;
3. Bring the organized poor into local planning and decision-making;
4. Increase the level of public and private response to poverty problems;
5. Effect institutional change by bringing about greater responsiveness to community needs via A–95 and bring about the design of solutions by community people.
6. Train a cadre of sixty people capable of designing, administering, and evaluating training programs in local communities.
7. To bring about more efficient public services where they directly benefit the people.

STATEMENT OF OBJECTIVES

In the following ways this project will benefit the:

SEOO

1. Improve its credibility and visibility as a catalytic agent;
2. Develop closer ties and understanding with CAAs and local, State, and Federal governments;
3. Provide leadership in implementing the Sanchez memo of August, 1971;
4. Establish it as an action oriented agency.
5. Allowing the exhibiting of skills and flexibility.

DHR

1. Provide training of employes in community development techniques;
2. Improved community relationships;
3. Local support for its activities and plans.

CAA's

1. Community recognition and support;
2. Direct ties with state level decision-makers;
3. Understanding and involvement in the local decision-making process.
4. Survival as catalysts and social planners.

Local communities

1. An understanding of the formal and informal systems;
2. Better understanding of local and state planning resources.
3. Improved capability in dealing with human problems.
4. Involvement in the State and Federal goal setting process.
5. Better communications within the total community.

DEPARTMENT OF HUMAN RESOURCES POLICY STATEMENT SUPPORT

RATIONALE

Oregon Law of 1971, Chapter 319, directs the Director of the Department of Human Resources to coordinate and provide programs through existing agencies. It further provides that—division administrators submit such information, reports and documentation to the Director to enable him to—execute his responsibilities pursuant to this statute.

It is the purpose of this recommendation to provide the Director with the necessary information and documentation for the implementation of policy that will enhance the Department's efforts in its relationships with Oregon's communities.

BACKGROUND

In July of 1971, the Department commenced planning efforts to establish, in Malheur County, the Treasure Valley Migrant Center. To this end, much was made of the need for joint state-local planning. The community felt that it was not being meaningfully utilized as a co-planner, and resulted in strong local resistance to the Department's efforts. In November, the decision was made to provide the community with a direct link to planning efforts via the use of a coordinator. This effort proved successful and resulted in local support for the Center. The community development process used in that effort is now being proposed to become a part of Departmental policy.

IMPLEMENTATION

The task of human resource development embraces a vast array of separate programs with little coordination. This has been the result of developing separate programs aimed at meeting specific needs. The time has now come to adopt a more comprehensive approach.

Only limited results can be achieved by relying on the often tried methods of coordinating existing services on a voluntary basis. Ultimately, what is needed is some form of corporate organization (e.g. COG) designed to plan and deliver comprehensive, integrated services at a community level.

The goals of human development embrace a vast array of separate programs designed at meeting specific needs and presently provided in a manner reflecting jurisdictional fragmentation and political pressures. Decisions made are usually partial rather than comprehensive; too long in being formulated and diluted in efficacy by the time they have traversed the bureaucratic channels to the point of implementation. This situation is a matter of universal concern in Oregon.

The organization process necessary for the provision of programs and services for human development is envisioned within the context of a "total system". This total system consists basically of two sub-systems—one formal and the other informal. The informal sub-system consists of all the people in the community and their interactions with each other as well as elements of the formal sub-system.

The formal sub-system consists of the public and private agencies which have been formally organized to provide programs and services in accordance with established legislation, policies and procedures. The manner in which the informal sub-system identifies and responds to its own needs and how it succeeds in influencing the decisions and functioning of the formal sub-system becomes the decisive factcr in determining the "quality of life" in a community. For this reason, the guiding principle for the "total system" suggested in this report is one of a "mature partnership" between the people of the community, public agencies and private agencies within a continuing process of mutual adaptation and open cooperation.

The interlocking link in this total system concept becomes the Council of Governments which consists primarily of elected representatives of the area and secondly of selected members of the formal sub-system actually providing services in the area. The latter are non-voting members of the COG and serve an information resource function, as well as providing formal "links" to the formal sub-system. The people of the community are therefore seen as an integral part of the total system formally interacting with the "establishment" or formal sub-system.

Key to the success of such a concept is a spirit of trust and openness among all concerned; an enabling rather than controlling attitude on the part of the formal sub-system; concern, involvement and acceptance of responsibility by the people of the community. Further, if Oregon is to move truly towards human development, two basic shifts in concept and orientation are required. First, a shift from a "preventive" to an "enabling" orientation. Secondly, from a human resource orientation to a human orientation whereby the individual is the end goal in a developmental process rather than a resource to serve society. The function of a society therefore is to provide opportunity and accessibility towards this end.

The concept of a "total system" would imply a requirement for the complete integration of programs and services. However, evidence indicates that complete integration is an unrealistic short-term or medium-term goal. Therefore, the strategy recommended is one of three possible functioning levels: integration, coordination and cooperation. The "mix" used in any given program or service will depend clearly on the attitudes and willingness of existing agencies to work together and will be determined as the result of a patient negotiative process.

The objective is basically twofold: a) to evolve the above relationships in order to determine the optimum "mix" of integration, coordination and cooperation among various public and private agencies for any given program or service; and b) to experiment with ways of obtaining community participation in the decision-making process as well as other new approaches to human development.

The first objective is one that has been discussed and attempted in varying degrees before. It involves the Human Resource Service Center concept and deals with accessibility, rights to services, minimizing duplication of services and maximizing resources.

The second objective, that of meaningful citizen participation, has also received its trials, again with varying degrees of success.

It is felt, however, that the uniqueness of the project revolves around the combination of these two objectives through the concept of mature partnership, with the building in of a social animation process to help guarantee the continued mobilization and participation of citizens.

At a time when many established programs are being criticized as being too specialized, too bureaucratic, and inaccessible to citizens most in need, these possibilities are exciting to contemplate. In our complex society, many major issues which affect the individual seem almost hopelessly beyond his influence or control. State and federal governments are concerned about service demands and pro-

grams that grow and extend without an apparent increase in service or efficiency. Even municipal government seems remote to some citizens and reference to "City Hall" takes on a negative connotation. Perhaps the experiences gained in this project can point to feasible ways of reversing this trend toward centralization and bigness and returning to citizens, in their own communities, a range of services that touch on their daily lives.

AMERICAN BAR ASSOCIATION TASK FORCE ON NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, I recently introduced S. 3612, a bill to establish a National Institute of Justice. It is cosponsored by Senators BIBLE, BAKER, METCALF, PERCY, and MOSS.

The strong need for a more efficient and effective system of justice is being addressed by the finest legal minds in the country. Chief Justice Warren E. Burger, in a recent American Law Institute speech entitled "Has the Time Come?" said:

Our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate.

Consistent with the Chief Justice's remarks, the Board of Governors of the American Bar Association adopted a resolution creating a task force on the National Institute of Justice.

This task force faces the unique challenge of conducting a searching inquiry into the concept of a National Institute of Justice, and reporting to the ABA's Board of Governors in August 1972.

I ask unanimous consent to have printed in the RECORD the address by the Chief Justice, "Has the Time Come?" I also ask that there be included the New York Times article on the subject. I also ask unanimous consent that the text of the recently adopted ABA resolution be printed in the RECORD.

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

BURGER SUGGESTS JUSTICE INSTITUTE—NATIONAL UNIT WOULD SEEK TO SOLVE JUDICIAL PROBLEMS

(By Fred P. Graham)

WASHINGTON, May 16.—Chief Justice Warren E. Burger said today that consideration should be given to the creation of a national institute of justice, patterned after the National Institutes of Health, to help solve Federal and state judicial problems.

In his annual speech to the American Law Institute, the Chief Justice called on the institute to join with the American Bar Association and other organizations of the legal profession to conduct a study that could lay the groundwork for such a justice institute.

He said that, if the proposed institute proved to be a good idea, Congress could be approached to support it as it has the National Institutes of Health, which now spends $2.4-billion a year for medical research and development.

MORE AMBITIOUS PLAN

Chief Justice Burger said the judicial counterpart would conduct research on judicial problems, make grants for private research and provide experts to help states and cities modernize their courts. He stressed that it would assist only the states and would not try to press them all into the same mold.

Since he became Chief Justice three years ago, Mr. Burger has proved prolific in inspiring the creation of new judicial institutions. The Institute for Court Management in Denver and the National Center for State Courts in Washington were set up—with crucial assistance from the American Bar Association and money from the Ford Foundation—after he made speeches suggesting they were needed. The suggested national institute of justice, however, is more ambitious because far more money would be needed—and it would have to come from Congress.

The American Law Institute is a group of about 1,500 of the nation's most scholarly lawyers, judges and law professors, who draft model laws and publish "restatements" designed to simplify and explain the law laid down in court decisions. The group, which meets each May in Washington, is an influential force in the legal profession, which was traditionally conservative but which has taken some strong civil-liberties stands in recent years.

Today, however, the group gave final approval to a model law that would break with Supreme Court doctrines of the Warren Court and permit courts to consider some evidence obtained by the police in illegal searches. In the debate this morning, Prof. Sam Dash of the Georgetown Law Center called it "an invitation" for the current Supreme Court to overturn a landmark 1961 Supreme Court decision—Mapp v. Ohio which ruled out the use of all evidence obtained in unconstitutional searches.

The group approved a provision that would authorize judges to admit illegally seized items into evidence so long as the constitutional violation was not "substantial."

HAS THE TIME COME?

(Remarks of Warren E. Burger, Chief Justice of the United States, opening session, American Law Institute)

Forty-one years ago last week, the Institute met in Washington—probably in this very room—when the Mayflower was new and sparkling. Now the Mayflower has taken on the air of grace and patina that I like to think comes with age, but the problems you and I are concerned about are very much the same. I was in Law School when Chief Justice Hughes welcomed the members of the Institute that spring morning of 1931 when he spoke of the growing burdens on the Federal Courts, the need for more judges, and for better methods. He expressed his concern in terms of "the ultimate goal that ever recedes—even as we advance and press on."

Today I welcome you at a time when that "ultimate goal" Hughes spoke of seems to have receded even farther from our grasp than ever before.

A measure of the change in the dimensions of the problems can be seen in the statistic that when Chief Justice Hughes greeted the Institute 41 years ago there were 75,000 filings in the District Courts. This year we will have 140,000 comparable case filings. We now have more than double the number of District Judges but we also know that the trial of cases, particularly criminal cases and some others, have become more complex and protracted so that statistics do not tell the whole story. The Supreme Court filings in 1931 were 1,300 and in the 1971 Term, soon to end, we will have more than 4,000.

But it is not my purpose today to speak only of the problems of Federal Judges for, as we know, the problems of justice are indivisible, and the burdens and needs of State Courts are far more critical than they were four decades ago. In that day the members of the Bar who regularly practiced in the Federal Courts were relatively few in number and often identified as "federal" practitioners. Whatever distinctions once prevailed are long gone.

Now everyone seems to have "discovered" the Federal Courts, and even the addition of 61 new judgeships in the past three years will not solve our problems.

It was 13 years ago—1959—that my distinguished predecessor, Earl Warren, as he welcomed you, pointed to some of the problems I now wish to speak of, and the Institute's significant *Study of the Division of Jurisdiction Between State and Federal Courts* was the result. That comprehensive Study has been before the Congress for three years and hearings are not yet completed.

The "upward trend" in the burden of the Federal District Courts that was seen in the 1959 figures has accelerated. The total filings in the Federal District Courts in 1959 were 88,453 and the filings in the current fiscal year in the District Courts will exceed 140,000. The Introduction to the Institute's Study on Jurisdiction makes this statement:

"It is unwise to paralyze the federal courts by maintaining conditions that will generate constant and unending pressure for expansion of the federal judiciary. It is intolerable that these delays and these pressures be produced by cases that have no proper place in the federal courts."

When we remember that these statements were addressed to the conditions of more than a dozen years ago, we are bound to look at what has happened since then. Since 1959, new federal statutes and decisions of the Supreme Court have added new burdens to the District Courts. Whether those statutes and those decisions were wise or unwise does not alter the hard facts. Meanwhile, so far as I know, no statute and no decision of the courts had subtracted any significant burden from the avalanche which has fallen upon the Federal Courts.

The prime thrust of the Institute's Jurisdiction Study was to try to point the way for a fair allocation between the state and the Federal Courts, and it is no disparagement of the Institute's Study that the passage of time and events may well have overtaken some of the recommendations. Meanwhile, most of the same factors which placed inordinate burdens on the Federal trial courts have also created new problems for the state courts.

We must assume that, at some point, the Congress will reach its own conclusions on the Institute's Study and that action will be taken to control the input into the Federal District Courts. But we must also recognize that when, and if, this is done, the burdens on the state courts will be increased, and unless something is done to help their plight we will have merely transferred the illness from one part of the body to another. That can hardly be regarded as a solution.

The first step, of course, is to try to achieve what the Institute's Study was directed at—

"The proper jurisdictional balance between the federal and the state court systems, assigning to each system those cases most appropriate in the light of the basic principles of federalism."

We are all well aware, I think, that in the period since the Institute began its Jurisdictional Study in 1959, and the completion of that Study and the publication of the Report in 1969, a vast area of new kinds of cases has developed in terms of class actions, suits relating to environment and pollution control, consumer claims, and many others. Probably much of this was not anticipated in 1959 or even during the period when the Study was under way. For that reason even if all the recommendations of the Study were adopted by the Congress that would, at best, merely make way for the new waves of litigation coming into the Federal District Courts. Meanwhile, to achieve the "proper jurisdictional balance" will mean the elimination of some of the federal jurisdiction, particularly diversity cases, and those changes will increase the burdens of the state courts. Federal and State planning must be coordinated.

The creation in this past year of the National Center for State Courts is a highly significant step toward filling the vacuum with an agency qualified to define the problems and measure the needs, but realistically its leaders know that as yet it is in its infancy.

With the best of good fortune it will take time for that Center to become a large force, and there are some things that will remain beyond its reach simply because of limited resources.

Indeed, the very creation of the National Center for State Courts has served to focus attention on how little we have done in this country to provide support for the systems of justice as a whole—particularly for the local and state courts.

It was in keeping with the great traditions of our profession that most of the forward steps in the law during this century have been the work product of private initiative, private effort, private leadership, and private funding. We need recall only a few of these advances—the monumental work of the Restatement of Law by this Institute, the development of the Federal Rules—Civil, Criminal, and Appellate—by lawyers, judges and law professors, working under Congressional authority and cooperation.

A cursory glance at the Federal budget, whether this year, 10 years ago or 40 years ago, shows that literally billions of dollars have been devoted to a vast range of domestic needs of the American people—and I do not suggest for one moment that Congress should have done otherwise. Those budgets include research and direct assistance on such things as research and development and subsidies for transportation, protection of forests, improvement of agriculture, assistance to small business, research relating to natural resources, fish, game and wildlife, and pollution control, to say nothing of the enormous expenditures for space research and technology, and a host of others. The need for these programs is suggested by the fact that a Congress harassed with demands for economy has nevertheless given the support. As we have increasingly emphasized federalism and the partnership aspect of the state and national governments, it has become more and more apparent that many of these vital programs must be initiated and funded by the Federal government or they will not be done at all. Today there are more than 1,000 distinct Federal programs of domestic assistance reaching to the state and local levels and administered by 62 Federal agencies and involving many billions of dollars.

You may have observed that I did not mention one of the programs of the Federal government that touches every individual in the country, and that is the program of the National Institutes of Health, for which the current annual appropriation is $2,400 million.

The first small comparable step bearing even a faint resemblance to the National Institutes of Health and relating to the system of justice was the Law Enforcement Assistance Administration, which is a new but now familiar program. In the current fiscal year nearly $700 million was appropriated for LEAA, but as the name indicates, the primary thrust of the program is on law enforcement and the bulk of its resources has been directed toward improving law enforcement at the state and local levels. Some funds have gone into programs for the improvement of state courts but it is a small part of the whole. LEAA is a sound program; it is long overdue, but it is not complete. Our American concepts of justice are basically sound—we like to think of them as equal to any in the world—but our "delivery" of justice, to borrow a term from experts in medical care, is faltering and inadequate. The means of "delivery" of justice is an effective legal profession with procedures and methods in the courts that will accomplish the desired results. Surely an effective system of justice is as important to the social, economic and political health of the country as an adequate system of medical care is to our physical health.

I suspect that everyone in the room has heard of or taken part in discussions in recent years on the need for some kind of national facility primarily directed to help improve the operations of our judicial systems. It is of interest, I think, that the current issue of the West Virginia Law Review contains a timely and provocative article written by a distinguished member of the Institute, Mr. Bert Early, the Executive Director of the American Bar Association. In this article Mr. Early raises for discussion by our profession the need for such a facility. No one need agree with all details of his approach or his suggested solutions, but I raise to you the question whether the time has not come to draw together, as he is trying to do, all the strands of this concept and subject it to the critical analysis of lawyers, judges, law professors, public administrators, political and social scientists, and of legislative leaders in the states and in the Congress. It is significant that the Committee for Economic Development is about to recommend the creation of a new federal authority to ensure justice in a study entitled *Curbing Crime and Establishing Justice*, which is to be released late next month.

I have already referred to the tremendous accomplishments by private volunteer efforts within the legal profession, but in a nation of 210 million people spread from Maine to Alaska, to Hawaii and Key West, teeming with the life and industry of a dynamic and mobile people, there are some things which must be done on a national scale and with Federal sponsorship if they are to be done at all. Fundamental to our Federal system, and our federalism generally, is the idea that the national government will do, or will help do, what the states or private initiative cannot accomplish separately or alone.

Our basic system of justice, of course, lies within state power and it should remain that way, with Federal courts functioning, as the Constitution intended they should, as courts of special and limited jurisdiction. Day-to-day justice, in short, is inherently a state function.

The developmental needs of Federal courts were recognized, in part at least, by the creation nearly five years ago of the Federal Judicial Center, charged with the primary mission of engaging in research and development and related steps to improve the Federal courts. But if we are to maintain the appropriate allocation of litigation responsibilities between state and Federal courts, there must be some additional effort and support given to both. The Federal Judicial Center is a good start, but it is also a modest start when we see it in light of our needs. The development in this past year of the National Center for State Courts, to which I have alluded, is another important but small step—small partly because it was private and voluntary, in its genesis, although it has received substantial support from LEAA. Its leaders hope that in time the states will assume the burden of its support. But the overall problems of the states are hardly less than those of their large cities in terms of revenues and resources, and it is no easy task to develop the official cooperation of fifty states on a voluntary basis. Yet if the state courts are to maintain their proper role as the basic system of justice in this country, they must have help. It is for this reason that I mention Mr. Early's article to which, at his request, I wrote a brief Foreword. We should look at the Federal and state systems as a stool, and we know the weakness of one leg of a stool impairs the stability and utility of the whole.

The total range of problems of the courts of this country in the 1970's is so vast and diverse that it would serve no purpose to try to catalog them. They embrace the conduct of private and public civil litigation and the whole spectrum of criminal justice. We should strongly oppose any idea that all the states be pressed into a single mold, however good the pattern might be, for we take pride, appropriately, in our diversity, and the states should always be free to innovate and experiment in order to achieve. better and fairer administration of justice. Many of the problems, however, are common to all the states, and the state courts have much in common with the Federal courts. The development of a national facility need not supplant and should not supplant existing service functions such as the Federal Judicial Center, the National Center for State Courts, or the basic LEAA program. We must always be alert to avoiding overlapping and duplicating functions but we must also move to fill in the gaps.

I have no detailed program or blueprint in mind, and at this stage it would be premature for anyone to be sure that he could do more than suggest some of the needs and outline some of the objectives of such a national facility in the broadest terms. Let me suggest, however, just a few of the characteristics which might be appropriate if the basic concept of a national institution of justice is sound.

First, I have already suggested that if such a facility is to be created, it should be national in scope and created by the Congress; and even though the analogy is limited, it may be useful to think of it at least broadly in terms of the National Institutes of Health at the Federal level.

Second, since the problems of justice should be the concern of everyone, such a facility should not be under the exclusive control of judges and lawyers. To give it the appropriate broad base that its constituency would demand, it should be under the governance and direction of a broadly based representative body, including a substantial representation of the states. By way of illustration only, it might be composed of perhaps four members designated by the Congress, four by the Executive, and four by the Judiciary.

Third, it could appropriately include a staff of trained and qualified specialists who would, upon the request of a state, give technical assistance on a consulting basis working with the National Center for State Courts with reference to problems of improving state judicial systems. Both by the very nature of the problems and the limited number of people who could qualify as specialists or experts, any staff of such a facility would likely be quite small.

Fourth, it should appropriately have resources and authority to make grants for court improvement somewhat as LEAA now gives assistance for the improvement of the police function, of correctional systems, and for state courts.

Fifth, it should have research and development capabilities so that the best developments in the most efficient courts in the country can be translated swiftly into systems and programs to be adapted by such courts as desire them, building on what LEAA has begun in the way of aid to state courts.

Sixth, it is very important that such a program should be one to *assist* the states to do what they lack resources to do for themselves—it should definitely not be a program to "federalize" the state ocurts. Some of the state courts have developed programs and procedures that the Federal system has adopted—use of court executives being but one example. The collective experience of all the courts of the 50 states would be the prime resource from which standards could evolve.

I have suggested only a few basic characteristics that such a new facility might well possess. The essence of what I am suggesting today parallels in broad outline what Mr. Early has suggested in his provocative article and what others have probed at from time to time. A starting point is to develop, through some mechanism, a representative group or possibly several representative groups to canvass the entire subject. I would not undertake

to say who should do this, but the leadership of our profession is rather obvious in the form of the American Bar Association, the American Law Institute, the American Judicature Society, the Federal Bar Association, the Institute of Judicial Administration, the National Center for State Courts and the Federal Judicial Center—and of course there are others—such as the Council of State Governments and the National Conference of State Legislative Leaders.

The development of such a facility cannot be dealt with as swiftly as the legal profession and the Judiciary, in cooperation, created the Institute for Court Management or the National Center for State Courts, or as the Congress, on the urging of the Judicial Conference of the United States, created the Federal Judicial Center. The undertaking I speak of is too large, it has vast implications, and there are too many hard questions to be answered: Should there be such a facility? What should be its functions? Should it be a purely governmental facility? How should it be governed?

The proposal I advance, therefore—if it can be called a proposal—is not to create or establish a national institute of justice but to make a searching inquiry into the whole subject. When this study has been made—and that is in itself a large undertaking—the Congress would perhaps find it worthy of inquiry.

If, even tentatively, these ideas have merit, if they are feasible and worthy of study, I have no doubt that the leadership of the legal profession will see to it that such a study is commenced.

Of this I am sure: our profession cannot fulfill the promises implicit in the idea of the rule of law and equal justice under law if we content ourselves with being specialists in concepts but amateurs in execution.

RESOLUTION

Whereas, the Chief Justice of the United States has called for a searching inquiry into the desirability and necessity of a National Institute of Justice to marshal resources and energies for an accelerated program of modernization of our system of law and justice; and

Whereas, it is recognized that the needs are both urgent and complex, requiring a thoughtful but punctual investigation;

Now, therefore, Be It Resolved, that there be created a Task Force on a National Institute of Justice, consisting of five members, to examine the proposal for a National Institute of Justice; to consider the feasibility of a National Conference on the subject; to contact other national organizations concerned with the administration of justice and government to determine their interest in jointly exploring the proposal; to determine sources of funding to support the recommendations of the Task Force; and to make such recommendations to the Board of Governors as it shall determine to be appropriate.

Be It Further Resolved, That the Task Force shall make its final report to the Board of Governors at its August, 1972, meeting at which time the Task Force shall be terminated.

RETIREMENT OF DR. WERNHER VON BRAUN

Mr. SPARKMAN. Mr. President, Dr. Wernher von Braun, who has been in the space work since the program was started, is retiring after 27 years. He has done a remarkable job. Recently the Anniston, Ala., Star published an article regarding his retirement. I ask unanimous consent that it be printed in the RECORD.

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

TWENTY-SEVEN YEARS WITH SPACE AGENCY: VON BRAUN RETIRING

CAPE KENNEDY, FLA.—A cheer rose from the crude blockhouse as America launched its first ballistic missile Aug. 20, 1953. But seconds later gloom set in when the Redstone rocket plunged into the Atlantic Ocean.

"Find out what went wrong," ordered Dr. Wernher Von Braun, whose crew of rocket specialists from Germany developed the missile at the Army's Redstone Arsenal in Huntsville, Ala.

A search of data traced the problem to the guidance system. A mechanic suggested he might have made too tight a twist on a certain screw. Testing showed that to be the case.

Von Braun summoned the mechanic to his office. Instead of disciplining him, he gave him a bottle of champagne.

"I am always happly to solve a problem so quickly," Von Braun said, "and I wanted to impress upon my men that absolute honesty is something you must have in a team effort. You look ahead, not back.

The Redstone's difficulties were overcome and it became this nation's first operational ballistic missile. Later, Von Braun's group used the basic Redstone technology to launch America's first satellite and its first man in space and to develop the longer-range Jupiter rocket, the Saturn 1 booster and the Saturn 5 which has hurled 10 men to landings on the moon.

Now, after 27 years of service to the U.S. government, Von Braun is retiring to take a post with private industry. He announced Friday in Washington that he is leaving the National Aeronautics and Space Administration to become corporate vice president for engineering and development at Fairchild Industries, Germantown, Md.

The firm is building scientific satellites for launch in 1973 and 1974. A Fairchild spokesman said Von Braun will concentrate on space projects that will benefit people on earth. He gave no specifics.

For the last two years, the man who once built rockets for Adolph Hitler has been NASA deputy associate administrator for planning. For nine years he was director of the Marshall Space Flight Center at Huntsville, where he and his group of Germans formed the nucleus of the nation's major rocket-building team.

Von Braun, 60, said he is making the change because he wants to devote his time to help implement "some space projects I feel are of particular importance. I think I can do this best in industry where the tools of progress are being made."

Dr. James C. Fletcher, NASA administrator, said Von Braun's "decision to retire from NASA is a great source of regret to all of us at the agency. For more than a quarter of a century he has served the United States as the leader in space rocket development."

Von Braun's value lay beyond his ability as an engineer and rocket designer. He also was a leader of men and a super salesman for the space program.

Perhaps his most valuable contribution was made in 1945 near the end of World War II when he led a group of more than 100 of Germany's rocket experts away from Hitler's V–2 rocket base at Peenemunde and surrendered them to the Americans rather than fall into the hands of the advancing Russians. They also brought out several truckloads of V–2 parts.

The U.S. picked 117 of the Germans and sent them to Ft. Bliss, Tex., where they assembled and fired 70 V–2s in five years. In 1950 they were transferred to the Army's Redstone Arsenal to develop the Redstone rocket. That year they launched the first missile—a V–2 with a second stage—from America's new long-range rocket testing base at Cape Canaveral, now Cape Kenedy.

Most, including Von Braun, became U.S. citizens.

Long before the Soviet Union launched the first satellite, Sputnik 1, on Oct. 4, 1957, Von Braun said his team had the capability to orbit a payload by putting an upper stage on the Redstone.

But the late President Dwight D. Eisenhower turned him down on grounds the Redstone was a military rocket and he wanted to emphasize peaceful uses of space. Eisenhower ordered the development of a completely new rocket, the Vanguard, as a satellite launcher.

After Sputnik was launched, Von Braun pleaded with Defense Secretary Neil McElroy: "Vanguard will never make it. We have the hardware on the shelf. For God's sake turn us loose and let us do something. We can put up a satellite in 60 days."

When a Vanguard exploded on its launch pad in December 1957, the nation was shocked, and the Von Braun team got its chance. On Jan. 31, 1958, a modified Redstone propelled Explorer 1 into orbit.

But the Russians, with bigger rockets, continued to dominate the space race. Von Braun proposed building the Saturn 1 rocket, essentially strapping eight Redstones together as a booster and adding an upper stage.

The rocket was twice as powerful as Russia's biggest. But with the project well under way, the military decided it had no use for such a rocket because of breakthroughs in the miniturization of nuclear warheads.

In 1960, Von Braun and his team, now expanded to 4,000 engineers and technicians, were transferred to the young space agency. They remained in Huntsville at the Marshall center.

A year later Alan B. Shepard rode a Redstone and became America's first spaceman. Three weeks after that the late President John F. Kennedy committed this nation to land a man on the moon and return him safely by 1970 and Von Braun was told to build a rocket big enough for the job. The result was the Saturn 5, the 36-story-tall behemoth capable of placing 240,000 pounds in earth orbit or sending the 110,000-pound Apollo assembly to the moon.

In the last two years, Von Braun has been in charge of advanced planning for NASA and he has traveled the country to sell the space program in scores of speeches.

He firmly believes that man has a vital role in space and that manned orbiting laboratories of the future will help the world in such fields as locating and managing earth's resources, medicine, communications, pollution control and ocean surveillance.

Von Braun long has supported international cooperation in space, such as the agreement signed in Moscow on Wednesday by President Nixon and Soviet leaders calling for a joint flight by American and Russian spacemen in 1974.

"I look forward to the day when mankind will join hands and face the heavens in a solid phalanx to apply the combined technological ingenuity of all nations to the exploration and utilization of outer space for peaceful uses," he once said.

"Would it not be ironical if nations first learn to transcend their national interests many, many miles from mother earth?"

ALASKA NATIVES SALUTE COMMANDER OF KODIAK COAST GUARD STATION

Mr. STEVENS. Mr. President, the men and women of our Nation's uniformed services—starting in the early days after U.S. purchase of Alaska from Russia and continuing through bad times and good—have been a part of the vibrant essence that is Alaska. I know of no portion of our State which has not been served in times of need by the military. Moreover, these fine people have built a record of outstanding service in community affairs wherever they have been stationed in the

49th State. Alaskans, in turn, have responded as good neighbors, welcoming the military presence, and expressing their gratitude whenever possible. Even with continuing atmosphere of mutual civilian-military respect and harmony in mind a recent salute by the Native people of Alaska to Capt. Phil Hogue, commanding officer of Kodiak Coast Guard Station, stands out as a singular recognition. The tribute is presented in the Kodiak Daily Mirror of May 18, 1972.

Mr. President, I ask unanimous consent that the article and a formal resolution by the Alaska Federation of Natives and Kodiak Area Native Association be printed in the RECORD.

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

URGE KODIAK AIR BASE C.O. BE RETAINED—ALASKA NATIVE PEOPLE LAUD COAST GUARD CAPTAIN

(By Karl Armstrong)

An officer of the United States Coast Guard—Captain Philip Hogue, commanding officer of the Kodiak Coast Guard Air Station—rates the highest in the hearts of the native people of Alaska.

A resolution officially declaring the "respect, admiration and affection of the Native peoples of the State of Alaska" on behalf of the Coast Guard career officer, was unanimously approved by the membership of Kodiak Area Native Association at the organization's annual meeting Saturday night. The resolution, according to Harry Carter, executive director of the Alaska Federation of Natives, has the automatic unanimous approval of the statewide AFN organization which represents all of the Native people of Alaska.

The resolution urges that the Governor, state legislative and congressional delegation assist the AFN and KANA in having Captain Hogue retained as commanding officer of the Kodiak Coast Guard Air Station.

Captain Hogue is the only military man to have ever won an official commendation from the Alaska Federation of Natives and Kodiak Area Native Association.

AFN–KANA RESOLUTION

Whereas, the continued operation and expansion of the United States Coast Guard is vitally essential to the well being and welfare as well as the health and safety of the Alaska Native peoples of the coastal areas of the State of Alaska, and

Whereas, there has been special recognition of this need during the time that Captain Phillip Hogue has been commanding officer of the Kodiak Coast Guard Base, and

Whereas, in numerous occasions and in innumerable ways, Captain Phillip Hogue has demonstrated a special cognizance of the Alaska Native peoples and of their needs insofar as their health and welfare are concerned, and

Whereas, Captain Phillip Hogue has through his actions and demeanor won the respect and admiration of the Alaska Native peoples and of all the villagers of Alaska by demonstrating his real concern,

Now therefore let it be resolved that, the Kodiak Area Native Association petition the Alaska Federation of Natives and the Alaska congressional delegation, the Alaska State Legislature and the Governor of Alaska requesting that Captain Phillip Hogue be retained as commanding officer of the Kodiak Coast Guard Air Station, and, further that it be made a part of his personal record that Captain Phillip Hogue has won the respect, admiration and affection of the Native peoples of the State of Alaska for outstanding service.

DEATH OF VERNER W. CLAPP

Mr. MANSFIELD. Mr. President, it is with sadness that I call to the attention of the Senate the untimely death of Verner W. Clapp, Chief Assistant Librarian of Congress from 1947 to 1956 and Acting Librarian in 1953–54.

Though none of us remember those days when the Library had no congressional research unit, it is interesting to note that Mr. Clapp became the first head of that invaluable arm to Congress in the 1920's and served in that capacity until 1931.

It is further worth noting that his 33 years of service to the Library of Congress did not come to an end with his retiring as its Chief Assistant Librarian in 1956. As President of the Council on Library Resources from 1956–67 and as a very active consultant in the years since his retirement from that position, he has approved and recommended grants to to various divisions of the Library amounting to almost $2 million.

I ask unanimous consent that a biography of Mr. Clapp be printed in the RECORD.

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

VERNER W. CLAPP

Verner W(arren) Clapp, fulltime consultant to the Council on Library Resources and its president from 1956 to 1967, died in an Alexandria, Va., hospital Thursday morning, June 15. He was 71 years old.

While Mr. Clapp had twice "retired" from career-pinnacle positions—in 1956 as Chief Assistant Librarian of Congress (he had served as acting Librarian of Congress in 1953–54) and in 1967 as president of the Council on Library Resources—he was active to the end in aiding in the solution of library problems.

Only last week, June 7 in Boston at the annual meeting of the Special Libraries Association, he received a special citation for his "continued encouragement and support of special librarianship." A year earlier he was featured in *Wilson Library Bulletin* (February 1971) as "Library Ombudsman—near omniscient defender of the good and true, scourge of the malignant and misleading."

The Association of Research Libraries dubbed him "Librarian's Librarian" some years ago, and the American Library Association awarded him both their Melville Dewey Award and the Joseph W. Lippincott Award. The citation for the latter sums up well his half century of librarianship. It reads in part:

"In all of his activities his wide background, his abilities as a creative thinker, his warm personality, and his inexhaustible energy serve well his profession and provide inspiration and encouragement to all who work toward the solution of the problems of librarianship."

Mr. Clapp, born June 3, 1901, in Johannesburg, South Africa, of an American father and Danish mother, was educated in the public schools of Poughkeepsie, N.Y., and Trinity College (A.B. '22). His half-century of service as a librarian began with summer employment at the Library of Congress in June 1922, continuing uninterrupted except for a year of study at Harvard in 1922–23.

