employees engaged in certain hazardous occupations (Rept. No. 92–1244). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. S. 2575. An act for the relief of William John West (Rept. No. 92–1238). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 2704. An act for the relief of Rita Rosella Valleriani (Rept. No. 92–1239). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 16009. A bill to amend Public Law 91–508 to prescribe procedures pertaining to the disclosure of certain financial information by financial institutions to State and Federal governmental departments and agencies, and for other purposes; to the Committee on Banking and Currency.

By Mr. ADDABBO:

H.R. 16010. A bill to establish National, Regional, and Local Awareness Advisory Councils in order to facilitate communication between the President and the people of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. ARCHER:

H.R. 16011. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the U.S. Government by requiring financial disclosure by Members of Congress, candidates for Congress, and certain employees of the legislative branch; to the Committee on Standards of Official Conduct.

By Mr. ASPINALL (for himself, Mr. JOHNSON of California, Mr. HOSMER, Mr. MARTIN, Mr. EVANS of Colorado, Mr. MCCLURE, Mr. HANSEN of Idaho, Mr. RUNNELS, and Mr. LUJAN):

H.R. 16012. A bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal Reclamation Projects and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 16013. A bill to amend section 13(c) of the Urban Mass Transportation Act of 1964 to provide that nothing in such act shall prevent States or local public bodies from prohibiting the right to strike; to the Committee on Banking and Currency.

By Mr. CHAMBERLAIN:

H.R. 16014. A bill to amend the Federal Meat Inspection Act to provide that certain meat food products are adulterated; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 16015. A bill to amend the Railroad Retirement Act of 1937 to provide a temporary 20-percent increase in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONOVER:

H.R. 16016. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes; to the Committee on Banking and Currency.

By Mr. DANIELS of New Jersey:

H.R. 16017. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

By Mr. DU PONT:

H.R. 16018. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities; to the Committee on Public Works.

By Mr. KYL (for himself, Mr. GROSS, and Mr. SCHERLE):

H.R. 16019. A bill to require that before import quotas on meats may be suspended or increased under subsection (d) (1) and (2) of the act, the Secretary of Agriculture must estimate that the average price expected to be received by producers for beef cattle will equal or exceed parity during the period of the suspension or increased quotas; to the Committee on Ways and Means.

By Mr. MCCOLLISTER:

H.R. 16020. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 16021. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas (for himself and Mr. BYRNES of Wisconsin):

H.R. 16022. A bill to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 16023. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; to the Committee on the Judiciary.

By Mr. STEPHENS (for himself and Mr. J. WILLIAM STANTON):

H.R. 16024. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. ULLMAN:

H.R. 16025. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol USA Day"; to the Committee on the Judiciary.

By Mr. CONOVER:

H. Con. Res. 649. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. BRASCO, and Mr. ROBISON of New York):

H. Res. 1051. Resolution calling on the President to propose an expansion of the nuclear test ban treaty to include underground testing; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 16026. A bill for the relief of Vincenzo Taormina; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 16027. A bill for the relief of Yelena B. Markovic; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 16028. A bill for the relief of Guillermo Aguirre-Santini; to the Committee on the Judiciary.

By Mr. GROVER:

H. Res. 1052. Resolution commending the New York State Volunteer Firemen's Association for its 100th anniversary, commemorated in 1972; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

262. The SPEAKER presented petition of the annual conference, Church of the Brethren, Cincinnati, Ohio, relative to the war in Indochina; to the Committee on Foreign Affairs.

SENATE—*Tuesday, July 25, 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:

O Thou whose word bids us to lift up our eyes to the everlasting hills and assures us that our help comes from the Lord who made heaven and earth, we lift up the eyes of our faith to Thee, beseeching Thee to keep us strong and calm amid all change. In days of tension and contention help us to keep our direction sure and our purposes pure. Teach us the higher truth that all things work together for good to them that love the Lord and keep His laws. Give us the grace to hold fast that which is good, to strengthen the fainthearted, to support the weak, to encourage the strong, to follow the ways of peace, to honor all men, and in serving this Nation to serve Thee.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 25, 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 24, 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 the Subcommittee on Labor of the Committee on Labor and Public Welfare; the Subcommittee on National Penitentiaries of the Committee on the Judiciary; the Committee on Armed Services; the Committee on Banking, Housing and Urban Affairs; the Committee on Finance; the Committee on Commerce; and the Subcommittee on National Security of the Government Operations Committee be authorized to meet during the session of the Senate today.

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

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield my 3 minutes to the distinguished senior Senator from Delaware (Mr. BOGGS).

(The remarks Mr. BOGGS made at this point on the introduction of S. 3844, relating to bulk cargo transfer stations, together with ensuing debate, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will now 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 morning business to be transacted?

Mr. MANSFIELD. Mr. President, I suggest the absence of 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. ROBERT C. BYRD. 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary of Health, Education, and Welfare submitting, pursuant to law, a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes; to the Committee on Armed Services.

CONTRACT AWARD DATES

A letter from the Assistant Secretary of Defense submitting, pursuant to law, a list of contract award dates for the period July 15–October 15, 1972 (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO STRENGTHEN THE MOTOR CARRIER SAFETY REGULATIONS

A letter from the Secretary of Transportation submitting proposed legislation to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF FLAMMABLE FABRICS ACT

A letter from the Assistant Secretary of Commerce submitting a proposed amendment of the Flammable Fabrics Act (with accompanying papers); to the Committee on Commerce.

STATISTICAL SUPPLEMENT TO FEDERAL TRADE COMMISSION REPORT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a statistical supplement to the report of that Commission, relating to cigarette smoking (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of Financial Statements Pertaining to Insurance Operations of the Federal Housing Administration for the Fiscal Year 1971" (with accompanying report); to the Committee on Government Operations.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of that Agency, for the period from July 1 to December 31, 1971 (with an accompanying report); to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 360

"A concurrent resolution memorializing Congress to pass its joint resolution No. 106 to require reconfirmation of federal judges each eight years after their appointment

"Whereas, The Judiciary Committee of the Senate of the United States has held hearings on qualifications for continuing service of federal judges; and

"Whereas, The Legislature of Michigan believes that periodic review of qualifications of federal judges is vital to the interests of the State in accordance with Senate Joint Resolution No. 106; and

"Whereas, The established principles of government require the appointment of persons having a popular and current influence on decisions affecting society; now therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Legislature of the State of Michigan urges the Congress to adopt its Joint Resolution No. 106, as originally drafted and to require such terms and conditions that will qualify federal judges before and after appointment; and be it further

"Resolved, That a copy of this resolution be transmitted to Michigan Senators and Representatives in Congress.

"Adopted by the Senate, June 27, 1972.

"Adopted by the House of Representatives, June 27, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 3474. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes (Rept. No. 92–985).

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. BOGGS (for himself, Mr. BEALL, Mr. CASE, Mr. CHILES, Mr. MATHIAS, Mr. MUSKIE, Mr. PACKWOOD, Mr. RIBICOFF, and Mr. ROTH):

S. 3844. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself, Mr. BEALL, Mr. CASE, Mr. CHILES, Mr. MATHIAS, Mr. MUSKIE, Mr. PACKWOOD, Mr. RIBICOFF, and Mr. ROTH):

S. 3844. A bill to amend the Federal Water Pollution Control Act in order to require the approval of adjacent coastal States prior to the construction of certain offshore facilities. Referred to the Committee on Public Works.

Mr. BOGGS. Mr. President, I am today introducing legislation intended to assure our coastal States a meaningful role in the location and design of any offshore transfer station that might be constructed to handle the big cargoes carried by the so-called supertankers.

I am honored that this bill is sponsored by the two distinguished Senators from Maryland (Mr. MATHIAS and Mr. BEALL), the distinguished Senator from New Jersey (Mr. CASE), the distinguished Senator from Florida (Mr. CHILES), the distinguished Senator from Maine (Mr. MUSKIE), the distinguished Senator from Oregon (Mr. PACKWOOD), the distinguished Senator from Connecticut (Mr. RIBICOFF), and my own distinguished colleague from Delaware, Mr. ROTH.

A number of Federal, State, and other studies are currently underway to evaluate the need and potential sites for one or more of these bulk-cargo transfer stations. Such stations appear to be needed if the United States is to receive the economies of scale offered by supertankers, whether transporting oil or other bulk commodities.

Present harbors cannot handle these vessels because the channels apparently

cannot be economically dredged to the necessary depths. The solution appears to involve the construction of transfer facilities offshore, probably located within a manmade breakwater. Supertankers would dock at one of these giant platforms and pump their cargo into storage tanks. The oil or other cargo would be either piped ashore or transferred to barges or smaller vessels for shipment to refineries.

The Maritime Administration, through a contract with Soros Associates, is in the process of evaluating the feasibility of such offshore terminals, as well as possible sites for such terminals. The conclusions of part of that study was made public yesterday. It proposes construction of a major port facility some 8 miles off Cape Henlopen, Del.

At the same time, the Army Corps of Engineers is undertaking, under Senate resolution, similar studies, one of which covers the coast from Maine to Virginia.

While these studies may recommend sites beyond the jurisdiction of the States, the site could severely and adversely affect the coastal zones of adjacent States with pollution that might result from the location of such an offshore transfer facility.

While such a pollution discharge into the U.S. territorial waters or the contiguous zone would be subject to the cleanup provisions of the existing Federal Water Pollution Control Act, this would be insufficient protection for the coastal States. We, the sponsors of this bill, believe it is important that the States potentially affected play a meaningful role in any plan to build such a facility, not simply receive protection following an oil spill.

Such a facility, of course, will be of mammoth proportions. It will cover many acres of the ocean. It may permanently affect tidal currents and the quality of fisheries within the coastal zone of an adjacent State.

The bill I am offering today would require that any Federal agency constructing, leasing, or issuing a permit for the construction of such a facility must obtain the concurrence of the Governor or Governors of the adjacent States, if the facility poses a potentially adverse environmental impact.

The legislation would require that the Administrator of the Environmental Protection Agency study potential impact of any such proposed facility and report on such impact to any State potentially affected.

For example, a State would be affected if a discharge of oil or other pollutant from the facility could reasonably be expected to enter the waters of the State. Or the State would be affected if the facility could be seen from the coastal area or the waters of the State, and thus potentially damage recreational values.

In these cases, including the effect on currents or fisheries, or others that the administrator could determine, the Governor would be required to concur affirmatively in the location and construction of the facility within 90 days after receiving the EPA report. The Governor may report adversely. If he does, the facility could not be built, licensed, leased, or permitted. If the Governor did not report within the prescribed 90 days, it would be assumed that he had reported favorably.

Mr. President, consideration is also being given at this time to the possible construction at sea of electrical generating facilities. Such facilities may be a wise and necessary step, for location at sea would appear to overcome many of the problems associated with thermal pollution.

But I believe that such facilities should also be given the same consideration as an offshore bulk-cargo transfer station. Thus, this legislation includes power generating facilities under the same requirements of oil transfer stations.

It might be argued that this bill seeks to prevent any and all offshore development. That is not accurate. Such offshore development may be wise and necessary. Our intention is to give affected States a meaningful, constructive role in the planning of such facilities, a role that will enable them to lessen the danger of pollution if the facility is built.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD. I have received a number of letters from various Governors of coastal States offering their views on the concept of this legislation, and I also ask unanimous consent that these letters be printed in the RECORD.

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

S. 3844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act is amended by redesignating sections 22 through 27 as sections 23 through 28, respectively, and by inserting after section 21 a new section as follows:

"STATE APPROVAL OF CERTAIN OCEAN FACILITIES

"SEC. 22. (a) The Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.

"(b) No Federal department or agency shall construct, or license or approve in any way the construction of, any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Administration a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety days after receiving a report pursuant to this section, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this section to have approved such proposal.

"(c) The provisions of this section shall not apply to facilities constructed under leases issued pursuant to the Outer Continental Shelf Lands Act."

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, May 11, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your May 4, 1972 letter concerning your proposed bill which would give the Governors of affected States veto power over construction of deepwater oil transfer stations off the coast. It would seem to me that such specific authorization would be desirable.

I might point out, however, that there is a case pending before the United States Supreme Court, under the title *United States v. Maine, et als,* and another case involving Florida, in which the coastal States are asserting their rights to submerged lands and sub-surface waters out to the limits of the continental shelf. I would assume that your bill would not prejudice the claims of the State in this respect.

I appreciate your sending me the extract from the April 25, 1972 Congressional Record.

Best personal regards.

Sincerely,

WILLIAM T. CAHILL,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Salem, May 12, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BOGGS: I have sent your letter and the Congressional Record remarks concerning establishment of facilities for supertankers and other purposes beyond the territorial sea, to Oregon State University. The University has under consideration establishment of an Environmental Fluid Dynamics Laboratory. The proposal would construct the largest laboratory of its kind in the nation, and among other capabilities, would model the effect of wind and wave forces on offshore structures, oil spill recovery operations in the ocean and estimates of areas affected by such spills, diffusion of wastes, and many others.

I am suggesting the University Vice President, Dr. Roy Young, may wish to discuss your amendment and the research effort with you.

In regard to your amendment, I endorse the concept and hope for enactment of the basic legislation including your addition.

Best wishes.

Sincerely,

TOM MCCALL,
Governor.

STATE OF FLORIDA,
May 16, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR BOGGS: Construction of any oil transfer stations off the coast of Florida to service supertankers should be subject to review by the Governor of Florida and a veto of such facilities if it were determined that there would be significant adverse effects on our marine environment and resources. Florida, with its many miles of white sandy beaches which are heavily used by residents, tourists and vacationers, is particularly vulnerable to oil slicks or spills that could damage or dirty these beaches.

Before any deep water oil transfer stations are authorized or constructed, complete environmental impact statements should be prepared to meet the requirements of the National Environmental Policy Act. The boundary of the State of Florida extends ten miles offshore in the Gulf of Mexico so any facilities six to eight miles offshore would still be within our territorial boundaries.

However, on the Atlantic coast, our offshore boundaries are only three miles offshore.

Your knowledge and interest in this matter are greatly appreciated. I certainly appreciate your writing to let me know of your concern.

With kindest regards,

Sincerely,

REUBIN O'D. ASKEW,
Governor.

EXECUTIVE DEPARTMENT,
Atlanta, May 19, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR BOGGS: Thank you for your letter of May 4, indicating your intention to introduce a bill which would require State approval for deep-water oil transfer stations off the coast of the United States. I very strongly support such a bill.

Concern for the health and well-being of its citizens demands that the State protect its beaches, marsh lands, coastal properties, and non-navigable waters against the ravages of pollution emanating from oil spill and similar contaminating discharges. We have entered an amicus brief in the case of Askew v. America Waterways Operators, Inc., *et al.*, supporting Florida's right to enact the "Oil Spill Prevention and Pollution Control Act of 1970." In recognizing the legitimate interest of the State in safeguarding its coastal waters, your bill will help us meet our responsibilities to the people of this State.

I appreciate your efforts to this end and endorse the bill you propose. If I can be of any assistance, please do not hesitate to call upon me.

With best wishes, I am

Sincerely,

JIMMY CARTER.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, May 19, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BOGGS: Thank you very much for your letter enclosing copy of the amendment you introduced concerning off-shore facilities.

I appreciate your interest in this matter and quite agree with your thinking.

Best regards.

Sincerely,

JOHN C. WEST.

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., May 23, 1972.

Hon. J. CALEB BOGGS,
Member of the U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: Governor Reagan has asked me to reply to your recent letter concerning your proposed bill related to construction of oil transfer stations in deep offshore marine waters beyond the territorial jurisdiction of adjacent States.

Our review of this matter is based on excerpts from the CONGRESSIONAL RECORD enclosed with your letter.