At the Library of Congress Mr. Clapp served as a reference librarian in the Main Reading Room for five years. When the Library's Congressional Unit was organized in the 1920's to provide special service for Members of Congress, Mr. Clapp became its first head.

From 1931 to 1937 he was Special Assistant to the Superintendent of the Reading Rooms; from 1937 to 1940 he was Assistant Superintendent of that division and also supervised the work of the Division of the Blind; and from 1940—when the Library was reorganized in four departments—to 1943 he served as the Director of the Administrative Department and modernized the institution's fiscal procedures.

In 1943 he was appointed first Director of the Acquisitions Department. As its head during this wartime period when the Government relied upon the Library for information of strategic importance, he changed the emphasis in book acquisition from subject to area, opened new channels to the world's book trade and promoted the cooperation of the Foreign Service in collecting and expediting delivery of books and other materials.

Mr. Clapp became Chief Assistant Librarian of Congress in March 1947, serving in that capacity until his retirement in 1956 to accept the presidency of the new Council on Library Resources, established at that time with the support of Ford Foundation funds "to aid in the solution of library problems."

While associated with the Library of Congress, Mr. Clapp, at the beginning of American participation in World War II executed the evacuation and preservation of the nation's cherished manuscripts, including the Declaration of Independence, the Constitution of the United States, and the Articles of Confederation.

When the war ended and demobilized veterans flocked in 1945–46 to American colleges and universities there was a shortage of textbooks.

Under Mr. Clapp's supervision the great stocks of surplus textbooks scattered among military installations were collected and redistributed to institutions of higher learning at minimal cost.

He also directed the Cooperative Acquisitions Project which obtained for the Library of Congress and 112 other American libraries some two million research items produced in Europe during or preceding the war, and which aided the Army in screening documents seized in Germany. Mr. Clapp was also successful in Berlin during 1946 in obtaining from Russian military authorities the release of large quantities of books which had been ordered by American libraries before the war and were being held in the Eastern Zone of Germany.

The preceding year Mr. Clapp was detailed to organize a library for the United Nations Conference in San Francisco. This was the beginning of the present UN library now housed in the Dag Hammarskjold memorial building at the UN in New York. Desirous of making information about the Conference available to the public, he materially contributed to the effort that resulted in sets of the Conference's enormous documentation being placed in 40 libraries about the world and which contributed to the production of the 12-volume *Documents of United Nations Conference on International Organization*. Mr. Clapp has since served as a consultant to the UN library.

He also participated in coordinating the hurried printing of the United Nations Charter in five languages and served as revisor of the press for three of the five language editions. Type was set and reset over a matter of days, as the text was changed, in printing houses specializing in different languages. When the final text and its translations were agreed upon the Charter was printed and bound overnight. Five printing plants were involved in the type composition, two in the printing, and one binder in preparation of the edition.

In December 1947 Mr. Clapp headed the two-man U.S. Library Mission to Japan to advise on the establishment of the National Diet Library. Within the brief space of two months Mr. Clapp and the late Dr. Charles Harvey Brown, of Iowa State College, in conferences with committees of the Diet, drafted plans for the National Diet Library and for

important national library services to be executed by it. In a session of the two houses of the Diet especially called for the purpose—the Diet building was heated for the purpose by hay, for want of coal, because Dr. Brown had a cold—laws were enacted for the establishment of the Library and the erection of a library building. When this planning and legislative achievement came to General MacArthur's attention he took an entire afternoon off to review its implications and complimented Mr. Clapp and Dr. Brown on their work and the speed with which it was accomplished.

In his 11 years as head of the Council on Library Resources (1956–67), that organization moved forward in fulfilling its stated objectives:

". . . for the purpose of aiding in the solution of problems of libraries generally and of research libraries in particular, conducting research in, developing and demonstrating new techniques and methods, and disseminating through any means the results thereof, and for making grants to other institutions and persons for such purposes; and for providing leadership in and wherever appropriate, coordination of efforts (1) to develop the resources and services of libraries and (2) to improve relations between American and foreign libraries and archives."

At the time of his retirement as president in 1967, Whitney North Seymour, chairman of the Council's Board of Directors noted:

"Mr. Clapp has made the Council on Library Resources significant throughout the world. His imagination, ingenuity and extraordinary fund of information have enabled him to give precise and significant counsel concerning library problems on both sides of the Atlantic. Grants made under his administration have already profoundly influenced library development. The multi-volume *National Union Catalog of Manuscript Collections*, compiled by the Library of Congress with financial assistance from the Council, is one of the many projects in which he has taken a personal interest. He also has an expert knowledge of scientific developments affecting libraries and helped to stimulate research at the W. J. Barrow Research Laboratory in Richmond, Virginia, that led to the development of a permanent/durable type of paper. It is my hope that the Council can continue to take advantage of Mr. Clapp's concepts."

In the past five years, as a fulltime consultant to the Council, Mr. Clapp continued his activities at a pace which would tire most younger men. His helpful correspondence to librarians around the world, his service on a dozen or more committees of national and international organizations concerned with the librarians' increasing problems, his prodigious writing output, and his basic activities related to recommending Council grants and reviewing them all combined to keep him first professionally in the hearts and minds of many in his beloved field of librarianship.

On Tuesday, June 20, at 2:30 p.m. there will be a memorial to Verner W. Clapp in the Coolidge Auditorium of the Library of Congress. Friends are invited. The family requests in lieu of flowers contributions may be made to the Verner W. Clapp Publication Fund in the Library of Congress.

He is survived by his wife, the former Dorothy Devereux Ladd, 4 Irving Street, Chevy Chase, Md.; three children, Mrs. Joseph H. Roe, Jr., of Reston, Va., Verner W. Clapp, Jr., of Juneau, Alaska, and Mrs. William F. Bromley of Bethesda, and 11 grandchildren.

ENVIRONMENTAL MODIFICATION TECHNIQUES FOR OFFENSIVE WARFARE PURPOSES

Mr. PELL. Mr. President, I have on several occasions brought to the attention of the Senate the dangerous implications for the environment and for mankind if we permit the development and use of environmental and geophysical modification techniques as offensive weapons of warfare.

In March, 15 Senators joined with me in introducing Senate Resolution 281, urging the negotiation of an international agreement toward that end.

The current issue of Science, the publication of the American Association for the Advancement of Science, includes an excellent article by Deborah Shapley on this project.

I believe the information in the article underscores the need for early action to prohibit further development and use of environmental modification techniques for offensive warfare purposes, and I ask unanimous consent that the article, from the June 16 edition of Science be printed at this point in the RECORD.

In addition, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an article from Science and Government Report of May 1, 1972, reporting on the exchange of correspondence which I have had with the Department of Defense on the question of weather modification activities.

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

[From News and Comment]

RAINMAKING: RUMORED USE OVER LAOS ALARMS ARMS EXPERTS, SCIENTISTS

For the past year, rumors and speculation, along with occasional bits of circumstantial evidence, have accumulated in Washington to the effect that the military has tried to increase rainfall in Indochina to hinder enemy infiltration into South Vietnam—in effect, using the weather as a weapon of war. But Pentagon officials have been extremely tight-lipped about it, even to prominent members of Congress, and it appears that the old saying is now turned around: The generals are probably doing something about the weather, but nobody's talking about it. *The Pentagon Papers* makes references to such activities as having been successfully carried out in Laos, and a Jack Anderson column in the Washington *Post* a year ago described a top-secret operation over the Ho Chi Minh trail. The only denial so far has come from Department of Defense (DOD) Secretary Melvin R. Laird in congressional testimony. However, all Laird denied was the use of weather control "over North Vietnam," and, since the Anderson column and *The Pentagon Papers* concern Laos and the Ho Chi Minh trail, which runs through Laos and Cambodia, no real answers to the speculations have been provided.

The DOD has admitted that various forms of climate modification have been considered by the military for more than 20 years. A well-known geophysicist formerly with DOD's Institute for Defense Analyses, Gordon J. F. MacDonald (who now sits on the Council for Environmental Quality), wrote a Cassandra-like chapter on potential geophysical warfare in 1968, which described control of rainfall, drought, earthquakes, and even possible tinkering in the Arctic.[1] The Indochina allegations are limited to charges that the DOD hsas augmented rainfall to muddy up trails, thus hindering the flow of men and vehicles to the south, but some scientists and arms experts regard even this limited activity as a camel's nose under the geophysical tent.

The issue has an important scientific dimension, too, for meteorology is one of the most internationally minded of all scientific fields. Many prominent U.S. meteorologists have for years favored a ban on military uses of weather control. Describing their reactions even to the possibility that these techniques have been used, they use such words as "distressed," and "appalled." They add that weather control in Indochina could hurt international, peaceful weather research. Hence, the issue of whether the DOD has been, or might be, seeding clouds over Asia holds implications beyond the horizons of Indochina alone.

The only direct evidence that weather modification techniques have been used in Indochina comes from some references in *The Pentagon Papers* which indicate that the Joint Chiefs of Staff (JCS), probably in 1966, had rainfall experiments conducted over Laos "successfully." In 1967, the JCS urged President Lyndon B. Johnson to authorize an operational weather program with the innocuous name of Operation Pop Eye as a means of escalating the war. According to the Gravel edition of the papers, volume 4, page 421, the JCS suggested to Johnson in a memo that this might be one way of widening the war with minimal political repercussions at home.[2]

4. Laos Operations—Continue as at present plus Operation Pop Eye to reduce trafficability along infiltration routes.

Authority/Policy Changes—Authorization required to implement operational phase of whether modification process previously successfully tested and evaluated in same area.

Risks/Impact—Normal military operational risks. Risks of compromise is minimal.

Again, on February 1967, the President was handed a "shopping list" of escalation proposals recommended by the JCS and apparently written by John McNaughton of the Office of International Security Affairs in DOD. Volume 4, page 146, lists among the recommendations:

8. Cause interdicting rains in or near Laos.

The narrative text summarizes the rest of the memo:

"The discussion section of the paper dealt with each of the eight specific option areas noting our capability in each instance to inflict heavy damage or complete destruction to the facilities in question."

Evidently, the JCS considered weather modification worthy of consideration as one way of waging war.

Some who have been closely associated with *The Pentagon Papers* study, asked about these references, pointed out that the study was compiled by civilians with relatively little knowledge or data on day-to-day combat operations. They say it is reasonable to infer that the relatively few references to weather modification activities in *The Pentagon Papers* are no clue to the actual extent of military weather modification operations.

The other evidence that rainfall augmentation might still be going on is circumstantial. On 18 March 1971, the well-known syndicated columnist, Jack Anderson, in his column in the Washington *Post*, claimed that the Ho Chi Minh trail, which runs through both Laos and Cambodia, had been seeded by the Air Force since 1967 (the date of the JCS recommendations listed in *The Pentagon Papers*). In part, Anderson wrote:

"The hush-hush project, known by the code name "Intermediary-Compatriot," was started in 1967 to hamper enemy logistics. Those who fly the rainmaking missions believe they have increased the precipitation over the jungle roadways during the wet seasons.

". . . These assertedly have caused flooding conditions along the trails, making them impassable.

"The Ho Chi Minh trails will get their next monsoon bath from May to September. . . . Only those with top security clearance knew.

Footnotes at end of article.

until now, that nature would be assisted by the U.S. Air Force."

Anderson was alleging that "Intermediary-Compatriot" would be going on from May to September 1971. The Pentagon has never confirmed or denied the charge. Its response, in fact, has been to say that the answers are classified—a statement that leads some liberal congressmen to conclude they must be doing it. John S. Foster, Director of Defense Research and Engineering (DR & E), replied in an almost identical fashion to written queries from Senator Claiborne Pell (D-R.I.), Senator Alan Cranston (D-Calif.), and Representative Gilbert Gude (R-Md.).

"Certain aspects of our work in this area [weather modification] are classified. Recognizing that the Congress is concerned . . . I have, at the direction of Secretary Laird seen to it that the Chairmen of the Committees of Congress with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department. However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make a public disclosure of the details of these activities at this time."

Pell will try to get some elaboration on this statement from DOD when he holds hearings on a draft treaty banning environmental modifications for military purposes. However, so far, Laird is the only DOD official who has been asked point-blank whether the military is modifying weather in the war. In April, Senator J. William Fulbright (D-Ark.) asked him about it, although the questioning was limited to North Vietnam.

FULBRIGHT. ". . . In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reason?"

LAIRD. "We have never engaged in that type of activity over North Vietnam."

Although it sounds harmless, in Indochina, rainfall augmentation can have key military and tactical advantages. The purpose of cloud seeding would be to muddy up the hundreds of trail networks which wind southward and eastward through Laos and Cambodia, providing vital links between North Vietnam and China, and South Vietnam. Impeding the traffic of men and materiel which flows constantly through this jungled, often mountainous terrain has been the key objective of the United States' billion-dollar bombing campaigns since 1965.

But a flood can mess up a road or pathway as much as a bomb explosion can. Moreover, it is much cheaper, and highly covert. Scientists say that only if the Laotians and Cambodians took extensive samples of rainwater and systematically tested them for trace elements, could they actually prove that the normal rainfall had been artificially increased.

Moreover, this form of weather modification is equally covert to the side employing it. According to civilian scientists, a cloud-seeding plane can be any type of plane. It needs little special equipment, and 35 to 100 pounds of silver iodide for a 6-hour seeding mission. Even if equipped with racks for the dropping of pyrotechnic flares—one technique for seeding—a weather modification plane would look the same as a reconaissance plane which drops similar flares. Not only would the Laotians have a difficult time discovering our cloud-seeding activities, Americans would have difficulty too.[3]

One of the most eminent of DOD's weather scientists is Pierre Saint-Amand, who is head of the Earth and Planetary Sciences Division of the Naval Ordnance Laboratory, Naval Weapons Center, China Lake, California. He says that the alleged use of cloud seeding in Indochina is "outside of my ability to answer." Like other DOD spokesmen on the subject of weather modification, Saint-Amand is eager to point out that the Soviet Union is doing extensive weather modification research.

As to the potential of cloud seeding for impeding infiltration routes, Saint-Amand said, "I don't think using weather to discourage people from moving is a bad thing to do. If you estimate the amount of damage done by impeding someone's transportation, versus blowing them up or burning them up, I don't think it is so immoral." In effect, weather is no less humane a weapon than bombing and gunfire.

Civilian meteorologists, however, tend to be far more cautious about the efficacy of current weather modification techniques. They say, anxiously, that in few cases can cloud seeding be actually proved to work. The DOD, for example, claims that a cloud-seeding project over Texas during a drought was successful because heavy rainfall followed the seeding. However, since the rain fell in many areas besides those seeded, there is no way of knowing whether the rainfall would have occurred anyway, and in what amounts.

Civilian weather scientists almost universally favor limiting or banning military operations in which weather modification techniques are used, and they can point to a fairly long history of recommendating same. In 1971, a National Academy of Sciences (NAS) study of the future of the atmospheric sciences resolved that: [4]

"The U.S. Government is urged to present for adoption by the United Nations General Assembly a resolution dedicating all weather modification efforts to peaceful purposes and establishing, preferably within the framework of international nongovernmental scientific organizations, an advisory mechanism for consideration of weather-modification problems of potential international concern before they reach critical levels."

One of the most prominent meteorologists is Thomas F. Malone, of the University of Connecticut, who is chairman of the NAS panel on weather modification of the academy's Committee on Atmospheric Sciences and one organizer with the World Meteorological Organization of the United Nations of the Global Atmospheric Research Program (GARP). Malone says, "I have made speeches for 10 years saying we should get together and do this work internationally before it got to the point of being operational. Otherwise we will face horrendous political problems . . . putting the genie back into the bottle."

Joanne Simpson, who has made cloud modification experiments at the Experimental Meteorological Laboratory of the National Oceanographic and Atmospheric Administration (NOAA), was asked how she would react to seeing the results of her work applied in warfare. She said, "I would be grieved to see my work used for military purposes because I got involved in this kind of work to do useful things, not destructive things."

And Joseph Smagorinsky, a NOAA meteorologist who has modeled climate and weather and who is on the executive committee of the GARP organizing committee, expressed stronger opposition: "These programs are a cooperative effort of many nations, and each gives up a certain amount of autonomy to work together," he said. "If they felt this would be used against them, there would very definitely be a cooling off." Smagorinsky pointed out that one part of the GARP plan will put about 20 ships and 10 to 15 airplanes over the Atlantic working together. They will come from many countries, including the United States and the Soviet Union. If it turns out that the United States has militaristic uses for weather modification, "this sort of thing would drop dead. It would undo everything that science has been able to do. It would have absolutely tragic effects."

Walter O. Roberts, director of the National Center for Atmospheric Research in Boulder, Colorado, takes a more conservative view. "I think it very unlikely that deliberate weather modification is a particularly effective weapon," he said. "I'm very concerned about international, inadvertent weather modification as a result of pollution; I don't consider meteorological use in warfare as much of a threat. But if you could visit a hurricane on somebody, I would be very opposed and consider it very serious."

Concern over the military aspects of weather modification has been expressed by a number of defense specialists and arms control experts. Many see a parallel with chemical and biological weapons, which have similar inadvertent effects on environment, and also affect both soldier and civilian. Leslie Gelb, now of the Brookings Institution, who directed from within DOD the 47-volume Pentagon study of the war, which was later leaked as the Pentagon Papers, said, "My instinctive reaction to the use of this kind of technique is negative. Like chemical and biological weapons, it deals in an area that would become essentially uncontrollable. But I have no categorical answer on it because I don't know enough of the scientific aspects."

Representative Gude, who, with Cranston, has attempted to find out about Indochina weather control for over a year and has never even been offered a DOD classified briefing, says, "There's a similarity between chemical and biological weapons and weather control. You could have a snowballing effect in both cases, an effect on nature over which you lose control."

Matthew Meselson, professor of biology at Harvard, and a long-time consultant to the Arms Control and Disarmament Agency, who is identified with the successful campaign to ban biological warfare, was asked about the parellel to chemical and biological warfare. He said, "First, I have no knowledge one way or the other as to whether the United States has engaged in weather modification in connection with military activities in southeast Asia.

"However, it is obvious that weather modification used as a weapon of war has the potential for causing large scale and quite possibly uncontrollable and unpredictable destruction. Furthermore, such destruction might well have a far greater impact on civilians than on combatants. This would be especially true in areas where subsistence agriculture is practiced, in food deficit areas, and in areas subject to flooding."

Leonard S. Rodberg, a fellow of the Institute for Policy Studies who assisted in publishing the Gravel *Pentagon Papers*, said, "I don't think we have a right to experiment on other people. It's a standard issue which in medical terms would be called informed consent. The people in that area [Indochina] are totally dependent on the weather for their livelihoods. If we change the pattern we destroy their ability to exist. We've done it not only with weather modification but with defoliants and herbicides." Rodberg adds, "It's quite clear that many kinds of experimentation have been permitted in Indochina. So long as it's not a large operation that would get a lot of publicity, anything can be done."

Most of those queried favored some sort of ban on military uses of weather modification technology. But Adrian S. Fisher, deputy director of the Arms Control and Disarmament Agency from 1961–1969, now dean of the Georgetown University Law School, says, "Weather modification is really an appropriate subject, not only for an arms control agreement, but for a peaceful uses agreement," which would "regulate allocation of resources in such a way as to recognize its good qualities as well as its bad ones."

Footnotes at end of article.

Finally, another well-known arms control specialist, Herbert P. Scoville, Jr., favors a ban on weather modification's military uses. "I would strongly support any statement that we ought to ban the use of weather modification for military purposes and seek an international agreement on this.

"At some stage of the game, somebody may start doing it—even if it's not going on now. To me it is a terrible way to be using science.

—DEBORAH SHAPLEY.

FOOTNOTES

[1] G. J. F. MacDonald, "How to wreck the environment," in *Unless Peace Comes: A Scientific Forecast of New Weapons*, Nigel Calder, Ed. (Viking Press, New York, 1968).

[2] *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam.*

[3] The civilian experiments which would parallel this activity are reported in "Seeding Cumulus Clouds in Florida: New 1970 Results" by Joanne Simpson and William L. Woodley (*Science*, 9 April 1971). See also *Science*, 7 May 1971, for a general review of weather modification progress.

[4] *The Atmospheric Sciences and Man's Needs: Priorities for the Future*, Recommendation III–6, Committee on Atmospheric Sciences, National Research Council (National Academy of Sciences, Washington, D.C., 1971), p. 61.

[From Science & Government Report, May 1, 1972]

VIETNAM RAINMAKING: A CHRONICLE OF DOD'S SNOWJOB

The quest for information as to whether the U.S. has employed rainmaking for military purposes in Southeast Asia has now produced, from Defense Secretary Laird, a carefully worded denial of such activities "over North Vietnam." But the trail is marked by so many evasions that even a gullible consumer of government pronouncements might be skeptical.

With the skies over Vietnam raining high explosives, manmade precipitation for malicious purposes is of minor concern at the moment, and Laird's encounter with the subject was little noted during his recent appearance before the Senate Foreign Relations Committee. Nevertheless, "environmental warfare"—the deliberate triggering of "natural" events to the detriment of an enemy—is high on the docket in military research, and a collision is in the making between DoD's fascination with the technology and a move in the Senate to develop a treaty to keep rainmaking, earthquakes, tidal waves, crop-destroying climate changes, and so forth out of military hands. (SGR Vol. I, No. 22.)

Laird's denial is best appraised against the background of attempts, led by Senator Pell (D-R.I.) to obtain information about rainmaking. Pell is chairman of the Foreign Relations Subcommittee on Oceans and International Environment, and his interest in the subject was aroused by reports that the U.S. had sought to rain out the Ho Chi Minh Trail and may even have been responsible for the unusually heavy rains that devastated parts of North Vietnam last year.

On September 23, 1971, Pell wrote to DoD's Assistant Secretary for Legislative Affairs, Rady A. Johnson, asking, "What are the objectives of the project known by the code name 'Intermediate-Compatriot?' "—which, according to some reports, was the code name for weather modification activities in Vietnam. He also asked, "In what specific countries is this project conducted?" and "Would you provide a rather detailed description of this project?"

Johnson acknowledged his inquiry in a letter dated the following day, and said the request for information had been sent to the Director of Defense Research and Engineering (DDR&E), John S. Foster, Jr., and "You may expect a further reply from his office at an early date."

Six weeks later, Nov. 9, Pell reminded DoD that he had not received a reply, and on Nov. 23, there arrived from Johnson a two-and-a-half page letter which, in effect, told him that the subject was none of his business. Making no reference to "Intermediate-Compatriot," and not even mentioning Vietnam, Johnson said that DoD was interested in weather modification for the purpose of reducing weather damage to military property. He said DoD also conducted research to keep abreast of what the Soviets might be doing, noting that the Soviets had developed a hail-suppression technique based on cannon fire into cumulus clouds and that "These experiments are conducted by Soviet military personnel using military equipment." He then cited DoD participation in several drought-relief and storm-abatement efforts and concluded with apologies for the delay in replying.

Pell then wrote to Defense Secretary Laird to complain that Johnson's letter had failed to answer his questions. Ten days later he received a letter from DDR&E's Foster, which in even stronger terms told him that the subject was none of his business. "Certain aspects of our work in this area are classified," Foster stated, adding that those concongressional committees "with primary responsibility for this Department's operations have been completely informed regarding the details of all classified weather modification undertakings by the Department." Foster continued, "However, since the information to which I refer has a definite relationship to national security and is classified as a result, I find it necessary to respectfully and regretfully decline to make any further disclosure of the details of these activities at this time."

Pell subsequently sought information from the Arms Control and Disarmament Agency (ACDA), but that dispirited outcast from administration policymaking simply stated that it "has no knowledge of any current military applications of environmental warfare techniques." In questioning by Senator Church (D-Idaho), ACDA Director Gerald Smith said of weather modification activities, "I don't know if there are any"—an amusing revelation on the part of the ACDA chief in view of Foster's strong suggestion that something is going on that DoD chooses to keep classified.

Laird's appearance before the Foreign Relations Committee last month was prompted by the renewed bombing of North Vietnam, and most of the questioning was related to that subject, but both Pell and Chairman Fulbright used the opportunity to ask some questions about military rainmaking and the results were indeed curious.

Pell asked Laird, "Have we engaged in these activities for military reasons in Southeast Asia?"

Laird: I don't discuss the operating authority that we go forward with as far as Southeast Asia specifically, but I would be glad to discuss with you the techniques that have been used outside the battle zone.

Fulbright: . . . Why do you decline to discuss weather control activities in North Vietnam, yet you freely discuss B–52 flights over North Vietnam?

Laird: I do not talk about things that we have not done . . . We have announced that we have used B–52s over North Vietnam. In connection with the weather programs or such as have been discussed . . . we have not and are not at this time conducting such operations but I am not going to rule them out.

Fulbright: That is understandable. In other words, you have never engaged in the use of this, whatever it may be, weather control, although you have a capability of it. Is that the reason?

Laird: We have never engaged in that type of activity over North Vietnam.

Fulbright: That is a perfectly logical answer. I don't see why you were so sensitive about it.

Laird: I am not sensitive about it, Mr. Chairman, but—

And there the matter ended for the moment, to be taken up again when Pell holds hearings on his proposed treaty, probably around the end of May.

Meanwhile, students of government veracity are advised to note that the Defense Secretary limited his denial to "North Vietnam." He did not say anything about Laos or Cambodia.

AMBASSADORS ABROAD

Mr. SPARKMAN. Mr. President, the Christian Science Monitor of May 26 contains an interesting article relating to our ambassadors abroad. I commend its reading and therefore ask unanimous consent that it be printed in the RECORD.

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

AMBASSADORS ABROAD

(By Lucia Mouat)

WASHINGTON.—Ambassador. To many, the word suggests flag-flying, chauffeured limousines, and an endless round of cockail parties marked by good manners and cautious conversation.

To the leaders of early America, the word "ambassador" had a certain aristocratic ring to it—and was certainly not the kind of label a democratic country thought it should pin on its overseas representatives. However, when it was found that American emissaries were getting second-class treatment for lack of the formal rank and title, the U.S. relented and in 1894 tapped its first official ambassador.

A year later, in urging Congress to support the purchase of official residences for U.S. envoys abroad, President Cleveland said that while "avoiding unnecessary glitter and show" the U.S. must not let "parsimony and shabbiness in its diplomatic outfit" strain its relationships with other nations.

Today Washington's professional diplomatic corps ranks as one of the best in the world. Virtually every one of the more than 3,000 foreign service officers continues to equate an ambassadorship with the highest calling possible in his career. Yet, aspire as he may, the facts are that roughly one-third of the 119 existing ambassadorial positions (Bangladesh has been added though as yet there's no actual appointment) are filled by political appointees rather than professional diplomats.

Although the practice is not new, it is one that has become increasingly controversial.

Over the years, of course, many other features of the ambassadorial job have changed.

Ambassadors no longer tote the old black satchel of jewels, money, and other enticements designed to buy position in foreign courts. Nor do they specialize in temporary, single-purpose assignments.

NO MESSAGE IN MONTHS

Communications have vastly improved since the day when Secretary of State Thomas Jefferson gently reminded the U.S. delegation in France that he had had no message from them in months and trusted that all was going well. Links between Washington and overseas capitals now are such that U.S. representatives have almost instant access to guidance from home (and vice versa) to the point where they speak with a much more coherent set of voices than ever before.

The fact that foreign policy is largely staged and directed in Washington—and most visibly from the White House under the current administration—also has its effect on emissaries abroad. National security adviser Henry Kissinger's sudden secret trips

to Moscow for pre-summit preparations and to Paris for Vietnam consultations in a sense directly undercut the role of the appointed U.S. ambassadors in each instance.

In some cases, ambassadors have been no more filled in on sudden presidential shifts in policy than the leaders of the country in question. Former Undersecretary of State George Ball has charged the administration with effectively destroying the credibility of some of its emissaries by not including them in its "circle of confidants."

In some ways, theoretically at least, the ambassador's responsibilities are broader than ever. Many more government agencies, such as the Central Intelligence Agency, Department of Defense, and the Bureau of Narcotics and Dangerous Drugs now have representatives abroad, and the ambassador, as the President's personal representative, is charged with supervising and coordinating their activities. He is the one with primary responsibility for carrying out U.S. policy in his assigned country.

Although the increasingly technical and multilateral nature of modern diplomacy of necessity adds more and more specialists to the U.S. diplomatic corps, the ambassador himself must work harder than ever just to stay reasonably in the know.

But the essence of his job, part lobbyist and part reporter, is still as personal as it has ever been. The grease of diplomacy, as in many a business, is basically human contact. The ambassador's mission is to develop a set of relationships at the highest level in his assigned country in every field from politics to business. Though the trappings are much more sophisticated than they used to be, it is still, as one seasoned diplomat phrases it, "A matter of making sufficient deposits in the account so that checks can be written on it when the need arises."

STATURE VITAL TO SUCCESS

It is generally agreed that the more stature an ambassador has in his own capital, the more likely he is to garner it abroad.

Most of the political appointees are businessmen (sometimes lawyers) who have donated generously to party coffers. And the posts—mainly in the important and attractive Western European capitals but also in Africa, Latin America, and Asia—are offered in large part as a reward for past services.

While it can be argued that such campaign contributions are the only ones with wealth to entertain in the style that befits the United States (until Congress becomes more generous) and the only ones with enough White House influence to prompt action at home when needs arise, it can also be held that such important posts are the very spots in which a country ought to place its most experienced diplomats with their particular wealth of expertise.

Certainly good professionals are hard to come by in many countries. Peking officials have confessed to visitors in recent months that they hope diplomatic recognition does not come too fast because they don't have enough trained people to send out as ambassadors.

The U.S. has no such shortage, yet its percentage of political appointments is extraordinarily high. Not all, of course, are party contributors. Ex-politicians and scholars are also in the ranks. Among the many distinguished political appointees who have served as able ambassadors in past years are Edwin O. Reischauer, Averill Harriman, John Kenneth Galbraith, and Ellsworth Bunker (currently Ambassador to South Vietnam).

Some career diplomats go out of their way to point out that "outsiders" sometimes see problems and solutions more clearly than those laboring for years in the vineyards but, as one says, "It helps a lot if the political appointee knows a little about the country he's going to."

This question of competence, combined with possible conflicts of interest, figures prominently in the hearings which the Senate Foreign Relations Committee holds routinely on each nominee. Maxwell Gluck, a clothing manufacturer nominated as Ambassador to Ceylon some years ago, was not able under vigorous questioning of committee chairman Sen. J. W. Fulbright, to come up with the name of the Ceylonese Prime Minister. In the end, the Senate confirmed him anyway.

DIRECT REJECTION AVOIDED

Technically, the Senate has not rejected a nominee since World War II. The preferred committee tactic is to table the extremely controversial nominations and turn them back to the President at the end of the year. Sometimes, if it is clearly a question of a particular country which has brought on the debate, the President will resubmit the name for another location.

He did this in the case of Texas oilman John C. Hurd, an advocate of tight oil import quotas. When his nomination for oil-rich Venezuela was tabled, the President nominated him for the South African ambassadorship and it was confirmed. Similarly the strong anti-Communist views of Robert Strausz Hupe, former director of the Foreign Policy Research Institute at the University of Pennsylvania, essentially kept him from a North African post a few years ago. But since then he was confirmed as Ambassador to Ceylon and most recently to Belgium.

The most recent controversial nomination case involved a career diplomat rather than a political appointee. Howard P. Mace, who had been the State Department's personnel director and as such helped to carry out what many employees considered a ruthless "selection out" system of promotion, was the subject of several committee hearings instead of the usual one in the course of his confirmation as Ambassador to Sierra Leone. He finally withdrew his name and was shortly afterward assigned to Istanbul as consul-general, a post that needs no Senate confirmation.

RECIPIENT SOMETIMES OBJECTS

Occasionally the country itself will step forward to voice an objection, as one North African country did recently with an ambassadorial candidate it considered too closely allied with Zionism.

Certainly the lure of a man with strong White House influence is enough in the eyes of a few countries to offset other disadvantages, and they candidly admit their general preference for a political appointee. Under the last administration one country made it clear it could well endure some of the idiosyncracies of a backslapping, effervescent ambassador because it knew at any time he could pick up the telephone and say, "Hello, Lyndon . . ." As one diplomat puts it: "The one safe generalization is that no country wants a nobody."

One of those held in high esteem here as a model worth emulating is Lord Harlech, former British Ambassador to the U.S. and under the British definition a career man. He was respected enough by the Kennedys to be in and around the White House almost constantly during the Cuban missile crisis. He occasionally rode to hounds with Mrs. Kennedy.

"There's a line between respected acquaintance and friendship which it isn't really necessary for an ambassador to cross," says one observer.

Any diplomat worth his credentials will spend time cultivating the opposition as well as the establishment. Some have survived several administrations at home as well as abroad. Soviet Ambassador Anatoly Dobrynin has served in the U.S. during the last three Washington administrations. Some ambassadors make courtesy calls on Congress so frequently and faithfully that Senator Fulbright tried several years back to have one gathering a year at which all congregated. It was not successful and the old system prevails once again.

By most objective assessments, a professional diplomat often knows the home foreign affairs machinery and how to make it operate to his ends better than his political counterpart. His skills in human relations work are often a bit sharper, if usually more low-key.

Such quiet but effective building of contacts was regarded as one of the strong suits of the late Llewellyn Thompson, who set something of a record by serving two times as Ambassador to the Soviet Union. Among the most respected career men currently serving in Washington are Sir James Plimsoll, Australian Ambassador, and Nobuhiko Ushiba, Japan's Ambassador.

POLITICAL APPOINTEES MAIN TARGETS

One recent U.S. career appointment, which has greatly heartened State Department professionals, is the President's selection of Martin Hillenbrand, Assistant Secretary of State for European Affairs, as the new Ambassador to West Germany.

There is no denying the fact that it is the political appointees who have been the target of most ambassadorial controversy over the years—sometimes, it can be argued, quite unfairly.

One of the most well-publicized recent incidents was columnist Jack Anderson's charge that Arthur K. Watson, the former IBM executive now serving as Ambassador to France, was "gloriously drunk," used obscene language, and insulted crew members on a March flight back to this country. The story was only partly denied. President Nixon urged on the Ambassadors behalf that "people in glass houses should not throw stones." The State Department stressed that the discussions the Ambassador was about to have with the Peking Ambassador to France were not as delicate, sensitive, and important as rumor would have it. It is also well known that he speaks the language well and is very fond of France, two points which in French eyes may be decisive advantages.

"The question in the end is really not whether a man is a political or a career appointee," says one Washington diplomat who has served extensively overseas. "It's whether he's any good or not."

It boils down, perhaps, to the question of whether the President could afford to be more selective among his political nominees. There may be another way to reward faithful donors other than to hand over on a platter the most important posts. It may well be, though, that many of them would not settle for less.