We concur with the concept of the bill for providing individual States an effective voice in the location of such facilities. Some important California marine fisheries depend upon a clean environment in offshore waters. Moreover, it is conceivable that oceanographic and meteorologic conditions could serve to transport spilled polluting materials from these installations into State waters and shoreline areas. Therefore, we believe it to be in the best interest of California to be included in the review and approval process for proposed oil transfer facilities.

Thank you for alerting us to this proposal and we are hopeful our comments are of some use to you.

Sincerely yours,

N. B. LIVERMORE,
Secretary for Resources.

EXECUTIVE DEPARTMENT,
Annapolis, Md., May 23, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR BOGGS: I was delighted to receive your letter of May 4, 1972 stating your intention to introduce a bill giving affected states a decisive role in the location of offshore industrial facilities beyond the territorial sea.

You may be sure that the bill will be enthusiastically supported by my office.

I am most appreciative for your interest in this critical matter which has given me much concern in recent months.

Sincerely,

MARVIN MANDEL,
Governor.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, May 24, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR CALE, thanks for your letter of May 4. I certainly agree that coastal states affected by any off-shore oil transport facility should be involved in plans and decisions regarding such an installation. They should also have an opportunity to review any environmental impact studies done on a proposed project.

I strongly support the amendment you proposed and am glad to hear that you will be introducing it as a separate bill.

As I believe you know, I am encouraging the building of nuclear energy power plants on the Continental Shelf and think the movement of the lightering operations now taking place in the lower Delaware Bay to an unloading station on the Continental Shelf would be desirable.

Let me know what I can do to help with this legislation.

With warm regards.

Sincerely,

RUSSELL W. PETERSON,
Governor.

OFFICE OF THE GOVERNOR,
Augusta, Maine, May 24, 1972.

Hon. J. CALEB BOGGS,
U.S. Senator, Delaware, Senate Office Building, Washington, D.C.

DEAR SENATOR BOGGS: Thank you very much for your letter regarding supertanker facilities. The Army Corps of Engineers has just held a hearing on this subject in Maine, and I surely share your concern at the absence of meaningful state control over this process.

I strongly support your proposed amendment requiring the approval of the Governors of the affected states.

As you may remember from your participation in the hearings at Machiasport, Maine has a history of its own relating to deep water port development, and we have formed some strong opinions.

I appreciate your concern on this issue and gladly support your amendment.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF HAWAII,
EXECUTIVE CHAMBERS,
Honolulu, May 30, 1972.

Hon. J. CALEB BOGGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOGGS: Thank you for your letter of May 4, 1972, telling me about the possible construction of one or more deep-water oil transfer stations off the coast of the United States. I agree that such stations can pose a serious pollution problem if they should fail in storms or for other reasons. We are aware that our territorial limits extend outward only three miles and we would be powerless to oversee or control the location and construction of such stations.

Your proposal that adjoining states be given a copy of the environmental report for such stations is a reasonable one. Giving states the veto power over such stations also seems to be reasonable. If many states were to use their veto power on such proposals, I am not sure what the final impact might be. It would probably result in some other storage, transfer, and distribution systems.

In Hawaii at present, we have two off-shore terminals for unloading tankers; there may be a third one in about two years. We would favor this system over a transfer or storage system. It appears to present less hazards.

Your proposal is a desirable one and I believe most coastal states will support it. Thank you for bringing it to my attention.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor.

THE COMMONWEALTH
OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, June 8, 1972.

Hon. J. CALEB BOGGS,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR BOGGS: I appreciate very much receiving your letter concerning your proposed bill requiring state involvement in the approval process for offshore super tanker facilities.

I support the concept of your bill and will be glad to testify in its behalf either in person or in writing when the legislation is formally introduced.

Secretary Morton has repeatedly assured the states that they will be involved in the decision-making process involving offshore facilities. However, I consider your proposed legislation advisable.

Sincerely,

FRANCIS W. SARGENT,
Governor.

Mr. ROTH. Mr. President, I want to commend Senator BOGGS for his foresight in offering legislation which would guarantee any coastal State a strong voice in determining whether federally sponsored offshore facilities will be the best long-term interests of the State's citizens.

Too often we are inclined to forget that our country was founded on the precept that the Federal Government should exercise its authority only in areas which supersede the various States' jurisdictions. As the fiscal impact of our Federal Establishment has grown, the rights and privileges of our States to shape their own futures have sometimes been lost in the rush to "let Washington handle it." President Nixon has attempted to reverse this trend by returning some fiscal power to the States. We should use this as an example when considering any Federal project which might have an adverse impact on the States.

Delaware's water and shoreline resources stand out as precious natural treasures in the midst of a growing east coast megalopolis. Governor Peterson has led the fight to preserve our shores from heavy industrial development with

model coastal zoning legislation, and it is entirely fitting that Senator Boggs should extend this important State prerogative to the waters adjacent to any State's shoreline. The States must be able to protect themselves from the potential environmental damage offshore, should generating plants or bulk transshipment stations be built.

Mr. President, I applaud by able colleague's efforts and call for quick action by the Senate on this bill. I ask unanimous consent that an article by Donald Janson of the New York Times be printed at this point in the RECORD.

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

ANTIPOLLUTION LAW SPREADS CONTROVERSY

(By Donald Janson)

WILMINGTON, DEL.—Landmark legislation to preserve the Delaware coast for recreation passed its first anniversary this month with a record of effectiveness that has attracted widespread interest among officials of other states but has stirred the animosity of heavy industry.

Oil refineries and other polluting industries have been blocked from building on their own land. Gov. Russell W. Peterson, a birdwatcher who insisted on an iron-clad ban despite the heated opposition of industrial giants and the United States Government, has won international acclaim from conservation groups for the Coastal Zoning Act. Every state with a coastline has sought details on how the law works. Israel recently asked for the same information.

"But we have only won a battle, not the war," the Governor said in his office in Dover on the anniversary of the pioneering legislation to guard the coast from oil spills and smokestacks.

The Shell Oil Company has added 200 acres, for access roads, to the 5,600 it held a year ago on the coast near Smyrna. It retains its interest in building a major refinery there.

"We will be around a lot longer than Peterson will," a spokesman for the Houston-based company has been quoted as saying.

Officially, John W. Sheehan, the company's vice president for manufacturing, said that "Shell believes an East Coast refinery is required for the best interests of all."

He added that the Delaware legislation was discriminatory in excluding specific industries but "under the circumstances we cannot carry out our plans."

Meanwhile, he denied that Shell had "injected ourselves in any way into the gubernatorial race in Delaware."

Mr. Peterson will seek his party's nomination for a second four-year term at the Republican state convention tomorrow. The Democratic nominee, Sherman W. Tribbett, favors a less restrictive law with greater appeal to industry.

Ross E. Anderson, Jr., executive vice president of the Delaware State Chamber of Commerce, said that industry would make no concerted drive to defeat Governor Peterson on the issue, but others saw a behind-the-scenes effort to do so. Mr. Anderson said that the law had hindered industrial growth in Delaware but that it was too early to measure the extent of losses in jobs and tax revenue.

He said that the state has had adequate controls on air and water pollution before the law was passed. The counties had been doing a fine job of zoning, he said, and there was no need for the state to take over zoning control on the coast.

Mr. Anderson said that the chamber, representing most Delaware industry, still felt that it was "extreme discrimination" to bar specific industries from the coast.

Public opinion helped the Governor's crusade last year and he will make coastal zoning a key part of his reelection campaign. He said that youths volunteering to help in the campaign invariably mentioned his stand on ecology.

No matter who is elected, he expects industry to seek to amend the Coastal Zoning Act, then to test it in court if legislative action fails.

The controversial law bars new oil refineries, steel and paper mills and offshore bulk transfer terminals on the 28-mile Delaware coastline. Industry and Mr. Tribbett, who is the state House minority leader, sought substitute legislation that would have imposed no flat ban on classes of industry but would have named a control board to rule on each application individually.

Other states have such legislation. Industry wanted it here as well, Governor Peterson said, because their representatives felt that their prospects for influencing a majority of members on a small board would be far easier than persuading a state legislature and administration to repeal or amend the statute once it was on the books.

No other state has a flat ban on specific heavy industries though with the active encouragement of Governor Peterson and his staff New Jersey has pending legislation that emulates the Delaware act.

A spokeman for E. I. du Pont de Nemours & Co., Delaware's largest corporation, said, "We doubt that the Delaware law is the best way" to protect the costal zone.

"We think Delaware should set standards that industry can have the opportunity of meeting," he added.

He objected to the "arbitrariness" of exclusions by types of industry, but declined to comment on the political ramifications for this election year, calling the legislation "a very hot issue."

In response to the chamber of commerce's charge of discrimination, the 55-year-old Governor responds, "To trade our beaches and wetlands for a steel jungle and refineries and tank farms would be discrimination against the people of Delaware."

"We have in Delaware a very valuable natural asset in our ocean and bayfronts and their accompanying wetlands, streams and open spaces," Mr. Peterson said. "It is a playground for millions of people from our neighboring states and provides us with one of our most profitable industries—tourism—and great enjoyment for our own people.

"We have been fortunate that man has seen fit, as he swarmed into this Eastern megalopolis, engulfing our neighboring areas in vast industrial complexes and honky-tonk tourist traps, to ignore most of our little peninsula, leaving it pretty much in its natural beauty."

Mr. Peterson, an executive at du Pont until he resigned to run for Governor four years ago, alarmed fellow industrialists by finding heavy industry incompatible with coastal beauty and opting for beauty.

When the chamber objected on the ground that this would do violence to economic growth, the Republican chief executive startled the chamber by questioning whether old yardsticks for progress were still valid in measuring enjoyment of life.

When the chamber wrote before adoption of the law that it would cost the state jobs and tax revenue, the Governor responded: "Jobs are very important to our people, but so is the quality of our environment."

Lobbying was intense. Shell took Delaware legislators to the Gulf Coast and Puget Sound to look at its "clean" refineries. The Commerce Department, which wanted an open option for an offshore port in Delaware Bay for transfer of oil from supertankers, questioned the Governor's patriotism. But the Governor took his case to the public.

"Legislators told me that never before had they encountered such a strong response," he said, "through calls, letters, cards and personal contacts from constituents."

Former Gov. David P. Buckson, who is also seeking the Republican nomination for Governor, said that 95 per cent of all Delaware voters supported the coastal zoning law, which has accomplished the following:

Kept industry from popular Atlantic beaches.

Prevented Shell from beginning its planned refinery on tne bay.

Kept Zapata-Nornes, Inc., from building a 300-acre island in the bay for storage of millions of tons of coal and mountains of iron ore for transshipment.

Barred a consortium of 14 of the largest oil companies in America, including Shell, from building another island in the bay and a tank storage farm on consortium land ashore for unloading oil to feed refineries in the Philadelphia area.

Forced the Federal Maritime Administration and shipping interests to look elsewhere than the natural shelter and deep water of the bay for a site for an offshore port for supertankers.

What the law apparently has not done, the Governor said, is cost the state jobs or tax revenue. "We are making coastal zoning one of our principal selling points in attracting selected industry," he said.

Delaware wants corporate headquarters and light industry. It already has a steel mill and a refinery on the Delaware River at its northern tip. For a small state—its area of 2,057 square miles ranks 49th—supporters feel, this is enough heavy coastal industry. Some 70,000 companies are incorporated in Delaware, which offers favorable corporate tax rates and no sales tax.

In announcing plans to build a light-manufacturing plant in Dover, the Scott Paper Company recently cited both the tax situation and coastal zoning as advantages for the company and employes in deciding to locate in Delaware.

"We can afford to be selective," said Governor Peterson, who has won awards from conservation groups for his efforts.

The magnitude of the pressure brought to bear against the legislation is illustrated by the Federal intervention.

Assistant Secretary of Commerce Andrew E. Gibson had testified that adoption would have "serious deleterious impact upon this nation's trading posture." He said that Delaware Bay was the best site for an offshore oil port that could handle superships to supply mounting East Coast fuel needs and save industry hundreds of thousands of dollars a year in shipping costs. The Treasury Department sent similar testimony.

When the Governor did not budge, Maurice H. Stans, then Secretary of Commerce, called him to Washington and told him in effect that he was interfering with the prosperity and security of the nation.

Mr. Peterson rejected the Secretary's plea to drop the bill but said he would consider the need for a deep-water port in the bay. Back home, he declared, "We have considered the request and decided not to grant it."

He said that Delaware's future should be in the hands of the state, not the Federal Government or oil and transportation interests. Federal attention has since shifted to a port site in the ocean on the Continental Shelf, with less protection that the bay offers but beyond state control.

Governor Peterson feels that barging oil up the bay to Delaware River refineries from an ocean terminal would significantly reduce oil spills in the bay caused by the present system of lightering, in which tankers enter the bay and unload some of their cargo onto

barges before both ships and barges proceed to shallower water off Marcus Hook and Philadelphia.

But he is sanguine about the heavy pressure for a proliferation of industry that a port off Delaware, with the possibility of pipelines through Delaware to existing refineries, would bring.

"The forces that want to repeal or amend our law have tremendous power and influence," he said. "It will require eternal vigilance on the part of the state. Our bay and coastal areas are precious assets that will grow in value with the years."

"We will be around a lot longer than Peterson will," a spokesman for Shell has been quoted as saying.

The Governor is seeking back-up ordinances at the county level to bar heavy industry from the coast even if the state law is breached by court or legislative action in the future.

He said that, as a scientist, he felt that it was unnecessary for industry to take "virgin land" for new refineries to supply the mounting demand for fuel and energy. Mr. Peterson is the son of immigrant Swedish parents. He came to du Pont with a Ph.D. in chemistry from the University of Wisconsin. He said that the capacities of existing refineries could be increased sufficiently to meet the demand.

For the long term, he said, nuclear power plants, situated at sea to diffuse thermal pollution, could supply energy needs by running nonpolluting electric cables to shore.

Last month, Governor Peterson named a committee to recommend legislation to limit such development as housing and motels in coastal areas.

Of Delaware's 106,000 acres of wetlands, 73,000 are privately owned. The Coastal Zoning Act has magnified their value and stimulated development.

"We must strike a balance between the right of the property owners and the right of the community," the Governor said. "The protection of our wetlands is a logical follow-up to our coastal zone act. If we can save our seashore playground, there is no greater legacy we can pass on to our children."

Mr. CASE. Mr. President, I am happy to join with the distinguished Senator from Delaware (Mr. BOGGS) as a cosponsor of this bill. And I thank him for yielding to me at this time for a question that I believe will clarify one point about the intent of this bill. I have a copy of a letter from Governor Cahill of my State of New Jersey in which the Governor raises an important point. He supports the intent of this bill, but expresses a concern about whether there might be some interpretation that it would prejudice the claims of the States in cases such as United States against Maine et al., which is pending before the U.S. Supreme Court. It is my understanding that this bill is not intended to prejudice the claims of either side in this case and I would like to verify this understanding.

Mr. BOGGS. The Senator is correct. This bill is intended to assure the States of a meaningful role in the location and design of facilities that may have an effect on the environment of the State, regardless of whether the facility is located in waters directly under the jurisdiction of the State or under the jurisdiction of the Federal Government. It does not seek to make a determination of where State jurisdiction ends and Federal jurisdiction begins. It is neutral on that question. It is intended to provide the States with a role in any construction licensed by the United States beyond the territorial sea, wherever the limits of the territorial sea may be established.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. MONDALE, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 5, a bill to promote the public welfare.

S. 2052

At the request of Mr. THURMOND, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2052, a bill to establish a national cemetery system within the Veterans' Administration.

S. 3449

At the request of Mr. HANSEN (for Mr. JACKSON) the Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), and the Senator from Kentucky (Mr. COOK) were added as cosponsors of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3698

At the request of Mr. PEARSON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3698, a bill to promote the development of an export trade among small businesses not now engaged extensively in exporting.

S. 3792

At the request of Mr. HANSEN (for Mr. JACKSON) the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 3792, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System.

S. 3810

At the request of Mr. DOMINICK, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 3810, a bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1348

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

Mr. BENTSEN. Mr. President, today, along with two other members of the Armed Services Committee, Senators SAXBE and SYMINGTON, I submitted an amendment to delete $508.4 million for accelerated Trident development from H.R. 15495, the military authorization bill.

Mr. President, let me make clear the importance of this amendment. I am talking about a boat that is going to cost $1.3 billion per copy.

It is a critical issue involving a totally new weapons system that requires thorough research.

All options must be carefully weighed so that we can arrive at correct decisions on all aspects of developing this system. The administration has not balanced the priorities in its effort to hurry development of the Trident system.

Let me make clear at the outset that, in offering the amendment, I am not opposing the Trident program. I am convinced that we must have the next generation of nuclear submarines it will provide.

I am, however, opposed to accelerated development of the Trident system. This acceleration, sought by the administration earlier this year—in a request that superseded the original Trident request for fiscal 1973 made by Deputy Defense Secretary David Packard last fall—is simply not justified.

I have followed the administration argument for accelerated development very closely. I chaired hearings of the Armed Services Research and Development Subcommittee in which the administration presented its best, most forceful evidence—both classified and unclassified—in support of the accelerated Trident development.

I have also paid close attention to claims by the Defense Secretary that failure by Congress to accelerate Trident would endanger the SALT Offensive Weapons Agreement. I have attended two extensive White House briefings, but I do not believe that a refusal by Congress to accelerate the program would make SALT unworkable. In fact, there is strong argument that we should not lock in design at this time.

In short, I do not believe the administration has made its case for acceleration. I just do not feel that the Congress should commit that traditional $508.4 million of the taxpayers' money until we know what we are buying. And we cannot know what we are buying without another year of research and development on the Trident system.

Acceleration would lock us into production of the Trident even before design research is fully completed. And, I believe that our recent experiences with other programs and with huge cost overruns clearly demonstrate the importance of withholding production funds until satisfactory progress has been made on development.

These experiences have made us aware of the need to "fly before you buy" in development of airplanes. Well, in the case of Trident development, I advocate a policy of "try before you buy." And elimination of this proposed $508.4 million acceleration effort will allow us to do just that, without weakening our security or endangering the program. We will be able to keep our options open 1 more year. That will give us another full year of research and development before we decide precisely what form our next submarine system will take.

Evidence of the need for this additional year of evaluation is abundant. The Russians, for example, are going in the opposite direction from us in submarine development. They are building more submarines with fewer missiles per sub,

while Trident would provide fewer subs with more missiles on each one. Which concept is better? I do not know. And I do not think our military people know at this point. But another year would provide them with much more time to weigh the choice and make a more rational, better calculated decision.

Again, I want to stress that I am a strong supporter of adequate defense programs. I will oppose any legislation, any suggestion that would cause the United States to become a second-rate world power. But this amendment, I believe, would provide for an orderly development of our next submarine system. And I am convinced that an orderly development is in the best interests of our national defense.

Though I support a strong national defense, I do not believe the admirals and generals who lead our military forces are right 100% of the time. I do not think they are any more capable than the next human being of achieving perfect accuracy in their decisions. And when I think they are wrong, I am going to say it. I think they are wrong in this instance.

Someone once noted that "war is too important a matter to be left to the military." I do not believe that is necessarily true. In fact, in the overwhelming majority of the cases, I believe our military does an excellent job of planning for our Nation's defense. And, an overwhelming majority of the time, I support their plans by casting solid votes in favor of their proposals.

However, our system of government does leave final decisions to civilians, in both the legislative and executive branches, in matters such as this. And in this particular case, I urge the Congress to exercise its perrogative. In this particular case, I believe our military planners are wrong.

I am firmly convinced that our present Polaris-Poseidon submarine force is adequate for our defense for this decade.

I believe that the responsive power of Poseidon; and the retaliatory power of Polaris are so strong that they provide plenty of deterrent for this decade.

In other words, I believe our present force provides us with a luxury that is not often available in development of weapons systems. We have the luxury of enough time to proceed with an orderly, carefully planned Trident program.

And I am convinced that we should take full advantage of this luxury by refusing to accelerate Trident, thereby keeping our options open for another year.

AMENDMENT NO. 1354

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

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H.R. 15495), supra.

EQUAL EXPORT OPPORTUNITY ACT—AMENDMENTS

AMENDMENT NO. 1350

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

Mr. McGEE. Mr. President, on July 15, the U.S. Department of Commerce announced it would take action limiting the exportation of cattlehides to last year's levels.

The reason for this action is related to the recent increase of 13 to 15 cents per pound in the prices of cattlehides over their 1953–70 composite average. The Commerce Department asserts that the action is being taken in the name of checking the "inflationary" impact these price rises are allegedly having on domestic shoe and other leather industries.

However, such action interferes with the normal market forces and also limits our exports at a time when the U.S. balance of trade still finds itself very much in the red.

Furthermore, cattle producers and hide sellers—packing houses—are opposed to this arbitrary action which they fear will adversely affect the prices they receive for hides and live cattle.

The significance of this action to Wyoming agriculture as a whole can be best appreciated by the importance of livestock production to the entire agricultural economy of my State. The market value of all agricultural products sold in Wyoming, according to the 1969 Agricultural Census, was $248,825,884.

In last Friday's—July 21—publication of the Casper, Wyo., Star-Tribune, there appeared an editorial commenting on the July 15 announcement by the Commerce Department. The editorial writer raises some very poignant questions relative to this issue. I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

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

WHOSE HIDE?

It wasn't so long ago that a Wyoming rancher couldn't make low wages skinning a critter for its hide. He was lucky if he got $2 for a big steer hide, or even if he could find a hide buyer.

Consequently, a lot of calf and cow critters went unskinned on the range.

Most of the shoes, it seems, were being made out of ersatz leather and paper.

Unexpectedly, there came a turn for the better. Foreign shoe manufacturers discovered the bargain in American cattle hides, and began bidding up prices. An overseas market developed. Last year more than 15.5 million cattle hides were exported, bringing the American livestockman a bonus of $125.8 million (more than $8 a hide).

It seems most ironic that the Secretary of Commerce has placed restrictions on cattle hide sales abroad as a means of reducing the domestic price. Hides have little to do with the cost of shoes, any more than the price of wheat is reflected in a loaf of bread.

Fact is, 25 pairs of shoes can be made from one hide. The value of green hide in one pair of shoes is only $1. If the price of a hide should drop a quarter, the price of leather in a pair of shoes would go down about 25 cents. But don't expect the retail price of a $15 pair of shoes to be shaved to $14.75 because of lower hide prices.

Free trade in hides, as in any other commodity, promotes the greatest economic well being for the greatest number of people.

To illustrate, the market for wool spurted dramatically in the last nine months as a result of foreign buyers who took some 33 million pounds of domestic fleeces for export to Germany, Poland, Turkey and Japan. As a result, wool prices rebounded from 19.4 cents per pound in 1971—the lowest point since 1938—to around 40 cents on today's market.

It would be unfair to restrict the export of raw wool just when prices are reaching the cost of production, yet this is what has happened in hides.

Everybody benefits when higher prices are paid for hides on the world market and demand is increasing. The packer can pay the producer more for his cattle without passing the increase on to the housewife in the cost of meat.

Why take it out of the rancher's hide?

Mr. McGEE. Mr. President, in view of this announcement by the Commerce Department, and in view of the detrimental impact this action will have on the livestock industry in this Nation, I am offering an amendment to the Export Administration Act (S. 3726), which is up for renewal and is expected to be considered by this body shortly.

My amendment would strip the Commerce Department of any authority with respect to imposing any limits or embargo on the exportation of animal skins or hides.

In light of the economic consequences to the livestock industry should the Commerce Department be allowed to pursue its announced action to limit the exportation of cattlehides, I urge the Senate to approve my amendment to S. 3726.

I ask unanimous consent that my amendment be printed in the RECORD.

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

AMENDMENT NO. 1350

On page 2, line 14, after "Sec. 104." insert "(a)".

On page 4, after line 14, insert the following:

(b) Section 4(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding the foregoing, the authority conferred by this section shall not be exercised at any time with respect to animal hides or skins."

AMENDMENT NO. 1356

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

Mr. CURTIS. Mr. President, today I am introducing an amendment to S. 3726, a bill to extend the Export Administration Act of 1969.

Recently the Department of Commerce used the authority of the present act against the export of cattle hides from the United States. No doubt this action was well intentioned but it was most unwise. It will not reduce the price of shoes for the consumer. It will not accomplish anything worthwhile. It does create chaos in agriculture and agricultural processing. It was tried once before and it did not work.

The amendment that I am proposing provides that this authority shall not be exercised with respect to any agricultural commodity, including fats and oil or animal hides and skins without the approval of the Secretary of Agriculture.

In recent days the Senate Committee on Agriculture and Forestry voted to hold hearings concerning the problems involved in reference to the Department of Commerce's action concerning the export of hides. S. 3726 should not be considered on the floor of the Senate until the Agriculture Committee has completed their hearings and when it is considered, the amendment which I am in-

troducing today should be adopted. Far reaching and drastic action along this line should not be imposed on agriculture by some other Department which does not have the information and the expertise in reference thereto.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENTS

AMENDMENTS NOS. 1351, 1352, AND 1353

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

Mr. MONDALE. Mr. President, today I send to the desk three amendments which I intend to offer to S. 945, the National No-Fault Motor Vehicle Insurance Act.

The first of these amendments would change portions of section 104, 105, and 106 to offer greater protection to no-fault policyholders when pressing claims for payment against insurance companies. As currently written, the bill mandates interest payments by insurance companies at rates ranging from 12 to 24 percent if claims are unpaid after the company has reasonable proof of the fact and amount of the claim. However, these interest payments are only required for what the bill defines as "net basic economic loss"—which, in general, covers the area of medical bills, occupational therapy and wage loss payments.

The amendment which I intend to offer would require insurance companies to also make these interest payments for contested claims under optional coverages which, under this legislation, must be offered by these companies—generally, covering damage to the insured vehicle and tangible damage coverage in excess of net basic economic loss.

By so extending these payments, this amendment would attempt to insure prompt payment of legitimate claims by insurance companies, especially in the area of damage to the insured motor vehicle, where current insurance company policy often does not make payment to the insured as quickly as equity demands.

This amendment would also change section 105 in two significant ways. As currently written, this section permits courts to award attorneys fees and all reasonable costs to policyholders who sue to recover payments from insurance companies, where the insurance company denies the claim, unless the court adjudges such claims to be "fraudulent, excessive, or frivolous."

My amendment would require court award of these attorneys fees and costs and would change the word "excessive" to read "so excessive as to have no reasonable foundation." The latter change conforms to language contained in section 24 of the Uniform Motor Vehicle Accident Reparations Act, as drafted by the National Conference of Commissioners on Uniform State Laws.

These two changes, when taken in combination, will afford substantial additional protection to the consumer-policyholder. He will be assured of having the ability to press his claim without fear of having to absorb lawyers' costs out of his own pocket. This will in turn mean that claims made by policyholders are pursued with vigor by the injured or damaged party.

Most importantly, this amendment will substantially broaden access to lawyers under a no-fault system, and will insure that the legal profession will have a meaningful role to play in gaining just compensation for consumers under a no-fault system.

The second amendment which I intend to offer would change the current langauge of section 203(b) to insure meaningful wage loss payments under State no-fault plans.

As currently drafted, the bill sets no minimum or maximum for monthly payments for lost wages under State plans. My amendment would set effective maximums for these payments, using $1,000 per month as the base figure, and modifying this amount in accordance with the relationship between the per capita income in a particular State and the National per capita average income. States would still be able to set maximums above this figure.

This change will insure that States do not set maximums so low that effective wage loss protection is of little value to the majority of residents in the various States, while taking into account varying income levels in the 50 States.

This amendment would also insure that below the maximum so set, every wage earner will collect 100 percent of his lost wages on a weekly basis, a protection not currently offered by the bill.

The third amendment I intend to offer would provide that no State could set the minimum limit for no-fault protection for lost wage payments at a level less than two-thirds of the total minimum amount required for all amounts under section 203(b) (3), (4), and (5). This will afford an adequate level of protection for all seriously injured wage earners under plans adopted by the States under title II.

Mr. President, I ask unanimous consent that the text of these amendments be printed at the conclusion of my remarks.

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

AMENDMENT NO. 1351

On page 35, on line 10, after "loss" insert the following: "and payments under optional coverages"

On page 39, line 1: strike out "may", and insert in lieu thereof, "shall".

On page 39, line 6: strike out "excessive," and insert in lieu thereof: "so excessive as to have no reasonable foundation,"

On page 39, line 14: strike out "excessive," and insert in lieu thereof: "so excessive as to have no reasonable foundation,"

AMENDMENT NO. 1352

On page 58, strike out all on line 9 through 12 and insert in lieu thereof:

"(A) all monthly earnings, for the period during which the injury results in the inability to engage in available and appropriate gainful activity, up to at least a monthly amount equal to $1,000 times a fraction whose numerator is the average per capita income in the state and whose denominator is the average per capita income in the nation, according to the latest available Department of Commerce figures; or"

AMENDMENT NO. 1353

On page 59, line 2: after "$75,000" insert a comma, and the following: "of which not less than ⅔ shall be allocated for monthly earnings provided for in Paragraph (3)(A),"

CERTAIN MARITIME PROGRAM AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1355

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

Mr. SPARKMAN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

AMENDMENT NO. 1358

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

Mr. CRANSTON (for himself and Mr. TUNNEY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 13324), supra.

FEDERAL REVENUE-SHARING—AMENDMENT

AMENDMENT NO. 1357

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

Mr. METCALF (for himself, Mr. MANSFIELD, Mr. JACKSON, Mr. BURDICK, Mr. HARRIS, Mr. HUMPHREY, Mr. GRAVEL, and Mr. KENNEDY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NATIONAL SCHOOL LUNCH ACT—AMENDMENT

AMENDMENT NO. 1359

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

1972 SCHOOL LUNCH AND INFANT FEEDING LEGISLATION

Mr. HUMPHREY. Mr. President, yesterday I indicated that I would be introducing an amended version of my bill, S. 3691 to provide for needed improvements in the House-passed school lunch bill sponsored by Congressman CARL D. PERKINS and ALBERT H. QUIE, H.R. 14896. Today I wish to offer that amendment, in the form of a substitute, to S. 3691.

This amended version of S. 3691 would provide for the following:

First, authorization for an additional $25 million for summer food service programs for children for fiscal years 1972 and 1973. This would increase the total authorization for these programs to $50 million, the amount requested by the President at the urging of our Nation's mayors and the Congress. This particular provision is the same as provided in S. 3691 as originally introduced and is the same as provided in H.R. 14896 as passed by the House;

Second, authorization of whatever funds may be necessary to financially assist States in carrying out school lunch programs for fiscal years 1972, 1973, and 1974. It also requires, to the extent feasible, that special summer child feeding programs utilize existing facilities of public and nonprofit private schools.

These provisions are the same as originally provided for in S. 3691 and the same as provided in H.R. 14896;

Third, authorization of whatever funds may be necessary to financially assist States to carry out and expand school breakfast programs for fiscal years 1972, 1973, and 1974. It also provides that all schools making application for such assistance, which agree to carry out the program in accordance with the act, will receive such financial assistance.