RHODESIAN ORE

Mr. KENNEDY. Mr. President, I invite attention to an editorial from the New York Times concerning shipments of Rhodesian chrome.

The Senator from Wyoming (Mr. McGEE) led a valiant battle to relieve the damage caused by lifting the ban on imports from Southern Rhodesia. But, the deception of the administration successfully undermined his attempts to reimpose sanctions on that government.

I fully supported Senator McGEE, and I believe that there must be even another attempt to halt those imports. The New York Times editorial clearly describes why the move to reimpose sanctions is important. I ask unanimous consent that the editorial be printed in the RECORD.

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

HYPOCRISY ON RHODESIA

Forty Senators—only two-fifths of the membership but a slim majority of those present and voting—have dealt another blow against the credibility of the United States and the prospects for building an effective United Nations. On the spurious arguments of Senator Harry F. Byrd and others, they have voted in effect to require this country to continue to breach the sanctions invoked with American support by the U.N. Security Council against the white racist rulers of Rhodesia.

This makes the United States an international lawbreaker, an offender not only against a Security Council decision but against the U.N. Charter itself. Such an action will help propel the United Nations down the road to extinction taken by the League of Nations after its failure to halt Fascist Italy's aggression against Ethiopia in 1935.

The 40-to-36 vote, rejecting an effort by Senator McGee of Wyoming to return the United States to the side of international law, reflected racism, pique at the U.N. for ousting Taiwan, and clever lobbying by the Rhodesian regime as well as by Union Carbide Corporation and the Foote Mineral Company, both importers of Rhodesian chrome.

Most of all, however, the Senate behavior reflected a double game by the Nixon Administration. It tried to placate liberals, blacks, U.N. backers and African governments with a State Department letter supporting Mr. McGee while refusing the minimal White House initiative that would have brought him victory.

The letter to Mr. McGee from Acting Secretary of State John N. Irwin refuted all the arguments advanced by Mr. Byrd for breaking the sanctions to permit chrome imports: there is no shortage of chrome but 2.2 million tons of excess in the strategic stockpile; the Government hopes to sell off 1.3 million tons; the United States is not dependent on the Soviet Union for any of its chrome needs.

But especially in this Administration the lawmakers pay scant heed to the State Department; a White House follow-through was plainly required. Prior to the vote, Senator McGee telephoned Presidential assistant John D. Ehrlichman to report that six Senators in doubt on the issue had promised to support his amendment if asked to do so by the White House. But an Ehrlichman assistant later called back to say Mr. McGee could expect no further help in the matter.

After his amendment lost by four votes, Mr. McGee told the Senate of this exchange and warned of the high cost for America of a hypocritical stance on such matters of principle. "The time has come when the African nations no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs," he said. "Either we believe in their aspirations or we don't. Either we believe in the United Nations or we don't. We cannot have it both ways."

It would be comforting to be able to believe that these words had impact on forty Senators who had just voted to tarnish the honor of the United States for a supply of excess chrome and the preservation of white minority rule in Rhodesia.

PROBATION PERSONNEL SEEK TO STEM CRIME INCREASE

Mr. SYMINGTON. Mr. President, I am pleased to note that the Senate approved an increase in funds for the Division of Probation with passage on June 15 of the appropriations bill for the Departments of State, Justice, Commerce, the judiciary and related agencies. Our action followed the excellent recommendation of the Appropriations Committee to recognize the needs of the Division of Probation for additional probation officers and supporting staff.

The central responsibility of the Division is to provide control, guidance and assistance to released offenders, including parolees and probationers, to prevent their return to crime. In doing so, a contribution is made, of course, to the safety of our homes and streets.

In recent years, however, the Division has encountered a large increase in its workload. A constituent's letter brought this situation to my attention. I would like the Senate to hear what Mr. J. Alan MacDaniels, Chief Probation Officer for the Eastern District of Missouri, wrote:

Our probation offices are finding that supervision caseloads are increasing at a rapid rate, as are our presentence investigations for the courts. Less and less time is available for adequate supervision and treatment of problems that are very much apparent. Our officers are frustrated, realizing that areas needing their attention are having to be ignored in order to handle emergency situations, that if they had time, would not have occurred.

Funds have been approved for additional law enforcement and institutions. This stopped short of the total problem. Institutions can offer the tools for an individual to return to free society but the tools he has acquired are of no value if he does not know how to adapt to a free society. Probation officers are totally involved with each individual, his family, employment, and/or education, adjustment to responsibilities that must be accepted and numerous other day to day problems that arise.

Probation officers can make the biggest contribution to stemming the increase of law violations if we have adequate staff with reasonable caseloads."

Mr. President, I would like to present five factors contributing to the increased workload of the Division and demonstrate how they justify an increase in the Division's budget.

First, the number of persons under the Division's supervision has increased drastically in recent years. In fiscal year 1969, 612 probation officers supervised 36,987 persons. Thirty months later, the number of persons supervised had jumped to 45,177, a 22-percent increase. Yet the number of supervisory officers had increased only 5 percent, to 640. Each officer, therefore, now handles an average of 74 cases, more than double the level of 35 cases per officer recommended by the President's Commission on Law Enforcement and Administration of Justice.

Second, heavy demands on the Division for presentencing investigative assistance has diverted large amounts of manpower from its primary function of supervision. Such assistance is vital, and is properly performed by the Division, but is nevertheless quite time consuming. Division personnel filed 25,000 presentencing reports last year.

Third, many persons under the Division's supervision live in urban areas where an officer cannot work safely by himself. A survey in one city revealed that 40 percent of the cases involved persons living in such dangerous areas. Although officers should therefore work in pairs in such areas for their own protection, because of inadequate staffing, they cannot always do so.

Fourth, certain parolees require "maximum supervision and close surveillance" according to the Board of Parole guidelines. The Board urges that these cases be assigned on the basis of not more than 25 cases per officer. This, of course, further increases the workload of probation officers.

Fifth, probation officers' responsibilities have been increased still further by new programs required by statute. As one example, pursuant to the Narcotic Addict Rehabilitation Act of 1966, probation officers provide community supervision for certain persons sentenced under the act. Since the Congress has prescribed these added duties which serve definite national needs, we must also be prepared to provide the Division with sufficient resources with which to perform those duties.

Accordingly, I support the increase in funds recommended by the Senate Appropriations Committee that will permit an increase of 236 probation positions on a nationwide basis. While it does not meet the full request of the Division for an increase of $7 million to provide for 348 additional probation officers and supporting staff, it is well beyond the House provision of only 100 additional officers and staff.

One final note, Mr. President. Use of probation wherever feasible is financially advantageous compared to imprisonment. Per capita probation costs have consistently been one-tenth of the cost for imprisonment.

THE CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. PELL. Mr. President, today is the final day of the United Nations Conference on the Human Environment. I have just returned from Europe where I had the honor of serving as a member of the U.S. delegation to this Conference, a conference which marks the beginning of a new era in the history of international relations. It is the first small step in a global cooperative effort designed to preserve and improve our planet's environment.

During the past 2 weeks, over 1,000 delegates from 114 countries assembled in Stockholm to identify the world's most urgent environmental problems and to seek agreements on actions to deal with these issues. It has been widely accepted that this United Nations Conference is one of the most important and best prepared U.N. conferences ever convened.

Preparations for this Conference have been under way for almost 4 years. These activities have been conducted under the guidance of Maurice Strong and a 27-nation preparatory committee which met four times during this 4-year period. In addition, five intergovernmental working groups and seven regional seminars were conducted to develop specific action proposals and to provide insights and make recommendations. All these preparations have produced 12,000 pages of Conference documentation, including over 70 national reports summarizing the various global environmental problems.

This information was studied, condensed, and converted into an action plan which consisted of approximately 200 proposals. These proposals were grouped under the following subject areas:

First. Planning and management of human settlements for environmental quality;

Second. Identification and control of pollutants of broad international significance;

Third. Educational, informational, social and cultural aspects of environmental issues;

Fourth. Development and environment; and

Fifth. International organizational implications of the action proposals.

These proposals and the Conference itself are designed:

To increase the knowledge of the character and seriousness of the threats to the environment; and

To make use of the United Nations institutional system in order to prevail upon national governments to adopt concrete measures on both a national and international level.

However, the task of the Stockholm Conference has been complicated by a number of political issues. The first is the split between the developed and the developing nations.

The industrialized countries, anxious to limit international action to the discussion of antipollution standards, feared that the Conference would be converted into a platform for poor country demands for increased economic aid. On the other hand, the lesser developed nations were concerned that international standards would impede or delay their plans for economic development. This is still a contentious point and is one of the primary factors, along with China's intransigence, which prevented the Conference from reaching an agreement on the Declaration of Principles.

Another problem of the Conference was the dispute with respect to East Germany. Late last year the U.N. General Assembly voted to limit the participation in the Stockholm Conference to only those countries which are members of the United Nations or its affiliated agencies. This formula permitted West Germany, a member of two United Nations specialized agencies, to take part in the Conference, but excluded East Germany. As a result, Russia and the Eastern bloc countries, except for Rumania and Yugoslavia, have boycotted the Conference. The absence of these nations, which represent a quarter of the world's industrial capacity and pollution, has considerably weakened the impact of the Conference's accomplishments.

In addition to the above problems, there is a very good possibility that the "Declaration on the Human Environment" may never be adopted. This is the document that sets forth the guiding principles for world environmental initiative. China's insistence on fixing the responsibility for environmental pollution on "imperialist aggressors" and the demand by some developing countries for financial advantages through the right of compensation for damages caused by environmental standards has placed this document in grave danger. Hopefully, this issue can be resolved before the closing session this evening.

However, despite the current problems of the Declaration, I feel the Conference has produced some positive accomplishments. For one thing, the international action plan adopted by the Conference, although weak in many respects, does provide a framework for substantial future international environmental action. Coupled with the creation of a new permanent unit to coordinate all U.N. environmental programs, the Conference action plan is a document promising great potential.

I only hope that the nations of the world utilize this potential to establish new groupings of interests which will be prepared to undertake far-ranging international initiatives to preserve and protect the global environment. It is only through the collective efforts of all nations—both developed and developing—that we can hope to improve and preserve our global environmental quality.

Mr. President, for the benefit of interested environmentalists, I ask unanimous consent that the several statements be printed in the RECORD.

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

INTERNATIONAL ORGANIZATIONAL IMPLICATIONS OF ACTION PROPOSALS—(SUBJECT AREA VI)

WORKING PAPER—DRAFT RECOMMENDATION

The United Nations Conference on the Human Environment

Convinced of the need for prompt and effective implementation by Governments and the international community of measures designed to safeguard and enhance the human environment for the benefit of present and future generations,

Recognizing that responsibility for action to protect and enhance the environment rests primarily with Government and, in the first instance, can be exercised more effectively at the national and regional levels,

Recognizing that environmental problems of broad international significance fall within the competence of the United Nations system,

Bearing in mind that international co-operative programmes in the environment field must be undertaken with due respect to the sovereign rights of States and in conformity with the United Nations Charter and principles of international law,

Mindful of the sectoral responsibilities of the organizations of the United Nations system,

Conscious of the significance of regional and subregional co-operation in the field of the environment and of the important role of the regional economic commissions,

Recognizing that problems of the human environment constitute a new and important area for international co-operation and that the complex interdependence of such problems requires new approaches,

Recognizing further that the relevant international scientific and other professional communities can make an important contribution to international co-operation in the field of the environment,

Conscious of the need for processes within the United Nations system which would effectively assist developing countries to implement environmental policies and progarmmes compatible with their development plans,

Convinced that, in order to be effective, international co-operation in the field of the environment requires additional financial and technical resources,

Aware of the urgent need for a permanent institutional arrangement within the United Nations for the protection and improvement of the human environment—

GOVERNING COUNCIL FOR ENVIRONMENTAL PROGRAMMES

1. Recommends that the General Assembly establish the Governing Council for Environmental Programmes composed of [54] members, elected for three-year terms on the basis of equitable geographical distribution;

2. Recommends further that the Governing Council have the following main functions and responsibilities:

a. To promote international co-operation in the environment field and to recommend, as appropriate, policies to this end;

b. To provide general policy guidance for the direction and co-ordination of environmental programmes within the United Nations system;

c. To receive and review the periodic reports of the Executive Director on the implementation of environmental programmes within the United Nations system;

d. To keep under review the world environmental situation in order to ensure that emerging environmental problems of worldwide significance should receive appropriate and adequate consideration by governments;

e. To promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formulation and implementation of environmental programmes within the United Nations system;

f. To maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that might be incurred by developing countries in the implementation of environmental programmes and projects, to ensure that such programmes and projects are compatible with the development plans and priorities of those countries;

g. To review and approve annually the programme of utilization of resources of the environment fund;

3. Recommends further that the Governing Council report annually to the General Assembly through the Economic and Social Council, which would transmit to the Assembly such comments on the report as it may deem necessary, particularly with regard to questions of co-ordination and to the relationship of environment policies and programmes within the United Nations system to overall economic and social policies and priorities;

ENVIRONMENT SECRETARIAT

4. Recommends that a small secretariat be established in the United Nations, with headquarters in [.....] to serve at the secretariat level as a focal point for environmental action and co-ordination within the United Nations system in such a way as to ensure a high degree of effective management;

5. Recommends further that the environment secretariat be headed by the Executive Director, who shall be elected by the General Assembly on the nomination of the Secretary-General, and who shall be entrusted, *inter alia*, with the following responsibilities:

(a) To provide substantive support to the Governing Council;

(b) Under the guidance of the Governing Council, to co-ordinate environmental programmes within the United Nations system, to keep under review their implementation and assess their effectiveness;

(c) To advise, when appropriate and under the guidance of the Governing Council, intergovernmental bodies of the United Nations system on the formulation and implementation of environmental programmes;

(d) To secure the effective co-operation of and contribution from, the relevant scien-

tific and other professional communities from all parts of the world;

(e) To provide, at the request of all parties concerned, advisory services for the promotion of international co-operation in the field of the environment;

(f) To submit to the Governing Council, on his own initiative or upon request, proposals, embodying medium- and long-range planning for United Nations programmes in the environment field;

(g) To bring to the attention of the Governing Council any matter which he deems to require consideration by it;

(h) To administer, under the authority and policy guidance of the Governing Council, the Environment Fund;

(i) To report on environment matters to the Governing Council;

(j) To perform such other functions as may be entrusted to him by the Governing Council;

THE ENVIRONMENT FUND

6. Recommends that, in order to provide for additional financing for environmental programmes, a voluntary fund be established in accordance with existing United Nations financial procedures;

7. Recommends further that, in order to enable the Governing Council to fulfill its policy guidance role for the direction and co-ordination of environmental activities, the Fund finance the costs of the new environmental initiatives undertaken within the United Nations system. These will include the initiatives envisaged in the action plan adopted by the United Nations Conference on the Human Environment, with particular attention to integrated projects, and such other environmental activities as may be decided upon by the Governing Council. The Governing Council shall review these initiatives with a view to taking appropriate decisions as to their continued financing;

8. Recommends further that the Fund be used for financing such programmes of general interest as regional and global monitoring assessment and data collecting systems, including, as appropriate, costs for national counterparts; improvement of environmental quality management; environmental research; information exchange and dissemination; public education and training, assistance for regional and global environmental institutions; and promotion of environmental research and studies for the development of industrial and other technologies best suited to a policy of economic growth, compatible with adequate environmental safeguards. In the implementation of such programmes due account should be taken of the special needs of the developing countries.

9. Recommends further that the expenses of the Governing Council and the secretariat [be borne by the regular budget of the United Nations] [be borne by the Environment Fund];

10. Recommends further that, in order to ensure that the development priorities of developing countries are not adversely affected, adequate measures be taken to provide additional financial resources on terms compatible with the economic situation of the recipient developing country. To this end, the Executive Director, in co-operation with competent organizations, will keep this problem under continuing review.

11. Recommends that the fund, in pursuance of the objectives stated in paragraphs 7 and 8, be directed to the need for effective co-ordination in the implementation of international environmental programmes of the organizations of the United Nations system and other international organizations;

12. Recommends that, in the implementation of programmes to be financed by the Fund, organizations outside the United Nations system also be utilized as appropriate, in accordance with the procedures established by the Governing Council;

13. Recommends that the Governing Council formulate such general procedures as are necessary to govern the operations of the Fund.

COORDINATION

14. Recommends that in order to provide for the maximum efficient co-ordination of United Nations environmental programmes, an Environmental Co-ordinating Board, chaired by the Executive Director, be established under the auspices and within the framework of the Administrative Committee on Co-ordination;

15. Recommends further that the Environmental Co-ordinating Board meet periodically for the purpose of ensuring co-operation and co-ordination among all bodies concerned in the implementation of environment programmes and that it report annually to the Governing Council;

16. Invites the organizations of the United Nations system to adopt the measures that may be required to undertake concerted and co-ordinated programmes with regard to international environmental problems;

17. Invites the Regional Economic Commissions and the Economic and Social Office in Beirut, in co-operation, where necessary, with other appropriated regional bodies, to further intensify their efforts aimed at contributing to the implementation of environmental programmes in view of the particular need for rapid development of regional co-operation in this field;

18. Invites also other intergovernmental and those non-governmental organizations which have interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of co-operation and co-ordination.

19. Calls upon Governments to ensure that appropriate national institutions shall be entrusted with the task of co-ordination of environmental action, both national and international;

20. [Recommends that the concept of a world environmental institute or other appropriate mechanism be pursued, drawing upon the international scientific community and other relevant disciplines to act as a global research resource, to provide to the appropriate United Nations body and to all nations, research results and analyses of scientific information relevant to environmental problems];

21. Recommends that the General Assembly review, as appropriate, at its thirty-first session, the institutional arrangements which it may decide upon in pursuance of this recommendation, bearing in mind, *inter alia*, the responsibilities of the Economic and Social Council under the Charter.

PRACTICE OF CHIROPRACTIC

Mr. BURDICK. Mr. President, an article entitled "Who on Earth Goes to a Chiropractor?" published in the respected magazine, Medical Economics, was recently brought to my attention. It illustrates many of the successful services chiropractors have performed for their patients.

Since the acceptance and professionalism of chiropractors will again be a matter of debate when H.R. 1 comes before the Senate, I ask unanimous consent that it be printed in the RECORD.

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

WHO ON EARTH GOES TO A CHIROPRACTOR?

(By Allyn Z. Baum)

(Note.—An article we published last year, "Now Chiros Treat Heart Trouble—Oh, My Aching Back!," accurately reflected our considered opinion that chiropractic as a science cannot be taken seriously. And still the chiropractors themselves survive and sometimes even prosper. What's their nonscientific secret? An amalgam of the laying on of hands, the art of human relations, and a few older things that the medical profession would be wise not to dismiss too lightly. Listen and learn while 11 representative patients in one chiropractic office tell what brought them there and what they get from treatment. We report these findings without recanting one word of a terse sum-up we published five years ago: "Chiropractic is a dangerous cult.")

An Episcopal minister, a pharmacist, several business executives, a dentist, a college student, an attorney—these may not be your idea of the types of patients to be found in a chiropractor's office. But they're among the types I found recently while spending a full day checking out a cross section of chiropractic patients. Even more surprising was the discovery that several were there with their family physician's blessing. Most of the rest had broken away from their family physician or specialist because of what they considered to be failings in the way they'd been treated.

Tune into what I heard one Friday in the offices of Warren I. Hammer and Marino R. Passero. Together with a third associate, Sheldon C. Delman, presently a consultant only, they operate a newly formed chiropractic group practice in the Norwalk (Conn.) Medical Center. In addition to the chiropractors, the building lists among its tenants a dermatologist, an internist, a neurologist, an OBG specialist, a pediatrician, two surgeons, a urologist, and six dentists.

From 8:30 a.m. to 6.30 p.m. that day, I talked with the chiropractors' patients as they came through. Sixty-five were scheduled for either examination or adjustment. The majority were seen by Hammer; Passero was new to chiropractic at the time. The patients whose pictures and comments follow were selected as being representative of those who were treated during that day.

First meet the chiropractors themselves:

"Our profession has been built on medical failures," says chiropractor Warren I. Hammer (at right), shown here with his associate, Marino R. Passero. "Chiropractic thrives because chiropractors are providing a kind of service the average doctor doesn't. We must be doing something right. How else can you explain upwards of 200 patients a week coming here—many of them after recent experience with M.D.s and some even sent by M.D.s?"

The chiropractors occupy a suite formerly used by an orthopedic surgeon. They pay $500 a month in rent and have four treatment rooms. Among their common courses of treatment are adjustments for neck trouble (approximately eight to 10 visits per patient) and for lower back conditions (approximately 12 visits per patient). The usual charges: $8 to $10 a visit, with physical examinations, X-ray, and lab fees additional. House calls? Yes indeed . . . at $12 and up. Perhaps most surprising is the fact that Hammer claims chiropractic malpractice insurance rates haven't gone up in about 20 years. "The reason is simple," he says. "We don't do anything that puts the patient in jeopardy. Our whole approach is to effect a structural correction to enable him to get well in the shortest period of time."

There's a place in medicine for both physicians and chiropractors in the opinion of Norwalk attorney Edward J. Zamm. Though for years he'd balked at the idea of seeing a chiropractor, Zamm has been a patient of Warren Hammer's for the past two years. "The problem was with my right leg," Zamm says. "My internist had diagnosed the trouble as a pinched sciatic nerve. Two years ago when the pain flared up, my internist told me I had to get off my feet completely and

take muscle relaxers. If that didn't work out, he said I would have to go into traction."

Unable to spare the prescribed four days off his feet, Zamm was beside himself. Then one of his clients suggested he try a chiropractor. "To be honest," Zamm says, "I was reluctant to see a chiropractor. There are professional taboos, and chiropractors are among them. They aren't looked on with favor by the legal profession." Eventually, Zamm's pain got the better of his reluctance. He made an appointment to see Hammer, who's shown here looking over X-rays taken for Zamm's regular checkup. Zamm recalls that Hammer's first thrust brought relief; in one month, his limp had disappeared.

"When I told my M.D. I was seeing a chiropractor," the attorney recalls, "he simply shrugged and said, 'If he helps . . . great.'" Zamm still sees his internist for his annual physical and for routine medical care. But when it comes to sore arms, kinks in the neck, or backaches, Zamm makes no bones about what he does: "I beeline it to the chiropractor."

The brusqueness of his personal physician and the high cost of surgery were two factors that Domenico Palladino cites as reasons he sought treatment from the Norwalk chiropractic group. A year ago, this self-employed Jack-of-all-trades injured his back. His physician diagnosed the injury as a slipped disk.

"He told me there was nothing that could be done except to operate," Palladino says. "The way he said it frightened me. He talked to me like I was nothing—a piece of dirt in his office. And without even asking me, he called a specialist and then phoned the hospital to reserve a bed for me. I didn't have a chance to say anything. Then he wrote out a prescription for something to kill the pain in my back, charged me $25 cash, showed me the door, and said good-by. He never even wished me luck.

"I told my friends what the doctor had said. They advised me to see a chiropractor before going into the hospital. I had nothing to lose, so I called Dr. Hammer for an appointment." Once he found Hammer could help him, Palladino called his M.D. to cancel the hospital admission. "You know," he says bitterly, "that doctor never even asked me how I felt. What kind of doctor is that? Who in hell needs that kind of concern?"

In the year that Palladino has been treated by Hammer, he's made what both of them describe as "a complete recovery." Palladino adds: "This chiropractor has saved me a hell of a lot of money. He fixed me up without hospitalization and without an operation."

"I find chiropractic treatment an ideal remedy for tensions." That's one of the reasons the Rev. Edward H. Ehart visits Hammer for adjustments. The clergyman is rector of Norwalk's Grace Episcopal Church. "I try to see my chiropractor at least four times a year," he explains. "And if I'm especially tense, I come in once a week."

Mr. Ehart, shown here having his blood pressure taken by Hammer and recorded by one of the group's three aides, has undergone this kind of therapy for the past 22 years. Before becoming the chiropractor's patient, Ehart has gone to an osteopath. "He looked after me quite well until he died," the rector says. "Some of my parishoners suggested I see Warren Hammer several years ago. I've been coming ever since."

He credits the chiropractor with helping him to keep in splendid shape. For instance, several months ago, Ehart injured his back while working around the rectory. "Dr. Hammer put my back in shape in just two visits," the rector says.

Asked if he doesn't think chiropractic adjustments for tension are more of a mental than a physical factor, the clergyman responds: "Absolutely not. This type of therapy is no more a mental thing than going to your doctor when suffering from a severe cold. If you have a dislocation, chiropractors can find it and adjust it just as well if not better than a medical man can. The same goes for tension. On the other hand, if it's something that requires medication, Dr. Hammer rightly refers me to a medical man."

Severe migraine headaches drove liquor-store owner William G. Serrao into Marino Passero's cervical treatment chair. "It was a last resort," Serrao says. "I'd been to see my physician about them. He looked me over, gave me a couple of prescriptions, and told me if one didn't work, I should try the other." When Serrao called back a few days later to report no relief, he says, his physician told him to "increase the dosage."

Several of Serrao's customers, hearing of his headaches, told him they'd obtained relief from chiropractors. "I didn't know anything about chiropractors," he liquor dealer says. "But what did I have to lose? I made an appointment with Dr. Passero to see if he could help me."

Serrao was on his third visit to Passero when photographed here. Immediately after his treatment, Serrao said he was realizing "honest-to-God relief. It's beautiful."

What had Passero done? Serrao describes the therapy: "It's a gentle jerk of my head—to one side and slightly up. Then he puts pressure—sort of like a massage—at the base of my neck and the pain begins to ease."

Serrao wasn't at all inclined to tell his family physician about his visits to the chiropractor and the ensuing headache relief. "Why should I?" he asks. "My doctor would only pooh-pooh it all and tell me to go back to the drugs he'd prescribed."

When she's not feeling well, Kathie B. Thomas visits her chiropractor. The wife of an electrician, she lives in Bethel, Conn., but thinks nothing of making the 25-mile trip to Norwalk for an examination, checkup, and adjustment for herself or her 6-month-old daughter, Tracie. Mrs. Thomas became a patient of Hammer's 10 years ago. She was brought to him for the correction of curvature of the spine.

"My family always had a deep belief in the healing art of chiropractors," Mrs. Thomas says. "It was only natural that when our doctor told them of my spinal condition and said he didn't think he could help me, my parents brought me to the chiropractor. Dr. Hammer went to work and corrected the curvature. Right now I'm here because I haven't been sleeping well. Tensions. He's going to adjust my spine."

Throughout pregnancy, Mrs. Thomas went regularly to the chiropractor for adjustments. "I saw Dr. Hammer right up to the day before Tracie was born." One month after she had her daughter, Mrs. Thomas brought the baby to Hammer for examination. "I have a pediatrician," she says, "but Dr. Hammer looks for things the baby's doctor might overlook."

Even though Mrs. Thomas goes to chiropractors for almost all her ills, the Norwalk chiropractic group practitioners don't treat "infectious disorders or complaints." They refer patients having them to physicians, sometimes to the disappointment of the patient. Mrs. Thomas is a case in point. Several months ago, she went to Hammer with an infected arm. "He took one look at it and sent me back to my family doctor," she reports. "He could have treated me if he'd wanted to."

Four months of therapy by a family physician reportedly failed to alleviate the back pain of 18-year-old Steven M. Chomicz. A senior at Fairfield (Conn.) College Preparatory School, he'd been injured in an auto accident. Steven's father first took his son to their physician for care.

"Despite daily treatment," Steven says, "the pain didn't ease. But the bills came in regular as clockwork. My father got disgusted. He asked our doctor if he didn't think I should see a specialist. The doctor told my father that he didn't care to refer me to anyone else. Well, my dad took me to an orthopedist anyway. The specialist told us there wasn't anything he could do for me."

Soon after their visit to the orthopedist, Steven's mother was told by friends that a chiropractor might be able to help her son. As Steven puts it, "My parents thought a visit to a chiropractor wouldn't hurt." When he went for his first adjustment, Steven thought all that would be involved would be a massage. "It turned out to be nothing of the sort. It was all very scientific. And it was a far cry from the way our doctor treated me. Whenever I asked *him* something, his attitude was, 'Now, now, young man, Doctor knows best. . . .'"

After two weeks of chiropractic care, Steven says, there was a definite improvement in his condition, and three months later he had no more pain. The boy's parents were so pleased with the results that they too are now visiting the chiropractor. And Steven—who had been planning on premed or oceanography studies—is now thinking seriously of taking up chiropractic instead.

Suffering from low-back pain resulting from a car accident, Norwalk pharmacist Elliott B. Stoll first went to his personal physician for treatment. Following the examination, Stoll says, his physician told him there was no need to refer him to a specialist and that he'd treat Stoll himself. The M.D.'s treatment consisted of diathermy and prescribed muscle relaxants. A month passed with no easing of pain.

It wasn't long before customers at the drugstore, noting Stoll's discomfort, began telling him he should see a chiropractor. "Every time they mentioned the word to me," Stoll says, "I winced. I'd always considered chiropractors a bunch of quacks. I didn't want to get involved with them." However, Stoll became convinced his customers couldn't all be wrong. He decided to give chiropractic a crack at his back.

When the pharmacist told his family what he intended to do, they were appalled. Stoll visited Hammer anyway, and after three adjustments, he felt a positive easing of pain.

Not long after his chiropractic treatment was under way, the insurance company wanted Stoll examined by an orthopedist for his injury. "During my examination," says Stoll, "I asked the orthopedist what he thought of my being under the care of a chiropractor for my back trouble. The orthopedist told me. 'Keep going, Mr. Stoll. They're doing a good job.'" Later, Stoll says, his personal physician heard about it and told him, "If you think it's helping, continue."

When Linda Brown called the allergist her G.P. had referred her to, it was to request an immediate consultation. She was told she'd have to wait for an opening, possibly in two weeks. That was too long. The 19-year-old University of Connecticut coed was suffering from acute asthma; her G.P. apparently had been unable to provide her with relief. At the suggestion of some friends, Linda's parents made an appointment for her with the Norwalk chiropractic group. "I didn't know what a chiropractor was or what he did, and I honestly doubted he could help me," Linda recalls.

During the initial examination, Hammer asked the coed about her eating habits. When he learned she'd been eating a lot of eggs, the chiropractor advised her to stop eating all dairy products. He then gave her an adjustment for her asthmatic condition. "After two or three visits, I noticed some relief," Linda says.

Pleased with the results of these visits, Linda and her parents were all for disregarding their G.P.'s referral to the allergist. Hammer, however, insisted Linda keep the appointment. Two weeks after the asthmatic attack had subsided, Linda finally saw the allergist. Following extensive tests, he

confirmed that eggs were the cause of the attack and, according to Linda, told her to continue her therapy with the chiropractor.

"I was desperate. I needed my doctor, but he couldn't come." That's how Richard Tamburo found his way to chiropractor Marino Passero. The owner of two large grocery stores in the Norwalk area, Tamburo has been an asthmatic all his life. "My attacks are so sudden and acute that I have a supply of Adrenalin and a syringe to use at home in case of emergencies. Last December, I was stricken. After two days my condition still hadn't improved. Neither the medicine my doctor prescribed nor the Adrenalin helped."

It was then that Tamburo took a shot in the dark. "I'd heard my mother-in-law telling my wife about chiropractors. So I called the Norwalk chiropractic group. When I explained my trouble, Dr. Passero said he'd be right over." Within 45 minutes of his first adjustment, Tamburo claims, he was finally able to lie down. Passero returned to Tamburo's home two more times. After the third chiropractic treatment, the grocer was able to return to work.

"When the doctor called, my wife told him I had recovered and was back at work," Tamburo adds. "All he said was, 'Glad to hear he's better.' Well, I sure was glad my doctor was glad to hear I was better! I hope he'll also be glad to hear that I now tell my friends they ought to go to chiropractors. One thing I've learned about chiropractors—they care."

"Why not try a chiropractor?" That's what Frank P. Warren says his family physician advised when he balked at undergoing traction treatment. The director of industrial relations with a large Connecticut engineering firm, Warren expains he couldn't see any reason for going through the discomfort of traction when his physician couldn't guarantee its success. The Rowayton man was suffering midspinal pain that was possibly caused by his slightly shortened right leg, he was told.

Following his physician's suggestion, Warren asked among his friends for the name of a chiropractor. "I was surprised how many of them could recommend specific chiropractors," Warren says. "I'd never thought chiropractors were people to be taken seriously." That was nine years ago, and Warren has been seeing Hammer ever since.

"When I first went to Dr. Hammer," Warren explains, "he gave me as thorough an examination as any doctor ever has. Then he said he thought he could definitely help me. He proved 100 per cent right."

Dentists are said to be overly susceptible to back trouble. That's what sent Dr. Jack R. Weinberg to a chiropractor about 20 years ago. "I'd developed a low-back pain that was becoming worse," the Norwalk dentist recalls. "It became so bad I had to start canceling afternoon appointments. My internist, an old friend, told me, 'All I can do for you is fit you for a brace and give you a prescription. Why don't you see a good chiropractor?"

Weinberg says he was thunderstruck at the idea. But as his back pains increased, he swallowed his qualms and sought out a chiropractor. He vividly remembers his first visit: "My pain was excruciating. The chiropractor seemed surprisingly professional; he took a complete history, ordered lab tests, shot X-rays, and did a thorough examination. Then he placed me on my side, thrust once in my lower back, and the pain immediately began to ease."

With continued treatment and adjustments, the dentist says he was able to resume full practice, and in three months all his pain had disappeared. Today he's a devotee of chiropractic. "Sure, I know all the things that are said about chiropractors—that they're pitchmen, con artists, hoaxers, and so forth—but I happen to believe they know what they're doing," Weinberg says. "They help. But I'll admit I don't exactly know how."

SMITHSONIAN'S CONSERVATION LABORATORIES

Mr. PELL. Mr. President, many museum visitors are unaware of the complex study and work involved in presenting the objects and pictures which educate and amuse them. One major task is the conservation and preservation of pictures, ancient artifacts, and old documents. Using the most sophisticated scientific techniques, the museum conservator can perform genuine miracles. The Washington Post Potomac magazine for May 28 contains a most interesting article describing the conservation laboratories at the Smithsonian Institution and tells of the intricate and fascinating work done on the museum's varied collections.

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:

ONE MAN'S CRUST IS ANOTHER MAN'S PATINA

(By Peggy Thomson)

Ever wonder how they launder those Colonial coverlets at the Smithsonian Institution? Or how they keep Martha Washington's knife chest in good repair?

For the Smithsonian, acquiring its 64 million objects of historical interest is one matter; keeping them around is another. Preventing deterioration of exhibits and collections is a science involving esoteric chemicals and practiced techniques. A central conservation laboratory, headed by Robert Organ, recommends how to most safely store such items as display banners and medieval glass, how to rid a carriage seat or piano of a carpet beetle and how to minister to crumbling saddlery, corroding bronze and mutilated documents.

Organ, a stern conservator who came to Washington via the British Museum, applies the unyielding standards that have long been accepted in the handling of Greek antiquities: they are of value in their own right and not to be altered. An earlier school of thought held that an object should be restored; if it breaks, mend it and make it look as it did before. "But," says Organ, "if you do that, you destroy the evidence that was in the original and all you can say is that you've gone through the same motions in re-making it.

"Restoration is essentially a stagey art undertaken to improve appearances. On an accessioned object, it's forgery," Organ maintains. "If a jug is broken because George III fell over it in a drunken frenzy, then the break is part of its history. Today we'd use a 20th century glue and let our mend be visible."

Conservators of Organ's persuasion frequently prescribe doing nothing as the best method of conservation. They avoid "stripping down" items or "overpainting" them. From a range of products and techniques, traditional and modern, they choose the glues and pigments that can be removed without affecting the original. Take Martha Washington's knife chest, for example. The warped back was slit and reglued. A Plexiglas bottom was added (Plexiglas was used so no one would mistake it for the original). After some seven practices on a dummy, a black coating from the sharkskin was removed with needles and a hog-bristle brush. The silver ribbon trim was cleaned under a microscope with glass-bristle brush and silver cloth, impainting sharkskin lacunae with microcrystalline wax covered with earth pigments. Where velvet was originally affixed with hide glue, a modern and milder adhesive was used to spare the balding velvet a permanent wet look.

Almost as important as what is done to the objects is good housekeeping—maintaining a dust and insect-free environment with proper temperature, lighting and humidity yearround. Additionally, hostile substances must be separated: lead bullets should not be stored in wood boxes, old letters and quilts should not be touching acidic wood drawers or wood-pulp papers.

Organ's lab is housed in a cluster of offices in the Museum of History and Technology where a railroad crossing arm bars the door, sparing the eight scientist-conservators from kibbitzers' advice. The lab is equipped to work directly on objects—to block Henry Clay's hat, to stabilize the leather deterioration on a Civil War drum, to test for the presence of meteoric iron in 3,000-year-old Chinese bronze blades. Into close quarters is fitted the equipment for micro-chemistry and wet chemistry, infrared spectrophotometry and other machines including an oven for accelerated aging.

As objects do deteriorate and become damaged, the conservator outlines a range of acceptable procedures to prolong their existence. Then he has to make his peace with the curator, whose concern is often different from the conservator's. The curator may be concerned with appearance only. He may want to show what an object looked like when new, one man's corrosion crust being, as Organ says, another man's patina. To win curators and technicians to his view, Organ offers a series of 80 lectures covering chemistry and practical procedures with wood, leather, paper, metals, glass and ceramics (or, "keramics," as Englishman Organ pronounces the word).

Even with goals agreed upon there are problems. Cleaning a smoke-smudged leather Indian cradle checks its aging but prevents a future scholar from identifying the wood by the smoke. In shining the First Ladies' Sheffield silver, some of the original plate is removed. A solution here is to clean with a chemical dip, then transfer the silver from the tarnish onto the bare spots.

Various Smithsonian divisions do their own conservation. Bethune Johnson, in Natural History, uses an air jet machine to clean vast collections of smoke-smudged baskets, stone nose rings, Indian dresses fringe by fringe. A trio of women, like a genial Altar Guard, sit daily at their glueing and stitching (Clark's #8 cotton), transferring botanical collections from old paper that is damaging to a newer, better quality paper. Meanwhile, a man over in mammals shifts 15,000 Venezuelan bats to a more benign solution than the one in which they arrived from the field.

To anyone who sets foot in her 20,000-item skulls collection, Lucile St. Hoyme will explain that skulls need never be sprayed or dunked in varnish or coated with paraffin. She finds a dishpan rinsing sufficient although her colleague in dinosaurs, Nicholas Hotten, occasionally chooses to fortify a skeleton—like his newly acquired pecary from Kentucky—with an application of hot beeswax. The exhibits technician dressing Billy Mitchell and Eddie Rickenbacker in their World War I flying suits provides pantyhose and long-sleeved undershirts lest the dummies' surface paint damage the old wool.

The central conservation lab receives some 600 questions per year from average citizens. Form letters prescribe recipes for Florence paste, British Museum leather dressing, and wheat starch paste. But some of the other questions received defy easy answers. For example, was a famous but fading signature mentioned in a querry written with ballpoint pen or parchment, on a baseball, or on a ballet slipper?

Two frequently asked questions deal with newly-purchased African sculpture that is

cracking, and crumbling newspapers. For the cracks in the African sculpture, either enclose the object in an air-tight polyethylene bag and store in a cool place, preferably outdoors, for two years, or let it crack as much as it will and then get it restored.

For newspapers, the response is more one of sympathy than prescription. It is possible to get a professional de-acidifying and laminating job, but newsprint suffers from an inherent vice: it self-destructs, especially if it's post-1870, made from wood pulp rather than rag. Contrary to much public opinion, there is nothing to "spray on" to preserve paper. Better to leave it alone and store it away from light, dust and insects. Brittle documents should be filed singly in Permalife acid-absorbing folders or mounted on 100 per cent rag paper with Japanese paper hinges and starch paste with a mat to keep them from touching glass.

Or you can give everything you own to the Smithsonian Institution and let Organ and his fellows worry about keeping it fit for posterity.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate S. 3645 which the clerk will report.

The legislative clerk read as follows:

Calendar No. 814 (S. 3645), a bill to further amend the United States Information and Educational Exchange Act of 1948.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of the bill.

There is a time limitation on the bill, the time being limited to 30 minutes, with the time to be equally divided.

Mr. SPARKMAN. Mr. President, I shall not use all of my 15 minutes.

Mr. President, the purpose of Senate bill 3645 is to authorize continued Government funding, amounting to $38.5 million in fiscal year 1973, for Radio Free Europe and Radio Liberty.

This legislation was requested by the administration on May 10, 1972, and it was approved, without amendment, by the committee on June 7 by a vote of 10 to 3.

Mr. President, since the disclosure last year of the Government covert funding of Radio Free Europe and Radio Liberty, the committee has devoted much time and attention to this issue. From the information gathered and the testimony presented during that time, a majority of the committee believe that the broadcasting services performed by both radios serve the foreign policy interests of the United States by providing the peoples of Eastern Europe and the Soviet Union with news and information that otherwise would not be available to them. Although by no means conclusive, the evidence presented to the committee suggests that both Radio Free Europe and Radio Liberty provide balanced news and political commentary on internal developments within Eastern Europe and the Soviet Union and that both maintain substantial listening audiences in their respective areas.

So long as the governments of the Soviet Union and the Eastern European countries feel compelled to restrict the flow of news and information, there is at least an apparent need to provide the peoples of these countries with "the other side of the story." Radio Free Europe and Radio Liberty seek to perform this function—an important function which the committee hopes will be supported in the near future by some, if not all, of the countries of Western Europe.

The chairman and several other members of the committee raised this issue during the hearings on the pending legislation. The witnesses, Dr. Dirk Stikker, chairman of the Western European Advisory Committee for Radio Free Europe, and the Honorable U. Alexis Johnson, Under Secretary of State of Political Affairs, both agreed that others should contribute to the financial support of the radios. For example, Dr. Stikker told the committee on June 6:

Let me state most emphatically that I personally fully agree with your stated view that it is time for Western Europeans to begin sharing the financial burdens of these Radio operations.

Similarly, the Under Secretary of State for Political Affairs informed the committee on June 7:

I fully share the view that, to the extent possible, funds other than U.S. Government funds should be solicited to support these programs.

The committee's swift and decisive action to approve continued Government funding for the radios through fiscal 1973 should be more than sufficient to indicate the U.S. commitment to the radios. But this is not an open-ended commitment and the extent to which it continues in the future will be determined by the kind of financial support that can be generated during the coming year among the Western European nations.

Mr. President, I hope that my colleagues will strongly endorse this measure.

Mr. AIKEN. Mr. President, I supported favorable reporting of this bill from the Committee on Foreign Relations, but without any overwhelming degree of enthusiasm for it. Radio Free Europe and Radio Liberty have been supported virtually 100 percent by the U.S. Government and U.S. businessmen. I believe there are some 30 directors that plan and control operation of these radio stations and radio systems. In the majority of the cases these directors represent the largest international corporations, international banks, and international law firms.

It is said there have been no contributions whatever from European business interests because such contributions in Europe are not tax deductible as they are in America.

However, I felt it unwise to tip over the apple cart at this time when international negotiations are going on, as they are, and we hope with an ultimate degree of success. But I want to say while I think we ought to approve this bill at this time, unless Europe shows some interest in carrying the costs which are incurred largely for the benefit of the Western European countries, I feel this is the last time I will vote to extend these programs at our expense.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the Board of Trustees of Radio Liberty Committee, the officers and executive committees of Free Europe, Inc., and the Board of Directors of Radio Free Europe Fund, Inc.

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

RADIO LIBERTY COMMITTEE—BOARD OF TRUSTEES

Mrs. Oscar Ahlgren, former President, General Federation of Women's Clubs.

John R. Burton, chairman of the Board, National Bank of Far Rockaway.

Honorable Charles Edison, former Governor of New Jersey.

J. Peter Grace, president, W. R. Grace & Company.

Allen Grover, vice president, Time-Life, Inc.

General Alfred M. Gruenther, former Supreme Allied Commander, Europe.

H. J. Heinz II, chairman of the board, H. J. Heinz Company.

Isaac Don Levine, author, editor, and specialist on Soviet Affairs.

Henry V. Poor, Attorney.

Howland H. Sargeant, president, Radio Liberty Committee.

Whitney North Seymour, past president, American Bar Association, partner of Simpson, Thatcher & Bartlett.

John W. Studebaker, vice president and chairman of the board, Scholastic Magazines, Inc.

Reginald T. Townsend, former vice president, Radio Liberty Committee.

William L. White, editor and publisher, *Emporia Gazette*.

Philip H. Willkie, attorney.

FREE EUROPE, INC.—OFFICERS

General Lucius D. Clay, chairman of the board.

The Honorable John C. Hughes, honorary chairman of the board.

Mr. William P. Durkee, president.

The Honorable Eli Whitney Debevoise, chairman of the executive committee.

Ralph E. Walter, vice-president, Europe.

Mr. Bernard Yarrow, senior vice-president.

Mr. J. Allen Hovey, Jr., vice president and secretary.

Mr. Eugene O'Brien, treasurer.

EXECUTIVE COMMITTEE

The Honorable Eli Whitney Debevoise, Chairman.

Mr. William P. Durkee.

The Honorable Ernest Gross.

The Honorable John C. Hughes.

Mr. H. Gregory Thomas.

General Lucius D. Clay.

RADIO FREE EUROPE FUND, INC., BOARD OF DIRECTORS

Mr. Eugene N. Beesley, chairman, Eli Lilly & Co., 740 South Alabama St., Indianapolis, Ind.

General Lucius D. Clay, Lehman Brothers, One William St., New York, N.Y.

Mr. Winthrop Murray Crane, 3rd, vice-president and secretary, Crane & Co., Inc., Dalton, Mass.

The Honorable Eli Whitney Debevoise, Debevoise, Plimpton, Lyons & Gates, 320 Park Ave., New York, N.Y.

Mr. William P. Durkee, president, Free Europe, Inc., 2 Park Ave., New York, N.Y.

The Honorable Ernest A. Gross, Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall St., New York, N.Y.

Mr. Michael L. Haider, Room 1250, One Rockefeller Plaza, New York, N.Y.

Mr. John D. Harper, chairman, Aluminum Co. of America, 1501 Alcoa Bldg., Pittsburgh, Pa.

The Honorable John C. Hughes, Room 1223, 230 Park Ave., New York, N.Y.

Mr. Roy E. Larsen, vice-chairman, Time Inc., Time and Life Bldg., Rockefeller Center, New York, N.Y.

The Honorable Neil H. McElroy, chairman, Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio.

Mr. Donald H. McGannon, chairman, Westinghouse Broadcasting Co., Inc., 90 Park Ave., New York, N.Y.

The Honorable Robert D. Murphy, chairman, Corning Glass International, 717 Fifth Ave., New York, N.Y.

Mr. William B. Murphy, president, Campbell Soup Co., 375 Memorial Ave., Camden, N.J.

Mr. James M. Roche, chairman, General Motors Corp., 767 Fifth Ave., New York, N.Y.

Dr. Frank Stanton, president, Columbia Broadcasting System, Inc., 51 West 52nd St., New York, N.Y.

The Honorable Theodore C. Streibert, special assistant to the dean, School of International Affairs, 207 McVicar, Columbia University, New York, N.Y.

Mr. H. Gregory Thomas, president, Chanel, Inc., One West 57th St., New York, N.Y.

Mr. Leslie B. Worthington, director, U.S. Steel Corp., 525 William Penn Pl., Pittsburgh, Pa.

Mr. PERCY. Mr. President, this is the day that the U.S. Senate fulfills an obligation to the peoples of Eastern Europe and the Soviet Union who depend on Radio Liberty and Radio Free Europe for news of their own societies and of the world. This is the day that we stand up for freedom of information for all the peoples of Eastern Europe and the Soviet Union.

Here in the United States we have a free society with free speech, with a free press, with the right to know, with the right to express ourselves even in opposition to Government policy, with free elections, with freedom of worship. But in Eastern Europe and the Soviet Union freedom and freedom of information are severely restricted, and only the voice of government and the Communist Party is heard. The news is not simply managed; it is absolutely controlled. Were it not for Radio Liberty and Radio Free Europe, for the Voice of America and the BBC, a non-Communist point of view would never be heard on the airwaves of Eastern Europe and the Soviet Union.

Therefore, I suggest that when we vote today to continue funding for Radio Liberty and Radio Free Europe, we will be voting for freedom of information. I urge a massive vote in favor of the radio stations as a signal from us in the U.S. Senate to the peoples of Eastern Europe and the Soviet Union that their need for legitimately reported news will be fulfilled.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPARKMAN. I am willing to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from Vermont yield back the remainder of his time?

Mr. AIKEN. If I have any time remaining, I am glad to yield it back.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the passage of the bill

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. Are there amendments to be offered at this time? If not, the question is on the engrossment and third reading of the bill.

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

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will please call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. TUNNEY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 59, nays 2, as follows:

[No. 219 Leg.]

YEAS—59

Aiken	Dole	Mondale
Allen	Eagleton	Montoya
Allott	Eastland	Packwood
Anderson	Ervin	Pastore
Bayh	Fong	Pearson
Beall	Gurney	Pell
Bennett	Hansen	Percy
Bible	Hartke	Proxmire
Brock	Hatfield	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Javits	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Taft
Cooper	Mathias	Tower
Cotton	McGee	Weicker
	McGovern	Young

NAYS—2

Mansfield	Symington

NOT VOTING—39

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Nelson
Buckley	Hart	Ribicoff
Church	Hollings	Saxbe
Cranston	Hruska	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Talmadge
Fannin	McIntyre	Thurmond
Fulbright	Metcalf	Tunney
Gambrell	Miller	Williams

So the bill (S. 3645) was passed, as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

"SEC. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GURNEY. Mr. President——

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. ALLEN). At this time, in accordance with the previous order, the unfinished business is to be laid before the Senate. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Colorado is to be made the pending question at this time. Time on that amendment will be limited.

Before the amendment is stated, the Chair will recognize the Senator from Florida.

LEGISLATIVE PROGRAM

Mr. GURNEY. Mr. President, there is a considerable crush of business ahead of us today, and I would like to take this time to inquire of the distinguished majority leader as to what the order of business will be for the remainder of the day.

Mr. MANSFIELD. Mr. President, I shall be delighted to respond to the distinguished acting Republican leader, but first I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. As the distinguished Senator knows, there is a time limitation on this amendment. With a little luck, we ought to get to a vote around 11:15 to 11:30. This amendment will be followed by the Flammable Fabrics Act authorization to be handled by the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON). That also has a time limitation. There will be a rollcall vote on that bill and amendments thereto. Then we will take up the Department of Transportation appropriation. There will be a vote on that, and it has a time limitation.

So there will be at least four votes in all today, possibly more, and I would urge Senators to stay pretty close to the floor. There are time limitations attached to all measures, and with a little luck we might get away in reasonable time this afternoon.

The Senate will come in at 10 o'clock on Monday next.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday, Wednesday, Thursday, and Friday next, the Senate convene at 9 a.m.

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

LEGISLATIVE PROGRAM—CONTINUED

Mr. MANSFIELD. There is also the possibility that there will be a Saturday session next week. We have some important legislation to consider. I hope those who have amendments to the foreign aid bill will not hold them back, but will be prepared to offer them and I would say if they delayed offering such amendments they would be doing a disservice to the Senate, which could cause some complications in delaying the consideration of legislation.

It is my intention tonight—and I would hope the distinguished acting minority leader would consider doing the same on his side—to send out telegrams to all Senators on this side to ask them to be back and prepared to stay until a week from Friday, because at that time we take 2 weeks or so off, because of the Fourth of July celebration and the Democratic Convention.

LEAVES OF ABSENCE

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that my distinguished colleague, the Senator from Montana (Mr. METCALF), be excused from attendance for the next 3, 4, or 5 days, because of illness.

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

Mr. GURNEY. Mr. President, the senior Senator from Ohio (Mr. SAXBE) has had a personal tragedy in his family—his mother died yesterday—and he will not be here today, nor will he be here tomorrow. I ask unanimous consent that he be officially excused from presence in the Senate for the remainder of the week.

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

LEGISLATIVE PROGRAM—CONTINUED

Mr. PASTORE. Mr. President, I was wondering, are we still under the 15-minute time limit on rollcalls?

Mr. MANSFIELD. Yes, when they are single; but when they come one right after another, we try to bring about a reduction to 10 minutes.

Mr. PASTORE. I thank the Senator.

Mr. SPARKMAN. Mr. President, with reference to the yeas and nays on the pending amendment, has it been fully agreed that the rollcall will be deferred until 1:15?

Mr. MANSFIELD. No, we are going to go right ahead.

Mr. SPARKMAN. I thank the Senator.

Mr. GURNEY. Mr. President, I want to thank the majority leader for that very comprehensive explanation of what will happen for the rest of the day as well as next week. I agree with him that the presence of all Senators is certainly desired.

Mr. MANSFIELD. I hope the Senator will emphasize also the fact that the joint leadership will be acting in unison, that there will be at least four rollcall votes today, and that time limitation agreements are in effect.

Mr. GURNEY. Yes. I certainly took cognizance of it; and for those on our side, we understand, too, that there will be plenty of action the remainder of the day, including the four rollcall votes the majority leader has mentioned.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1241

The ACTING PRESIDENT pro tempore. The clerk will state the amendment of the Senator from Colorado.

The second assistant legislative clerk read the amendment, as follows:

On page 7, strike out line 10 and all that follows through and including line 16.

The ACTING PRESIDENT pro tempore. Time on the amendment is limited to 1 hour, to be equally divided between the Senator from Colorado, as mover of the amendment, and the Senator from Alabama, as manager of the bill.

Who yields time?

Mr. ALLOTT. Mr. President, I have found a technical defect in the amendment. Inasmuch as the yeas and nays have been ordered, I ask unanimous consent that the amendment be modified in line 2 by changing "line 16" to "line 14."

The PRESIDING OFFICER. Without objection.

The modified amendment reads as follows:

On page 7, strike out line 10 and all that follows through and including line 14.

Mr. ALLOTT. Mr. President, I do not anticipate that this matter will require a great deal of time. It is my understanding that there is a half hour on each side, and the distinguished Senator from Alabama controls one-half and the proponent of the amendment controls the other. Is my understanding correct?

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

Mr. ALLOTT. Mr. President, several Senators have spoken to me but have not talked about taking time on this amendment. If any Senators present would like to take time on this amendment, I would be very grateful to them if they would let me know at this time.

The amendment I sent to the desk yesterday and had printed would amend section 514(a) of the Foreign Assistance Act. This section, which was added to the bill by the Foreign Relations Committee, requires most nations which receive military assistance and excess defense articles to deposit 25 percent of the value of this assistance in a local currency account. My amendment would reduce the amount of this deposit to 10 percent—the level at which it was set in last year's bill. I think Senators will recall that the Senate did this last year. The House refused at that time to accept the 25 percent, and it came out of conference at 10. That is what it is now.

Section 514(a) runs counter to the whole concept of the Nixon doctrine—

announced at Guam—which is to encourage other countries to assume more responsibility for their own defense. This section, requiring most allied and friendly governments to pay 25 percent of the cost of our military assistance back to us in local currency, blunts the impact of this new policy. The fact is that many of these governments cannot afford to maintain an adequate defense establishment without our assistance. Without adequate defense establishments, their vital interests, as well as ours—as well as regions in the world in which they are located—would be threatened by those who still believe that it is possible and legitimate to use arms to force changes in the international community.

The whole thrust of this administration's foreign policy has been to reduce international tensions and move from an era of confrontation to an era of negotiation. Our military assistance programs, coupled with the growing economic strength of our allies, have enabled us to make substantial progress in reducing the American military presence abroad without creating a vacuum behind them. We are now almost in a position where allied military forces rather than American troops will, in the first instance, be able to meet nonnuclear threats to peace. Section 514(a) as presently written, will make this objective far more difficult.

In Korea, for example, even the current requirement of a 10-percent deposit of the value of U.S. military assistance cut $20 million out of Korea's $360 million defense budget. This is a severe blow to Korea's efforts to modernize its armed forces and achieve substantial self-sufficiency for its own defense—a program which clearly is in our interest.

The present 10-percent requirement also puts an onerous burden on the Government of Jordan, a government whose continued stability is essential if peace is ever to come to the Middle East.

It is not in our interest to impose new and unnecessary burdens on our friends at the same time that we are looking to them to assume more responsibility for the common defense.

This administration has withdrawn more than 500,000 troops from the Pacific area in the last 3½ years, allied troops now bear the primary burden for the common defense, and the cost of the Vietnam war has dropped from $29 billion in 1968 to approximately $9 billion this year. It would be penny wise and pound foolish to cripple the military assistance programs which made much of this progress possible by increasing the deposit requirement by 15 percent.

We live in a time of change both at home and abroad. Many of the premises upon which the foreign policies of this country were based in the late 1940's and the 1950's are no longer valid. This administration has recognized this and has changed course. But we must not lose sight of the fact that, in the last analysis, our Nation's security and the hopes we share for a generation of peace depend in large measure upon the faith that other nations, friend and foe alike, have that this Nation will keep its word, honor its commitments, and continue to play a responsible role in world affairs. That is why I call upon the Members of this body to amend section 514(a), to give the administration the kind of foreign assistance bill it needs if we are to continue to progress from an era of confrontation to an era of negotiation.

Mr. President, by increasing this, we decrease the ability of other nations to protect themselves and to help stabilize the regions in which those nations are located. If anything ever was a penny-wise and pound-foolish policy, this is it. In the first place, we do not need these soft foreign currencies in any country. There is no really legitimate use for which we could use them. I think it is to our best interest to help our allies take care of themselves rather than to cripple them.

I reserve the remainder of my time.

Mr. SPARKMAN. Mr. President, the Senator from Colorado's amendment would have the effect of reversing actions which the Senate has taken on the issue involved on two different occasions within the last 2 years.

In 1970, the Senate approved a provision, initiated by the Committee on Foreign Relations, to require that foreign countries which receive military grants from us pay 50 percent of the value of those grants in their own currency in order to help defray the costs of U.S. expenses within the country. That provision was deleted in the conference on the military sales bill. Last year the committee put in a similar provision in the foreign aid bill, but lowered the payment rate to 25 percent and made other modifications to meet administration objections. The Senate again endorsed the provision. The 25 percent payment requirement was subsequently lowered to 10 percent in conference. All the committee is doing in this bill is to put the requirement at the level the committee and the Senate approved last year—which is only one-half the rate it approved 2 years ago.

Mr. President, I want to make it clear that this partial payment, in the currency of the country that receives military aid from us, is required only if, without that currency being available, we would have to go out and buy the currency on the market to pay for the cost of our operations within the country. In practically all of the countries which are the major recipients of military aid the United States must buy, for dollars, local currencies in order to pay for official U.S. expenses within the country. The payment is not required if we do not need the currency for official purposes—in other words, if it does not result in a direct savings in dollars. Also no payment is required in countries where military aid is given in exchange for base rights. And no country must pay more than $20 million a year regardless of the amount of aid it receives.

Mr. President, the General Accounting Office has estimated that we will be required to buy, on the market, $463 million in the currencies of the countries which are scheduled to receive military aid in the 1973 fiscal year. In only eight of the 42 countries scheduled to get more than $50,000 in military aid does the United States have available enough foreign currency to meet its needs. According to the GAO calculation a flat 25-percent payment requirement would save the taxpayers $124 million next year, based on the military aid levels proposed by the administration. The base rights exemption, the $20 million maximum, and the reduced program levels recommended by the committee will reduce that amount substantially, however. But we are talking about savings to the taxpayer on the order of tens of millions more than would be possible under the present requirement.

I ask unanimous consent that the GAO analysis be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, by requiring these countries to make a partial payment for the aid we give them—to help meet our expenses within their country—we are carrying out what I thought was the purpose of the Nixon doctrine, a more equitable sharing of the defense burden. By requiring the countries which receive our grant aid to make a partial payment for it, we are also forcing them to take a harder look at their security needs. Up until now they were encouraged to get all the military equipment from us they could—because it cost them nothing. Now they will be forced to treat military aid—to some extent—as other claims on their countries budget resources are treated. Military aid must, in the future, be weighed along with other budget priorities—as we do with our own military budget.

Mr. President, I urge that the amendment be defeated.

EXHIBIT 1

ANALYSIS BY THE GENERAL ACCOUNTING OFFICE

For the purposes of this analysis, the excess defense articles programmed for FY 1973 Military Assistance Programs are valued at one-third (⅓) of the cost of acquisition. This valuation is in accordance with the Foreign Military Sales Act, as amended. The data used for the analysis do not include nonregional military assistance grants, service-funded military assistance, or excess defense article programs for certain countries in Southeast Asia.

The data in this analysis also do not include about $65 million of supply operations costs. In FY 1973 a change in accounting treatment was directed which removed supply operations costs from military assistance country programs and characterizes all such costs as general costs. Included in this category are packing, handling, crating, port loading and inland water and air transportation costs associated with deliveries of grant aid materiel and excess defense articles, whether from prior year undelivered balances or from current year programs.

VALUE OF MILITARY ASSISTANCE PROGRAMED FOR FISCAL YEAR 1973

The programmed FY 1973 military grant assistance and the value of excess defense articles, with the above exclusion, amount to $733 million and $199 million, respectively, for a total of $923 million. United States Treasury projected purchases of foreign currencies from commercial sources, in the same countries receiving the military aid, amounts to $463 million for FY 1973.

POTENTIAL REDUCTION OF U.S. PURCHASES OF LOCAL CURRENCIES

In the proposed FY 1973 Military Assistance Program, a total of 42 countries are to receive grant assistance or excess defense articles of over $50,000, and in 34 of those countries the United States could reduce its foreign crrency purchases if partial payments are made. In eight of the recipient countries the United States will not purchase local currency or has a sufficient amount of local currency holdings to meet requirements. Over 90 percent of the purchases which could be reduced would result from U.S. programs in seven countries. Twenty-seven other countries would account for about 10 percent of the reduced purchases.

On the basis of amounts programmed for FY 1973, the following table shows the amounts by which dollar purchases of local currencies could be reduced if the United States were to receive partial payment for military grant assistance and excess property grants in those countries where the United States purchases local currencies with dollars to meet its needs. Figures in the table are based upon applying a percentage to the value of programmed military assistance by country, comparing the results with the amount of projected local currency purchases in the country, and utilizing whichever is the lesser.

REDUCED AMOUNT OF U.S. FOREIGN CURRENCY PURCHASES

[In millions of dollars]

Percentage of partial payment	Totals	7 countries	27 countries
50	$171.8	$156.4	$15.4
40	157.5	144.6	12.9
30	137.4	127.1	10.3
25	123.8	114.9	8.9
10	50.4	45.5	4.9

Reflected in the above total reduced foreign currency purchases are the following savings in base rights countries:

[In millions of dollars]

	Percent				
	50	40	30	25	10
Spain	$7.7	$6.2	$4.6	$3.9	$1.5
Ethiopia	6.6	5.2	3.9	3.3	1.3
Portugal	1.5	1.2	.9	.7	.3
Total	15.8	12.6	9.4	7.9	3.1

INFORMATION FOR THE SENATE COMMITTEE ON FOREIGN RELATIONS

The seven principal countries where the United States could potentially reduce FY 1973 projected foreign currency purchases in the largest amounts and the U.S. Treasury projected commercial foreign currency purchases in FY 1973 for those countries are:

	Projected purchases (millions)
Korea	$65.4
Thailand	110.1
China	19.3
Greece	13.2
Philippines	57.5
Spain [1]	35.2
Ethiopia [1]	11.6

[1] Base rights countries.

The potential savings of U.S. commercial foreign currency purchases for the above *seven* countries, computed by applying percentage military assistance repayment factors, are:

[Millions of dollars]

	Percent				
	50	40	30	25	10
Korea	$65.4	$65.4	$65.4	$62.3	$24.9
Thailand	32.3	25.8	19.4	17.1	6.5
China	19.3	19.3	16.2	13.5	5.4
Greece	13.2	13.2	10.5	8.8	3.5
Philippines	11.9	9.5	7.1	6.0	2.4
Spain [1]	7.7	6.2	4.6	3.9	1.5
Ethiopia [1]	6.6	5.2	3.9	3.3	1.3
Total	156.4	144.6	127.1	114.9	45.5

[1] Base rights countries.

Mr. CANNON. Mr. President, will the Senator from Colorado yield me 2 minutes?

Mr. ALLOTT. Mr. President, I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I support the amendment of the Senator from Colorado. The program is really in the best interests of the United States. It has created a real problem with a number of countries which receive only MAP training, which is an exceedingly important means of establishing good long-term relations with future military leaders of the recipient countries.

Under the program, 4,000 trainees come into the United States every year. If the deposit requirement were raised to 25 percent, a number of training-only countries would be expected to terminate the programs. That loss would be ours.

Mr. President, I oppose the provision in S. 3390 requiring that countries make available to the United States local currency in the amount of 25 percent of the value of grant military assistance which we provide.

This is an exceedingly complex subject and I do not propose to explore all the facets of this provision. I merely wish to point out that, under existing legislation, grant military assistance recipients are already expected to make 10 percent in local currencies available. This requirement was enacted less than 4 months ago and the Department of State is currently seeking to negotiate appropriate agreements with foreign governments.

It appears to me that unfortunate consequences could follow from so drastic a change in the local currency requirement favored by the Senate Foreign Relations Committee. Foreign governments which are only now adjusting to the 10 percent level are bound to regard drastic increase as a capricious action by the U.S. Government. Our official representatives abroad, for their part, will be compelled to tear up existing agreements and to begin the painful process of renegotiation.

I believe that our representatives will not only be acutely embarrassed—since the ink will not even be dry on the recently concluded agreements covering the 10 percent provision—but that our relations with a number of foreign governments will be set back quite visibly.

Mr. President, I am convinced that good sense dictates caution with respect to the proposed increase in the local currency requirement. Let us permit grant military assistance recipient governments to adjust to the level passed into law only a few short weeks ago. We need time to study and to fully understand the impact of the 10 percent level before passively accepting any upward revision.

For these reasons, I urge the Senate to amend section 514 and to return to the 10 percent requirement.

Mr. ALLOTT. Mr. President, I will not take much time now, but I yield myself such time as I wish in order to make one more point which is pertinent to the amendment which I have introduced.

I appreciate very much the statement of the distinguished Senator from Nevada (Mr. CANNON), who has so much expertise in this area.

Let me say that the 25 percent would create serious difficulties in those countries that receive only training, or training with very small levels of grant articles.

Many countries would be expected to terminate or to sharply reduce their participation in training programs.

It seems to me that this is one of the last things we want to do in this country. The programs are keys to the establishment of good and enduring contacts with the officers who will be the military leaders of their countries in the future.

The cost is small. The risk is minimal. In terms of return, it is an excellent investment.

Therefore, I sincerely hope that the Senate will agree to this amendment.

If no one wishes time to speak on this amendment, I am prepared to yield back my time.

Mr. SPARKMAN. Mr. President, before the Senator does that, let me say this, particularly with reference to the suggestion of the Senator from Nevada and the same suggestion of the Senator from Colorado. Training amounts for only 5 percent of this program.

I find myself in substantial agreement with what the Senators from Nevada and Colorado have just said with reference to the training part of the program. But I think this particular issue can be taken care of in conference. I do not believe that we should take away the $124 million, as the General Accounting Office has estimated, just because 5 percent of the program is for training.

Mr. CANNON. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. CANNON. This is not a matter of taking away something. This is a formula which has been long established and that we have been following over the years. We are not really taking away, we are permitting them to continue on the same basis of support on which they have been planning for a number of years, and at a point and level beyond which they are really not able to go.

Mr. SPARKMAN. I probably used the wrong expression in saying "taking away" from them; I meant to refer to taking it out of the Treasury of the United States, because we have to take those dollars and use them to buy local currencies with which to pay our official

expenses in these countries. I think the committee's recommendation is a good provision and it should be adopted. It is completely in line with the Nixon doctrine, that we would help countries who help themselves.

Mr. PASTORE. Mr. President, is it classified to state what countries this would affect?

Mr. SPARKMAN. I do not have it right now, but let me say in general——

Mr. PASTORE. The reason why I ask the question, I am wondering whether these countries are countries which are allied with us in NATO, or are we talking about countries like Pakistan and India, where we gave them money and military assistance and then they used it to fight one another, to our chagrin and disappointment? I am wondering what we give this money for. Is it to send to countries to stop world communism, or is it to try to promote a police state in a particular country?

Mr. SPARKMAN. I would say that we support the program for a variety of reasons. I think there is good justification for making military grants to these countries.

There is the matter of internal security, and the training program is a good one. I would not say that we could easily relate it to whether or not they support us in the U.N. As a matter of fact, we make military grants to countries in which we do not have military bases. If we have military base rights in a recipient country, then this provision does not apply.

Mr. ALLOTT. Mr. President, I yield myself as much time as I require.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I will be very short. I think that the answer to the question of the Senator from Rhode Island is that this would apply to any country to whom we give military assistance. And those whom we have already shut off in this bill, of course, would not participate.

I do want to make the point very strongly that if we increase the 10 percent to 25 percent, the net result is that we are not going to enable our allies throughout the world to procure the necessary military assistance with which to defend themselves. Therefore, by doing that we place ourselves in a greater position of jeopardy with respect to our own responsibilities.