Currently only $25 million is authorized for school breakfast programs and USDA has been limiting the number of schools funded under the program. The President's proposal, S. 3661, offered earlier this year, would increase the funding authorization for this particular program by $20 million or to a level of $45 million. Provisions in my amended bill would provide for an open ended funding authorization which is the same as provided in H.R. 14896 and my original bill, with the exception of adding to the language of my original bill, that all schools making application for such assistance shall receive it upon agreeing that they will carry such programs in accordance with the act;

Fourth, authorization for a reimbursement rate of not less than 8 cents per meal for general financial assistance to each State for all school lunches served and authorization for temporary use of section 32 funds for such purposes when appropriated funds are exhausted in any given year. Any section 32 funds utilized for such purpose would be restored by supplemental appropriation actions.

The current reimbursement rate for section 4 purposes under the National School Lunch Act is 6 cents per meal, which is insufficient to meet increased food and other costs. If Congress fails to provide for this higher reimbursement rate of 8 cents, paid lunch prices would have to be increased and participation in the entire lunch program, including free and reduced-price lunches, would very likely drop substantially.

These provisions of my amended bill are similar to those contained in my original S. 3691 and are the same as provided in H.R. 14896.

I should like to point out at this point that action was taken by Congress last fall to provide for a reimbursement rate for free and reduced-price lunches of not less than 40 cents per meal, which was made a permanent provision of the National School Lunch Act. Therefore, due to this earlier action by Congress, no action in this regard is required at this time.

Fifth, the language of section 5 of S. 3691, in its newly amended form, has been changed to correspond to or is the same as, the language contained in section 5 of H.R. 14896, the House-passed bill. I have made this change in order to minimize differences between my bill and the House bill. The House bill language in this particular section, which establishes eligibility standards for these child feeding programs, is very similar, in intent, as that contained in my original version of S. 3691. However, the House bill language, which I have included in my new bill, does clarify and more clearly define what eligibility standards should be concerning these programs. Much of this new language is the same as provided in the President's bill, S. 3661, however does differ in some important respects. For instance, the eligibility standards prescribed in my new bill would prevent any child receiving a free or reduced-price lunch last year from being declared ineligible to participate in the future by reason of the new income eligibility standards. Also, while the President's bill provides that income guidelines prescribed by each State cannot exceed the income poverty guideline prescribed by the Secretary by not more than 15 percent for free lunches and 30 percent for reduced-price lunches, my new bill provides that such income poverty guidelines can be exceeded by as much as 25 percent and 50 percent respectively, amounts which I believe are more reflective of cost differentials which exist among the States.

Sixth, section 6 of my amended S. 3691 is the same as my original version of the bill and the same as the House-passed bill, H.R. 14896. This particular section provides for an increase in funding authorization under the Child Nutrition Act of 1966 for nonfood or equipment assistance for fiscal years 1973, 1974, 1975, and succeeding years. The current authorization is $15 million for this purpose in fiscal 1973 and $10 million for succeeding years. My bill—and the House-passed bill—provide an authorization level of $40 million for fiscal years 1973, 1974, 1975 and $20 million for succeeding years for this purpose. The President's bill, S. 3661, provides for an authorization of $20 million for these 3 fiscal years and $10 million thereafter. States have indicated a need for $80 million for this purpose in fiscal 1973, to make it possible to establish school feeding programs in schools not having them due to the lack of facilities or to improve and upgrade such facilities in schools now serving food to children; and

Seventh, I provide for a new section 7 in my amended version of S. 3691 which authorizes the establishment of a new $20 million national infant feeding program to provide supplemental foods for pregnant women and infants from birth through age 4 to prevent permanent physical and mental damage caused to such infants due to nutritional deficiencies.

The funds authorized for this new program, may be drawn from section 32 funds, which will be restored to that fund through supplemental appropriation actions.

As I indicated in yesterday's statement, I am convinced that existing evidence clearly establishes the urgent need for such a program. Both studies already conducted on this subject and pilot operational programs supplying formulated foods to infants have convinced me that it is in the national interest to begin attacking this problem now on a nationwide scale.

In addition to the studies I referred to yesterday I would like to call to the Senate's attention a study conducted by three Mexican researchers which indicates that malnutrition in children may lead to chromosome damage. The study by Salvador Armendares, Fabio Salamanca, and Silvestre Frenk recently appeared in the July 1971 issue of "Nature," a scientific periodical published in Great Britain.

These researchers studied cells taken from five infants and five preschool children hospitalized for severe malnutrition. These found significantly more abnormal chromosomes in the malnourished children than in a control group. Chromosome abnormalities appeared in 12.1 percent of the 2,124 cells analyzed from the malnourished subjects, but in only 2.2 percent of the 816 cells taken from control subjects. Half of the malnourished children had "dicentric chromosomes," an abnormality described as extremely rare in the general population. The researchers cite evidence from earlier studies that genetic damage occurs when animals are subjected to nutritional deficiency comparable to severe malnutrition in humans. They suggest that malnutrition may increase chances that normal cell division will fail, and that chromosomes will become abnormal either spontaneously or as an exaggerated response to other environmental factors.

The authors also state that the type of chromosome abnormalities they found are the same as those found in patients with three diseases that are prone to a particular form of malignancy. Noting that a high incidence of the same form of malignancy has been discovered among malnourished Bantu children, the researchers suggest further investigation of a possible relationship between malnutrition and malignancy.

In yet another study conducted on this subject by Dr. H. Peter Chase and Dr. Harold P. Martin the following was found: When 19 children who had been hospitalized with malnutrition in the first year of life were compared with a control group 3 to 4 years later, the test group was found to be lower in mental quotient.

Impairment of physical and mental development appeared to correlate with the duration of undernutrition in the first year of life. Nine children admitted to the hospital with undernutrition but treated in the first 4 months of life now have a mean developmental quotient of 95 which is similar to the mean of 99 for the control children. In 10 with undernutrition after 4 months of age low indexes for height, weight, and head circumference were more frequent, and the mean developmental quotient was 70. Social factors associated with undernutrition included paternal separation, alcohol-related problems, inadequate money and many young siblings.

An article entitled "Undernutrition and Child Development" written by Drs. Chase and Martin concerning these findings appeared in the April 23, 1970, issue

of the New England Journal of Medicine. For anyone wishing to review these findings in more detail I would commend this particular article to their attention.

Several cities are now carrying on pilot infant feeding programs, Baltimore and St. Louis being among them. Reports from these cities indicate that their pilot programs have proven very successful in effectively combating malnutrition among pregnant women and infants with the accompanying benefits of preventing permanent physical and mental damage to the youngsters reached through these programs.

The new infant feeding program that my amended bill now provides would help these cities and hundreds of others around the Nation effectively attack this serious problem. It is time to act concerning this need now and I urge the Congress and others interested in improving the development of our Nation's very young to lend their support for this important new program.

Finally, Mr. President, I should like to point out that I have not included in my amended version of S. 3691 the section included in the House-passed bill, H.R. 14896, which authorizes dispensement of nutritious foods through vending machines.

Mr. President, I ask unanimous consent to have my amendment in the form of a substitute to S. 3691 printed at this point in the RECORD.

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

AMENDMENT NO. 1359

Strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(1) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from refunds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

SEC. 2. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)), as amended, is amended to read as follows: "There are hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means to initiate, maintain, or expand nonprofit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and nonprofit private schools."

SEC. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C 1773(a)) is amended to read as follows: (a) "There are hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance and agree to carry out a nonprofit breakfast program in accordance with this Act."

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall, until such time as a supplemental appropriation may provide additional funds for such purpose, use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than 8 cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 5. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

"(b) The Secretary, not later than May 15 of each fiscal year, shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guideline prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced-price lunches. Such income guidelines for reduced-price lunches shall be prescribed at not more than 50 percentum above the applicable family-size income levels in the income poverty guideline prescribed by the Secretary. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year and shall make determinations with respect to the annual income of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced-price lunch shall be made by the school nor shall there by any overt identification of any such child by special tokens or tickets, announced or published lists of names, or by other means."

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase "under the provisions of section 10 until such time as the Secretary" and inserting in lieu thereof the following phrase "under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary".

(d) Notwithstanding any other provision of law, the Secretary of Agriculture shall take no action which will cause any child eligible under rules, regulations or practices in his school for a free or reduced-price lunch in the 1971–72 school year to be made ineligible because of income guidelines prescribed under subsection (b).

(The purpose of this section is to insure that the schools which used an income eligibility scale more inclusive than the Federal minimum will not have to drop children from the free or reduced cost lunch program simply because of a change in the law.)

SEC. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91–248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000. To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972."

SEC. 7. The following new section is added to the Child Nutrition Act of 1966: (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use $20,000,000 of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)) to carry out in any area of the United States without regard to whether the area is under the food stamp program or a system of direct distribution a program either through a State or local welfare or health agency, or a private non-profit agency serving local health or welfare needs to make supplemental foods available for pregnant or lactating women and for infants from birth to an age of four years who are determined by competent professional authority to be at nutritional risk because of inadequate nutrition or inadequate income. Whenever

any program is carried out by the Secretary under authority of the preceding sentence through any State or local or non-profit agency, he is authorized to pay administrative costs not to exceed 10 percent of the Federal funds provided under the authority of this subsection.

Amend the title so as to read: "A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs and the establishment of a national infant feeding program."

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1302

At the request of Mr. ROBERT C. BYRD (for Mr. HART), the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of amendment No. 1302 intended to be proposed to the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

NOTICE OF HEARINGS ON THE DECLINING TREND IN EXPLORATION FOR OIL AND GAS

Mr. MANSFIELD. Mr. President, yesterday Senator JACKSON announced hearings on August 8 and 9, 1972, by the Committee on Interior and Insular Affairs on the declining trend in exploration for oil and gas, and its causes, effects, and implications. Several supporting materials and specific questions were inserted in the record; however, there is an omission in the attachments as printed in the CONGRESSIONAL RECORD.

Therefore, I ask unanimous consent that the attachments be reprinted in the RECORD for the benefit of potential witnesses and those individuals desiring to submit statements for the hearing record in response to the detailed questions in attachment B. Such submissions will be due by September 15, 1972, and will be printed as an appendix to the hearing record.

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

(ATTACHMENT A)

BACKGROUND PAPER AND QUESTIONS AND POLICY ISSUES—DECLINING EXPLORATION FOR OIL AND GAS

U.S. consumption of petroleum and petroleum products has increased in recent years (1966–71) at an annual rate of about 4.5 percent, and natural gas consumption has grown at about 6.5 percent per year. Domestic production of oil and gas, however, has not kept pace with the growth of consumption, and the deficiency is now being filled by imports. As a result, imports may account for about half of the total supply of petroleum products (including gas) by 1985.

Some indicators of the decline in domestic oil and gas exploration and development activity are the following:

1. Proved reserves of crude oil and natural gas liquids have been declining since 1967;

2. Domestic production of crude oil and natural gas liquids increased at only about 3.1 percent per year between 1966 and 1971 (1.4 percent less than consumption), and has actually declined since 1970;

3. Proved reserves of natural gas have been declining since 1967;

4. Domestic production of natural gas increased at only 5.4 percent per year between 1966 and 1971 (1.1 percent less than consumption), and is expected to decline after 1972.

The major factors contributing to this situation appear, on the basis of the Committee's hearing record, to be the following:

1. Resources of fossil fuel are finite, and many of the most easily discovered and most cheaply developed reserves have already been produced. Geologists agree that the volume of recoverable oil and gas still in the ground may be several times the amount that has already been removed, but the concern is how fast and at what price these reserves can be discovered and made available as energy resource supplies. Much of the remaining stock can be discovered and produced only at substantially higher cost than that of past supplies.

2. Increasing pressure upon the finite and nonrenewable resource base has been offset by improvements in exploration and production technology. As a result of these improvements, the constant dollar costs of finding and producing oil and gas have actually tended to fall. But this trend of falling costs clearly has come to an end with respect to onshore natural gas, and there is little confidence that it can be sustained for crude oil.

3. Some of the most promising acreage for oil and gas (particularly offshore) remains unexplored by industry, because it has not been made available for leasing. Other acreage remains out of production because of the lack of transport facilities (as on Alaska's North Slope.)

4. A number of economic factors have combined to reduce the expectations of profit from domestic oil and gas exploration:

a. Crude oil price rises have been restrained by federal action, particularly by increases in import quotas and by federal assumption of control over rates of OCS oil and gas production.

b. Price increases for natural gas sold in interstate commerce have been restrained by the Federal Power Commission (FPC). It is relevant here that low prices for both oil and gas not only discourage exploration but also encourage increased consumption. Moreover, uncertainty about future FPC gas price policy may have led to a postponing of the development of known or inferred gas resources under lease or private ownership.

c. High interest and capital costs generally have tilted investment incentives away from ventures, such as exploration for new oil and gas fields, that offer potential payoffs only in the distant future.

d. The Tax Reform Act of 1969 reduced the tax preferences applicable to oil and gas production.

There is little, if any, dispute that each of the foregoing factors is in some part responsible for the reduction in domestic exploration and development activity for oil and gas. However, the relative importance of each of these factors, in contributing to current supply constraints, and their policy implications, are not obvious or beyond debate. (For example, there is little dispute that the higher depletion allowance was an incentive to oil and gas exploration, but there is disagreement as to whether the allowance is a cost-effective or socially desirable form of incentive.

Additional factors which have been advanced by some parties as explanations of declining oil and gas exploration are disputed by others. These propositions include the following:

5. Large cash bonuses paid to the government in competitive oil and gas leasing are claimed to absorb investment funds that might otherwise be devoted to exploration.

6. Rapid increases in crude oil demand and in prices outside the United States are said to have combined with lower operating costs outside the United States and more favorable Federal tax treatment of foreign ventures, to encourage industry to shift its exploration emphasis abroad.

7. Natural gas producers may be delaying development of known resources, or delaying the sale and production of proved reserves, in anticipation that a growing gas shortage will result in much higher prices for gas in the future.

At the hearing the Committee will examine each of these accepted or argued factors contributing to the decline in domestic discovery and development, and explore their implications for formation of a national energy policy. The questions and issues to be explored fall into the following general categories.

QUESTIONS AND POLICY ISSUES

A. National oil and gas resource base

1. What are the best estimates of the total volume of liquid and gaseous hydrocarbons in place in the United States? Separate estimates should be provided for the "lower 48" onshore, Alaska, and the Outer Continental Shelf. (Where this information has been furnished to the committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.)

2. What are the best estimates of the total volume of liquid and gaseous hydrocarbons that can be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production, and maximum rates of growth of production that could be sustained until 1980? . . . until 1990?

4. To what extend does an acceleration of domestic oil and gas discovery and production today imply a greater shortage in the future? In how many years in the future will production inevitably peak out under various assumptions about current rates of increase?

B. Economics of exploration and development

5. To what extent, if at all, has the recent decline in oil and gas exploration activity and in reserve additions reflected each of the following factors: (Wherever possible, quantitative relationships should be specified.)

a. Restraints on domestic crude oil prices?

b. FPC regulation of interstate gas prices?

c. Increases (or decreases) in the real cost of discovery and development per barrel or per daily barrel of producing capacity? (To what extent are these cost changes the effect of a declining resource base, to what extent are they offset by new technology, and to what extent are they a matter of changed labor and material costs?)

d. Unavailability of lease acreage (particularly on the OCS)?

e. Increases in interest rates and other capital costs?

f. Reduction of tax preferences for oil and gas production?

g. Elements of the mineral leasing system (such as cash bonus bidding)?

h. Incentives in favor of foreign investment in oil and gas exploration?

i. Witholding of gas development or sales in anticipation of higher prices?

j. Other significant factors.

6. How responsive are future domestic oil exploration activity, reserve additions, and productive capacity expected to be, to:

a. The amount of new acreage available for leasing and exploration (particularly on the OCS)?

b. The domestic price of crude oil (in 1972 constant dollars)?

c. The domestic price of natural gas (in 1972 constant dollars)?

d. The domestic prices of petroleum products (in 1972 constant dollars)?

e. The real cost of capital?

f. The rate of percentage depletion?

g. Overseas exploration expenditures?

(The foregoing relationships should be specified in quantitative terms to the extent possible. Also, the time period over which the relationships are expected to prevail should be specified.)

7. How responsive are future domestic gas exploration activity, reserve additions, and productive capacity expected to be, to each of the factors (a) through (g) listed in question 6?

C. Policy options

8. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

9. What would be the consequences of each of the policy packages set out in response to question 8, for:

a. consumer costs of energy?

b. oil and gas import requirements?

c. capital requirements for exploration and development? And,

d. other significant aspects of the energy economy and the public interest (general efficiency of the economy, equity of the tax system, etc.)?

It is requested that witnesses at the hearings and persons submitting statements for the hearing record (100 copies are required) center their testimony on the questions and issues listed here. A more detailed list of questions and policy issues (Attachment B) follows, to be used as a basis for preparation of supporting materials and documentation which may be submitted by September 15, 1972, for inclusion in the Appendix to the Committee's hearing record of August 8 and 9. (Ten copies are required.)

(ATTACHMENT B)

DETAILED LIST OF QUESTIONS AND POLICY ISSUES—DECLINING DOMESTIC EXPLORATION FOR OIL AND GAS, AND OTHER PROBLEMS IN DEVELOPMENT OF PRIMARY ENERGY RESOURCES

The following questions are prepared as a guide to witnesses and persons submitting statements for the record at the hearings of August 8 and 9, in preparing supporting materials to be included in the Appendix to the hearing record. Witnesses should, however, direct their actual testimony to the questions in Attachment A.

I. THE RESOURCE BASE

A. Size of the resource base

Questions 1 through 4 should be answered for crude oil and natural gas liquids; natural gas; coal; oil shale, tar sands, heavy oils and other hydrocarbons; and uranium.

Answers may be grouped by resource or by questions as convenient. Where this information has been furnished to this Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.

1. What are the estimated volumes of proved domestic reserves and ultimate resources in place (Reserve and resource concepts used here and in subsequent questions should be defined and explained.)?

2. What are the estimated volumes that could ultimately be found and produced with current or near-term technology (including secondary and tertiary recovery)?

3. What are the best estimates of the maximum rates of domestic production and maximum rates of growth of production that could be sustained until 1980? . . . until 1985 or 1990? What are the factors limiting production or growth over these periods (e.g., the physical resource, demand, technology, government regulatory policy)?

4. To what extent will an acceleration of production in the short run reduce supplies in the foreseeable future? In how many years must production inevitably peak out under various assumptions about current rates of increase?

5. What is the approximate volume of sediments in the United States (including the OCS) as yet untested by exploratory drilling?

B. Technological problems

6. What relationship, if any, exists between the technological efficiency of the recovery of the resource and the rate of exploration and development?

7. In what areas will improvement in the technology of resource recovery improve the incentive to increase domestic exploration and development, and what, if any, obstacles are there to developing and using such new technology?

II. DOMESTIC EXPLORATION FOR OIL AND GAS

A. Indicators of oil supply and demand trends

8. What has been the trend in rates of U.S. oil consumption over the past fifteen years (bbl. per day) and what is the estimated future consumption of oil through the year 1985 or 1990?

9. What part of the demand for oil has been satisfied by domestic sources and what part of the estimated future demand through 1985 is expected to be satisfied by domestic sources?

a. From what sources, by country, has foreign oil been imported?

b. From what sources and in what quantities will foreign oil be imported in the future?

B. Gas supply and demand

10. What has been the trend in rates of U.S. gas consumption over the past fifteen years (MCF per year) and what is the estimated future demand for gas, through the year 1985 or 1990?

11. What part of the demand for gas has been satisfied by domestic sources and what part of the estimated future demand through 1985 or 1990 is expected to be satisfied by domestic sources?

a. What part of the estimated future supply of domestic gas will be in the form of conventional sources and what part will be synthetically derived?

b. What part of the gas and in what form, and what part of the synthetic gas feedstocks, are expected to be obtained from which foreign sources?

C. Indicators of exploration trends

What have been the trends over the past fifteen years in:

12. Days of geophysical crew time?

13. Acreage under lease (private, state, federal onshore and offshore)?

14. Number of wells drilled?

a. New field wildcats

b. Exploration in known fields

c. Development wells

(In each of the foregoing cases, indicate the number of oil well completions, gas well completions, and dry holes.)

15. Footgage of wells drilled?

a. New field wildcats

b. Exploration in known fields

c. Development wells

16. Number of rigs operating in the U.S.?

17. U.S. owned rigs operating abroad?

18. Additions to reserves of oil and natural gas liquids:

a. New field discoveries

b. Extensions

c. Revisions

19. Additions to reserves of natural gas:

a. New field discoveries

b. Extensions

c. Revisions

20. Additions to reserves of oil and natural gas liquids (barrels) and to producing capacity (daily barrels) per foot drilled?

21. Additions to reserves of natural gas (MCF) and to producing capacity (MCF/day) per foot drilled?

22. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per barrel of oil and natural gas liquids reserves and per new daily barrels of producing capacity?

23. Cost in current and constant dollars (inclusive and exclusive of lease acquisition costs) per new MCF of natural gas reserves and per new MCF per day producing capacity?

24. Number of persons employed in domestic exploration and development?

25. Proved reserves in relation to production and consumption?

26. Producing capacity

a. Reserve producing capacity?

b. Excess reserve producing capacity?

III. OTHER PRIMARY ENERGY RESOURCES

Where this information has been furnished to the Committee in connection with previous hearings in this Congress, it may be incorporated by reference to the earlier submissions.

A. Coal exploration and development

27. What has been the trend in coal consumption (tons per year) over the past fifteen years and what is the estimated future consumption of coal through the years 1985 or 1990?

28. How much new mine tonnage has been opened during the past fifteen years and how much will be needed to meet expected demands through the year 1985?

29. What factors explain any expected change in the trend of mine capacity?

30. What is the number and acreage of Federal coal leases and permits issued over each of the past fifteen years and how much *new* lease acreage is expected to be required through 1985?

B. Uranium exploration and development

31. What has been the tonnage of uranium concentrate (U_3O_8) produced during each of the past fifteen years and what is the future estimated production of U_3O_8 through the year 1985?

32. What has been the relationship of uranium ore reserves to production in each of the past fifteen years?

33. How many feet of exploration and development drilling have been recorded in each of the past fifteen years?

34. What has been the number of acres acquired for uranium exploration in each of the past fifteen years?

IV. ECONOMIC FACTORS

A. Historical statistics

35. What has been the annual level of investment in exploration and in development for each of the primary energy fuels over the past fifteen years?

36. What have been the price trends in current and constant dollars of oil and gas (wellhead prices), coal, and uranium concentrate during each of the past fifteen years?

37. a. What have been the average rates of return before and after taxes on investment in exploration and development for each primary energy fuel over the past fifteen years?

b. How does this trend compare with the rates of return in all manufacturing and with that of market rates of interest?

38. a. What has been the trend of cash flow, gross and net profits against sales and investment for each primary energy industry during each of the past fifteen years and what future trends are expected?

b. How do these profitability trends compare with all manufacturing and with market rates of interest?

39. What has been the relationships of costs for exploration, development and production of oil and gas (as shown by indicators like those of questions 20 and 21), to their prices during the past fifteen years?

40. What has been the trend during the past fifteen years regarding the relationship between the amount of investment in domestic exploration and development in each primary energy fuel and the size of enterprise involved?

B. Analysis

Questions 41–44 are a restatement of the issues raised in section B (questions 5–7) of Attachment A. Respondents may choose to respond here in detail to those questions in lieu of the following. In either case, however, the response here should be in quantitative terms, and should be accompanied with at least an abstract of the analyses, together with references to primary sources.

41. What is known about the relationships of investment in oil and gas exploration, development, additions to reserves (new field discoveries, revisions and extensions), increased producing capacity, and production, to:

a. the price of crude oil;

b. the price of natural gas;

c. new acreage available for lease (particularly on the OCS);

d. the cost of capital; and

e. the rate of percentage depletion?

(If possible, the foregoing relationships should be expressed in terms of elasticities or incremental rates of change.)

42. What are currently the relationships of domestic crude oil prices; to:

a. domestic crude oil supply and demand;

b. the price of competing fuels;

c. policies of the Price Commission;

d. the world market price of crude oil;

e. U.S. oil import policies; and

f. other factors?

43. What are currently the relationships of domestic natural gas prices in intrastate and interstate markets, to:

a. interstate and intrastate demand for natural gas;

b. the price of competing fuels;

c. policies of the Price Commission;

d. wellhead price regulation by the Federal Power Commission;

e. other policies of the FPC?

44. (This is an elaboration of 41e above.) What was the incidence in 1970 and/or 1971 of the Tax Reform Act of 1969 upon

a. oil and gas industry tax liabilities and government revenues (i.e., how much did it increase the industry's taxes);

b. investment in exploration, development, and secondary and tertiary recovery; and

c. additions to oil and gas reserves and to producing capacity (in daily barrels or MCF) attributable to investment in that year?

45. To what extent and how has Federal public land (including the OCS) leasing or mining policy affected investments in domestic exploration and development of primary energy fuels?

46. To what extent and how have health, safety and environmental laws and regulations affected investment in domestic exploration and development of primary energy fuels?

47. To what extent and how has Federal expenditures for energy related research and development affected investments in domestic explorations and development of primary energy fuels?

48. What evidence or analysis is there to indicate that funds that would otherwise be devoted to exploration and development of primary resources have been:

a. absorbed by high land acquisition costs;

b. diverted to investment in overseas energy ventures as a result of U.S. tax, trade, or monetary policies, or

c. diverted to other domestic investment?

V. POLICY OPTIONS

Questions 49 and 50 are identical with the issues raised in section C (questions 8 and 9) of Attachment A. Responses to these questions here should be accompanied by at least an abstract of the supporting evidence and analyses, and by references to primary sources.

49. What package(s) of incentives and federal policies, if any, would be necessary and sufficient to:

a. Maintain current (1972) levels of domestic oil production until 1980? . . . until 1990?

b. Maintain historic (1960–70) rates of growth of domestic oil production until 1980? . . . until 1990?

c. Maintain current (1972) rates of domestic natural gas production until 1980? . . . until 1990?

d. Maintain historic (1960–70) rates of growth of domestic natural gas production until 1980? . . . until 1990?

(Responses to this question should be as specific and quantitative as possible.)

50. What would be the consequences of each of the policy packages set out in response to question 50 for:

a. consumer costs of energy;

b. oil and gas import requirements;

c. capital requirements for exploration and development; and

d. other significant aspects of the energy economy and the public interest?

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 1, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Marshall A. Neill, of Washington, to be U.S. district judge for the eastern district of Washington, vice Charles L. Powell, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

NOTICE OF HEARING ON NOMINATION OF DR. DIXY LEE RAY TO BE A MEMBER OF THE ATOMIC ENERGY COMMISSION

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Tuesday, August 1, 1972, at 2 p.m. in room S–407, U.S. Capitol, on the nomination of Dr. Dixy Lee Ray, of Washington, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1977. Dr. Ray will fill the term previously held by Wilfrid E. Johnson.

I ask unanimous consent to have printed in the RECORD the biography of Dr. Ray which was provided to the Joint Committee with the submission of her nomination to the Atomic Energy Commission.

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

RÉSUMÉ

Born: September 3, 1914, Tacoma, Washington.

Education and Degrees: B.A., Zoology, Mills College, 1937; M.A., Zoology, Mills College, 1938; Ph. D., Biology, Stanford University, 1945.

Honors: LL.D., Mills College, 1967; Maritime Man of the Year Award, 1966; Foreign Member, Danish Royal Society for Natural History, 1963; Matrix Table, 1960; William Clapp Award; Marine Biology, 1959, Sigma Xi; Phi Beta Kappa; John Simon Guggenheim Fellow, 1952–53; Graduate Fellowships, 1938 and 1942–45.

Present Positions: Director, Pacific Science Center, and Associate Professor, Zoology, University of Washington.

Past Positions Held: 1964, Visiting Professor, Stanford University, Chief Scientist on ship TE VEGA, International Indian Ocean Expedition; 1962–63, Special Assistant to Office of the Director, National Science Foundation; 1960–62, Special Consultant, Biological Oceanography, National Science Foundation; 1945–60, Executive Committee, Friday Harbor Laboratories;* 1945—Present, Faculty, University of Washington; 1938–42, Teacher, Oakland Public Schools, California.

Present Board and Committee Memberships: 1965–1971, Smithsonian Research Awards Committee; 1968 to date, Member, Pacific Region, Marshall Scholarships Program; 1968 to date, Member, Washington State Oceanography Commission, and Treasurer, Oceanographic Institute; 1969 to date, Washington State International Trade Fair, Inc., Member of Board of Trustees; 1969 to date, Planetary Sciences Corp. Inc., Member of the Board; 1969 to date, INNOVA, Inc., Member of Board of Directors; 1969 to date, Member, North American Committee of the Commission on Education, International Union for Conservation of Nature; 1970 to date, Mayor's Aquarium Committee; 1970 to date, Advisory Committee on Ft. Lawton Park; 1970 to date, King County Economic Action Task Force; 1971 to date, Puget Sound Comprehensive Health Planning Board; 1971 to date, member of the Board of Trustees, Virginia Mason Research Center; 1971 to date, member of Committee of Corresponding Consultants for the World Report on the Environment; 1972 to 1975, Committee on Public Understanding of Science, American Association for the Advancement of Science.

Past Board and Committee Memberships: 1965–1966, Puget Sound Oceanographic Study Committee; 1966–1969, Board of Trustees, Seattle Chamber of Commerce; 1966–1970, Board of Regents, St. Martin's College, Olympia; 1967–1968, Chairman, Regional Panel, White House Fellows Selection Committee; 1967–1969, Consultant on Science Information and Communication, National Academy of Sciences; 1969, Member, Presidential Task Force on Oceanography.

Publications: 1959, *Marine Boring and Fouling Organisms*, University of Washington Press; 1950 to date. Numerous professional articles and scientific papers in marine biology.

Marital Status: Single; Home Address: 600 Third Avenue, Fox Island, Washington 98333.

ADDITIONAL STATEMENTS

DEATH OF HAROLD S. MAY, PUBLISHER OF FLORENCE, ALA., HERALD

Mr. ALLEN. Mr. President, one of the great pleasures of public life is meeting and establishing friendships with a vast

* 24 years in the Department of Zoology, University of Washington, teaching marine inverterate zoology.

number of wonderful people. And one of life's saddest moments is when we learn of the death of one of these friends.

Through the years I have enjoyed the friendship of Mr. Harold S. May, publisher of the Florence Herald, one of Alabama's finest weekly newspapers. It was with great grief and distress that I learned of the untimely death of this fine Alabamian, an outstanding community, county, and State leader, who passed away on Monday, July 17, 1972.

Here was a man whose judgment and word I respected, trusted, and valued. His loss is a blow to all Alabamians, and his wife and son, Hal, have my deepest and most sincere sympathy.

An article on Mr. May's death appeared in the Florence, Ala., Times-Tri-Cities of July 17. 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:

HERALD PUBLISHER DIES AFTER ILLNESS

Harold Samuel May, outstanding community, county and state leader and editor and co-publisher of The Florence Herald, died this morning at 5:45 at ECM Hospital in Florence. He had been ill for several weeks.