The classic example of where this program has not worked very well would be in the Republic of Indonesia and the results we have seen there from our participation in the training of those officers and helping them has been the most gratifying part of our own military assistance program.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. WEICKER (after having voted in the negative). On this vote I have a pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from North Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

On this vote, the Senator from Connecticut (Mr. RIBICOFF) is paired with the Senator from Iowa (Mr. HUGHES).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Iowa would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) and the Senator from Illinois (Mr. Stevenson) would each vote "nay."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Iowa (Mr. MILLER) has been previously announced.

The result was announced—yeas 40, nays 22, as follows:

[No. 220 Leg.]

YEAS—40

Aiken	Cook	McGee
Allen	Cooper	McGovern
Allott	Dole	Montoya
Anderson	Eastland	Packwood
Beall	Fong	Percy
Bennett	Gurney	Randolph
Bible	Hansen	Roth
Brock	Hruska	Schweiker
Brooke	Humphrey	Smith
Byrd, Harry F., Jr.	Jackson	Stennis
Byrd, Robert C.	Javits	Stevens
Cannon	Jordan, Idaho	Taft
Chiles	Magnuson	Young
	Mathias	

NAYS—22

Bayh	Inouye	Proxmire
Burdick	Long	Sparkman
Case	Mansfield	Spong
Cotton	Mondale	Symington
Cranston	Nelson	Talmadge
Eagleton	Pastore	Tunney
Hartke	Pearson	
Hatfield	Pell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Weicker, against.

NOT VOTING—37

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	Kennedy	Thurmond
Ervin	McClellan	Tower
Fannin	McIntyre	Williams
Fulbright	Metcalf	
Gambrell	Miller	

So Mr. ALLOTT's amendment (No. 1241), as modified, was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Under the previous order the unfinished business will be temporarily laid aside.

FLAMMABLE FABRICS AUTHORIZATION, FISCAL YEAR 1973

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of H.R. 5066, the Flammable Fabrics Authorization Bill, which the clerk will state by title.

The bill was read by title as follows:

A bill (H.R. 5066) to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in line 7, after "June 30", strike out "1972" and insert "1973".

The PRESIDING OFFICER. Under the previous unanimous consent agreement time for debate on this bill will be limited to 2 hours, to be equally divided between the Senator from Washington

(Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON).

Who yields time?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time taken out of neither side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. 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. MAGNUSON. I yield myself such time as I may require on the bill.

Mr. President, the original Flammable Fabrics Act, which was sponsored by myself, was enacted in 1953. At that time, the main impetus for getting at the matter of flammable fabrics, which probably stimulated the enactment of the act itself, was the fact that several young girls were burned to death or severely burned by imported "torch" sweaters.

At that time, it was suggested that we do something about making fabrics nonflammable. The Senate Committee on Commerce reported the bill out and it was passed by the Senate unanimously, and it went through the House the same way; but the bill anticipated that the industry involved in making the fabrics establish a committee to develop stronger standards.

Almost 10 years went by, Mr. President. We kept urging and urging various Secretaries of Commerce to set some standards, and the industry kept saying "We want time to study this; the technology and the cost figures," for which I agree a reasonable time should have been allowed them; but I thought 10 years was too much.

So in 1967, I introduced several amendments to the Flammable Fabrics Act, which were pretty tough amendments on getting something done about this matter. Immediately after the introduction of the bill, Mr. President—this was 13 years later—the committee had its first formal meeting, after we had introduced the new bill.

We gave them a period of time, in the last bill, to discuss these matters and find out just what could be done, but in the meantime, of course, the technology has become such that we know and they know what we can do to make fabrics nonflammable. The cost is down, and as I say, the technology now exists.

After some years of having trouble with that also, finally the Secretary set standards which will go into effect in July 1973, with labeling required as of July 1972, and I applaud him for doing that. But again, this is over the strong protest of the textile people, who are asking for more time in this matter, and in the meantime kids are still burning up.

The 1953 Act was pretty much directed to torch sweaters and other highly flammable articles. Now that we must consider this legislation again, and extend the authorization for the money, is the time to amend it. I have an amendment which expresses the intent of Congress for the need for children's sleepwear standards extending to size 14. Size 14 does not necessarily mean that the child is 14 years old, but this would cover most 12-year-old children's clothing. Recent deaths have been of children in the category older than 6.

Also, we would provide that the manufacturers conspicuously label the garments or other things that are involved as to whether they are flammable or nonflammable. In some cases it may be difficult to do that, but in most cases it can be done.

The irony of all this, Mr. President, is that there is a concern in Tennessee called the Eastman Co. which makes nonflammable fabrics, which are sent to England and put on the English market, but we cannot get them here. We do not get them here because we have never had stiff enough standards under this law. England has had a law in this respect for some years, as well as 5 other countries.

All we are doing by the bill is extending the authority; and, as I say, I shall offer on behalf of myself, Mr. Moss and Mr. SCHWEIKER an amendment which would be a congressional mandate for a standard for children's sleepwear covering sizes from 7 through 14—I might suggest that the findings of all the hearings have been that there is an immediate need for a standard for children's sleepwear in sizes 7 to 14—in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

As I have said before, the Secretary of Commerce has responded on sizes 1 through 6, and I commend Secretary Peterson for that action, taken in spite of the efforts of the industry to stall it and not to do anything about it.

The amendment, as I say, would affect children's sleepwear in sizes 7 through 14. Congress would direct the Secretary of Commerce to promulgate, under procedures set forth in the act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973. That will give them a whole year to work on it.

So on behalf of myself, Mr. Moss and Mr. SCHWEIKER, I submit my amendment, Mr. President, and ask for its immediate consideration.

The PRESIDING OFFICER. Before the Senator's amendment is in order, the committee amendment must be disposed of.

Mr. MAGNUSON. I move the adoption of the committee amendment.

The PRESIDING OFFICER. Do Senators yield back their time on the committee amendment?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. COTTON. I yield back my time on the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MAGNUSON. I submit my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new section:

Section 18. Interim children's sleepwear standard for sizes 7 through 14.

(a) Congressional finding.

The Congress finds that there is a need for a standard for children's sleepwear in sizes 7 through 14 in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage.

(b) Children's Sleepwear Standard for Sizes 7 through 14.

The Congress directs the Secretary of Commerce to promulgate, under the procedures set forth in this Act insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Mr. MAGNUSON. Mr. President, the general purpose of the amendment is to extend the flammability standards to include children's sleepwear for sizes 7 to 14. The Department of Commerce has recently promulgated a standard which regulates sleepwear for sizes 1 to 6X. The larger sizes are not covered by this standard although many injuries and deaths are inflicted upon the older children.

The proposed amendment provides the following: First, it would establish a congressional finding that there is a need for flammability standards for children's sleepwear through size 14. The amendment would also provide that by July 1, 1973, all children's sleepwear through size 14 must conform with a performance flammability standard to insure that all such sleepwear be nonflammable. Because the procedures under the act for the setting of standards are cumbersome, we have provided that those procedures are applicable only insofare as practicable.

Mr. President, this amendment reflects the agonized concern of thousands of American citizens at the snail's pace of progress in implementing the Flammable Fabrics Acts Amendments of 1967. This amendment would enable the Secretary of Commerce to move with greater dispatch along a course he has already indicated that he is determined to pursue: That is, to extend the children's sleepwear standards to size 14.

The heart of the amendment is the congressional finding that there is a need for such a standard. This finding would eliminate the technical requirement that the Secretary determine that such need exists and forestall the usual effort by the textile industry to insist that an insufficient data base exists to justify the setting of flammability standards.

Mr. President, the basis for need which underlies this amendment is simple: In the course of one recent month in the city of Seattle alone three young girls were horribly burned when their nightgowns ignited. One of them, Tammy Brown, aged 11, died. If this could occur in Seattle alone, then commonsense tells us that this pattern has asserted itself hundreds, perhaps thousands of times across the country. We need not wait for the painstaking establishment of a formal data gathering system to give us the same information. You can pick up al-

most any local newspaper and discover similar incidents across the country. Just yesterday one of the newspapermen who covers the Commerce Committee brought to my attention a copy of a Springfield paper which contains yet another case of a young girl burned by a nightgown.

In discussions with the personnel at the Department of Commerce we have determined that the timetable which we have set is not unreasonable.

Mr. President, we have been trying to prevent the sale of hazardous garments for almost 20 years. Despite legislation, despite our pleas for industry progress, despite evidence that Secretary Peterson has undertaken the burden of his responsibility to develop flammability standards, governmental efforts have lacked the urgency which the situation demands. Both industry representatives and Government officials have allowed 4½ years to pass since the 1967 act and not one stitch of clothing is currently subject to a safety standard.

It is not enough to discuss coldly and dispassionately the numbers of cases, and the slight inconveniences and adjustments in the marketing of textile products. Let us make no mistake about it—there is nothing more horrible than a flame injury, nothing more destructive of joy and life than to see scarring burns. The social costs to a family whose members suffer this kind of injury is beyond calculation. The economic costs are destructive. For years the victim of burn injuries remain a psychological and economic burden on the community. Numbers are simply no test of the social cost of this problem.

Mr. President, we are convinced that this amendment is both practical and necessary, and would help the Secretary do his job. It will move us one giant step closer to providing that protection for the Nation's children which we have too long promised, too long withheld.

Again I say that time is of the essence. Children are being burned to death and dying every day. There is no reason why we cannot do this, when other countries can do it, and there is no reason why we should not apply to ourselves the fine technology we already have to reduce this possibility to an absolute minimum in this country. It is the least we can do.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President I, yield myself such time as I may require.

I should like to make an inquiry of my distinguished chairman, the Senator from Washington. Under the terms of his amendment, as he has presented it in his present form, it reads:

> The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act, insofar as practicable, a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Does the procedure referred to give textile manufacturers an opportunity to present their case and be heard in connection with the standards to be promulgated pursuant to the Secretary of Commerce under this amendment?

Mr. MAGNUSON. I am sorry. I was talking to someone. Will the Senator restate the question?

Mr. COTTON. With respect to the original amendment that the distinguished Senator from Washington (Mr. MAGNUSON) was considering offering some of us might have been obliged to oppose it because, although in sympathy with its objective, no hearing have been held on it allowing an opportunity for interested parties to be heard.

But, my question to the distinguished chairman of the Commerce Committee concerns the more acceptable revised amendment which he now has offered and which states in part, the following:

> The Congress directs the Secretary of Commerce to promulgate under the procedures set forth in this Act insofar as practicable a standard for children's sleepwear, sizes 7 through 14, effective not later than July 1, 1973.

Do the terms, "under the procedures set forth in this act" give an opportunity for textile manufacturers to be heard by the Secretary of Commerce, and to present any situation which might adversely affect them and should be considered before the standard is promulgated or becomes effective?

Mr. MAGNUSON. That is correct. A hearing is required before the Secretary of Commerce.

In my original amendment, I provided that within 180 days they would have to do the labeling. But we do not have that in this amendment; because when the Secretary has the hearings to set the standards within this time, they will also discuss the matter of the labeling. I am sure that one of the first things the Secretary will require is the labeling, and the manufacturers and the textile people have no objection to that.

Mr. COTTON. Mr. President, I am pleased to have the assurance of the chairman on this point and to have it made a part of the legislative history on this bill. For example, I have had representations from the Guild Mills Corp., in my own State, expressing concern over the difficulties in producing fabric which will meet the requirements, particularly in sleepwear.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Guild Mills Corp. on the subject of flammable fabrics and its effects upon our textile industry. It should be borne in mind that the letter, although not addressing either the amendment which was proposed to be offered or that which finally was offered, does evidence some of the very real problems encountered by our textile industry.

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

GUILD MILLS CORP.,
Laconia, N.H., June 9, 1972.

Senator COTTON,
U.S. Senate, Washington, D.C.

SENATOR COTTON: I certainly know that you are well aware of what has happened and what will continue to happen to the Worsted Industry in the United States. I know very well the great effort you extended to try and save this industry many years ago, but apparently Congress was not willing to support the textile industry and they have continued to act in this manner.

They cannot seem to understand that the textile industry is the basic industry of the country along with food and housing.

Every country must have a textile industry and that is why I was given to their concern of the Japanese back some years ago. However, it never needed to go to the extreme that it did, and now we are suffering the consequences.

You and I can very readily say "We told you so" but this is not going to help anything. Someway, somehow Congress has got to understand that the textile industry is a vital part of our economy and must be maintained.

We spend thousands upon thousands of dollars in agriculture and it is an essential part of our economy, but we spend no money whatsoever trying to help the textile industry.

I think you might be aware of the new laws restricting flammable fabrics. This is going to be another very severe blow to the industry as it is going to be difficult for sometime to produce fabric which will meet the requirements particularly in sleepwear.

We are involved in this situation and to this date although we are not able to come up with a fabric that meets the requirements, unless we try to make it entirely of asbestos or some non-burning fiber, which to this date does not exist in suitable material for garment wear.

We recognize the need to try and protect people from themselves but there is the point that we cannot develop immediately the materials which are requested.

At the present almost all companies making sleepwear have discontinued making them because it is impossible for us to meet the requirements.

There is not a single fiber produced that is going to meet all the manufacturing technology which is required.

I would appreciate your help in these matters.

Very truly yours,

LAWRENCE W. GUILD.

Mr. COTTON. Mr. President, I am reassured by the statement of the distinguished chairman that his amendment in its present form will give manufacturers a chance to be heard by the Secretary of Commerce on any standards resulting from his amendment.

Mr. MAGNUSON. That is correct. The purpose of the bill before the Senate is to extend the authorization of the amount of money for the purpose of setting standards. I understand that they cannot do these things overnight, but this amendment allows time.

Mr. COTTON. Mr. President, I yield such time as he desires to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from New Hampshire.

Mr. President, I commend the Senator from Washington for his interest and the attention he has given to this subject. I appreciate very much, also, his attitude in presenting this matter here in such form. It seems to have carried out all his laudable purposes as originally drawn, and now assures an opportunity for these people to be heard, and the Senator has just pointed out that he understands the situation. I support the amendment in its present form. We owe the Senator a debt for having studied this subject and having brought it to the attention of the Senate.

Mr. MAGNUSON. There is something to be said on the other side. I think that the technology since 1953 has greatly

improved. I have been through this matter so many years that I know practically all the facts involved.

With respect to mattresses, there is now a good standard. Many older people go to sleep while smoking and there is a good, practicable, standard for mattresses. But in the business of children's sleepwear, there still is serious problem. If a store has one that is nonflammable and one that is flammable, I want a mother who goes in that store to know the difference. It may cost more. I am told that they have the technology, but it takes time to transfer it, and this is why we are giving them this time. Under this amendment, they will have some standards by 1 year, and they will have labels—the two together.

Mr. COTTON. Mr. President, I assume the Senator is talking on his time.

Mr. MAGNUSON. Yes.

Mr. COTTON. I yield to the distinguished Senator from Tennessee (Mr. BROCK).

Mr. BROCK. I thank the Senator.

I commend the distinguished Senator from New Hampshire and the distinguished author of the amendment for trying to work out something that is reasonable and practical and affords all interested parties an opportunity to be heard and to have a voice in the establishment of standards which will insure greater protection for all the children of this country.

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

Mr. BROCK. I yield.

Mr. MAGNUSON. Is the Senator familiar with the Eastman Co. in Tennessee?

Mr. BROCK. Yes; thoroughly so.

Mr. MAGNUSON. Does the Senator know the kind of job they do on this?

Mr. BROCK. It is a remarkable product.

Mr. MAGNUSON. Yes. They ship it all over. For example, they ship it to the United Kingdom, where they have had this law for years. This is the irony of the situation. So far as I know, they do one of the excellent jobs in this field.

Mr. BROCK. They really do.

Mr. MAGNUSON. I do not know the company and do not know anything about them, except in this field.

Mr. BROCK. They are one of the finest concerns with which I have ever had experience. They are remarkably progressive and are good business people. They are greatly concerned about the end product of their business.

The only concern I have with this legislation is the July 1, 1973, compliance date. Such language will make it extremely difficult for the Secretary to comply with all the procedures. That is why I think the Senator added the language "insofar as practicable" to this amendment. It does afford some limited latitude. But the thrust of this amendment is to get standards by July 1, 1973. I hope the industry can meet that timetable. I know they will try, but I think it will be difficult. They will try to do so.

Mr. MAGNUSON. That is my hope, too—that by July of next year all the clothing in this field will be nonflammable. That is the hope of the whole Senate, I think.

Mr. BROCK. I thank the Senator very much.

Mr. COTTON. Mr. President, I wish to join the distinguished Senator from Mississippi (Mr. STENNIS) and from Tennessee (Mr. BROCK) and, on behalf of the minority side of the Commerce Committee, commend our chairman, the distinguished Senator from Washington (Mr. MAGNUSON), for his work in this area, and for his revised amendment which I think will bring about the desired level of safety, in which we are all interested. The amendment should enable this to be done in such a manner as not to work violence on our struggling textile industry. The Senator has done an excellent job in that respect. The staff also has done an excellent job. It is a laudable result. I am now happy to join in supporting the amendment and the bill.

Mr. President, let me just sound one little warning here, which has nothing to do with substance of the pending bill. These are hectic days when we all are trying and the leadership is striving to complete work on necessary legislation before we recess for the first of the national conventions. Yet, in these circumstances we have had two or three instances where the same thing has started to happen which we experienced in connection with this bill. We have a simple authorization bill that we are trying to get through so that the Appropriations Committee can act and make the appropriations, and then someone or some committee comes along and slaps on to such an authorization bill a substantive amendment which may be highly controversial. If it is passed hastily, then it may have an exceedingly bad result. It is is controversial and require careful consideration, then it may well take a great deal of debate and, thus, hold up the appropriation process.

I hope that we will be able to avoid this kind of situation. Otherwise, it will present a serious problem to us in the next few days with only 2 weeks to go before the first scheduled recess.

Mr. MAGNUSON. Mr. President, I do not want any implication to go abroad that the Senate is not interested in this matter. I want everyone to know that it is deeply interested. Otherwise, on the pending amendment, we would have had a rollcall vote. However, the Senate is unanimous for approval of the amendment, but so many Senators had to leave, and this came up unexpectedly.

I am also sure that there will be no votes recorded against the pending bill as amended.

I just wanted to make this statement, as the vote on the pending amendment will be a voice vote.

Mr. STENNIS. Mr. President, I want to confirm the Senator from Washington in his estimate here, that if we were going to have a rollcall vote on the pending amendment, as well as on the bill as amended, it would be a unanimous vote.

Again, I commend the chairman and the distinguished Senator from New Hampshire (Mr. COTTON) for the way they have worked out this matter. It is highly important, but it is also a complex matter. The way they worked it out lends strength to the amendment itself, and the spirit in which it will be agreed to make it more acceptable.

Mr. SCHWEIKER. Mr. President, I am pleased to join with the chairman of the Senate Commerce Committee, Senator MAGNUSON, in introducing this important amendment to the Flammable Fabrics Act.

Just over 2 months ago, on April 12, I introduced S. 3491, the Flammable Fabrics Act Amendments of 1972. Section 7 of S. 3491 was designed to accomplish what the pending amendment will do. My legislation provided that within a specified time period the Secretary of Commerce must set standards for children's sleepwear up to and including size 12. The pending amendment covers sizes 7 through 14, and I certainly agree that size 14 is an appropriate cutoff point.

The proposed standard on children's sleepwear issued by the Commerce Department will become effective on July 29 of this year. That standard covers sizes 0 to 6X. Under the standard, children's sleepwear which does not meet the fire-resistant requirements may be marketed for 12 months after the effective date if the garment contains a cautioning label. That label must state that the garment is flammable, that it does not meet the Commerce Department's standard, and that it should not be worn near sources of fire. After July 29, 1973, all children's sleepwear from sizes 0 to 6X must meet the standard or the garments cannot be marketed.

Mr. President, this new standard represents a significant step in the right direction. However, I am convinced that it does not go far enough. The information already presented to the Senate by Senator MAGNUSON strongly indicates that an urgent need for a flammability standard also exists for children wearing sizes 7 through 14. There is nothing magic about sizes 0 to 6X. Size 6X represents an arbitrary cutoff point. Older children face the same dangers, although often in different ways. As the father of five children I am very much aware of the need to protect young children from hazards that they often innocently face.

Children who would use sleepwear in sizes 7 through 14, for example, are tempted to play with matches and may be able to obtain them more easily than younger children who do not have the reach or mobility of the older children. They are beginning to experiment with cooking and are thus exposed to the hazards of flames from stoves.

Furthermore, young girls are particularly attracted to frilly, loose-fitting nightgowns which will be more likely to catch on fire than the tighter-fitting pajamas young children wear.

These are but a few examples. The point is, an urgent need for flammability standards exists. In fact, the Commerce Department has issued a proposed finding of need already. This amendment would make a congressional finding of need, thus short-circuiting the time-consuming process required for a Commerce Department determination. The amendment finds a need for a standard for children's sleepwear in sizes 7 through

14. The finding states that the standard is necessary in order to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. As of July 1, 1973, the Secretary of Commerce must promulgate a standard for all children's sleepwear in sizes 7 through 14, making them flame retardant.

I believe the industry can meet this standard. In fact, in researching this amendment, I was encouraged to have this belief confirmed by the judgment of Commerce Department experts.

Mr. President, in the interest of the safety of all our children and the prevention of often tragic injuries and even death, I strongly urge the Senate to adopt this amendment.

Again, I commend Senator MAGNUSON for his leadership in this area. I am pleased to join with him in sponsoring this important amendment.

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

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. TUNNEY). All time on the pending amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time on final passage?

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. COTTON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has now been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. AIKEN voted "yea" when his name was called.

Mr. COTTON. Mr. President, I ask unanimous consent, with respect to having a rollcall vote—can we get unanimous consent to withdraw the yeas and nays?

The PRESIDING OFFICER. The Chair would state that debate is not in order. The yeas and nays have already been ordered. One Senator has already responded to his name.

Mr. COTTON. All right.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senate from Louisiana (Mr. ELLENDER), is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate because of a death in his family.

The Senator from Texas (Mr. TOWER) is absent to attend the funeral of a friend.

The result was announced—yeas 65, nays 0, as follows:

[No. 221 Leg.]

YEAS—65

Aiken	Eagleton	Montoya
Allen	Eastland	Nelson
Allott	Ervin	Packwood
Anderson	Fong	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bennett	Hartke	Percy
Bible	Hatfield	Proxmire
Brock	Hruska	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
Byrd, Robert C.	Javits	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevens
Cook	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Cranston	McGee	Tunney
Dole	McGovern	Weicker
	Mondale	Young

NAYS—0

NOT VOTING—35

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Thurmond
Fannin	McIntyre	Tower
Fulbright	Metcalf	Williams
Gambrell	Miller	

So the bill (H.R. 5066), as amended, was passed.

The title was amended, so as to read: "An Act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate for its consideration, H.R. 15097, which will be stated by title.

The bill was read by title, as follows:

A bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate on this bill is limited to 30 minutes, to be equally divided and controlled by the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from New Jersey (Mr. CASE). Time for debate on the amendments, debatable motions or appeals is limited to 20 minutes, to be equally divided and controlled by the mover and the manager of the bill, or the minority leader if the manager of the bill is in favor thereof.

Who yields time?

Mr. ALLOTT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, I ask unanimous consent that Paul M. Weyrich and Jim Sanderson may be granted the privilege of the floor during the debate on this matter.

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

Mr. CASE. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. CASE. Mr. President, I ask unanimous consent that during the debate on this matter the privilege of the floor may be granted to a member of my staff, Gar Kaganowich.

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

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require.

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

Mr. ROBERT C. BYRD. Mr. President, the subcommittee took testimony on estimates totaling $8.4 billion ($8,458,527,000) for the offices, administrations, boards, corporations, commissions, and authorities which are funded in the transportation and related agencies appropriation bill (H.R. 15097). This total request consisted of $5.4 billion—$5,418,000,000—for payments to be made in connection with grants previously made under authorizations contained in substantive legislation for such programs as Federal-aid highways, Federal aid to airports, highway safety grants, and capital grants for urban mass transportation facilities. The rest of the $8.4 billion total requested, $3.0 billion—$3,040,362,095—is new budget—obligational—authority where the level of the program for the budget year is established by the appropriations process under general legislative authorizations. The new budget—obligational—authority includes the amount of $131,181,000 for the Federal contribution to the Washington Metropolitan Area Transit Authority for fiscal year 1974, as an advance appropriation.

FEDERAL HIGHWAY ADMINISTRATION

The largest single item in this bill is the recommendation of $4.9 billion—$4,893,125,000—for Federal-aid highways, consisting largely of reimbursements to the States for work on the Interstate—$3.2 billion—and Federal-aid systems and for administrative expenses in carrying out these extensive construction programs.

Other highway program activities for which requests were made and recommendations are submitted include $12 million principally for the highway beautification, outdoor advertising control—sign removal on interstate and Federal-aid highways; $12 million for highway-related safety grants; $10 million for continuation of the grade crossing elimination program on the high-speed ground demonstration rail routes between Washington, New York and Boston; $15 million of a requested $30 million for the Darien Gap Highway in Panama and Colombia, to continue the Inter-American Highway from the Panama Canal to South America; $35 million for the right-of-way revolving fund to assist the States with interest-free loans for advance acquisition of rights-of-way and relocation expenses; $23 million for funding payments for previously authorized forest highways projects; and $16 million for public lands highways for projects authorized under the biennial Federal-aid highway acts.

The recommendations for the Federal Highway Administration total $5.0 billion, of which $4.9 billion is derived from the highway trust fund and $0.1 billion from the general fund of the Treasury.

The committee recommendations include deletion of House language in the general provisions which would have the effect of limiting obligations in fiscal 1973 for the forest highway, public lands highways, territorial highways, highway related safety grants, and highway beautification below the levels authorized in the biennial Federal-aid highway acts.

FEDERAL AVIATION ADMINISTRATION

The next largest group of recommendations—totaling $1.6 billion—relates to the aviation activities of the Department, the Federal Aviation Administration.

For the operation of the national system of air traffic control, the committee recommends $1,175,256,000 of a requested $1,175,156,000. This provides 1,407 additional positions for air traffic control duties in centers and towers. These operating funds are from the General Fund of the Treasury and are not derived from the Airport/Airway Trust Fund. The Committee recommends earmarking language providing $3.5 million for additional screening devices to make these devices available for a mandatory passenger screening system as an effective antihijacking measure.

For facilities and equipment, the committee recommends $302,650,000 to be derived from the airport/airway trust fund for major capital investments to increase system capacity and make operations safer and more efficient.

The recommendation includes $32,711,000 over the budget and the House bill for 84 instrument landing systems; $6 million for three airport surveillance radars; and $12 million for 30 airport control towers. These items—amounting to $50,711,000—were not included in the budget request. A listing appears on pages 552–555 of the Senate hearings.

For the airport development program, the amount of $100 million, the budget request and House allowance, is recommended for payments expected to be made for airport development and improvement projects, including land acquisition. An appropriation of $15 million is recommended for airport planning grants for regional systems of airports and individual airports. These funds are derived from the airport/airway trust fund.

The budget reflects planning for a level of $280 million for airport development grants in fiscal 1973 utilizing the authority contained in the Airport and Airway Development Act of 1970.

For research, engineering and development, the committee recommended $66 million. This research will be directed at improvement of the national air traffic control system and to increase system capacity and safety. Projects include work on collision avoidance, improved instrument landing systems, and, by committee directive, an improved ground proximity warning indicator for better altimetry. These funds are to be derived from the Airport/Airway Trust Fund. Seven million dollars would be used by the Office of the Secretary for continuing work on air traffic control system improvements.

The committee recommendations provide $15,873,000 for Washington National and Dulles International Airports, $12,265,000 for operations, and $3,608,000 for construction consisting largely of runway and aircraft apron parking.

In all, the committee provides for $483,650,000 from the Airport/Airway Trust Fund; $1,191,129,000 from the General Fund of the Treasury; in all, $1,674,779,000 for the Federal Aviation Administration.

The committee recommendation includes the deletion of House language in the General Provisions—section 302—which has the effect of limiting airport development grants to $280 million for fiscal 1973.

COAST GUARD

For the operational expenses of the Coast Guard, the committee recommends $551 million—compared with a requested $551 million and a House allowance of $548.9 million.

The House allowance and this recommendation includes $3 million for the operations of the two fishery patrol vessels recommissioned with funds supplied in the second supplemental for 1972, and $6.2 million for the operation of a Coast Guard base at Kodiak, Alaska. The increases over 1972 funding are largely for military pay increases, increased emphasis of marine safety and efforts in pollution control.

For acquisition, construction, and improvements, the recommended $134,680,000 includes $81 million for vessels, of which $66 million is for construction of a new polar icebreaker; $11.6 million for aircraft; $27.1 million for shore stat ions, and so forth; $8.4 million for repair and supply facilities; and $3.4 million for training and recruiting facilities. The committee recommendation also includes $1,580,000 for Coast Guard housing at Homer and Cordova, Alaska, which the amended budget proposed deferring. The recommendation includes $1,550,000 for construction of facilities at Cheboygan, Mich., for the icebreaker, *Mackinaw*.

The committee recommends the $12.5 million, as requested in the budget and allowed by the House, for the alteration of obstructive bridges over navigable waters. The committee report lists the eight bridges involved.

The recommendation for retired pay provides the budget estimate and House allowance of $72,789,000.

The House committee had deferred the provision of funds for the reserve training program in the absence of legislation authorizing an average strength level. The amount of $31,735,000 was added by amendment during House consideration of the bill. The committee concurs with the House committee and will consider this request after authorizing legislation is enacted.

For research activities, the committee recommends $18.3 million. The projects involved are a continuation of work on pollution monitoring, detection, containment, and cleanup systems.

For State boating safety assistance, the recommendation is $7,500,000, the budget request and $4,500,000 over the House. These funds, requiring a 33⅓-percent State matching, will be used to stimulate State boating safety efforts.

The total recommendations for the Coast Guard are $796.6 million of a requested $825.5 million.

NATIONAL HIGHWAY TRAFFIC SAFETY

The House allowance for the traffic and highway safety programs provides $43 million, representing a reduction of $5,268,000 and a deferral of $37,361,000 for which renewed authorizing legislation is required. These activities were

authorized in the National Traffic and Motor Vehicle Safety Act (Public Law 89-563) expiring at the end of fiscal 1972 (S. 3474 introduced) and the Highway Safety Act (Public Law 89-564) currently authorized through fiscal 1973.

The committee recommendation of $45,673,000 includes $373,000 for the funding of an adequate program for schoolbus safety including 20 positions. The inadequacy of the present level of effort was covered in questioning by the subcommittee—Senate hearings, pages 169-173.

The committee recommendation concurs with the House in deferring the $37.4 million.

The committee recommends the provision of $70 million, consisting of $40.5 million in Federal funds and $29.5 million in trust funds, for State and community highway safety. These funds are required to make payments to the States for previously approved work programs in areas of driver licensing, motor vehicle registration, traffic records, police traffic services, driver education, and so forth. The States are required to match the grants.

The committee recommends the deletion of section 304 of the general provisions which has the effect of limiting to $80 million the grants to be made in fiscal 1973.

The recommendations for the National Highway Traffic Safety Administration total $115,673,000, consist of $55,810,000 Federal and $59,863,000 trust funds.

FEDERAL RAILROAD ADMINISTRATION

The recommendation for the Office of the Administrator provides $2,921,000 of a requested $3,142,000 for the staff offices supporting the research and safety activities of the Federal Railroad Administration.

For railroad research, the recommended $10,500,000 is $150,000 above the level of effort funded in 1972. The committee report directs special attention to efforts in grade-crossing-elimination studies at Wheeling, W. Va.; Lafayette, Ind.; and Lincoln, Nebr.

The recommendation for the Bureau of Railroad Safety of $7,110,000 includes 43 additional personnel for track inspection, and so forth, and the House allowed increase of $100,000 in travel funds—$800,000 instead of the $700,000 proposed in the budget.

The committee recommends $60,879,000 for high-speed ground transportation research and development. The amount recommended provides $35,200,000 for research and development; $23,700,000 for demonstrations, including $16,700,000 for the Metroliner, and $1,000,000 for the turbotrain; and $1,979,000 for administration.

The recommendations for the Federal Railroad Administration total $81,410,000.

URBAN MASS TRANSPORTATION ADMINISTRATION

The recommendations for the Urban Mass Transportation Assistance Act of 1970 include $232 million, the budget request and House allowance, for payments to be made to communities in financing acquisition, construction, reconstruction, and improvement of facilities in mass transportation service in urban areas. Federal participation is limited to two-thirds of the net project costs.

For research, development, and demonstrations and university research and training, the committee recommendation is $114 million. The bill includes earmarking language for research, development, and demonstrations—$111 million; for university research and training—$2.5 million; and—$0.5 million—for managerial training.

For administrative expenses, the committee bill would provide $6,684,000 of a requested $7,419,000.

The House allowance of $6.4 million provided 5 new positions for research and development activities. The recommendation includes the 30 additional field operations positions requested in the budget and would provide for a total of 60 field positions.

OFFICE OF THE SECRETARY

The committee recommendation provides $24,120,000 of a requested $26,053,000 for the administrative expenses for the Office of the Secretary. This provides 31 additional positions of a requested 76.

The committee concurs with the House, and the conferees agreement of last year, in the denial of funding for positions for the Office of Consumer Affairs, but has included $150,000 for the 10 full-time staff assistants for the secretarial regional representatives.

For transportation planning, research, and development, the budget proposed $42.1 million and $7 million by transfer from the Airport/Airway Trust Fund. The transfer of funds for continued work on future air traffic control concepts is recommended. Specific items recommended for approval are $8 million for noise abatement research—of a requested $8.2 million—and $5 million for dual mode research—denied by the House.

The committee recommendations specifically deny the six additional positions requested. The requested $5 million for university research—allowed by the House at $3 million—is recommended in full.

The recommendation provides $45 million of a requested $49.1 million and is $8 million over the House allowance of $37 million. It is $16.5 million over the amount provided for 1972.

For transportation research activities overseas, a special foreign currency program, the committee recommends concurring with the House in the denial of the $500,000 requested. Testimony at the hearings, April 24, revealed the 1972 appropriation of $500,000 still unobligated and continuing available.

The committee recommends an appropriation of $1 million for grants-in-aid for natural gas pipeline safety. The House passed this authorization (H.R. 5065) on June 21, 1971. This recommendation is made contingent upon enactment of authorizing legislation.

The committee recommendation concurs with the House in providing $600,000 for lease of employee parking space and $200,000 for related maintenance costs; in all, $800,000 of a requested $857,000.

For the Office of the Secretary, the recommendations total $63,920,000.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The committee recommends not to exceed $797,000, the budget estimate and House allowance, as the amount the Corporation may use for its administrative expenses. These funds are to be derived from Seaway toll revenues.

RELATED AGENCIES—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The committee recommends an appropriation of $131,181,000, the budget estimate and House allowance, for fiscal 1974 for the Federal contribution to the Washington Metropolitan Area Transit Authority.

CIVIL AERONAUTICS BOARD

The recommendations for the Civil Aeronautics Board provide $14,173,000, which is $50,000 over the budget request and House allowance, for the administrative expenses of this regulatory agency. The recommendation includes $50,000 for costs relating to reopening an Alaskan field office.

For payments to Air Carriers, the recommendation, based on testimony as to needs, provides $65.4 million, an increase of $11.4 million over the budget and House allowance.

THE PANAMA CANAL

The recommendations for the Panama Canal include $55.2 million for Canal Zone Government operating expenses and $4.5 million for Canal Zone Government capital outlay. These amounts are, in effect, an advance of funds to be repaid through charges for services furnished or from revenues of the Panama Canal Company.

The bill includes language, as requested in the budget and allowed by the House, to authorize use of not to exceed $20,556,000, to be derived from Company revenues for general and administrative expenses.

INTERSTATE COMMERCE COMMISSION

The committee recommends the amount of $33,120,000, the House allowance and $1,460,000 over the budget, to provide a year-end employment of not less than 1,800 personnel and an average employment of not less than 1,750 during fiscal 1973.

The committee concurs with the House views on the Commission's responsibilities.

NATIONAL TRANSPORTATION SAFETY BOARD

The committee recommendation of $8,285,000 is $585,000 over the House allowance and $500,000 over the budget estimate.

The additional amount is provided to enable the Board to expedite the public release of the investigative results of its accident investigations. The committee is deeply concerned with the present time lag and expects the Board to materially improve its performance in the discharge of its responsibilities in all fields of accident investigation. The increase includes $385,000 for 30 additional highway accident analysts and field investigators.

SUMMARY OF RECOMMENDATIONS

In conclusion, the committee recommendations total $8.4 billion, of which $5.4 billion is for mandatory payments under commitments previously made

pursuant to legislative authorizations—consisting of $0.3 billion in Federal funds and $5.1 billion from Trust Funds; and $3.0 billion in new budget—obligational—authority for activities authorized under authorizations where the appropriations govern program levels—consisting of $2.6 billion in Federal funds and $0.4 billion from Trust Funds.

One emphasis which I should make, Mr. President, is this. The moneys which have been added by the subcommittee, over and above the House bill, are strongly oriented toward the safety of the traveling public, especially in the field of air transportation. Moneys have been added for all airports throughout the country which qualify for instrument landing systems, aircraft traffic control towers, and airport surveillance radars. It is my belief—and the committee joins with me—that we should provide every dollar which can be properly and feasibly spent for screening devices to deter aircraft hijacking and for the installation of airport equipment to insure every degree of safety and protection possible for the millions of men, women, and children who are increasingly traveling by air. It was this same emphasis upon safety that led the committee to add moneys for the expedited development of an improved ground proximity warning indicator for aircraft, the schoolbus safety program effort, the grade crossing elimination studies, and the accelerated reporting following accident investigation studies by the National Transportation Safety Board.

The public is entitled to such safety and protection, and as far as my committee is concerned, we are determined to provide the necessary funding.

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

Mr. ROBERT C. BYRD. I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. I would like to address myself to my distinguished colleague from West Virginia, the manager of this appropriation bill, on three categories which are very meaningful to the welfare of my State.

Mr. ROBERT C. BYRD. Mr. President, may we have a little less commotion in the Senate? There is entirely too much running up and down and around.

The PRESIDING OFFICER. The pages will take their seats.

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

Mr. PASTORE. That is all right.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, first of all, I wish to compliment my colleague for his understanding of the problems that were involved.

I notice that the committee went along with the $3 million for the operation of two additional patrol cutters, recommissioned in the second supplemental for 1972. I might say at this juncture we had tremendous trouble with some foreign fishing boats that not only destroyed some of our fishing equipment but in many, many instances have raised havoc with the situation in that part of the State.

The second item to which I call attention is the $360,000 made available, as appears on page 13, to provide a second set of landing equipment for the airport at Theodore Francis Green Airport. This means we can use two runways, thereby in a way alleviating the problem of noise that has been affecting the people there.

The third item has to do with anticipated rail research and development. I notice the House cut the figure by $500,000 and that was restored by the committee. I want to say that this was a wise action on the part of the committee to go along with that recommendation and our people, and particularly the senior Senator from Rhode Island, appreciates that action very much.

Mr. ROBERT C. BYRD. I thank the distinguished senior Senator from Rhode Island. The committee included the moneys that have been referred to by the distinguished senior Senator from Rhode Island for the instrument landing system at the Theodore Francis Green Airport in Providence, R.I., and included money for operating the additional patrol cutter, which has been recommissioned, at the written and personal request of the senior Senator from Rhode Island (Mr. PASTORE). Both of these requests were amply justified and the committee was pleased to respond, as it did, to the requests. As chairman of the subcommittee, I knew nothing about the problem with foreign fishing boats in that area until the Senator called the matter to my attention in his letter several weeks ago. Nor did I know that his airport qualified for the additional ILS system until he pressed the matter upon me. I thank him for his kind remarks.

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

Mr. ROBERT C. BYRD. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I would like to commend the Senator from West Virginia and members of the committee for inclusion of funds for an additional instrument landing system for the airport at Norfolk, Va. This airport serves a great metropolitan area. I requested the Senator from West Virginia and the committee to give consideration to the inclusion of these funds and on behalf of the people of the area I am pleased that the committee saw fit to include the request.

Mr. ROBERT C. BYRD. I thank the Senator from Virginia. The committee was happy to receive correspondence from the distinguished Senator from Virginia requesting this additional money for the Norfolk airport. As a result the committee looked into the matter, found that the airport did qualify and was pleased to include the funds requested by the Senator.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. ROBERT C. BYRD. Yes; I yield to my senior colleague.

Mr. RANDOLPH. Mr. President, the able Senator from West Virginia (Mr. BYRD), who is the chairman of the subcommittee handling the Department of Transportation and related agencies appropriation bill, has succinctly given us the points relating to the action within his subcommittee. I commend him personally and congratulate his colleagues who joined in giving attention to some matters which, because of earlier authorizations, are of interest and concern to the Senate Committee on Public Works.

I call attention particularly to page 18 of the report, which has to do with funding for highway beautification. The pending legislation permits the continuance of important work authorized by the Highway Beautification Act of 1965 and the Highway Acts of 1968 and 1970, attempts to beautify the highways of America and also to remove from the landscape those eyesores which were often of considerable size—the junkyards of the country.

The $60 million program that my colleague from West Virginia has planned for 1973 will permit the maintenance of the 6-year program for the removal of billboards that do not conform with the law. The $23.3 million increase in 1973 will be used for that purpose, while the junkyard control and landscaping programs will be reduced, as the Senator has indicated, from the 1972 level.

Without intending criticism, would my colleague give a further explanation of the funding reduction for the junkyard and landscaping programs?

Mr. ROBERT C. BYRD. The budget for 1973 called for a large increase in emphasis for 1973 for billboard removal, and the junkyard control and landscaping programs were reduced from the 1972 level. Our recommendations are consistent with the budget proposal.

Mr. RANDOLPH. I understand, and I think the increase for the billboard compliance is very important. I felt that the reduction for junkyard control and landscaping needed some comment. I appreciate the attention of my able colleague to this problem.

Mr. ROBERT C. BYRD. May I say further, in response to the question by my distinguished senior colleague, the committee recommended the deletion of section 303 of the general provisions, which would have the effect of limiting the 1973 obligations to $30 million. It seems to me this action will allow for an expanding of the program more in accordance with what my colleague envisions.

Mr. RANDOLPH. That is correct, and that is very helpful. I understand the clarification. I am gratified that these programs are being funded, that landscaping goes forward, that the junkyard control program is not stopped, and that the effort to properly control billboards is being handled properly from the standpoint of necessary funds.

I call attention also to the very important demonstration program which is being funded to eliminate certain railroad grade crossings. This is a matter of very great concern to those of us on the Public Works Committee, and I am gratified that the program which is jointly funded by general revenues of the Treasury and highway trust funds, is going forward. I commend the work that my able colleague from West Virginia has done on this most important legislation, including attention to the in-

creased safety in our aircraft and airways program.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). All time of the Senator from West Virginia on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, would the Senator from New Jersey yield me 1 minute?

Mr. CASE. Mr. President, I yield myself such time as I may require, and I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I want to say further, in response to my colleague's original question with reference to the beautification moneys, that the amount which was included is in conformity with the appeals submitted to the committee by the Secretary of the Department.

Mr. RANDOLPH. I thank the Senator.

Mr. ROBERT C. BYRD. The committee knows of the great interest of my colleague and his leadership in this field. As far as I am concerned, I want to assure the Senator I will do everything in the future, especially in light of his continuing interest, to see that every dollar is provided for this item that can reasonably be appropriated.

Mr. RANDOLPH. I thank my colleague very much.

Mr. ROBERT C. BYRD. I thank my colleague.

Mr. CASE. Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I, as a new member of the Appropriations Committee, want to thank the chairman of the subcommittee and our ranking minority member for their courtesy to me and their consistent interest in our State in regard to this bill, and I am very delighted to see the addition of the $50 million for the new airport facilities, which was the work of the Senator from West Virginia.

I shall make lengthier statements in regard to this bill in the RECORD, but let me state first—which I will repeat later—that the one item that remains in the bill before us that is not a problem as far as the Appropriations Committee is concerned, but is a problem as far as the authorization committee is concerned, is that Alaska still remains the one State that is not included in the Interstate Highway System. Even our sister State in the Pacific, Hawaii, is included in the Interstate Highway System, even though there are no interstate highways actually that reach Hawaii.

Alaskans feel very strongly about this discrimination, and it is my great hope that the amendments to the Interstate Highway Authorization Act will include Alaska so that we will be able to utilize funds from the Interstate Highway Trust Fund.

I wish again to thank the chairman of the subcommittee for his courtesy and for his interest in restoring an item that was of great concern to the Coast Guard, and for his great interest in converting the Kodiak Air Station to the Kodiak Coast Guard Station.

Mr. President, as the Senate considers approval today of the $8 billion Department of Transportation appropriation bill for fiscal year 1973, I wish to remind you that we still have a major unresolved problem in Alaska which I hope a future appropriations bill will be able to take care of, once the step of receiving the necessary authorization is accomplished.

The matter is simply this: Every State in our country, with the exception of Alaska, is able to utilize funds from the Interstate Highway System. This includes our sister State, Hawaii, which is also noncontiguous with the "lower 48."

This means Alaska has been denied the use of a highway transportation program which has changed the face of our country's economic and citizen travel patterns, and changed it for the better. To those who have been in Alaska, the exclusion of our State from this tremendously important transportation program is immediately and starkly clear. Our highway system, in this the largest State in the Union, has a road density lower than any other State; in fact, it is 37 times less than the next lowest State of Wyoming.

We are on the brink of far-reaching development in Alaska and we must have a modern surface transportation system to handle this growth. To me this means a belated, but deserved, entry in the Interstate System or the development of an alternative commitment of funds which will give us the resources to accomplish this goal. I have with me a letter to myself and Secretary Volpe from our State's Governor, Mr. William Egan, which makes the case for this expansion of our highway system with great depth, strength of reasoning, and concern. I wish to say that I continue to commit myself to working with the Governor toward bringing adequate highway resources to our State, and will explore and work to resolve the legislative and administrative hurdles which must be overcome to accomplish this goal. Mr. President, I request unanimous consent that Governor Egan's letters be entered into the RECORD at this point.

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

JUNEAU, ALASKA,
June 12, 1972.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED. I am transmitting to you a copy of a letter I have recently submitted to Secretary of Transportation Volpe concerning Alaska's predicament in regard to the availability of Federal highway funds.

As I have explained to the Secretary, we are presently completely out of funds for committing additional highway contracts in Alaska until Fiscal 1973 funds are available. If the Department of Transportation makes the full obligational authority determined by the Office of Management and Budget available on the first of July, we will have approximately $36 million of Federal funds for our next year's highway program. We presently have about $30 million of much needed highway projects on the shelf waiting for funding and will probably develop at least another $30 million during the remainder of this year. This means that we are fast approaching the point where we will be unable to fulfill our highway commitments and will have to cut back highway construction in Alaska, which will cause severe hardships to a major segment of our State.

I think the time has come when we must insist that Alaska be included in the Interstate Highway Program or receive interstate funds to be expended on other highway projects in lieu of interstate mileage. The situation is extremely serious and one which I feel demands immediate attention of the U.S. Congress as well as the Department of Transportation. It should be noted that the Office of Management and Budget has consistently withheld highway funds from all states since 1966. At the present time approximately $40 million of highway funds that were authorized for Alaska by the U.S. Congress have been held by the Office of Management and Budget and we have, consequently, been denied obligational authority, hence effectively freezing these funds.

Of course, due to your efforts and those of your colleagues in the Alaska Congressional Delegation, the 1970 Highway Act included $20 million extra for Alaska. This was a wonderful breakthrough and has the effect of providing partial compensation for being excluded from the Interstate Highway Program, for both Fiscal 1972 and 1973. We surely hope you can be successful in having a like provision included in the present Highway Act which is being considered by the U.S. Congress. Hopefully, your good efforts might be able to increase the funding in excess of the $20 million we received for each of the last two years.

I request that you take whatever action you can to insure that Alaska receive additional monies in lieu of incorporation into the Interstate Highway Program and that the Office of Management and Budget release Alaska's funds in the amount of $40 million which are presently frozen. My Administration is ready to provide any information, testimony, or other help which you may desire.

Please give me your observations on this matter as soon as possible, together with any advice as to possible courses of action which we may pursue to aid you in obtaining needed highway funds for Alaska.

Sincerely,

WILLIAM A. EGAN,
Governor.

JUNEAU, ALASKA,
June 12, 1972.

Hon. JOHN VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I have reviewed your letter of May 9, 1972, concerning the National Highway Needs Report and the proposed Transportation Act which was submitted to the U.S. Congress in April of this year.

I do appreciate your concern about the funding of non-interstate Federal aid highway projects in Alaska, and certainly the provision which you have included in your proposed Transportation Act which states, in effect, that no state receives a lesser apportionment than they received in Fiscal 1973, as being a step in the right direction. I feel, however, that this is only a step and not the full solution to Alaska's surface transportation problem which is becoming more and more acute. The recent safety report card which lists Alaska as below average is of considerable interest to me, as I am sure it is to you, and, again, a problem directly associated with our entire highway system, and specifically with the Federal funding that is needed to provide the necessary systems improvements to increase safety on Alaska's highways.

I note with interest that you are attempting to provide flexibility at the state level and to allow the states to make basic determinations as to the methods by which transportation funds will be employed to improve systems in the various states. I firmly believe that this is a wise decision inasmuch as the needs of some states, especially Alaska, vary tremendously.

Unfortunately, I believe that the tremendous national concern over the transportation problems in our larger urban areas has,

in many cases, overshadowed the basic needs of some of our underdeveloped areas, of which Alaska is a prime example. I do not doubt that in many of the states solution to urban problems is of paramount importance and must be considered of high priority in the allocation of any transportation funds. Unfortunately, some of the states have primarily rural transportation problems and, in the case of our State, a complete lack of any connected integrated highway system as exists in all of our sister states.

The great need of just basic minimum standard roads was dramatically pointed out in the testimony given by Alaska's Commissioner of Highways at the House Public Works Subcommittee hearings. I am including this testimony for your perusal. Some of the comparisons are of special interest. For instance, Alaska has only 7,100 miles of highways and street mileage with a land area of nearly 600,000 square miles. This gives us a road density of 1/100 of a mile of road per square mile of land area. Arizona, by contrast, has 37 times more highways per square mile than Alaska and is the next lowest of the 50 states in highway density. Rhode Island, by contrast, has 440 times the road density of Alaska. Many of our major towns are connected only by air transportation with absolutely no possibility of surface connection within the foreseeable future, a situation unheard of in any other state.

If the State of West Virginia were superimposed upon the most densely populated area of Alaska, we would find that within this area Alaska has only 750 miles of highways while West Virginia has 35,820 miles. Imagine, if you would, what would happen to West Virginia's economy if we removed 35,000 miles of road from her highway system. It is unthinkable, I know, yet this condition actually exists today in Alaska. Unless we can develop a basic highway transportation system to serve our cities and our potential areas of economic development, our State cannot increase its economic base. Since Alaska contains a great store of mineral wealth, this lack of economic development hurts not only Alaska but the entire nation, and should be a matter of national concern.

I might direct your attention further to the fact that Alaska has been and continues to be the only state not included in the largest of our public works programs, the Interstate Highway System. There has been nearly $50 billion spent by the Federal Government to implement the Interstate Highway Program since 1956 and not one single penny has been spent in Alaska. While it is true that we are not connected geographically to the other states, I would remind you that neither is Hawaii and they enjoy a substantial interstate program. Hence, then, we are forced, in this State, to utilize our regular ABC apportionments to provide intercity connections that other states have constructed with interstate funds. This only further compounds our problems of trying to provide a minimum transportation system for our people.

Initially, the Interstate Program was to have lasted approximately 10 years; it now appears that it is going to last 20 or more years. The continued exclusion of Alaska from this program is probably one of the major oversights of the U.S. Congress and of several administrations. Alaska, which desperately needs roads to become even partially equal to her sister states, has been and continues to be excluded from the major highway program of this country.

While I would be the first to admit that our needs, in most cases, are not for multilane limited access freeways, it still does not appear equitable to eliminate Alaska from this program on that basis alone. Some provision certainly could be made within the scope of the Transportation Act to allow Alaska to utilize her share of the Interstate Highway Program, if she were included, in a method somewhat different from the other states to satisfy her needs. This would be completely consistent with your approach to the allocation of transportation funds to the various states and allowing them to have more say as to what methods will be utilized to fulfill transportation needs.

If it is, for some reason, impossible to include Alaska within the Interstate Program, then I would suggest that we be given additional funds in our ABC program in lieu of incorporation into the Interstate so that we can participate as a full partner, as do the other 49 states. In the 1970 Highway Act Alaska was allowed $20 million in each of fiscal years 1972 and 1973 to compensate, to a small degree, for our singular exclusion from the Interstate Highway Program. The precedent certainly has been set for recognizing the discrimination incurred by Alaska and I feel that the continuing of funds in lieu of Interstate appropriations is equitable and in no way inconsistent with your goals as outlined in your May 9, 1972, letter to me.

By not participating in the Interstate Program, Alaska is penalized even further by the fact that we are not allowed to obligate the full apportionment of highway funds given to us by the U.S. Congress. This State presently has nearly $40 million of authorized apportionments which we have not been allowed to obligate as a result of the actions of the Office of Management and Budget. Other states have their Interstate Program to help take up the slack. We do not and, hence, the penalty works doubly hard on Alaska. In addition, construction costs in Alaska, due to the severity of the climate and short working seasons, are often many times higher than those of our sister states, which means that our highway dollar consistently builds substantially less mileage than could be constructed with the same dollar in other states.

In summary, I feel that either Alaska should be included in the Interstate Program immediately or we should be allowed additional monies from the Highway Trust Fund in lieu of participating in the Interstate Program. We must construct highways now since we are on the threshold of economic expansion and, with economic expansion, a drastic increase in population. Migration to Alaska is high and will continue to be high over the next few years as a result of our growing oil industry. Since we are woefully short of surface transportation avenues now, one can only imagine what conditions will be in a few years when our population has increased and our highways have remained essentially as is. We are, as of this date, *completely* out of highway funds and have nearly $30 million of vitally needed highway projects "on the shelf" where they will remain until the obligational ceiling on Federal highway funds is removed. It is unreasonable to continue to withhold nearly $40 million of obligational authority from Alaska in light of our desperate need for highways to spur our social evolution and to develop a firm based economy.

In order to help solve our pressing transportation problems, Mr. Secretary, I appeal to you to take whatever action is necessary to accomplish the following objectives:

1. Release the $40 million of obligational authority that is presently being withheld from Alaska.

2. Incorporate Alaska into the Interstate Highway Program or provide additonal funds annually in lieu thereof.

3. Recognize the complete uniqueness of Alaska's transportation system and tailor future Federal aid highway programs so that Alaska can build the roads she needs to connect the places of residence of her people and take her place with her 49 sister states on an equal footing.

I invite you to come to Alaska this summer if your busy schedule will allow and review firsthand the tremendous transportation gap in this State and to discuss other possible solutions with me.

Sincerely,

WILLIAM A. EGAN,
Governor.

Mr. STEVENS. Mr. President, I am deeply gratified that the Appropriations Committee has agreed to my amendment to the Department of Transportation and related agencies bill in committee which will reopen an urgently needed Civil Aeronautics Board office in Alaska which was closed for economic reasons in 1965.

This office will serve the five CAB certificated airlines in Alaska and the nearly 300 communities those airlines serve. Burgeoning activity stimulated by the Alaska pipeline and infusion of financial resources into the bush from the Alaska Native land claims settlement is causing dynamic increases in rural air traffic. These increases and new emerging traffic patterns are straining the services "bush" operators are able to provide. The committee recognizes the vast area of Alaska and absence of interconnecting surface transportation makes Alaskans inordinately dependent on air service for travel and supplies. Reopening this Alaska office will assist communities, airlines, and approximately 192 air taxi operators through the implementation phase of the Alaska service investigation, undertaken by the Board in 1969 and the bush phase of that case still pending before the Board.

So that the Congress will better understand the remote circumstances and the truly unique lifeline dependency which rural Alaska has with its certified airlines and the bush pilots these airlines subcontract with for servicing villages, I would like to outline briefly just what this situation is. I believe the need for a CAB office in Alaska to service this lifeline will be made abundantly clear by these facts of life with which rural Alaskans must cope at all times.

Five airlines in Alaska are certificated by the Civil Aeronautics Board; Wien Consolidated Airlines, Alaska Airlines, Reeve Aleutian Airways, Kodiak Airways, and Western Alaska Airlines. All but Reeve Aleutian receive subsidy from the CAB.

Wien Consolidated and Alaska Airlines are the largest intra-Alaska carriers. In terms of number of communities authorized to serve, Wien is the largest airline in the world with about 170 points, including two in Canada. Alaska Airlines is authorized to serve about 82 bush points and is a trunk carrier between Seattle and Alaska's population centers.

Of Wien's 170 points, 156 have a population of less than 500 people. In virtually all of these 156 communities, air transportation is the sole mode for delivering food and supplies, mail and passengers. Alaska Airlines is authorized to serve about 82 bush points with similar conditions.

Most rural Alaskans are Native Indians, Aleuts, or Eskimos. They exist on a marginal cash economy based on seasonal employment—fighting forest fires, commercial fishing, and selling Native

arts and crafts. The limited cash economy is supplemented in large part by hunting, fishing, and trapping. These same people who can least afford cash outlays for supplies and transportation costs must rely on air transportation to acquire anything beyond the range of their riverboats or, in winter, their snowmobiles.

The number and location of communities in rural Alaska served by certificated carriers change with population shifts. Population shifts result from relocation due to seasonal flooding along major river systems, family migration toward the rivers during fishing season, and relocation of logging camps to new harvest areas. Some of the operating problems encountered in these areas are unknown elsewhere in the country. There are no airport facilities as we know them in urban areas. A windsock is often the only landing aid. Airstrips are short and unpaved, and unfavorable winds often postpone incoming flights. As a rule, there are no lights. In winter, when it is dark more than 20 hours a day in northern Alaska, villagers use kerosene fires to guide airplanes in so that they may receive their mail and supplies. Float planes are used extensively in parts of Alaska. During the time rivers freeze up and again when they are thawing, float planes cannot land. It is necessary for residents in these communities to store up supplies to last through these periods because they are effectively cut off from supply centers.

The CAB has tried several innovative procedures to overcome the adverse economic and operating conditions in Alaska. Both Wien and Alaska Airlines are permitted to provide scheduled service to any community within 25 miles of their authorized routes. Within southeastern Alaska, which is primarily islandic in nature, Alaska Airlines is granted "irregular route authority" permitting them to give scheduled service between any two points. Both Alaska and Wien subcontract to air taxi operators to serve many rural points. There are 192 air taxi operators scattered throughout Alaska and their expertise and knowledge of local conditions are absolute requirements in providing safe air service in the bush. Wien subcontractors serve about 61 of Wien's 170 authorized points. Alaska Airlines' subcontractors serve about 37 of their 82 authorized points.

These innovations—that is, the 25-mile rule, irregular route authority, and unsupervised subcontracting—are not sufficient to meet rural air service needs. Points served under mail contracts receive service based on mail flow rather than the broader personal transportation needs in the community. Subsidy payments to subcontracted air taxi operators are often insufficient for the services they provide.

The 25-mile rule and irregular route authority provide flexibility for the airlines but not dependability for the communities. The seasonal and occupational shifting of the rural population requires the ability to modify authorizations on short notice. Present administrative procedures are too burdensome and time consuming to meet the fluctuating needs in Alaska's bush. Air taxi operators and small certificated carriers like Kodiak and Western Airways do not have the legal or clerical resources to comply with the present administrative requirements. This is one factor in Kodiak and Western Airways' pending applications for merger. An Alaskan CAB office could develop administrative processes that would not entail legal expenses for simple operating modifications.

Mr. President, in the Department of Transportation appropriations bill, which the Senate will vote on soon, I am very gratified that among the many decisions made as to how this $8 billion will be expended, there was a small and wise decision made to not defer 40 units of urgently needed family housing for Coast Guard personnel at the small Alaskan communities of Cordova and Homer. This request of $1.5 million had originally been in the budget but later an amendment came up requesting these homes be deferred because of the necessary buildup of the Coast Guard base at Kodiak, Alaska due to the Navy's departure from that important Alaskan port. Both of these projects were necessary. It was my strong opinion that families needing homes in Cordova and Homer should not be made to suffer for the Kodiak buildup. The committee understood and agreed. I am gratified for this and hope we will be able to maintain this amendment in the conference committee. So further information on this matter may be available, I would like to request at this point in the RECORD that my letter asking for this budget amendment to Senator BYRD be printed.

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

MAY 24, 1972.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: While I strongly support the Coast Guard's budget amendment request of 6.2 million for Kodiak, Alaska, I have asked whether the Coast Guard would or would not have to take resources for the Kodiak operation from other Alaskan activities. I am deeply concerned now to learn that in the OMB budget amendment for Kodiak this is the case. The request calls for deferring urgently needed housing at Cordova and Homer, Alaska valued at 1.5 million so it can be reprogrammed to Kodiak. Coast Guard stations in Alaska should not be crippled to offset the cost of Kodiak. All are needed. Critical services provided by other Alaskan Coast Guard stations are not going to be covered by Kodiak, so they should not be made to suffer to *pay* for Kodiak. The various Coast Guard sites are spaced along the Alaskan coast at appropriate intervals to cover large expanses of the Gulf of Alaska and North Pacific. Each serves a huge geographic area in which marine and air transportation are the predominate modes of travel and in which the waters, climate and terrain are exceptionally hazardous. To strengthen one at the expense of another is like shoring up one section of a dam or bridge by transferring butresses from another.

Alaskan Coast Guard stations are relatively small and, because they are located in small, isolated home ports, their personnel and dependents constitute substantial segments of their respective communities. Housing in these localities is scarce and it is expensive. Coast Guard requests for funds to construct government housing are based on practical surveys of the need. Prior to the Kodiak problem family housing units for Alaskan stations were principal needs evidenced in the Coast Guard budget request. These needs were not alleviated, or affected in any way by developments at Kodiak. Suitable housing is a bulwark of other mission-essental elements of a Coast Guard installation, and cannot be undercut without weakening the main structure.

Therefore, it is my firm belief that the Administration's request to defer the 40 family housing quarters at Cordova and Homer, Alaska so this $1,580,000 can be reprogrammed to Kodiak in FY '73 is a serious error. I believe that these two communities must not suffer because of the necessary build-up at Kodiak. Accordingly, I urge that the Committee *not* reprogram and thus defer these housing funds from Cordova and Homer. I would request instead that we appropriate $1,580,000 in new funds for FY '73 to these housing projects. They are critically needed and should move forward as originally planned and called for in the FY '73 budget.

Thank you very much for your consideration of this request. I hope that you will agree with me.

With best wishes.

Cordially,

TED STEVENS,
U.S. Senator.

Mr. CASE. Mr. President, I yield such time as he may require to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the Senator from New Jersey. I would like again to add my voice in complimenting the committee on the bill now before us, and on the cooperation which I have received from the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from New Jersey (Mr. CASE) on a problem that I have been pursuing through these halls, specifically the adequate funding of Amtrak.

The additional $55 million which was approved by the House-Senate conference does not appear in this bill, but I have initiated discussions with members of the committee, specifically with the distinguished Senator from West Virginia and the distinguished Senator from New Jersey, and it is my hope that at such time as the supplemental appropriation bill appears before this body, probably sometime in late July or early August, an additional $55 million will be included and will be made available to bring about the necessary capital improvements in that rail system. We do have some additional investigation and homework to do, but I do not feel that in any way there is less of a commitment to a decent rail system within this Nation by the Appropriations Committee because of its failure to appear in this particular bill. I do hope, as I have said earlier, that sometime in July or August those funds will be forthcoming.

I thank the Senator from New Jersey.

Mr. CASE. I yield 4 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I do not wish to unduly prolong debate on this bill. There was a great deal of harmony on the part of the members of the Appropriations Subcommittee and of the full Appropriations Committee in considering this measure.

I would be remiss, however, if I did not express my appreciation to Senator

ROBERT BYRD who has served so ably as the chairman of the subcommittee and to Senator CLIFFORD CASE who has done his usual outstanding work as the ranking minority member of the subcommittee.

It has been a pleasure working on transportation with these two men whose grasp and understanding of the problems associated with this complex issue bode well for the future of the programs contained herein.

I should like to take just a few moments to comment on some of the report language which we adopted.

With regard to the Office of the Secretary, we concurred in the House language which stressed that each of the administrations within the Department of Transportation should be responsible for their own research, development, and demonstration programs, and these programs should be operated without interference from the Office of the Secretary in the day-to-day management of individual projects.

Now, obviously, the Office of the Secretary has the responsibility in the overall sense to see to it that money is not spent by Administrations on worthless projects. But Congress never intended that the Office of the Secretary should have the capability or the authority to "sign off" and, therefore, determine what projects the Administrations should undertake. To do this would rob all autonomy and initiative from the Administrations and we do not wish to see this happen. For that reason, we believed it necessary to underline what the House had already said.

While on that subject, the committee did not touch upon this matter, but I am sure those Senators present here would agree with me, that in granting money to the various research and development programs in the different Administrations, we intend that these Administrations and not some other agency administer these programs. Recently, there has been some discussion that perhaps the National Aeronautics and Space Administration might take over the responsibilities for some of the transportation programs. As Senators know, I have been a strong NASA supporter, and I continue to be strongly in favor of a sensible, viable space program. However, the problems of getting to Mars from Earth are not necessarily similar to the problems of getting from downtown Denver to Arvada, or from midtown Manhattan to Far Rockaway. I see real danger in permitting NASA or any other agency to take over ground transportation projects. The kind of resources which were available for the Apollo project are not available for ground transportation at this time. Therefore, I believe the comparatively meager resources available to the Federal Highway Administration, the Federal Railroad Administration, and the Urban Mass Transportation Administration for ground transportation research should be managed by these Administrations and not by outside agencies—no matter how competent these other agencies may be in other fields. So, I say, while the committee did not speak on this, I wanted to raise the point to serve notice that I, for one, will make this an issue if necessary, and I believe the members of the committee will agree with my viewpoint if, and when, the full facts are debated.

With regard to the National Highway Traffic Safety Administration, I want to highlight the committee's addition of 20 positions to be utilized expeditiously in the area of schoolbus safety.

Fortunately, tragic schoolbus accidents are not common. Statistically, schoolbuses are a safe mode of travel because of the low incidents of injury per mile traveled. Much of this is because most drivers are uncommonly courteous to schoolbuses. The statistics however, do not reflect the potential for disaster and the grossly inadequate situation which prevails.

I am certain all Senators' mail reflects the concern that we all share in this area. The dismaying thing is that most of the answers are apparent and their resolution achievable. I think we can learn a lot from the children who ride on these schoolbuses.

Mr. President, at this point, I should like to read into the RECORD a letter I have received from Miss Holly Piquette of Gunnison, Colo.:

DEAR SENATOR ALLOTT,

Hi! I think we need some changes in the buses. My opinion of what I think they need is:

1. A stronger roof
2. Seat belts
3. Seat back and side padding
4. More experienced drivers
5. Roll bars
6. Safety air bags
7. Head rests
8. Smaller buses
9. Air brakes
10. Larger First-aid kit
11. Stricter student rules

The dangerous objects I think are:

1. Emergency door latch
2. Fan guards
3. Front door latch
4. The aisles are too narrow
5. The first step is too high

Sincerely,

HOLLY PIQUETTE.

No doubt, Holly's letter was stimulated by the tragic bus accident at Monarch Pass, Colo., which took the lives of eight Gunnison High School students and their football coach.

Many so-called schoolbus safety laws have been introduced in this Congress. I am discussing this because I believe much can be done under existing statutory authority if only sufficient manpower is provided to the National Highway Traffic Safety Administration to promulgate and enforce safety and structural regulations. I am, therefore, very pleased that the committee has approved an amendment to provide these 20 additional positions.

Great strides must be made to improve: Braking ability; ease of emergency exit through windows; occupant crash protection; and the structural intergity of schoolbuses. Great strides must also be made to improve the selection and training of schoolbus drivers, and schoolbus maintenance and inspection criteria.

The point is, Mr. President, we know the improvements that are needed. The Senate committee has provided the manpower to expeditiously make these improvements. I hope that our colleagues in the House of Representatives will agree with us on this issue.

The committee directed that schoolbus safety requirements be carried forth without unduly burdening local transit systems. I believe this is an important point because I have not been satisfied that the Safety Administration has properly taken into account the difficulties local transit operations now have and will continue to have in the future meeting school bus safety requirements while at the same time utilizing their buses for other purposes. The committee, in drafting this report language, sincerely hopes that these transit operations will be accommodated as the Administration moves forward in implementing standards.

Now, Mr. President, I wish to make just a few comments on the UMTA report language. The committee has directed UMTA to fund only those projects which are urban transit in nature. We do not wish to see intra-airport or urban renewal project funded with limited UMTA resources. We have other Government programs which are applicable in these cases. For myself, I want to say that I am especially concerned about the funding of intra-airport transportation projects, or projects which are designed to transport passengers from their planes to the terminal, or from one part of the airline terminal to another. I contend that such projects lack statutory authority under the UMTA Act, and even if some interpretation of the law could be made justifying these kinds of grants, I know I am correct in stating that the legislative history of the program does not support intra-airport transportation funding.