Services will be conducted Tuesday at 4 p.m. from Morrison–Elkins Chapel in Florence by Rabbi J. S. Gallinger. Burial will be in Sheffield Oakwood Cemetery, Morrison–Elkins directing.

Surviving are the widow, Mrs. Lura Will Barksdale May, and a son, Hal J. May, Florence.

May had been associated with The Florence Herald since 1931. He had begun his business career as advertising manager for the May Company in Florence in 1920. He was in the automobile business for 10 years before joining The Herald.

Since 1958 he served on the ECM Hospital Board and was a member of the Lauderdale County Society of Crippled Children and Adults. He was also a member of the Northwest Alabama Rehabilitation Center, the Mental Health Association, and one of the founders of the Muscle Shoals Regional Library, Florence-Lauderdale Public Library, and was vice-chairman and a director of the library. He was also one of the organizers of the Lauderdale County Humane Society.

In 1960–61, May served as president of the Alabama Press Association and was co-chairman of the State USO. May attended Florence State University (then Florence State Normal) before receiving a B.A. degree from Vanderbilt University at Nashville, Tenn. He served on the Florence State faculty as a journalism teacher in 1957–58.

He was a former chairman and a member of the Lauderdale County Board of Education for 24 years, and was past president of the Tri-Cities Jewish Congregation and a member of the board of trustees of Temple B'Nai Israel.

In World War One, May served as a private and in World War Two, he helped organize and commanded Co. E., First Regiment, Alabama State Guard. He was past post, district, and area commander of the American Legion.

In 1971, May was presented the Florence Exchange Club's "Book of Golden Deeds" award.

He was a native of Petersburg, Tenn.

SOURCES OF FEDERAL ASSISTANCE FOR HIGHER EDUCATION

Mr. HART. Mr. President, with enactment of the Education Amendments of 1972, many persons have written requesting information as to what sources of Federal assistance are available for higher education.

The July 21 edition of Higher Education and National Affairs, published by the American Council on Education, effectively outlines the new regulations covering student loans.

I ask unanimous consent that the article, as a source of ready reference, be printed in the RECORD.

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

USOE ISSUES INTERIM REGULATIONS COVERING GUARANTEED PROGRAM

The U.S. Office of Education published interim regulations in the *Federal Register* July 18 requiring colleges and universities to begin processing student loan applications on the basis of need instead of adjusted family income. The new regulations covering student eligibility for Federal interests benefits under the Guaranteed Student Loan Program are retroactive to July 1, the date the new Education Amendments of 1972 became law.

Following the signing of the amendments in late June, USOE asked colleges and universities to stop processing loans until regulations could be developed (see Vol. XXI, No. 26).

Effective July 1, USOE pointed out in a statement, the Federal Government will pay interest only for those students whose educational institutions recommend loans.

The college or vocational school now will take into account the "expected contribution" (the amount the student, his parents, and spouse may be expected to contribute toward his education), along with other available resources, including financial aid in the form of grants, scholarships, and other loans. This amount will be subtracted from the estimated cost of education—which for this purpose includes tuition, fees, room and board, and reasonable commuting expense—to determine the amount of need and serve as a basis of a recommendation to the lender.

USOE explained that, when an institution recommends a loan, the Federal interest benefit will be paid. Where there is no recommendation, the student may still borrow, but will have to pay the interest himself.

"However," USOE said in a statement, "the U.S. Commissioner of Education intends to issue further regulations regarding both the acceptability of the various systems used in determining the expected family contribution and the basis on which benefits may be paid on loans in excess of the school's recommendation. Any future regulations will not be retroactive and loans made during the period covered by the interim regulation will be valid and not subject to the new rules."

Other major changes made in the program by the Education Amendments of 1972 include:

1. Establishment of the Student Loan Marketing Association ("Sallie Mae"), a Government-sponsored private corporation, which will be able to buy up, or accept a collateral, student loan notes from lenders desiring to liquefy their investment. It will be several months before Sallie Mae can become operational.

2. The annual loan amount per academic year has been increased to $2,500 from the previous $1,500. However, lenders making loans under state or private agency programs are subject to loan maximums established by those agencies.

3. The outstanding loan total for undergraduate and vocational students remains at $7,500, but may go as high as $10,000 if graduate or professional study is included.

4. The insurance on Federally insured loans now cover 100 percent of the interest as well as principal.

5. Federal credit unions are no longer limited to lending 15 percent of their assets under the program.

6. All lenders are required to allow deferment of payment of principal on Guaranteed Student Loans made under state and guarantee agency programs when the borrower returns to full-time study or for up to 3 years while he serves in the Armed Forces, Peace Corps, and VISTA. (All Federally insured lenders and many of the lenders guaranteed by state or private agencies allowed these deferments prior to the new law.)

Following is the text of USOE's formal notice:

Part 177 of Title 45 of the Code of Federal Regulations is hereby revised by amending § 177.2, *Student eligibility for interest benefits*, which deals with the conditions of eligibility for, and the procedures for obtaining, Federal interest benefits on loans covered by this part, to reflect certain provisions of the Education Amendments of 1972, Public Law 92–318. Since these statutory provisions become effective by operations of law on July 1, 1972, the regulatory amendment issued hereby must, of necessity, also become effective on July 1, 1972.

The central change in the law and the regulation is to shift the basis for the eligibility of a borrower for payment of Federal interest benefits on a loan issued after June 30, 1972, from the existing requirement that the borrower's adjusted family income be less than $15,000 to a standard involving a determination as to whether the borrower is in need of the loan. The revised section sets forth the basis on which the determination of need is to be made by the educational institution and a recommendation made to the lender for its consideration. However, the Commissioner intends to issue further regulations, as may be appropriate, setting forth further criteria regarding the acceptability of needs analysis systems utilized in the determination of the expected family contribution, and the basis on which the payment of interest benefits may be made on loans in excess of the recommendation of the educational insituation. As amended, § 177.2 reads as follows:

§ 177.2 Student eligibility for interest benefits

(a) A student (1) who has received a loan from an eligible lender under: (i) a student loan insurance program meeting the requirements of § 177.12 or § 177.13, (ii) a program meeting the requirements of § 177.14, or (iii) the program of Federal loan insurance provided for in Subpart E of this part, (2) who is enrolled or has been accepted for enrollment as at least a half-time student in an eligible institution, (3) who (i) with respect to a loan issued prior to July 1, 1972, has an adjusted family income of less than $15,000 or (ii) with respect to a loan issued after June 30, 1972, has had made on his behalf the determination and statement provided for in paragraph (b) of this section, and (4) who is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands, is eligible for payment on his behalf of a portion of the interest as determined under § 177.4.

(b) In connection with a loan issued after June 30, 1972, in order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on such loan as determined under § 177.4, the eligible institution at which the student has been accepted for enrollment or which he is attending (and in good standing as determined by the institution) must, prior to the making of such loan, (1) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (2) recommend that the lender make a loan in the amount so determined.

(c) (1) The determination referred to in paragraph (b) of this section is to be made by a responsible officer of the eligible institution concerned by subtracting from the amount estimated by such institution to be the cost of tuition, fees, room and board, and reasonable commuting costs for the period for which the loan is to be made, the expected family contribution with respect to such student plus any other resources or student aid that such institution determines to be reasonably available to the student during such period.

(2) For the purpose of this paragraph "the expected family contribution" shall mean the amount which a student, his parents, and spouse may be reasonably expected to contribute toward his postsecondary education for the academic period to be covered by the loan. The determination of the expected family contribution must be made by an eligible institution in accordance with uniformly applicable standards and criteria which take into account the income, assets, and resources of the student and, except where the conditions set forth in § 177.3(c) are met, the income, assets, and resources of the student's parents and spouse. Determinations made pursuant to a method covered by an agreement between the eligible institution and the Commissioner in connection with the administration of any other program of Federal financial assistance, or determinations made under generally recognized needs analysis systems, such as the Alternate Income System, the American College Testing Program System, the College Scholarship Service System, or the Income Tax System, will meet the requirements of this paragraph. Information about these systems may be obtained from State or private nonprofit loan guarantee agencies, the Regional Offices of the U.S. Office of Education, and the Division of Insured Loans, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

(d) To have interest payments made on his behalf, a student shall submit to the lender a statement in such form as the Commissioner may prescribe, which shall include:

(1) A certification by an eligible institution that he is enrolled at the institution or has been accepted for enrollment;

(2) An assurance by the student that the loan on which interest payments are to be made has not been and will not be used for any purpose other than for the costs of education for the academic year covered by the application;

(3) Information necessary to determine, pursuant to § 177.3, whether his adjusted family income is less than $15,000 or, when paragraph (b) of this section is applicable to the loan, a statement from the eligible institution reflecting the basis for the determination and the recommendation provided for therein; and

(4) Information concerning other loans to him which have been made under programs covered by this part or Part 178.

(e) The lender, acting in good faith, may in the absence of information to the contrary rely upon statements submitted by the borrower, his family, or an eligible institution pursuant to paragraph (d) of this section.

(f) For the purposes of this section a loan will be considered issued after June 30, 1972, if application for an insurance commitment with respect to such loan is received after June 30, 1972, by a State or private nonprofit agency under a student loan insurance program or the appropriate Regional Office of the U.S. Office of Education under the program of Federal loan insurance, or if a note or written evidence of a loan commitment is executed after June 30, 1972, under a direct State student loan program.

M. ELDON COLBY RETIRES

Mr. DOLE. Mr. President, it seems that often we, in Congress, fail to take note of the faithful and dedicated services performed by men and women in the Government's many departments and agencies in Washington and throughout the Nation. Their work is often unsung and out of headlines, but they are vital to the efficient operation of our Government.

On June 30, 1972, one such servant retired after 37 years of conscientious service in the Department of Agriculture. He is M. Eldon Colby, who, I am pleased to add, is a native of Smith County, Kans. Mr. Colby for the past 3 years has served as a congressional liaison officer for the Federal Crop Insurance Corporation. In his contacts with Members of Congress and their staffs he was always most cordial, cooperative, and helpful. His many years of experience in the FCIC, where he "grew up," equipped him uniquely to assist Congressmen on legislation and on matters brought to them by their constituents.

Eldon takes justifiable pride in having been born a Kansas farm boy and learning some of the hard lessons of farming when there were few conveniences. He gained widespread attention for being elected mayor of Falls Church, Va., more than 10 years ago; and, during the time his son and three daughters were growing to adulthood, he served in various school and community offices. He is an active member of the Masonic Lodge and maintains his membership in Kansas.

Eldon's warmth and pleasant personality will be missed by all who have come to know him, but we wish him and Mrs. Colby a most rewarding retirement. It is my guess, however, he will turn up one day soon in some new occupation or activity to his liking, for it is not the nature of this man to be idle for long.

I ask unanimous consent that an article from the July 6, 1972, Smith County Pioneer, concerning Eldon Colby's retirement, be printed in the RECORD.

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

ELDON COLBY RETIRES AFTER 37 YEARS WITH USDA IN DISTRICT OF COLUMBIA

Eldon Colby, who was reared and educated here, retired in June after 37 years with the USDA. He says he went to Washington, D.C. in December 1934 as a correspondent for the Pioneer and a due bill from a bus company for which he paid $12.50. He sends regards to friends here and says he hopes to be out this way one of these days.

The Manager's letter (USDA Federal Crop Insurance Corp.) carries his picture and this article:

M. Eldon Colby, 63, FCIC's first employee, is retiring this month after 37 years with the U.S. Department of Agriculture. His last day on the job, as Crop Insurance Officer on the Manager's Staff, was Friday, June 9.

When Federal Crop Insurance started in 1938 through an Act of Congress, its first Manager was Roy Green (later to become President of Colorado State University at Fort Collins), and his first employee was Eldon Colby. Only the 16 months in 1943–'44 when Colby was an economist for AAA, kept him from being FCIC's oldest employee in length of service. Colby first came to Washington to work as a staff member for U.S. Sen. Geo. McGill of Kansas.

In recent years Colby has been FCIC's liaison man, working with Congressional liaison representatives of the Secretary's Office. Always in the thick of FCIC top-level activities, Colby traveled the "field" for many years before settling down to administrative jobs in Washington.

Eldon was born at Smith Center, Kansas, where he grew up on a farm and was graduated from high school in 1926. He got his A.B. degree from the University of Nebraska in 1931. Four years later he started work as an assistant clerk with USDA's AAA, where he worked up through a couple of promotions and on April 1, 1938, he came to Federal Crop Insurance as Asst. Marketing Specialist in Washington, D.C.

He was stationed successively in Chicago two years as Assoc. Statistician; in Spokane, Wash., 19 months ('41–'42) in Actuarial; then back to D.C. as Head Actuary in the Actuarial Div.—but worked 16 months for AAA (in '43–'44) while FCIC was inoperative) before returning to FCIC as an Actuary in Dec. 1944.

He continued in underwriting and writing Division in 1950. In 1961 he was transferred to the Manager's staff. He and Mrs. Colby (a Virginian) have a son, Eldon, with the Mormon church in Montana, and three daughters—Virgie, secretary to U.S. Rep. Ancher Nelsen of Minn.; Dr. Darilyn Colby with the State University of New York at Brockport, N.Y.; and Mrs. Jeanette Ott, whose husband is asst. prof. at Rutgers University, New Brunswick, New Jersey—and two grandchildren.

Some ten years ago Eldon was mayor of Falls Church, Va. He is a member of the National Press Club, and he and Mrs. Colby are active in the Episcopal church. They will continue to make their home at 3415 Blair Rd., Falls Church, Va. 22041.

CAPITAL PUNISHMENT

Mr. TALMADGE. Mr. President, we recently witnessed the handing down by the Supreme Court of a landmark decision concerning capital punishment. The decision in effect requires most State legislatures to draft new capital punishment laws. In the meantime, States desiring to continue that penalty are left with no law.

The question of capital punishment should be left to each individual State legislature. It is an emotional question, one of great controversy. We have seen strong and articulate support on both sides.

One of the most stirring and thought-provoking articles to come across my desk was written by Mr. Larry Young of the Athens, Ga., Daily News. Mr. Young addresses himself to the plight of the victims, rather than pitying criminals condemned to the electric chair. I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

ONLY GOD CAN NOW PROTECT OUR WOMEN

(By Larry Young)

Once again I am ashamed. Ashamed of my profession. I have bowed my head and almost wept at the so-called news coverage since the U.S. Supreme Court knocked down the death penalty.

I have been disgusted at television reporters who showed the joy of criminals. Who interviewed convicted rapists as if they were some kind of national martyr.

I have cringed at the sight of mug shot after mug shot of those who have escaped the death penalty.

Virtually everywhere I have looked I have seen crumbling decay. An Atlanta paper publishes the pictures of death row inmates at Reidsville. Sixteen assorted pictures and underneath—and this is what got to me—a head which reads "Not Pictured."

Indeed a lot has not been pictured by my profession. Who of you can see the woman who, while nursing her child in her own home, had a pair of scissors placed against her throat and was raped and left on the floor? Who of you can see the torn and bleeding bodies of women assaulted for no reason on earth except that there was a sick, criminally inclined man free to commit the act?

Not pictured is the family brutally slashed with a knife as a senseless murderer leaves scars that will never heal.

Not pictured are hundreds of thousands of women of this land who, without the threat of death hanging over the heads of would-be rapists, now will live in deeper fear.

Not pictured are the possibilities of killings which otherwise might not happen.

We have been shown the jubilation of men on death row. They have been interviewed and treated like some kind of special American. Yet none of the charges which they were convicted of have been detailed.

Naturally the mother in Savannah who was a rape victim would not want to be interviewed, but if she were, she could tell of the horror, the grief and the scars imposed upon her and her family. Of course "not pictured" also is the feelings of the husband of the rape victim, of the father of a 19-year-old girl who was killed and raped.