On another point, Senators will recall that I sponsored a successful amendment to the fiscal year 1971 Transportation Appropriations Act which earmarked funds for work in the "light rail" field. The work which has been done in this area has been disappointing, and the committee has reflected its disappointment in the language adopted. The committee directed that more resources from the rail portion of R. D. & D. be diverted into this field. We expect action in this area and a specific program to be enunciated. The committee agreed with my suggestion that projects in the "light rail" field would be appropriate for the Pueblo, Colo., test center. But in any case, we do not expect to wait another 2 years before we see concrete developments. We will await action from UMTA.

The committee, on the matter of "personal rapid transit," took quite a different approach from the House. We not only restored the $24,700,000 cut by the House for a further "personal rapid transit" demonstration, but we asked for immediate action. We did so because the Dulles demonstration is, in our view, of limited value. The guideways are only about 750-feet long. The equipment seems to have performed well in these theoretical situations, but if PRT technology is going to mean anything, we must have demonstrations in the real world. In Morgantown, W. Va., we are testing one kind of system under one set of conditions. With another urban dem-

onstration, we will be able to test PRT's under conditions quite different from Morgantown and yet applicable in many places throughout the Nation.

The committee also adopted language on UMTA's "criteria" for rapid transit systems. The language speaks for itself. I expect to have more to say on this subject in the future, however, I believe that the criteria as written are unworkable and have been designed to make it virtually impossible to comply. If the criteria are not revised as the committee requires through its report language, then, as I announced some months ago, I will introduce legislation designed to deal with this problem.

The other matters covered by report language are self-explanatory. I believe the committee did a very commendable job in dealing with many of these very complex issues. I want to again thank the participating Senators, as well as John Witeck and Bob Clark of the committee staff for their excellent support work.

Finally, I must note the action of our committee which is somewhat coincident and complementary to actions of the conferees on the rural development bill. This week, the conferees on H.R. 12931 approved the "Rural Development Act of 1972." Also, this week, the Appropriations Committee has approved an additional $11.8 million for local service airline subsidies. This amount will fill the need recently established by the Civil Aeronautics Board.

Air service is a prerequisite to almost any business move to a new location. The rural development bill has as a major purpose—the stimulation of growth in our rural areas; which as we all know, means attracting more jobs to these rural areas. The overriding issue of the local service subsidy is, rural development.

The key element in rural development, now that passenger trains are no longer available to most rural areas, is the minimum network of air service that is provided by the local service air carriers. Frankly, I have not been completely satisfied with the attitude demonstrated by the CAB toward this issue. What I consider to have been inattention by the CAB was compounded by slowing economic conditions and, as a result, this group of air carriers has suffered an economic decline in recent years. The weakness of these companies threatens continued air service for rural America. I hope that the enactment of the rural development bill, which clearly demonstrates that this is a major national concern at this time, will awaken those charged with the responsibility of providing air service to rural communities.

I thank my distinguished colleague, the Senator from New Jersey (Mr. CASE), for yielding this time to me, and I yield back to him such time as I have not used.

Mr. CASE. Mr. President, I appreciate the Senator's comments. Both the chairman of the subcommittee and I are most grateful. I am especially pleased because the Senator from Colorado is a colleague of mine on the subcommittee, and certainly one of our hardest working members.

I thank the chairman also for his consideration and the fine job he has done on this measure.

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

Mr. CASE. I am happy to yield such time as he may require to the majority leader.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, Amtrak is now over a year old and its success or failure has not as yet been firmly established. The continuation of passenger train service for most Americans is a very important matter. As I have indicated in the past, the Nation's railroads were abandoning their historic role in this regard.

I have had high hopes for Amtrak and, quite frankly, they have done some innovative things in this very brief time. Amtrak has embarked upon some imaginative high-speed railroad service in densely populated commuter areas. However, I wish the success story of Amtrak in the less populated sections of the country like Montana was as glowing. When the original routes for Amtrak were adopted, they decided to operate passenger train service across the northern tier of Montana which denied service to the vast majority of the State. After some discussion, Amtrak was convinced that they should reinstate passenger train service across the southern route, known as the Northern Pacific Line, on a 3-day a week basis. This decision was made for a 15-month period on a use-it-or-lose-it concept. I do not disagree with this but I do believe that the users should be given some encouragement in demonstrating how much they will want and use this passenger service. This has not been the case in Montana. I do not believe the 15-month period, which will come to an end in September, was a fair test as to how well the people of Montana will use passenger train service. They have been using this service despite the concerted effort of the railroads to discourage patronage.

Almost every day I receive one or two letters from Montana complaining about poor service by Amtrak for the State, poor schedules, later arrivals, discourteous personnel, inability to obtain reservations when trains are obviously not full. All the complaints would indicate that there is little desire to build up traffic on the southern route. I am aware that Amtrak has not had time to develop improved equipment and service throughout the entire system and I am confident that when Amtrak completely takes over from the previous railroad operators, things will improve. We cannot have a fair test as to how people from Montana will use this passenger service until such time as Amtrak upgrades its system in this area as well as the rest of the Nation.

Mr. President, I would like to ask the able chairman of the Senate Subcommittee on Department of Transportation Appropriations, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), if he has received any indication from Amtrak officials as to whether they intend to extend the use-it-or-lose-it period for the southern route from Minneapolis to Seattle through Montana. Would the chairman agree that Amtrak should not only concentrate on the glamorous experimental service but must make a determined effort to upgrade passenger service to the less populated areas of the Nation?

Mr. ROBERT C. BYRD. Mr. President, I do agree with the statement of the distinguished majority leader. The majority leader wrote to me, as chairman of the Appropriations Subcommittee on the Department of Transportation. He also spoke to me on behalf of himself and his distinguished junior colleague regarding this matter.

The matter was discussed with Amtrak officials by the committee staff, the matter was discussed with high officials in the Department by me, and the matter was discussed by me with the Secretary of the Department of Transportation. May I say that out of those discussions I am encouraged to believe that what the distinguished majority leader hopes to achieve will be accomplished. It is my understanding that a decision by Amtrak will be made in July or August. The word used by a high official in the Department—I will not use his name—was "optimistic," indicating that he was optimistic, of course without being bound in any way.

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. ROBERT C. BYRD. He could not make a binding promise, but he was optimistic; and from that I am encouraged, may I say to my leader, and I shall do everything I can to pursue this matter further.

Moreover, may I say, in response to the distinguished Senator from Connecticut (Mr. WEICKER) that there was no budget request for this item. It was discussed in committee, however, in the light of the correspondence received from the able Senator from Connecticut. I appreciate the fact that he is not offering an amendment today to add moneys for Amtrak. It is for this reason that I have assured him that I will do everything I can to see that the moneys are put in the supplemental bill, provided a budget estimate comes up. If the committee does not put the money in, we will have a vote on the floor in response to his efforts.

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

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

Mr. MANSFIELD. Mr. President, I am very much encouraged by what the distinguished chairman of the subcommittee has just said. I am sure it is concurred in by the ranking Republican member, the distinguished Senator from New Jersey; by the distinguished Senator from Colorado; and by the ranking Republican member of the Appropriations Committee, the distinguished senior Senator from North Dakota, as well as others who are affected by the lower part of what is now called the Burlington Northern but which used to be the old Northern Pacific Line.

In closing, I wish to restate that my colleague from Montana, Senator LEE METCALF, and I believe that not only should Amtrak continue the service on the southern route, but also the service should be extended to a new 7-day-a-week basis. The southern route serves the population centers of the State; and if Montana is to be given any consideration, these areas must have Amtrak service. The northern route expedites passenger traffic from the Twin Cities to the west coast and serves Glacier National Park, all of which is very important, all of which I approve.

But, Mr. President, we cannot ignore three-fifths of a State like Montana, which is as large as the empire of Japan—148,000 square miles—but which has a very small population of approximately 700,000, dependent in large part upon rail transportation because we do not have the air service.

Again, I thank the distinguished chairman and all the Senators on the floor who have indicated their support for this proposal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of the agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 9, strike out "$23,970,000" and insert "$24,120,000".

On page 2, line 15, after the word "expended", strike out "$37,000,000" and insert "$45,000,000".

On page 2, line 22, after "(49 U.S.C. 1674)", strike out "$750,000" and insert "$1,000,000"; and, in line 23, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 3, line 12, after the word "welfare", strike out "$548,900,000" and insert "$551,000,000"; and, on page 4, line 18, after the word "Government", insert a colon and "Provided further, That $318,596,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 5, at the beginning of line 1, strike out "$131,550,000" and insert "$134,680,000"; and, in line 2, after the word "expended", insert a colon and "Provided, That this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard, and authorizing appropriations to the Coast Guard for vessels, aircraft, and construction for fiscal year 1973.".

On page 5, line 9, after the word "expended", insert a colon and " *"Provided,* That this appropriation shall be available only upon the enactment into law of authorizing legislation.".

On page 5, after line 16, strike out:

"RESERVE TRAINING

"For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $31,735,000: *Provided,* That amounts equal to the obligated balances against the appropriations for 'Reserve training' for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation."

On page 6, line 8, after the word "law", strike out "$16,500,000" and insert "$18,256,000"; and, in line 9, after the word "expended", insert a colon and "Provided, That $1,424,000 of this appropriation shall be available only upon the enactment into law of legislation authorizing active duty personnel strength for the Coast Guard for fiscal year 1973.".

On page 6, line 17, after "(Public Law 92–75)", strike out "$3,000,000" and insert "$7,500,000".

On page 7, line 2, after the word "snowshoes", strike out "$1,152,038,000" and insert "$1,150,538,000"; in line 7, after the word "grant", strike out $19,100,000" and insert $21,218,000"; in line 9, after the word "of", strike out "active metal detection" and insert "screening"; and, in line 15, after the word "systems", strike out "$2,000,000" and insert "$3,500,000".

On page 8, line 9, after the word "aircraft", strike out "$251,939,000" and insert "$302,650,000".

On page 9, after line 15, insert:

"FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

"For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $48,728,000."

On page 10, line 3, after the word "ammunition", strike out "$12,200,000" and insert "$12,265,000".

On page 10, line 8, after the word "Columbia", strike out "$2,600,000" and insert "$3,608,000".

On page 10, at the beginning of line 23, strike out "$13,400,000" and insert "$13,325,000"; and, in line 25, after the word "exceed", strike out "$98,400,000" and insert "$99,535,000".

On page 12, line 1, after the word "expended", strike out "$2,000,000" and insert "$10,000,000"; and, in line 2, after the word "which", strike out "$600,000" and insert "$3,000,000".

On page 12, at the beginning of line 14, strike out "$25,000,000" and insert "$15,000,000".

On page 12, line 25, after "(78 Stat. 505)," strike out "$4,891,990,000" and insert "$4,893,125,000".

On page 14, line 6, after "5 U.S.C. 3109", strike out "$43,000,000" and insert "$45,673,000"; in line 7, after the word "which", strike out "$28,700,000" and insert "$30,363,000"; and, in line 8, after the word "fund", insert a colon and "Provided that $188,000 of such funds shall be available only upon enactment into law of authorizing legislation.".

On page 14, line 21, after the word "Administration", strike out "$2,750,000" and insert "$2,921,000".

On page 14, line 24, after the word "activities", strike out "$10,350,000" and insert "$10,500,000".

On page 15, line 3, after the word "for", strike out "$6,900,000" and insert "$7,110,000".

On page 15, line 7, after the word "transportation", strike out "$45,000,000" and insert "$60,879,000"; and, in line 8, after the word "expended", insert a colon and Provided, That this appropriation shall be available only upon the enactment into law of authorizing legislation."

On page 16, at the beginning of line 20, strike out "$6,400,000" and insert "$6,684,000, and "to remain available until expended."

On page 17, line 1, after the word "expended", strike out "$74,000,000" and insert $114,000,000"; and, in line 2, after the word "That", strike out "$74,000,000" and insert "$111,000,000".

On page 18, line 18, after the word "Board", strike out "$7,700,000" and insert "$8,285,000".

On page 18, line 26, after the word "expenses", strike out "$14,123,000" and insert "$14,173,000".

On page 19, line 5, after the word "Board", strike out "$54,000,000" and insert "$65,400,000".

On page 22, after line 12, strike out:

"SEC. 302. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants in aid for airport development aggregating more than $280,000,000 in fiscal year 1973.

"SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $30,000,000 for 'Highway Beautification' in fiscal year 1973.

"SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1973 for 'State and Community Highway Safety' and 'Highway-Related Safety Grants'.

"SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $4,000,000 in fiscal year 1973 for 'Territorial Highways'.

"SEC. 306. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $20,000,000, exclusive of the reimbursable program, in fiscal year 1973 for 'Forest Highways'.

"SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $12,000,000 in fiscal year 1973 for 'Public Lands Highways'."

On page 23, at the beginning of line 14, change the section number from "308" to "302".

On page 23, at the beginning of line 8, change the section number from "309" to "303".

On page 23, at the beginning of line 21, change the section number from "310" to "304".

On page 24, at the beginning of line 10, change the section number from "311" to "305".

On page 24, at the beginning of line 13, change the section number from "312" to "306".

On page 24, at the beginning of line 22, change the section number from "313" to "307".

On page 25, at the beginning of line 12, change the section number from "314" to "308".

Mr. CASE. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 17, line 1, it is proposed to strike "$114,000,000" and insert in lieu thereof "$118,000,000"; and on page 17, line 2, strike "$111,000,000" and insert "$115,000,000."

Mr. ROBERT C. BYRD. Mr. President, the able Senator from New Jersey has discussed this matter with me. The committee inadvertently overlooked including this amount in the bill, and I am willing to accept the amendment.

Mr. CASE. Mr. President, I appreciate the chairman's consideration. It is entirely in harmony with his customary conduct and thoughtfulness for his colleagues.

The amendment would add $4 million, of which $3.5 million is for the development of service for people of special needs, such as the aged and handicapped, and a half million dollars for the development of a rail bus.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. ROBERT C. BYRD. I yield back my time.

Mr. CASE. I yield back my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish to thank the able senior Senator from New Jersey (Mr. CASE)—ranking member of the minority side—for the fine cooperation and the many courtesies he has accorded to me during the hearings and markup on this bill. Without his help, and without the equally fine cooperation and assistance on the part of the able senior Senator from Colorado (Mr. ALLOTT) this bill could not have been gotten to the floor as expeditiously as was the case. I am indebted to them for their advice and counsel, their helpfulness, and the work they have done in developing the testimony and in hammering out what I consider to be a very good bill. I also wish to express my gratitude to the distinguished senior Senator from New Hampshire (Mr. COTTON) and the senior Senator from Alaska (Mr. STEVENS) for the support and the contributions they have rendered. Senator BIBLE, Senator ELLENDER, and other Senators on my side of the aisle are also to be commended, and I express my appreciation to them.

FUNDS FOR AIR SAFETY AT THE ELKHART, IND., AIRPORT

Mr. HARTKE. Mr. President, I am pleased that the DOT appropriations bill now before the Senate includes an appropriation of $350,000 for an instrument landing system with approach lights at the Elkhart Municipal Airport.

This $350,000 appropriation was contained in an amendment which I proposed to the DOT Appropriations Subcommittee. I would like to take this opportunity to thank the distinguished chairman of that subcommittee (Mr. ROBERT C. BYRD) for his profound interest in aviation safety and for his cooperation in including this appropriation in the bill.

Elkhart Municipal Airport provides scheduled air passenger service to Chicago's O'Hare Airport and Indianapolis' Weir Cook Airport. A total of 16 round trip flights per day serve Elkhart and its immediate surrounding areas. The airport is also home base for many corporate aircraft and a convenient facility for itinerant aircraft because of Elkhart's oustanding position as a hub of business and industry activity in the area.

Elkhart airport now averages 600 instrument operations per month. FAA criteria for an instrument landing system require only 700 instrument landings per year. Despite the fact that Elkhart Municipal Airport was eligible for an ILS system, the administration failed to request an appropriation.

Mr. President, I cannot forget the dozens of lives which were lost in the tragic accident 2 years ago at the Huntington, W. Va., airport because of a delay in installing an instrument landing system. An analysis of airport accidents for the past 20 years will indicate that hundreds of lives have been lost for this same reason. It is therefore important that Elkhart Municipal Airport get this instrument landing system without delay.

AIRCRAFT SCREENING DEVICES

Mr. BROOKE. Mr. President, I am gratified that the Appropriations Committee accepted my amendment to modify the appropriation for the Department of Transportation in order to permit the utilization of any type of passenger or baggage screening device. As passed by the House of Representatives, the bill permitted solely the acquisition of active metal detection devices.

There is no question that the strongest possible steps must be taken immediately to cease the shocking wave of hijackings and other acts of violence on airplanes. The problem has clearly grown beyond the ability of the airlines to remedy on their own; what is needed is more Government assistance to insure adequate security.

The Department of Transportation reports that, as of June 5, 1972, there have been 147 hijacking attempts in the United States since the introduction of commercial aviation. However, 113 of these, or nearly 80 percent, have taken place during the last 3 years. And almost two-thirds of them have been successful.

Secretary of Transportation John Volpe has announced that once the Department receives funding he is prepared to move immediately to install magnetometers in commercial airports across the country. According to FAA Administrator John Shaffer, 350 magnetometers are already installed at our Nation's airports; approval of this legislation should permit the installation of at least 800 more. These devices are used principally to detect metal objects containing iron which are carried on board by passengers. Their installation will represent a significant step forward in reducing the incidents of air piracy; however, it will, in no sense, eliminate the possibility of further air tragedy.

For example, the magnetometer will not be able to detect dangerous devices which have no iron content. Among the weapons which have been used by hijackers that could not be detected by magnetometers are grenades, certain other explosives, razor blades, and tear gas.

In addition, there is no plan to use magnetometers for inspecting the contents of baggage. We need only recall the tragic slaughter at the Tel Aviv airport to remind ourselves that a madman can easily place his weapon in a suitcase and open fire when he arrives at the terminal.

Regrettably, we cannot prevent each and every hijacking. Many of these incidents have been brazenly carried out by individuals without the use of any weapon. But I strongly believe that the Government should be able to use every means necessary to prevent these tragic affairs.

Several Federal agencies are already using X-ray screening devices to inspect the contents of goods in transit. The Postal Service and the Customs Bureau are among the agencies using these advanced systems for rapid inspection of parcels and baggage.

A preliminary report by FAA researchers indicates that these screening devices "can make a definite contribution" to airplane safety.

I hope that the Members of the House will agree to this amendment, and that the administration will explore every possible means of restoring safety and sanity to our Nation's air travel.

Mr. KENNEDY. Mr. President, I am pleased to support the Senate Appropriations Transportation Subcommittee request for an additional $50 million for safety facilities at our Nation's airports. An additional $32,711,000 is added for instrument landing systems with approach lights at 84 airports; an additional $12 million for traffic control towers at 30 airports; and $6 million for airport surveillance radars at three locations. The need for these safety improvements has long ago been established and it is my hope that this additional funding will be retained when this legislation is discussed in the House-Senate conference.

In my own State of Massachusetts, three airports will benefit from the increased funding. Logan Airport in Boston will receive $605,000 for an instrument landing system and Norwood Airport will receive $360,000 for an ILS. The Beverly Municipal Airport will receive $400,000 for a traffic control tower. In both the House and the Senate versions of the bill, the Barnes Municipal Airport in Westfield, Mass., is included to receive funds for an instrument landing system. In all of these instances, the need for these safety facilities has been documented and travelers using the airports consider the improvements long overdue.

During extensive hearings in recent weeks, the House Appropriations Subcommittee expressed great concern about the rate with which the Federal Aviation Administration is obligating funds for safety improvements made available in appropriations by the Congress. The subcommittee had expressed the same concern the previous year, nonetheless, the FAA unobligated balance continues to increase. As of March 31, 1972, there was an unobligated facilities and equipment balance of $348 million.

The House subcommittee report points our that this unused funding is particularly disturbing because of the nature of the equipment whose installation has

been delayed. The House Government Activities Subcommittee pointed out that FAA's program to spend at a level of $250 million over the next 10 years for air traffic control facilities and equipment is "patently inadequate to meet the needs of optimum safety in air travel during the 1970's." J. J. O'Donnell, president of the Air Line Pilots Association has repeatedly pointed out the need for at least one ILS at every airport.

Testimony has shown that 101 instrument landing systems, 52 airport surveillance radars, and 46 air traffic control towers which were funded in the period 1967 to 1972 have yet to be commissioned. In my State alone, an ILS funded for Logan Airport in 1968 and one for Martha's Vineyard Airport funded in 1971 still have not been commissioned.

The Senate Appropriations Subcommittee on Transportation has shared the concern of passengers, airlines, and airports across the country in allocating funds for improved safety facilities. The Senate today has the opportunity to support funding for improvements at 117 airports where the need for this equipment has been fully demonstrated. It is imperative not only that funding be approved, but that the Federal Aviation Administration take steps immediately to implement construction of the facilities.

Mr. HATFIELD. Mr. President, I support H.R. 15097, a bill which provides appropriations for Coast Guard activities. The importance of the Coast Guard and the service it provides for my State of Oregon is something I have stressed many times while working for the appropriation.

Included in this bill are funds for the construction of a helicopter station at North Bend, Oreg. Mr. President, my home is on the Oregon coast and I am keenly aware of the need for coastal search and rescue operations, as well as for surveillance of foreign fishing. There is a great need to maintain and increase the quality of service provided by the Coast Guard for those who use our beaches for recreation purposes, and also for the protection of the fishing industry.

The search and rescue operations of the Coast Guard are dramatically illustrated each year. Since January 1, 1972, the 13th Coast Guard District has assisted in saving 49 lives, with rescue operations aiding 2,311 persons. In the last 2 months, there have been 741 rescue operations alone along the Oregon and Washington Coasts. There have been 18 deaths during this same amount of time. Two weeks ago, in an attempt to rescue two girls who had been swept out to sea while wading in the ocean-water of Coos Bay, three lives were lost. The girls were saved—but three persons involved in the rescue died. Had a helicopter been available from the proposed station at North Bend, the lives of those who attempted the rescue, might have been saved. The ability of a helicopter to maneuver and work at a close distance in extremely choppy seas where small boats have difficulty, makes them essential to adequate rescue operations. A helicopter was especially needed 2 weeks ago at Coos Bay.

The Coast Guard also provides needed coastal patrols and surveillance for foreign fishing incursions in U.S. waters. Two days ago, 38 Russian fishing vessels were sighted off the Oregon and Washington coasts. Seven coastal counties in Oregon are the home of a fishing industry that harvests 85 million pounds of fish annually. This amounts to an $18 million business, which is feeling the effects of these foreign fishing incursions. Helicopter surveillance at a close distance could provide photographs and would assist in alleviating harassment of Northwest fishermen. Presently, two winged aircraft patrols are provided per week, and increased helicopter attention to off-shore foreign vessels is necessary. Last year, 68 Russian ships were working off the Oregon coast. Increased attention to this problem by the Coast Guard could have a direct effect in bringing about some sort of meaningful negotiations for offshore fishing limits, and help end some of these incursions.

This proposed bill has far-reaching implications for the thousands of people who take advantage of Northwest coastal recreation areas, and for those persons earning a living from the fish resources in these waters. The proposed Coast Guard station at North Bend is needed to insure their safety and their protection. As a resident of the Oregon Coast, I am familiar with these problems and take a special interest in the Coast Guard appropriations. Mr. President, I urge my colleagues to join me in supporting this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES). the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent by leave of the Senate, because of a death in his family.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 65, nays 0, as follows:

[No. 222 Leg.]

YEAS—65

Aiken	Eagleton	Montoya
Allen	Eastland	Nelson
Allott	Ervin	Packwood
Anderson	Fong	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bennett	Hartke	Percy
Bible	Hatfield	Proxmire
Brock	Hruska	Randolph
Brooke	Humphrey	Roth
Burdick	Inouye	Schweiker
Byrd, Harry F., Jr.	Jackson	Smith
	Javits	Sparkman
Byrd, Robert C.	Jordan, Idaho	Spong
Cannon	Kennedy	Stennis
Case	Long	Stevens
Chiles	Magnuson	Symington
Cook	Mansfield	Taft
Cooper	Mathias	Talmadge
Cotton	McGee	Tower
Cranston	McGovern	Tunney
Dole	Mondale	Weicker

NAYS—0

NOT VOTING—35

Baker	Goldwater	Moss
Bellmon	Gravel	Mundt
Bentsen	Griffin	Muskie
Boggs	Harris	Ribicoff
Buckley	Hart	Saxbe
Church	Hollings	Scott
Curtis	Hughes	Stafford
Dominick	Jordan, N.C.	Stevenson
Ellender	McClellan	Thurmond
Fannin	McIntyre	Williams
Fulbright	Metcalf	Young
Gambrell	Miller	

So the bill, H.R. 15097, was passed.

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. 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. ROBERT C. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CHILES) appointed Mr. ROBERT C. BYRD, Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. ELLENDER, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, Mr. COTTON, Mr. STEVENS, and Mr. YOUNG conferees on the part of the Senate.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 7 P.M. TODAY FOR THE INCLUSION OF A STATEMENT BY THE SENATOR FROM NEW HAMPSHIRE (MR. COTTON) ON THE TRANSPORTATION APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, the distinguished senior Senator from New Hampshire (Mr. COTTON), as I understand it, had wanted to call up an amendment to the bill making appropriations for the Department of Transportation. I had no prior knowledge that he wanted to do so. The Senator from New Hampshire was busy in the Labor-HEW Appropriations Subcommittee markup session being conducted here at the Capitol while the transportation appropriations bill was being debated on the floor. During the rollcall vote on passage of the bill, Senator COTTON indicated to me that he had hoped to call up his amendment before the bill was advanced to third reading. I have held up the motion to reconsider the vote on the bill, because I wanted to give the Senator from New Hampshire (Mr. COTTON) the opportunity to offer such an amendment if he still wanted to do so.

So I have gone to the committee meeting where he is now sitting and indicated that it would be my desire to ask unanimous consent that the bill, although it has now been passed, be open to an amendment to be offered by the able Senator from New Hampshire so that the Senate could even now pass on his amendment by a voice vote and that I would be glad to accept the amendment. However, he has indicated that he does not now wish to offer the amendment, but that he would like the RECORD to be kept open for a statement by him.

I, therefore, ask unanimous consent that the RECORD be kept open until 7 p.m. today for the purpose of including a statement by the distinguished senior Senator from New Hampshire (Mr. COTTON), if he cares to do so.

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

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill (H.R. 15097) was passed.

Mr. GURNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. The Chair lays before the Senate for its consideration the unfinished business, which the clerk will state.

The bill was stated by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

MESSAGES FROM THE PRESIDENT

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

REPORT OF THE COMMODITY CREDIT CORPORATION, FISCAL 1971—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

SECOND ANNUAL REPORT ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Second Annual Report on Hazardous Materials Control as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act, and covers calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 16, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

PROPOSED UNANIMOUS-CONSENT AGREEMENT ON H.R. 15418, DEPARTMENT OF INTERIOR APPROPRIATIONS, 1973

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following request with the distinguished Senator from Nevada (Mr. BIBLE) and the distinguished Senator from Alaska (Mr. STEVENS), who are the chairman and ranking minority member, respectively, of the Subcommittee on Interior Appropriations. I have also cleared the request with the distinguished Senator from Florida (Mr. GURNEY) who is the acting minority leader at this time. I propose the request as follows:

Mr. President, I ask unanimous consent that at such time as H.R. 15418, a bill making appropriations for the Department of Interior, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nevada (Mr. BIBLE) and the distinguished Senator from Alaska (Mr. STEVENS); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill, except in any instance in which the manager of the bill favors such, in which case the time in opposition thereto shall be under the control of the distinguished Republican leader or his designee; and provided further that time on the bill may be yielded to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER (Mr. CHILES). As a Senator from Florida, I object.

QUORUM CALL

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. 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 TO 10 A.M. ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR ROTH ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Monday next under the standing order, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR ROTH ON TUESDAY, JUNE 20, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer and the recognition of the two

leaders on Tuesday next, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. ROBERT C. BYRD. 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. ROBERT C. BYRD. 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 BILL TO STRENGTHEN AND EXPAND THE HEADSTART PROGRAM (S. 3617) TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the two amendments by Mr. TOWER, on Monday, the unfinished business be laid aside temporarily and that the Senate proceed to consider S. 3617, the Headstart bill, and that the unfinished business remain in a temporarily laid aside status until the bill S. 3617 is disposed of on Monday or until the close of business that day, whichever is earlier.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 o'clock a.m.

Following the recognition of the two leaders under the standing order the distinguished Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, after which the Chair will lay before the Senate the unfinished business.

At that time the Senate, under the previous order, will take up the amendment by Mr. SPARKMAN to the Foreign Assistance Act. There is a time limitation on that amendment of 2 hours.

Upon the disposition of the amendment by Mr. SPARKMAN, the Senator from Texas (Mr. TOWER) is prepared to call up two amendments in succession, on each of which there is a time limitation of 1 hour.

It is my understanding that, depending upon the decision of the Senate with respect to the amendment by Mr. SPARKMAN, Mr. TOWER may offer only one of his amendments. But he has two amendments which he is prepared to offer, depending on how the vote goes, and as I have already stated there is a time limitation on each of the three amendments.

It is also my understanding that the amendment which was to have been called up on Monday by the Senator from Pennsylvania (Mr. SCOTT) will not be called up that day, but it will be called up on Tuesday instead.

Therefore, I ask unanimous consent that the amendment by Mr. SCOTT which was previously ordered to be laid before the Senate on Monday not be laid before the Senate until Tuesday. I will not indicate the exact hour at this time, because I want to be sure I understand just what time during the day the able Republican leader would like to call up his amendment. In any event, the amendment will not be called up on Monday.

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

Mr. ROBERT C. BYRD. Following the action on the amendments by Mr. TOWER, the Senate will take up the Headstart bill, S. 3617, for the second track.

There will be rollcall votes on Monday on Mr. SPARKMAN'S amendment and on the amendment or amendments by Mr. TOWER. Certainly there will be amendments to the Headstart bill. They will be called, up hopefully. Undoubtedly, there will be rollcall votes thereon. Senators are alerted, therefore, to the several rollcall votes which will occur on Monday.

May I say for the RECORD at this time that the Senate will be convening each morning following Monday of next week at 9 a.m. As to whether or not a Saturday session will be necessary remains to be seen. It will depend upon the progress that the Senate is able to make during the week in connection with several important bills and in connection with the further debate on the unfinished business, the Foreign Assistance Act. I would hope that, with long sessions beginning at 9 o'clock daily and with our recessing at the close of each long day, the Senate would be able to keep up with the calendar and transact the business that is before us.

So Senators will want to arrange their schedules accordingly. Every day next week will be a long day, beginning early and going late. We have only 10 days remaining before the Senate adjourns for the Fourth of July holiday and the Democratic Convention, unless next Saturday is utilized for a session, in which case there will be only 11 days remaining.

ADJOURNMENT TO MONDAY, JUNE 19, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 o'clock Monday next.

The motion was agreed to; and at 1:33 p.m. the Senate adjourned until Monday, June 19, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 16, 1972:

U.S. ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370:

ARMY PROMOTION LIST

To be colonel

Ackerman, P. D., Jr., xxx-xx-xxxx
Adams, Lewie H., Jr., xxx-xx-xxxx
Alderson, Harry O., xxx-xx-xxxx
Alers, Agustin, xxx-xx-xxxx
Alexander, Howard C., xxx-xx-xxxx
Allen, Archie E., xxx-xx-xxxx
Allen, Charles H., xxx-xx-xxxx
Allison, Kenneth R., xxx-xx-xxxx
Allison, Ralph L., xxx-xx-xxxx
Allred, Dal C., xxx-xx-xxxx
Alspaugh, Donald G., xxx-xx-xxxx
Ammerman, James H., xxx-xx-xxxx
Anderson, James E., xxx-xx-xxxx
Anderson, Richard D., xxx-xx-xxxx
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Angrist, Walter J., xxx-xx-xxxx
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Antonides, Lloyd E., xxx-xx-xxxx
Archibald, Parker D., xxx-xx-xxxx
Augustin, Edward C., xxx-xx-xxxx
Avedisian, Michael, xxx-xx-xxxx
Axsom, Marvin L., xxx-xx-xxxx
Bachlor, Charles R., xxx-xx-xxxx
Barclay, Chris A., xxx-xx-xxxx
Barnes, Edward J., Jr., xxx-xx-xxxx
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Barry, Richard C., xxx-xx-xxxx
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Baum, Bernard H., xxx-xx-xxxx
Bauma, Charles R., xxx-xx-xxxx
Be Vier, William A., xxx-xx-xxxx
Bealke, F. C., Jr., xxx-xx-xxxx
Benefiel, R. J., xxx-xx-xxxx
Bennett, Billy R., xxx-xx-xxxx
Benson, O. G., Jr., xxx-xx-xxxx
Bernard, William J., xxx-xx-xxxx
Berry, Gerald G., xxx-xx-xxxx
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Bevins, James C., xxx-xx-xxxx
Bialo, John M., xxx-xx-xxxx
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Black, Allen P., xxx-xx-xxxx
Blake, Hary D., xxxx
Bloom, Waller C., xxx-xx-xxxx
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Bodley, John M., xxx-xx-xxxx
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Bollhalter, J. J., xxx-xx-xxxx
Boman, James E., xxx-xx-xxxx
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Bossard, Donald R., xxx-xx-xxxx
Boutwell, Claude A., xxx-xx-xxxx
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Brandt, Albert F., xxx-xx-xxxx
Brashear, Bobbie J., xxx-xx-xxxx
Braunig, Carl F., Jr., xxx-xx-xxxx
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Brown, Alson W., xxx-xx-xxxx
Brown, Donald R., xxx-xx-xxxx
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Bryan, John N., Jr., xxx-xx-xxxx
Buckley, N. C., xxx-xx-xxxx
Buczko, Thaddeus, xxx-xx-xxxx
Buen, Edsell D., xxx-xx-xxxx
Bunker, Eldon H., xxx-xx-xxxx
Burgess, Maurice, xxx-xx-xxxx
Burke, Edmund J., xxx-xx-xxxx
Bushey, Harold T., xxx-xx-xxxx
Calamari, Joseph A., xxx-xx-xxxx
Calendo, Peter L., xxx-xx-xxxx
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Carter, John R., xxx-xx-xxxx
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Chism, James W., xxx-xx-xxxx
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Conover, Roger F., xxx-xx-xxxx
Conrad, A. H. Jr., xxx-xx-xxxx
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Corning, Stuart S., xxx-xx-xxxx
Cornish, G. R. Jr., xxx-xx-xxxx
Coron, Sidney G., xxx-xx-xxxx
Crain, Buyan A. Jr., xxx-xx-xxxx
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Durrin, Jerry L., xxx-xx-xxxx
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Frank, Philip J., xxx-xx-xxxx
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Fullerton, J. C. Jr., xxx-xx-xxxx
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Gardner, Lawrence E., xxx-xx-xxxx
Garretson, Ronald B., xxx-xx-xxxx
Garver, Donald E., xxx-xx-xxxx
Gernand, William F., xxx-xx-xxxx
Gerrard, Clarence C., xxx-xx-xxxx
Getzendanner, J. Jr., xxx-xx-xxxx
Giles, Ted A., xxx-xx-xxxx
Glascock, Bob D., xxx-xx-xxxx
Gonzalez-Veve, F., xxx-xx-xxxx
Gordon, Charles J., xxx-xx-xxxx
Gossett, James L., xxx-xx-xxxx
Goyeneche, Rafael C., xxx-xx-xxxx
Grand Pre, Donn R., xxx-xx-xxxx
Graves, Ernest D. Jr., xxx-xx-xxxx
Grayson, Ralph L. Sr., xxx-xx-xxxx
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Grossman, Jerome P., xxx-xx-xxxx
Hafer, Sebastian R., xxx-xx-xxxx
Haigh, Henry W., xxx-xx-xxxx
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Halfyard, Robert L., xxx-xx-xxxx
Halperin, Sanford B., xxx-xx-xxxx
Hamann, Albert D., xxx-xx-xxxx
Harman, Rufus, A., xxx-xx-xxxx
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Hawk, James H., xxx-xx-xxxx
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Hermanson, Ray T., xxx-xx-xxxx
Herold, Arthur K., xxx-xx-xxxx
Hicks, Earl W., xxx-xx-xxxx
Hilborn, Howard S., xxx-xx-xxxx
Hill, Richard D., xxx-xx-xxxx
Hill, William S., xxx-xx-xxxx
Hilsman, Roger Jr., xxx-xx-xxxx
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Holmer, James L., xxx-xx-xxxx
Holmes, Royal B., xxx-xx-xxxx
Holter, William C., xxx-xx-xxxx
Hudson, John E. xxx-xx-xxxx
Huffman, Walter E., xxx-xx-xxxx
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Jackson, Wayne P., xxx-xx-xxxx
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Johnson, Clayton, xxx-xx-xxxx
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Johnson, James B. E., xxx-xx-xxxx
Johnson, Overton R., xxx-xx-xxxx
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Johnson, Paul M., xxx-xx-xxxx
Johnson, Walter P., xxx-xx-xxxx
Jones, Bud L., xxx-xx-xxxx
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Jordan, Russell C. J., xxx-xx-xxxx
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McFarland, R. D., xxx-xx-xxxx
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Swartz, Isabelle J., xxx-xx-xxxx

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To be colonel

Bagley, Norma P., XXXX
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Carrico, Dorothy L., xxx-xx-xxxx
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Depierri, Frank H. J., xxx-xx-xxxx
Epperson, Frank E., xxx-xx-xxxx
Hook, Kenneth B., xxx-xx-xxxx
Kilgore, Willis G., xxx-xx-xxxx
Lau, Johnson N. C., xxx-xx-xxxx
Mallow, John M., xxx-xx-xxxx
Maultsby, William D., xxx-xx-xxxx
Minniear, Edward O., xxx-xx-xxxx
Peak, George W., xxx-xx-xxxx
Roberts, William J., xxx-xx-xxxx
Rosenblat, Bernard, xxx-xx-xxxx
Schechter, Murray P., xxx-xx-xxxx
Smith, Clifton R., xxx-xx-xxxx
Spiegelford, M. B., xxx-xx-xxxx
Worsley, John C., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Adams, Fae M., xxx-xx-xxxx
Babskie, Robert F., xxx-xx-xxxx
Barrett, Francis E., xxx-xx-xxxx
Blair, Donald W., xxx-xx-xxxx
Cox, Robert S., Jr., xxx-xx-xxxx
Downs, Peter E., xxx-xx-xxxx
Fred, Ann C., xxx-xx-xxxx
Jui, John O. L., xxx-xx-xxxx
Leidinger, K. J., Jr., xxx-xx-xxxx
Newkam, John S., Jr., xxx-xx-xxxx
Rupp, Robert H., xxx-xx-xxxx
Sims, James R., Jr., xxx-xx-xxxx
Stearns, Paul E., xxx-xx-xxxx
Thomas, Donald R., xxx-xx-xxxx
Wing, Herman, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Andrews, James R., xxx-xx-xxxx
Barbour, Mack E., xxx-xx-xxxx
Binda, Reno J., xxx-xx-xxxx
Heffner, Earl S., Jr., xxx-xx-xxxx
Malunowicz, T., xxx-xx-xxxx
Mazzola, Nicholas M., xxx-xx-xxxx
Neal, William H., xxx-xx-xxxx
Spendlove, Bernard, xxx-xx-xxxx
Stephens, George D., xxx-xx-xxxx
Wolffe, Findley P. I., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Lescsak, Genevieve, xxx-xx-xxxx
Wood, Mildred, xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Duckenfield, Horace, xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, James E., xxx-xx-xxxx
Albright, Richard O., xxx-xx-xxxx
Anderson, B. B., Jr., xxx-xx-xxxx
Atwood, Roy F., xxx-xx-xxxx
Aubin, Edward G., Jr., xxx-xx-xxxx
Austin, James K., xxx-xx-xxxx
Bailey, Benjamin H., xxx-xx-xxxx
Baker, Robert Jr., xxx-xx-xxxx
Barclay, Joseph D., xxx-xx-xxxx
Barr, Donald F., xxx-xx-xxxx
Barrett, Robert E., xxx-xx-xxxx
Barrow, Myron B., xxx-xx-xxxx
Bauer, Edward R., xxx-xx-xxxx
Bennett, John R., xxx-xx-xxxx
Bennett, Richard A., xxx-xx-xxxx
Benoit, William D., xxx-xx-xxxx
Boyle, Stephen J., xxx-xx-xxxx
Breault, Joseph V., xxx-xx-xxxx
Brincken, Glen W., xxx-xx-xxxx
Brock, Leroy C. Jr., xxx-xx-xxxx
Butler, Francis H., xxx-xx-xxxx
Campbell, C. J., xxx-xx-xxxx
Carrington, R. W., xxx-xx-xxxx
Charlton, G. N. Jr., xxx-xx-xxxx
Cochran, Martin K., xxx-xx-xxxx
Como, Vincent J., xxx-xx-xxxx
Cotter, Chester F., xxx-xx-xxxx
Creasy, Loxley P., xxx-xx-xxxx
Crooks, Everett E., xxx-xx-xxxx
Cullum, William D., xxx-xx-xxxx
Cummins, Wendell R., xxx-xx-xxxx
Davis, James T., xxx-xx-xxxx
Deal, Clifford M. Jr., xxx-xx-xxxx
Demasi, Henri A., xxx-xx-xxxx
Densmore, Victor C., xxx-xx-xxxx
Dicks, John W., xxx-xx-xxxx
Dishon, Lynn R., xxx-xx-xxxx
Dolan, Frederick T., xxx-xx-xxxx
Doll, William V., xxx-xx-xxxx
Dugan, Edward C. Jr., xxx-xx-xxxx
Dunaway, Richard E., xxx-xx-xxxx
Durian, James J., xxx-xx-xxxx
Eby, Gerald P., xxx-xx-xxxx
Edwards, Robert J., xxx-xx-xxxx
Elia, Gabriel J., xxx-xx-xxxx
Endres, Harry J., xxx-xx-xxxx
Eng, Barry, xxx-xx-xxxx
Feiner, Paul A., xxx-xx-xxxx
Ferenz, James F., xxx-xx-xxxx
Fick, Robert R., xxx-xx-xxxx
Finch, Hugh B., xxx-xx-xxxx
Fisher, Bernard J., xxx-xx-xxxx
Forgacs, John L., xxx-xx-xxxx
Formica, Robert S., xxx-xx-xxxx
Fox, Jack E., xxx-xx-xxxx
Gillen, Richard F., xxx-xx-xxxx
Godman, Robert C., xxx-xx-xxxx
Goelz, Ernest O., xxx-xx-xxxx
Good, Frederick J., xxx-xx-xxxx
Graft, Donald R., xxx-xx-xxxx
Graves, James A., xxx-xx-xxxx
Grimminger, R. H., xxx-xx-xxxx
Gross, Edward C., xxx-xx-xxxx
Gusler, Frank W., xxx-xx-xxxx
Hall, Daniel M., xxx-xx-xxxx
Hapgood, Kenneth D., xxx-xx-xxxx
Haynes, Gene H., xxx-xx-xxxx
Heald, Robert W., xxx-xx-xxxx
Hefler, Robert H., xxx-xx-xxxx
Heiden, Gerald F., xxx-xx-xxxx
Hollingsworth, C., xxx-xx-xxxx
Holt, Frank J., xxx-xx-xxxx
Howard, James B., xxx-xx-xxxx

Innes, Von A., xxx-xx-xxxx
Ivester, Thomas B., xxx-xx-xxxx
Jackson, Alan R., xxx-xx-xxxx
Jackson, Leland G., xxx-xx-xxxx
Jeno, Joseph J., xxx-xx-xxxx
Jerome, James F., xxx-xx-xxxx
Joblon, Gordon, xxx-xx-xxxx
Keim, James T., xxx-xx-xxxx
Kerr, John R., xxx-xx-xxxx
Kinnison, Jimmie G., xxx-xx-xxxx
Kiser, William L., xxx-xx-xxxx
Kreft, Raymond J., xxx-xx-xxxx
Krzynski, John L., xxx-xx-xxxx
Lamy, Carl V., xxx-xx-xxxx
Lee, Charles W., xxx-xx-xxxx
Leslie, Robert E., xxx-xx-xxxx
Limes, Edward J., xxx-xx-xxxx
Little, Joseph B., xxx-xx-xxxx
Lukiewski, Edward W., xxx-xx-xxxx
Lusa, John M., XXXX
Mangiaracina, Nicholas, xxx-xx-xxxx
Marra, Joseph V., xxx-xx-xxxx
Marrone, Jay M., xxx-xx-xxxx
Marshall, Albert R., xxx-xx-xxxx
Marshall, David O., xxx-xx-xxxx
Martin, John L., xxx-xx-xxxx
Mason, John P. H., Jr., xxx-xx-xxxx
Massey, Dean T., xxx-xx-xxxx
McClure, Albert E., xxx-xx-xxxx
McCune, James N., xxx-xx-xxxx
McGowan, Joseph A., xxx-xx-xxxx
McNoldy, Charles E., xxx-xx-xxxx
Melching, James J., xxx-xx-xxxx
Merolla, Anthony J., xxx-xx-xxxx
Moe, Phillip J., xxx-xx-xxxx
Mohr, Robert F., xxx-xx-xxxx
Moore, Ira J., xxx-xx-xxxx
Moreschi, Anthony J., xxx-xx-xxxx
Morey, Paul L., xxx-xx-xxxx
Morrison, J. H., Jr., xxx-xx-xxxx
Morrison, James M., xxx-xx-xxxx
Morrow, Donald L., xxx-xx-xxxx
Muratore, Thomas A., xxx-xx-xxxx
Myers, Harry W. Jr., xxx-xx-xxxx
Myers, Ronald R., xxx-xx-xxxx
Nearine, Robert J., xxx-xx-xxxx
Neeb, Arthur E., xxx-xx-xxxx
Nelson, Dallas E., xxx-xx-xxxx
Newberry, Merwin R., xxx-xx-xxxx
Newhouse, Carl L., xxx-xx-xxxx
Newton, Malcolm M., xxx-xx-xxxx
Nicklas, David W., xxx-xx-xxxx
Nordt, William E. Jr., xxx-xx-xxxx
Norenberg, Curtis D., xxx-xx-xxxx
Oyer, Harvey E. Jr., xxx-xx-xxxx
Parker, Robert V., xxx-xx-xxxx
Patanella, C. T., xxx-xx-xxxx
Patton, Devon K., xxx-xx-xxxx
Pearson, Douglas H., xxx-xx-xxxx
Petri, John Jr., xxx-xx-xxxx
Pinyan, Dugald A., xxx-xx-xxxx
Pirrello, Mario J., xxx-xx-xxxx
Poche, John E., xxx-xx-xxxx
Potter, Franklin E., xxx-xx-xxxx
Potter, Ralph T., xxx-xx-xxxx
Potts, Robert D., xxx-xx-xxxx
Ramos, Daniel O., xxx-xx-xxxx
Randall, Donald A., xxx-xx-xxxx
Raynes, Sidney, xxx-xx-xxxx
Reid, Robert L., xxx-xx-xxxx
Rhoda, C. W. Jr., xxx-xx-xxxx
Richardson, D. L., xxx-xx-xxxx
Rissland, L. W. Jr., xxx-xx-xxxx
Rivers, Robert E., xxx-xx-xxxx
Rogers, Charles A., xxx-xx-xxxx
Ryan, William E. Jr., xxx-xx-xxxx
Scholl, Edwin R., Jr., xxx-xx-xxxx
Schurer, Arthur K., xxx-xx-xxxx
Sesler, John B., xxx-xx-xxxx
Shaver, Manila G., xxx-xx-xxxx
Sills, Jack D., xxx-xx-xxxx
Simpkins, Robert E., xxx-xx-xxxx
Smith, Franklin D., xxx-xx-xxxx
Soeth, Norman C., xxx-xx-xxxx
Sommer, Robert G., xxx-xx-xxxx
Swerdlow, Charles, xxx-xx-xxxx
Swindal, Ancel B., xxx-xx-xxxx
Talbott, Jack B., xxx-xx-xxxx
Tankins, Edwin S., xxx-xx-xxxx
Temple, Hugh F., xxx-xx-xxxx
Thatcher, John W., xxx-xx-xxxx
Thompson, Andrew B., xxx-xx-xxxx
Vance, Henry A., xxx-xx-xxxx
Waggener, Joseph T., xxx-xx-xxxx
Wagner, James E., xxx-xx-xxxx
Walbeck, Carl D., xxx-xx-xxxx
Walker, L. A. Jr., xxx-xx-xxxx
Whitton, Elliott A., xxx-xx-xxxx
Whitworth, W. H., xxx-xx-xxxx
Willard, Emmet E., xxx-xx-xxxx
Wilson, Joel F., xxx-xx-xxxx
Wilson, Leland D., xxx-xx-xxxx
Woody, Wayne S., xxx-xx-xxxx
Wooley, John B., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Sharp, Victor M., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Clark, Donald E., xxx-xx-xxxx
Herbert, Louis N., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Aftandilian, Emil E., xxx-xx-xxxx
Casey, Ira L., xxx-xx-xxxx
Chipman, Martin, xxx-xx-xxxx
Karlsberg, Paul, xxx-xx-xxxx
Wall, Hershel P., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Berry, Albert G., xxx-xx-xxxx
Di Cenzo, Edward F., xxx-xx-xxxx
Ness, John M., xxx-xx-xxxx
Rifkind, W. H., xxx-xx-xxxx
Rimmel, Marion, xxx-xx-xxxx
Schwartz, Donald J., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Van Dommelen, L. J., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 501, 593 and 594:

MEDICAL CORPS

To be lieutenant colonel

Braunschneider, George, xxx-xx-xxxx
Kelley, Lawrence D., xxx-xx-xxxx
Nemmers, David J., xxx-xx-xxxx
Potter, Thomas E., xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3370 and 3390:

ARMY PROMOTION LIST

To be colonel

Aikman, Harold G., xxx-xx-xxxx
Alexander, Archibald B., xxx-xx-xxxx
Alexander, Virgil C., xxx-xx-xxxx
Amodio, Peter R., xxx-xx-xxxx
Amos, Jack L., xxx-xx-xxxx
Anderson, Aubrey W., xxx-xx-xxxx
Annunziato, Guy A., xxx-xx-xxxx
Arzoomanian, Victor, xxx-xx-xxxx
Baldwin, Neal, xxx-xx-xxxx
Bamvakais, John R., xxx-xx-xxxx
Barns, Jay M., xxx-xx-xxxx
Barton, Jesse K., xxx-xx-xxxx
Baum, Richard K., xxx-xx-xxxx
Bell, Elmo E., xxx-xx-xxxx
Bell, William J., xxx-xx-xxxx
Bennett, George T., xxx-xx-xxxx
Benson, James D., xxx-xx-xxxx
Berriman, Peter J., xxx-xx-xxxx
Bethe, Stanley C., xxx-xx-xxxx
Blalock, Clifton E., xxx-xx-xxxx
Blevins, Franklin M., xxx-xx-xxxx
Bolen, Wallace C., xxx-xx-xxxx
Borchert, Earl H., xxx-xx-xxxx
Bradshaw, Horace J., xxx-xx-xxxx
Bradshaw, Robert J., xxx-xx-xxxx
Brainard, Robert F., xxx-xx-xxxx
Brandt, Milton K., xxx-xx-xxxx
Bristow, Walter J., xxx-xx-xxxx
Brooks, George M., xxx-xx-xxxx
Brown, Ralph, xxx-xx-xxxx
Brunhuber, Arthur T., xxx-xx-xxxx
Cannon, John S., xxx-xx-xxxx
Caprario, Frank S., xxx-xx-xxxx
Carey, Willard K., xxx-xx-xxxx
Carnevale, Louis, xxx-xx-xxxx
Carroll, James W., xxx-xx-xxxx
Carter, Harry B., xxx-xx-xxxx
Cartwright, John W., xxx-xx-xxxx
Causey, James C., xxx-xx-xxxx
Cave, William G., xxx-xx-xxxx
Chavez, Sammie T., xxx-xx-xxxx
Chescheir, Thomas R., xxx-xx-xxxx
Chmiola, Joseph J., xxx-xx-xxxx
Clayton, Russell L., xxx-xx-xxxx
Clippard, Bernard C., xxx-xx-xxxx
Cluck, Joseph A., xxx-xx-xxxx
Cogan, John, xxx-xx-xxxx
Colburn, Faye E., xxx-xx-xxxx
Conrad, Jack L., xxx-xx-xxxx
Corcoran, Richard F., xxx-xx-xxxx
Curtis, James F., xxx-xx-xxxx
Daley, James A., xxx-xx-xxxx
Dallam, Harold C., xxx-xx-xxxx
Dallas, Leonard J., xxx-xx-xxxx
Daniel, Claud E., Jr., xxx-xx-xxxx
Davis, James R., xxx-xx-xxxx
De Marcellus, Robert X., xxx-xx-xxxx
Dionne, Albert E., xxx-xx-xxxx
Dodson, Therrell J., xxx-xx-xxxx
Dolan, John C., xxx-xx-xxxx
Dunham, Fred, xxx-xx-xxxx
Dunkle, Andrew C., xxx-xx-xxxx
Dupre, John P., xxx-xx-xxxx
Dupre, Lawrence P., xxx-xx-xxxx
Dwyer, Ralph D., xxx-xx-xxxx
Egan, Ellis R., xxx-xx-xxxx
Engert, W. J., xxx-xx-xxxx
Ensslin, Robert F. J., xxx-xx-xxxx
Feil, Joseph E., xxx-xx-xxxx
Fellman, Marvin R., xxx-xx-xxxx
Fink, Lon R., xxx-xx-xxxx
Fischer, Robert T., xxx-xx-xxxx
Fisher, Jack, xxx-xx-xxxx
Flick, Joseph A., xxx-xx-xxxx
Fox, Herschel C., xxx-xx-xxxx
Fritz, Robert L., xxx-xx-xxxx
Frye, William S., xxx-xx-xxxx
Fuller, George M., xxx-xx-xxxx
Gamble, James F., xxx-xx-xxxx
Gary, William H., xxx-xx-xxxx
Gaudet, Clifton J., xxx-xx-xxxx
Gayle, Charles N., xxx-xx-xxxx
Gehrki, Arthur A., xxx-xx-xxxx
Gilpin, David N., xxx-xx-xxxx
Ginn, Keith C., xxx-xx-xxxx
Glass, Floyd L., xxx-xx-xxxx
Glass, Raymond J., xxx-xx-xxxx
Gordon, Phillips N., xxx-xx-xxxx
Gregg, Donald C., xxx-xx-xxxx
Grugan, Owen P., xxx-xx-xxxx
Guyer, Homer D., xxx-xx-xxxx
Hague, Benjamin P., xxx-xx-xxxx
Haines, Ralph C., xxx-xx-xxxx
Hammerbeck, Harold, xxx-xx-xxxx
Hanke, Lorenz W., xxx-xx-xxxx
Hanover, Curtis A., xxx-xx-xxxx
Harp, Donald A., xxx-xx-xxxx
Harrison, Gray W. Jr., xxx-xx-xxxx
Heaton, James N., xxx-xx-xxxx
Hendrix, George P., xxx-xx-xxxx
Hendry, William T., xxx-xx-xxxx
Hickman, Robert H., xxx-xx-xxxx
Hidalgo, Thomas R., xxx-xx-xxxx
Higdon, John A., xxx-xx-xxxx
Hodgin, David A., xxx-xx-xxxx
Hora, Edward W., xxx-xx-xxxx
House, Ray M., xxx-xx-xxxx
Housel, Howard C., xxx-xx-xxxx
Huffstetler, Claude, xxx-xx-xxxx
Hughes, Robert D., xxx-xx-xxxx
Hulen, Charles W., xxx-xx-xxxx
Hurney, Joseph H., xxx-xx-xxxx
Huso, Kenneth W., xxx-xx-xxxx
Ito, Thomas S., xxx-xx-xxxx
Javier, Rafael L., xxx-xx-xxxx
Johnson, Clinton C., xxx-xx-xxxx
Johnson, Edgar V., xxx-xx-xxxx
Johnson, James L., xxx-xx-xxxx
Johnson, John G., xxx-xx-xxxx
Johnson, Joseph H., xxx-xx-xxxx
Johnston, Stanley W., xxx-xx-xxxx
Jordan, Clarence C., xxx-xx-xxxx
Joyce, Raymond F., xxx-xx-xxxx
Kaulukukui, Solomon, xxx-xx-xxxx
Kennison, Archie, xxx-xx-xxxx
Kincaid, Paul E., Jr., xxx-xx-xxxx
Kincheloe, Philip L., xxx-xx-xxxx

Kingston, Theodore, xxx-xx-xxxx.
Kling, Arthur K., xxx-xx-xxxx.
Knoechel, Don V., xxx-xx-xxxx.
Kunde, Duane W., xxx-xx-xxxx.
Lala, Henry J., xxx-xx-xxxx.
Lamoreaux, Charles, xxx-xx-xxxx.
Lang, John D., xxx-xx-xxxx.
Langdon, James J., xxx-xx-xxxx.
Langley, Edward J., xxx-xx-xxxx.
Lankford, Lewis H., xxx-xx-xxxx.
Lapsley, Donald D., xxx-xx-xxxx.
Laufenberg, Edward, xxx-xx-xxxx.
Lavell, Harold J., xxx-xx-xxxx.
Lazarus, Harry A., xxx-xx-xxxx.
Lestenkof, Jacob, xxx-xx-xxxx.
Lewis, Walter C., xxx-xx-xxxx.
Liles, Graydon C., xxx-xx-xxxx.
Lowman, Martin L., xxx-xx-xxxx.
Lynn, Joseph, xxx-xx-xxxx.
Lytle, Robert E., xxx-xx-xxxx.
Mack, Herbert J., xxx-xx-xxxx.
Malloch, John W., xxx-xx-xxxx.
Marcello, John J., xxx-xx-xxxx.
Martin, Joseph F., xxx-xx-xxxx.
Martin, Paul R., xxx-xx-xxxx.
Martinez, Antonio M., xxx-xx-xxxx.
Massengill, Hugh P., xxx-xx-xxxx.
Mathews, Norman L., xxx-xx-xxxx.
Mathewson, Frank L., xxx-xx-xxxx.
Matthews, Kensaw, xxx-xx-xxxx.
Mauran, Duncan H., xxx-xx-xxxx.
May, James T., xxx-xx-xxxx.
McBryde, Warren D., xxx-xx-xxxx.
McCarl, Glenn E., XXXX.
McClenahan, Donald, xxx-xx-xxxx.
McCurdy, James D., xxx-xx-xxxx.
McDonald, Edward H., xxx-xx-xxxx.
McDonald, John E., xxx-xx-xxxx.
McGowan, Paul A., xxx-xx-xxxx.
McIntosh, George A., xxx-xx-xxxx.
McIver, Stanley A., xxx-xx-xxxx.
McKinney, William R., xxx-xx-xxxx.
Meagher, William E., xxx-xx-xxxx.
Mellon, James F., xxx-xx-xxxx.
Melsa, Otto E., xxx-xx-xxxx.
Melville, David A., xxx-xx-xxxx.
Meyer, Martin H., xxx-xx-xxxx.
Miller, Cecil E., xxx-xx-xxxx.
Miller, James M., xxx-xx-xxxx.
Miller, Robert I., xxx-xx-xxxx.
Minor, Lucien H., xxx-xx-xxxx.
Mitchell, Guy T., xxx-xx-xxxx.
Modlin, Morton S., xxx-xx-xxxx.
Morlier, Dudley A., xxx-xx-xxxx.
Mulligan, Francis M., xxx-xx-xxxx.
Murphy, Edward F., xxx-xx-xxxx.
Nelson, Fabian A., xxx-xx-xxxx.
Nice, Royden P., xxx-xx-xxxx.
Nighbert, Donald W., xxx-xx-xxxx.
Niles, Hugh S., xxx-xx-xxxx.
Nochera, Pedro R., xxx-xx-xxxx.
Nordman, Reynold, xxx-xx-xxxx.
Oswalt, Barney L., xxx-xx-xxxx.
Oulette, Gaston L., xxx-xx-xxxx.
Patterson, William, xxx-xx-xxxx.
Pelegrina, Miguel A., xxx-xx-xxxx.
Peters, Fred E., xxx-xx-xxxx.
Pettyjohn, Russell, xxx-xx-xxxx.
Phillips, Arthur N., xxx-xx-xxxx.
Phlegar, James S., xxx-xx-xxxx.
Plasschaert, M., xxx-xx-xxxx.
Plemons, Jack M., xxx-xx-xxxx.
Porter, Harold P., xxx-xx-xxxx.
Price, Clyde L., xxx-xx-xxxx.
Probasco, Samuel R., xxx-xx-xxxx.
Prowell, William G., xxx-xx-xxxx.
Pujals-Anyala, Fern, xxx-xx-xxxx.
Raney, Arthur R., xxx-xx-xxxx.
Ray, Wash B., xxx-xx-xxxx.
Reith, Kenneth L., xxx-xx-xxxx.
Reitz, Harry E., xxx-xx-xxxx.
Ridgeway, C. L., xxx-xx-xxxx.
Riggs, Paul L., xxx-xx-xxxx.
Rives, Harold L., xxx-xx-xxxx.
Roberts, Charles B., xxx-xx-xxxx.
Robinson, Wendell A., xxx-xx-xxxx.
Rogers, Lacy W., xxx-xx-xxxx.
Ruiz, Raymond R., xxx-xx-xxxx.
Saddlemire, George, xxx-xx-xxxx.
Sage, Ward L., xxx-xx-xxxx.
Samuelson, Joseph H., xxx-xx-xxxx.
Sandy, Clarence E., xxx-xx-xxxx.
Sapp, John J., xxx-xx-xxxx.
Savage, William F., xxx-xx-xxxx.
Schnurr, Robert S., xxx-xx-xxxx.
Schwartz, Ralph E., xxx-xx-xxxx.
Sechriest, Stuart W., xxx-xx-xxxx.
Seiverling, Richard, xxx-xx-xxxx.
Sharrow, William J., xxx-xx-xxxx.
Shaw, James H., xxx-xx-xxxx.
Shelley, Rudolph E., xxx-xx-xxxx.
Shumway, William J., xxx-xx-xxxx.
Simpson, Robert D., xxx-xx-xxxx.
Smith, Hugh M., xxx-xx-xxxx.
Smith, Lyle H., xxx-xx-xxxx.
Smith, Raymond C., xxx-xx-xxxx.
Smith, Rufus T., xxx-xx-xxxx.
Sodowsky, Clyde T., xxx-xx-xxxx.
Stabler, John C., xxx-xx-xxxx.
Staffieri, Benedict, xxx-xx-xxxx.
Steed, Lawrence L., xxx-xx-xxxx.
Steel, Harry V., Jr., xxx-xx-xxxx.
Sterbenz, Joseph L., xxx-xx-xxxx.
Stewart, Alan R., xxx-xx-xxxx.
Stewart, Thomas R., xxx-xx-xxxx.
Stimpfl, Frank F., xxx-xx-xxxx.
Stubbs, Van T., xxx-xx-xxxx.
Summers, Paul R., xxx-xx-xxxx.
Summers, Zane H., xxx-xx-xxxx.
Swidensky, Jack A., xxx-xx-xxxx.
Tatterson, Richard, xxx-xx-xxxx.
Taylor, Louis C., xxx-xx-xxxx.
Thomas, Charles E., xxx-xx-xxxx.
Thomas, Robert L., xxx-xx-xxxx.
Tice, Ralph T., xxx-xx-xxxx.
Tiede, Gordon V., xxx-xx-xxxx.
Tiemann, Edmund C., xxx-xx-xxxx.
Tomaszewski, S., xxx-xx-xxxx.
Torres, Roberto, xxx-xx-xxxx.
Turner, William, Jr., xxx-xx-xxxx.
Wagner, Bernard A., xxx-xx-xxxx.
Wallace, Clarence C., xxx-xx-xxxx.
Weinberg, William, xxx-xx-xxxx.
Welch, William E., xxx-xx-xxxx.
Whitney, Edwin F., xxx-xx-xxxx.
Widmer, Charles E., xxx-xx-xxxx.
Williams, Robert E., xxx-xx-xxxx.
Woods, Pendleton, xxx-xx-xxxx.
Wyman, Corydon, xxx-xx-xxxx.
Yeager, John G., xxx-xx-xxxx.
Yerkes, William C., xxx-xx-xxxx.
Zalmas, George W., xxx-xx-xxxx.
Zanetti, Leonard J., xxx-xx-xxxx.

DENTAL CORPS

To be colonel

Fenton, John P., xxx-xx-xxxx.
Herrington, Jimmie, xxx-xx-xxxx.
Lynch, Thomas P., xxx-xx-xxxx.

MEDICAL CORPS

To be colonel

Chosy, Julius J., xxx-xx-xxxx.
Cook, Malcolm C., xxx-xx-xxxx.
Inman, Fred C., xxx-xx-xxxx.
Landis, Richard M., xxx-xx-xxxx.
MacDonald, Neil A., xxx-xx-xxxx.
McLaughlin, Max V., xxx-xx-xxxx.
Mitschke, John J., xxx-xx-xxxx.
Nido-Stella, Roque, xxx-xx-xxxx.
Waymire, William M., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be colonel

Kral, Charles, xxx-xx-xxxx.

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3366, 3367 and 3390:

ARMY PROMOTION LIST

To be lieutenant colonel

Alexander, Harry S., xxx-xx-xxxx.
Allison, Robert E., xxx-xx-xxxx.
Baird, Douglas A., xxx-xx-xxxx.
Bamvakais, Robert P., xxx-xx-xxxx.
Bray, Lonnie M., xxx-xx-xxxx.
Carlisle, Harold W., xxx-xx-xxxx.
Carr, Edward M., xxx-xx-xxxx.
Collazo-Salazar, Baldomero, xxx-xx-xxxx.
Costellano, Barron J., xxx-xx-xxxx.
DeForge, Joseph R., xxx-xx-xxxx.
Doitteau-Rodriguez, Rafel, xxx-xx-xxxx.
Flynn, Henry G., Jr., xxx-xx-xxxx.
Harman, Andrew F., xxx-xx-xxxx.
Hazel, Gene C., xxx-xx-xxxx.
Hunter, Clifton D., xxx-xx-xxxx.
Kuhn, Albert G., xxx-xx-xxxx.
McCluer, Leon, Jr., xxx-xx-xxxx.
McFarland, Richard L., xxx-xx-xxxx.
Medley Owen E., Jr., xxx-xx-xxxx.
Mortimer, Wright J., xxx-xx-xxxx.
Pickett, Tolly P., xxx-xx-xxxx.
Schaeffer, John W., Jr., xxx-xx-xxxx.
Schnell, Roger T., xxx-xx-xxxx.
Searcy, William E., xxx-xx-xxxx.
Simmons, Franklin D. Jr., xxx-xx-xxxx.
Steenbock, Leon W., xxx-xx-xxxx.
Timmermann, Wesley F., xxx-xx-xxxx.
Wallach, Arthur E., xxx-xx-xxxx.
White, Donald L., xxx-xx-xxxx.
Workman, Samuel, xxx-xx-xxxx.
Zydanowicz, Raymond J., xxx-xx-xxxx.

CHAPLAIN

To be lieutenant colonel

Campbell, Francis M., xxx-xx-xxxx.
Judkins, Jack E., xxx-xx-xxxx.
Nilles, John I., xxx-xx-xxxx.

DENTAL CORPS

To be lieutenant colonel

Young, Eugene W., xxx-xx-xxxx.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1972:

U.S. AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. John W. Hoff, xxx-xx-xxxx FV, Air Force Reserve.
Brig. Gen. Robert B. Mautz, xxx-xx-xxxx FV, Air Force Reserve.

To be brigadier general

Col. Vincent S. Haneman, Jr., xxx-xx-xxxx FV, Air Force Reserve.
Col. Gilbert O. Herman, xxx-xx-xxxx FV, Air Force Reserve.
Col. Edwin R. Johnston, xxx-xx-xxxx FV, Air Force Reserve.
Col. William J. Reals, xxx-xx-xxxx FV, Air Force Reserve.
Col. Joseph M. F. Ryan, Jr., xxx-xx-xxxx FV, Air Force Reserve

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of Chapters 35, 831, 837, Title 10, United States Code:

To be major general

Brig. Gen. William C. Smith, xxx-xx-xxxx FG, Tennessee Air National Guard.
Brig. Gen. Charles S. Thompson, Jr., xxx-xx-xxxx G, Georgia Air National Guard.
Brig. Gen. Joseph D. Zink, xxx-xx-xxxx FG, New Jersey Air National Guard.

To be brigadier general

Col. William J. Crisler, xxx-xx-xxxx FG, Mississippi Air National Guard.
Col. Francis R. Gerard, xxx-xx-xxxx FG, New Jersey Air National Guard.
Col. Malcolm E. Henry, xxx-xx-xxxx FG, Maryland Air National Guard.
Col. Ralph E. Leader, xxx-xx-xxxx FG, Massachusetts Air National Guard.
Col. Paul D. Straw, xxx-xx-xxxx FG, Texas Air National Guard.