I could go on and on but in this day and age it would make very little difference.

I guess what really gets to me is the realization that America has gradually adopted an attitude which dictates that we will obey only those laws with which we agree.

Otherwise, explain the air hijackings. Isn't this taking from those rich, big corporate airlines?

And Robin Hood, outlaw that he was, has come out a hero as have others who have defied the establishment and the law.

After all, if you are a member of a minority, living in squalor, isn't it o.k. to rob and steal to get food? No one is inclined to get very up-tight about such things anymore. It all come about, I contend, when it became the thing years ago to get away with all one could on income tax forms. By this I mean take advantage of every deduction. This then has grown to include all laws, and the last and most deterrent has now been struck down.

I hope and pray that the fabric of our society will survive the practice of selective obedience to the law. The sadness I have experienced in these past few days is in fear that it will not.

I see no way to provide security to the good ladies of our land, the mothers, daughters and sweethearts of America. For the barrier to rape and murder is gone. After all, the news media of today is showing the criminal, not the victim, and our selective morality champions their "rights" while ignoring the rights of their victims.

Tis a sad day! Only God can now protect our women.

THE BIRTHDAY ANNIVERSARY OF HAILE SELASSIE I, EMPEROR OF ETHIOPIA

Mr. McGEE. Mr. President, as chairman of the Subcommittee on Africa of the Foreign Relations Committee, I am privileged to have the opportunity to express on behalf of the entire membership of the U.S. Senate the warmest felicitations to His Imperial Majesty, Haile Selassie I, Ethiopia's august Emperor, on the occasion of his 80th birthday.

His Majesty first became indelibly impressed on the minds of most Members of this body through his dramatic leadership of the Ethiopian people's heroic resistance to the fascist invasion and occupation of the 1930's. The voice that then called out for collective action against aggression has subsequently been among the most eloquent raised in support of peacekeeping efforts throughout the world.

Great statesman that he is, His Majesty has also been a tireless and skillful practitioner of the silent art of diplomacy. In addition to having contributed probably more than any other founder to the success of the Organization for African Unity, he has played a largely unpublicized role in the settlement of a number of serious disputes within and between African states. North, west, central and east Africa have all found during times of turmoil a friend and counselor in the Emperor and he has contributed outstandingly to the resolution of conflicts throughout the continent. He is held in highest esteem by leaders in Africa and throughout the world.

I think I express the views of all Members of the Senate when I say that the Government and people of the United States are grateful for the close friendship we have long enjoyed with the Government and people of Ethiopia. On his 80th birthday, we hail His Majesty's contribution to that friendship and to the excellent relations between our countries. In wishing him health and happiness, we join with the peoples of Africa and the entire world in saluting Ethiopia's great leader.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. MILLER. Mr. President, while necessarily absent on July 21, 1972, the Senate had two record votes in connection with S. 1991, the Housing Amendment to the Public Utility Holding Company Act. I ask that the permanent RECORD reflect my positions on these votes as follows:

First. No. 294 Leg.—Griffin amendment to require a utility which developed a housing project to retain full ownership thereof for a minimum of 20 years, except under certain circumstances. Aye.

Second. No. 295 Leg.—Final passage of S. 1991. Aye.

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

TRANSPORTATION AND THE HIGHWAY TRUST FUND

Mr. HART. Mr. President, on Friday, Senator KENNEDY and Senator WEIKER introduced the Highways and Related Transportation Systems Act of 1972. I am a cosponsor of the bill.

The bill would make the highway trust funds available for systems other than highways. While still authorizing $3 billion annually for interstate roads, it also would provide more than $2 billion a year for other transportation needs through fiscal year 1979. These authorization levels fall within projected revenues for the trust fund.

A detailed explanation of the bill is covered in a section-by-section analysis which I ask be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. As a Senator from Michigan, which has more than passing interest in motor vehicle transportation, and as a close working friend of the late Senator Patrick McNamara, a great champion of the interstate highway program, my decision to cosponsor this bill was not made lightly.

The goal of the Interstate System, established 16 years ago, was and is to connect by highway isolated population centers.

That goal remains valid and should be pursued.

However, we would be naive indeed to believe that conditions and knowledge have not changed since 1956, and we would be foolish indeed if we ignored the lessons of experience.

The fact is that as basic as motor vehicle transportation will continue to be to our transportation system, automobiles and highways alone cannot do the job.

There are those who cannot afford to buy automobiles.

Cars and roads extract major tolls from the environment.

Traffic congestion defeats the goal of speedy, convenient transportation.

New highways take needed land and houses, and affect local and State tax revenues.

For example, it was reported in 1969 that, of the 21 percent of American families not owning a car, most were concentrated among the elderly, the poor, and center-city residents.

Recent studies have found dangerously high levels of lead from car exhaust in dirt along highways; air pollution alerts become more frequent, and noise and other side effects from major highways affect the quality of life in nearby neighborhoods.

Commuters need no studies to prove that new highways generate traffic increases which add to congestion in cities and which too often too quickly exceed the capacity of the new road itself.

As a result, citizens are filing suits and taking other actions to stop construction of major highways, and cities seek ways to discourage the use of cars in downtown areas.

If we are to learn from these experiences, we should recognize that while the use of automobile, truck, and highway will remain basic to our transportation system—and indeed in some areas will have to be expanded—we need a national transportation policy, regional transportation planning, and adequate financing for balanced transportation systems.

To the extent S. 3825 moves us toward those goals, it deserves support.

Over the years, it has been argued that the highway trust fund should be reserved solely for the Interstate System. This argument is based, at least in part, on the contention that revenues for the trust fund come from taxes paid by the users of highways.

However, while indeed the highway trust fund may pay all construction costs for the Interstate System, it also is true that increasing amounts of general revenues from local, State, and Federal budgets are required to pay other costs generated by our motor vehicle transportation system, costs ranging from salaries for police traffic officers to road maintenance to antipollution programs.

And just as the effects of highway transportation cannot be isolated, neither should the Nation's approach to its transportation system be fragmented.

The time has come to recognize that the automobile and the highway cannot meet all transportation needs.

Indeed, it can be argued, I think, that the auto company and car owner should have a strong interest in building a balanced transportation system which will help increase the value of the car as a safe, convenient mode of transportation.

Continued traffic congestion and concern about air pollution can only work to the detriment of the automobile.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF HIGHWAY AND RELATED TRANSPORTATION SYSTEMS IMPROVEMENT ACT OF 1972

Sec. 1 cites this as the "Highway and Related Transportation Systems Improvement Act of 1972."

Sec. 2 sets forth findings that highway congestion, air pollution, and related safety problems are impairing the efficiency of the highway system; and declares that the level of efficiency can be improved by developing related systems, and that both highways and related systems can best be improved by giving States and local communities greater flexibility in the use of Federal highway funds.

Sec. 3 gives definitions including one for highway or related transportation service. It means (1) the acquisition, construction or reconstruction, improvement, operation or maintenance of highway, traffic control, or public transportation systems, including highway safety facilities; (2) planning, research, development, and demonstration of these functions, and (3) beautification, relocation, and environment of protection activities.

Sec. 4 reduces the present authorizations of $4 billion for the Interstate System of highways for fiscal years 1974, 1975 and 1976, to the sum of $3 billion for each of fiscal years 1974, 1975, 1976, 1977, 1978, and 1979 and the amount of $1,257 million for 1980.

Sec. 5 authorizes the Secretary of Transportation to make 1974 and 1975 Interstate System apportionments using the factors set forth in Table 5 of House Public Works Committee Print 92-29, A Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways.

Sec. 6 extends the time for completing the Interstate System by four years, moving the completion date forward from June 1976 to June 1980. The Secretary is required to continue to report to Congress the cost of completing the Interstate System every second year, using the estimate shown therein for making apportionments for the subsequent two-year period, upon approval of Congress.

Sec. 7 requires that segments of routes of the Interstate System approved before October 15, 1966 but on which construction of a significant proportion had not commenced as of July 1, 1972, be subject to review of the appropriateness and feasibility in the same manner as newly authorized routes. Where such a review results in failure to select a route, or segment, the Federal funds for such a project shall be reallocated to the particular State or metropolitan area concerned, on the prevailing ratio of 90 percent Federal to 10 percent State or local.

Sec. 8 extends the 10 percent penalty for failure to control outdoor advertising displays and devices for the period after January 1, 1973, and eliminates the restriction of 650 feet from the nearest right of way, and substitutes "which can be seen from the man traveled way."

The authorizations for carrying out outdoor advertising are extended as follows: $27 million for fiscal year 1971; $20.5 million for 1972; $50 million for each of 1973, 1974, and 1975.

For control of junkyards in areas adjacent to the Interstate System and Federal-aid primary system of highways, the authorizations are extended as follows: $3 million for each of fiscal years 1971 and 1972; $5 million for 1973; and $7 million for each of 1974 and 1975.

Sec. 9 adds a new Chapter 6 to Title 23, U.S. Code, bearing the title Highways and Related Transportation Services Improvement Program.

Sec. 601 authorizes the Secretary of Transportation to apportion money from the Highway Trust Fund to assist States and local governments to operate, maintain, and improve highways and other transportation services, including public transit, if sufficient funds are not available from other Federal sources.

Sec. 602 authorizes to be appropriated out of the Highway Trust Fund the following amounts: $2.3 billion for fiscal year 1974; $2.8 billion for each of years 1975, 1976, 1977, 1978, and 1979; and $4.5 billion for 1980. Ninety percent of these amounts are to be apportioned in accordance with a prescribed formula, and the remaining 10 percent shall be available to the Secretary as a discretionary fund.

The distribution formula contains three elements:

50 percent of the total in the ratio which metropolitan area populations of a State bear to the total population of all metropolitan areas in the United States;

25 percent of the total in the ratio of the State's population to the national population;

25 percent of the total in the ratio of the square root of area of each State to the sum of the square roots of all State areas, but with the provision that no State's share under this element shall be less than one-half of one percent of the allocation of this element.

The metropolitan population allocation funds are, in turn, to be reallocated by the States on a similar ratio of population of metropolitan areas within the respective State. Also, these funds are to be apportioned directly to the transportation agency established in each metropolitan area. Where such agencies do not have the authority to fulfill these purposes, the Secretary shall file interim measures until the agencies in question have been given that authority.

Beginning with fiscal year 1974, the Secretary shall publish in the Federal Register the amounts apportioned to the States or to local authorities under each of the three formula elements.

Unwarranted reductions of allocations by States to local governments for transportation purposes may result in a reduction of a like amount of Federal funds to the State concerned.

Sec. 604 requires each State to have a comprehensive State and local transportation plan, subject to approval by the Secretary of Transportation. Such a plan must reflect transportation needs of the State and its communities, and take into consideration the social and environmental impact of the alternate means available, while providing an adequate platform for public expression. It must be administered by a single State agency with full authority for executing the State's plan.

Local governments must develop an area-wide plan incorporating long-range plans for highway and related transport systems, with a schedule of projects to be undertaken annually. The local plan is to be developed by the local transportation planning agency, and be submitted to the Governor of the State, and to the Secretary of Transportation for review.

A local transportation agency shall be considered in existence when an allocation for transportation planning has been created by the general local government in a metropolitan area which represents at least 75 percent of the total population of the metropolitan area and includes the largest city. Each such agency shall have:

A. Representation in management of the highest appropriate elected official of each participating unit of general government, or in the case of the District of Columbia, representation of the Commissioner;

B. A citizen advisory board composed of representatives of citizens' groups;

C. Planning authority for all urban surface modes of transportation;

D. Propotional voting based on population;

E. Authority to develop the program of transportation projects required under this section.

State and local plans must show how they comply with the Clean Air Act.

Where a State or metropolitan plan is rejected by the Secretary, the State or local unit shall be afforded an opportunity for hearing.

Planning and administrative costs of State or local units are not to exceed 3 percent of the respective allocation.

Sec. 605 provides for record keeping, audits, and reports.

Sec. 606 establishes legal machinery for the recovery of funds where a recipient has failed substantially to comply with the provisions provided herein.

Sec. 607 authorizes the Secretary of Transportation to prescribe rules, regulations, and standards to govern the conduct of implementation of this chapter.

Sec. 608 requires the Secretary to report annually to the President and Congress on the developments and effectiveness of these activities.

Sec. 609 applies the provisions of the Civil Rights Act of 1964 (42 U.S. Code 2000d) to this chapter.

Sec. 610 specifies that no Federal contribution in addition to funds herein allocated shall be provided for relocation payments and assistance for those replaced by transportation activities.

Sec. 611 provides that nothing in this chapter shall diminish the requirements respecting the establishment by States of highway safety programs approved by the Secretary of Transportation.

Sec. 612 requires action to insure that fair and equitable arrangements are made respecting labor.

MOMENTUM INCREASES FOR RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, on June 16, 1949, the convention on the prevention and punishment of the crime of genocide was transmitted by President Truman to the Senate. Twenty-

three years later the peoples of the world await Senate ratification.

In 1953, Secretary of State John Foster Dulles expressed "some doubt as to whether * * * the Genocide Treaty is going to accomplish the purposes which were in the minds of those who drafted it." Although Mr. Dulles opposed ratification, he acknowledged that the basis of the administration's opinion was subject to change:

We do not ourselves look upon a treaty as the means which we would "now" select as the proper and most effective way to spread throughout the world the goals of human liberty to which this nation has been dedicated since its inception.

We can reasonably say that in using the word "now," Mr. Dulles anticipated that times might change and a different policy would be required. We need only look at present policies to see that the changes have come and the demands of our time differ.

In 1963, Secretary of State Dean Rusk said that the Kennedy administration would ratify the Genocide Convention if the Senate gave its advice and consent. This pledge was repeated on behalf of the Johnson administration in 1965.

On February 19, 1970, President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." Such action, said the President, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice."

It is evident that the momentum for ratification of the Genocide Convention has increased considerably since 1953. Daily events illustrate the need for a treaty to guarantee the peoples of the world the right to live.

The urgency for approval of the Genocide Convention is apparent. I ask the Senate, without further delay, to ratify this convention.

PUBLIC BROADCASTING

Mr. DOLE. Mr. President, there has been considerable debate both within the Congress and throughout the public broadcasting community on the appropriate role of the Corporation for Public Broadcasting, the national programing centers, and the local noncommercial broadcasting stations. There has been widespread concern that the Corporation for Public Broadcasting, originally created to serve the local stations, is becoming instead a focal point of control for a "fourth network."

President Nixon vetoed H.R. 13918, which would have provided $155 million for financing the Corporation for the next 2 years. He did so in order to demonstrate his belief that the questions regarding the structure of public broadcasting must be resolved before substantially increasing the Corporation's funding.

The Topeka Daily Capital supported the President's action in an editorial on this subject. I ask unanimous consent that it be printed in the RECORD.

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

[From the Topeka (Kans.) Daily Capital, July 21, 1972]

ETV STRAYS TO LEFT

The President showed great courage when he vetoed the bill which would have authorized $155 million over the next two years for the Corporation for Public Broadcasting. ETV has strayed a long way from its original purpose.

The original concept, as it was promoted in Kansas, was to improve the level of classroom instruction. We were told by ETV enthusiasts that ETV would make available the best teacher in a given subject in every classroom in the state.

To a limited degree, Kansas' two educational stations, KTWU-TV in Topeka and KPTS-TV in Wichita, have done inclassroom instruction. But the development of a National Public TV Network, through the Corporation for Public Broadcasting, has caused ETV to stray from home base.

Attracted by the glamor of sophisticated programs, produced in New York and Washington, ETV stations have been eager to "throw the switch" and turn their channels over to the programs underwritten by government and private foundation funds.

The network programing by Public Broadcasting Corporation has been titled to the left. Their documentaries and news programs seem to espouse liberal causes of all kinds. One observer, who was watching the PBS coverage of the California primary returns, remarked that it was "a two-hour campaign speech for George McGovern. Had I been Hubert Humphrey, I'd have really been upset."

A distinguished voice in ETV spoke up last week. The alleged "biased" and "prejudiced" programming and "stupidity" over the way CPB has represented industry to Congress caused Dr. John C. Schwarzwalder, executive vice president of KTCA-TV, St. Paul-Minneapolis to fire off a letter to industry demanding "immediate resignations" of CPB President John Macy and PBS President Hartford Gunn.

Discussing the letter, he told "Television Digest" and industry trade publications there was "a very wide spirit of disgust . . . enormous bitterness" within industry over the way CPB, PBS, EBC (WNET, N.Y.) and Ford Foundation have "manipulated" local stations, adding that most broadcasters agreed with the President's reason for vetoing the two-year $155 million authorization bill.

The veto, Schwarzwalder said, brought home the fact that "a particular political philosophy cannot be shoved down the throats of the American people. . . . What (Nixon) has done by vetoing this bill may yet save educational broadcasting from killing itself by its wild, irresponsible plunges into unbalanced programming and factually questionable documentaries . . . We simply cannot allow (public TV's future) to fail through the stupidity of a number of our PTV executives and a desire for power on the part of those who have cynically manipulated them."

Schwarzwalder, a pioneer in ETV, wrote the special report commissioned by the Kansas Legislature on ETV several years ago in which he recommended establishment of a statewide ETV Network. The establishment of Channel 11 in Topeka and Channel 8 in Wichita followed his general line of recommendations.

EIGHT MYTHS ABOUT GUN CONTROL

Mr. STEVENSON. Mr. President, since introducing my handgun control bill, S. 3528, on April 25 of this year, I have received hundreds of letters from citizens opposed to gun control legislation. The reasons they cite for their opposition seem valid to them, and, indeed, some of them are valid. Too often, however, these honest citizens have fallen prey to certain arguments—often initiated by the gun lobby—which have only the smallest grain of truth.

On the other hand, some citizens and even legislators who favor gun control legislation have also succumbed to certain illusions. They feel that strict national gun control legislation will be a costless panacea.

In the Christian Science Monitor of July 24, Franklin Zimring explores some of these arguments and illusions in an article entitled "Eight Myths about Gun Control in U.S." Four of these are myths propounded by those opposed to gun control; four are myths utilized by those who favor gun control legislation.

Mr. Zimring is one of our Nation's foremost experts on the gun problem. He presently teaches at the University of Chicago, and in the past he served as the director of research for the Eisenhower Commission's Staff Report on Firearms and Violence in American Life.

In reading Mr. Zimring's article, I was particularly struck by his characterization of the handgun:

The handgun is a special problem. With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life.

I have long maintained that the gun crime problem in the United States is the handgun crime problem. The handgun is the chief instrument of crime and violence in our society. My bill, S. 3528, deals only with handguns—licensing all handgun owners; registering all handguns; and banning all Saturday night specials.

Because of the emotion and volatility that the issue of gun control arouses, it is often hard to step back and view the cold facts—absent the myths—about proposed gun control legislation. I believe it would be useful for all of us—whatever our position—to read Mr. Zimring's informative article. I, for one, came away from reading the article more than ever conscious of the limits to the effectiveness of gun control legislation, but also more than ever committed to attaining those limits by securing the passage of adequate national handgun legislation.

I ask unanimous consent that Mr. Zimring's article be printed in the RECORD.

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

EIGHT MYTHS ABOUT GUN CONTROL IN UNITED STATES

(By Franklin E. Zimring)

CHICAGO.—At times of violence or assassination, Americans tune in to the hopeful optimism of those who see the end of violence around the next corner of gun legislation. Even more regularly, gun-owning groups assure us that the 30 million handguns in the nation have nothing to do with violent crime in the United States. Each side is convinced that it is absolutely right, and nobody bothers to get his facts straight. Sadly, our national debate over gun control is often a battle of empty slogans.

Before we get suitably serious about the gun problem in this country, it will be necessary to clear away some of the rhetorical

excesses that have marked the gun-control debate. The first step is a few basic facts.

There are about 100 million guns in this country — more than two-thirds of them shotguns and rifles, the traditional sporting weapons in American life. The other 30 million or so are handguns owned more in cities than in rural areas, rarely used in sport and nine times as likely as long guns to be involved in crime.

The vast majority of all guns are not violently misused, but guns are involved in a quarter of a million violent episodes each year, and our millions of guns—again particularly handguns—contribute to the crime problem by making robbery easy and serious assault more deadly. The real difficulty in the present debate over gun laws is that half of the participants underestimate the problem while the other half underestimate the time, money, and loss of liberty that will probably be necessary to solve it. The best way to illustrate this theme is by examining eight myths about guns—four from each side.

Myth No. 1: "We have a crime problem, not a gun problem."

This refrain, often heard from anti-gun control groups, is true to the extent that 100 million guns would pose no problem in this country if nobody fired one. The problem is that robbers, angry husbands, and barroom debaters use them hundreds of thousands of times each year.

And when guns are used, they increase the chance that death will result by a factor of four. We have both a crime problem and a gun problem, and each makes the other worse.

Myth No. 2: "The handgun is a useful tool of household self-defense."

Millions of Americans (myself included) live in some fear of robbers and burglars invading their homes. About 25 percent of all households have acquired handguns in the belief that they provide an effective defense against the criminal stranger, and this is why we have 30 million privately owned handguns.

Yet the homeowner's gun rarely protects him against burglars, who seek to elude him, or the occasional robber, who counts on surprise and a weapon of his own to render the homeowner helpless. The loaded handgun in your home is much more likely to accidentally kill someone in the family than to save his life.

Perhaps if this were fully understood, most domestic handguns, and most of our gun problems, would go away by themselves. But that is unlikely.

People seek guns for a sense of security and will resist heeding any information that undermines that sense of security.

Myth No. 3: "Legitimate citizens are not part of our gun problem."

Since crime is caused by criminals, many people argue that our many million gunowning families have nothing to do with the gun problem.

Yet the truth is that the majority of all gun homicides are committed by persons without serious prior criminal records. And even more important, without registration and license laws it is very difficult to keep 30 million handguns in legitimate hands while still preventing potential criminals from buying guns secondhand or stealing them.

Even registration of guns and licensing of their owners might not stem the flow from legitimate to illegitimate owners with so many millions of guns in circulation.

So it appears that we will have to bring many millions of guns under control to get at the violent quarter of a million gun episodes.

Myth No. 4: "Gun laws can't work since criminals don't obey laws."

There is a grain of truth to this argument, but it is nonetheless a dangerous oversimplification.

In fact, the argument proves a bit too much since it suggests that all criminal laws are futile, because all the people who violate them are, indeed, criminal. The more complicated truth is that laws do not work automatically. They must be enforced and they must deal with the reality of gun use in this country. But laws that cut down the transfer of guns from legitimate to illegitimate owners, or dramatically reduce our domestic handgun supply, can cut down on the role of guns in violence.

Myth No. 5: "Gun laws can reduce crime in the United States to the same levels experienced in countries like Britain and Japan."

If the anti-control partisans tend to forget the gun part of our crime problem, some of the pro-control people seem to forget that guns are only a part of the set of special problems that make violent-crime rates higher in this country than in the rest of modern Western society.

We often hear that the United States has a gun-kill rate 38 times as high as England, which presumably means that we could reduce killing to the English rate if we adopted stern gun controls. Unfortunately, our violent crime rate will remain much higher than that of other developed countries no matter how much we do about guns, because Americans rob and attack one another with all weapons at greater rates than do the English or Japanese.

Reducing the proportion of attacks by guns will reduce the death toll from attack because other weapons are less dangerous. But it is not a cure for crime, and those who oversell gun control in this way only add to our profound national confusion over guns and violence.

Myth No. 6: "Gun laws would not result in much cost or inconvenience to law-abiding citizens."

There are, to be sure, some gun-control laws that won't cost much—the problem is that they might not achieve much either.

If we really want to keep guns out of the hands of the irresponsible, we must put all owners to the inconvenience of getting licenses and registering guns. If we want to dramatically reduce handgun violence, we probably have to reduce the total number of such guns.

This is really a simple corollary to Myth No. 3, because if legitimate gun ownership is part of the problem, loss of freedom and inconvenience to legitimate gun owners is part of the solution.

Myth No. 7: "Only the National Rifle Association stands between this country and effective gun laws."

Just as gun-owning groups see the call for more controls as an evil conspiracy, many pro-control citizens think that the only real opposition to gun regulation is the National Rifle Association. But opposition to compulsory licensing and schemes to cut down on handgun ownership has its roots much deeper in American culture.

People in this country are afraid of crime, and having guns makes them feel better. It is also difficult for legitimate gun owners to see themselves as any part of the problem, since 99 percent of all our guns are used responsibly and everyone sees himself as part of that 99 percent. It is thus difficult to convince him that there should be gun laws that inconvenience him.

Myth No. 8: "All that is needed to solve our gun problem is strict legislation."

American experience with prohibition of alcoholic beverages suggests that new laws, alone, are not any guarantee of significant social change.

Public support for law must be high for if a law cuts against the grain of public sentiment, too many people will disobey it. Police and court support are necessary if legislation is to be more than a hollow shell. Also, it should be clear by now, with as many thousand gun laws scattered around this country as gun deaths, that passing the right laws under the right conditions is much more important than passing another law.

We need to know more than we do about guns and the effect of gun laws. We need to change attitudes and values.

Clearing away a few of the myths surrounding the gun debate is only a first step in choosing the appropriate national gun policy. Once it is known that gun controls will be expensive, might take many years to accomplish, and are not the final solution to the crime problem, we must address the question of whether various types of control are worth their costs.

In relation to mild steps such as firearm registration, the answer is easy to find. Even if the effect of such laws is modest, the failure to try them can only mean that we are not serious about curbing violence.

A campaign to remove the handgun from civilian ownership raises harder questions. In a nation dedicated to individual freedom, in an era when we are finding that the criminal prohibition of things like marijuana and abortion may not be worth the cost, there is a special irony in hearing liberal politicians urge a criminal prohibition of handguns.

Yet the handgun is a special problem.

With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life.

A strategy as unstylish as prohibition may be the appropriate solution to the handgun problem. It may not. But before we can make intelligent choices in this area, we must face the real issues.

ORDER OF AHEPA'S 50TH ANNIVERSARY

Mr. CANNON. Mr. President, it gives me great pleasure to join in the national tribute being currently paid to the Order of Ahepa, the American Hellenic Educational Progressive Association.

The Order of Ahepa is celebrating its golden anniversary in July 1972, capping 50 years of contributions to the betterment of American life. Although mainly devoted to furthering progressive education, the Order of Ahepa has contributed financially to many worthy causes during its 50 years, on a national and international level.

Some examples of these members' generosity and community improvement undertakings include, relief of U.S. hurricane and flood victims across the Nation, relief for orphaned and dependent children of Greece, the Near East and other war ravaged areas, and national scholarships to worthy students.

Among those who are united in its bond of friendship and understanding, the Order of Ahepa numbers the late President Franklin D. Roosevelt, former President Harry S. Truman, Vice President SPIRO AGNEW, and many other Government officials.

In my home State of Nevada three chapters are actively involved in the purposes of AHEPA. In Reno, local chapter officers are: Angelo Georgeson, president; Dan Ahtipis, vice president; A. D. Demetras, secretary; and Charles F. Fell, treasurer.

Las Vegas officers are Louis Georgelas, president; Tom Darellos, vice president; Costas Skordoulis, secretary and Ted Johnson, treasurer.

In Ely, officers are Angelo Antonio, president; George Malaperdas, vice president; John S. Lampros, secretary, and Nick Patras, treasurer.

Mr. President, in extending my congratulations to this distinguished organization on its 50th anniversary, it is my hope that the Order of Ahepa will continue tc receive the encouraging support and involvement of all citizens dedicated to the goals of good fellowship and high moral purpose.

MORE AGENCY RESPONSES ON CONSUMER PROTECTION AGENCY INTERVENTION

Mr. ALLEN. Mr. President, on July 17 I placed in the RECORD for the benefit of the Senate the responses of various Federal agencies to my request for a listing of their proceedings or activities that would be subject to intervention, full participation and court appeal by the proposed new Consumer Protection Agency under a bill that I hope will be reported soon by the Government Operations Committee on which I serve.

On that date, I had accumulated responses from 24 agencies, listing 554 types of proceedings and activities. I therefore introduced an outline of these responses, rather than attempt to spread such voluminous correspondence through the RECORD.

I also promised to introduce for the benefit of the Senate the expected additional correspondence on this subject, because the bill is expected to come to the floor for action soon and one of the major questions will concern what Federal agencies should be subject to CPA intrusion.

As of July 21, I had received responses from four additional Federal agencies—Department of Justice, Department of Transportation, Securities and Exchange Commission, and the Social Security Administration.

The Department of Justice letter did not respond with the requested list of proceedings and activities subject to CPA intervention and court appeal.

Instead, the Justice Department issued an opinion stating total opposition to the bill as presently drafted, saying:

> The proposed (Consumer Protection) Agency's powers of advocacy and intervention in Federal administrative agencies decisionmaking are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted.

Counting these four letters, a total of 28 Federal agencies have responded to my inquiry, and many more are expected.

Not counting general responses such as those from the Justice Department, Federal Power Commission, and Federal Communications Commission, the 28 responding agencies have described a total of 1,003 proceedings or activities subject to CPA advocacy and court appeal under the present bill as it applies to the Federal Government.

No attempt will be made at this time to assess the number of proceedings and activities at the State and local levels subject to similar CPA powers. They are, however, numerous.

I ask unanimous consent to have printed in the RECORD the four Federal agency responses that have been received subsequent to the July 17 printing concerning similar responses from 24 agencies.

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

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 20, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter to the Solicitor General concerning the activities of this Department which would be affected by S. 1177, the Consumer Protection Organization Act of 1972. At the request of Mr. Charles Mitchell of your staff, this letter expresses generally the views of the Department of Justice on S. 1177 (June 14, 1972, Committee Print).

In the Department's view, the proposed Agency's powers of advocacy and intervention in Federal administrative agencies' decision-making are too broad, and pose a threat that the orderly and effective dispatch of the public business in the public interest might be significantly disrupted. For this reason, the Department strongly prefers the more narrowly drawn provisions governing the proposed Agency's interventionary powers which are contained in H.R. 10835 as it passed the House of Representatives last year. A comparison of provisions of the Committee Print and H.R. 10835 in this important area may help illuminate some of our concerns.

Section 203(b) of the Committee Print gives the Administrator the power to participate in any "Federal agency activity" which may substantially affect the increases of consumers. The bill's definition of "agency activity" in Section 401(4) fails to set any reasonable limits on areas of possible intervention by the Administrator:

" 'Agency activity' means any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process[.]"

In our view, this definition is at best imprecise, and implementation of Section 203(b)'s mandate under it would cause great problems for administrative agencies in general, and particularly for the Department of Justice in performing its prosecutorial functions. Since the Department would appear to be a "Federal agency" within the meaning of Section 401(9), the Committee Print would guarantee the Administrator the right to participate in decisions concerning whether or not particular cases should be filed, settled, or appealed. No other Government official has that right at present, and for good reasons. The exercise of prosecutorial discretion is a delicate and sensitive task, best left to the branch of government chosen by Congress to conduct litigation involving the interests of the Federal government. See 28 U.S.C. §516. This is not to say that the views of the Administrator should not be heard by those exercising this discretion. At present, the views of administrative agencies on matters involving the regulatory statutes they enforce are actively sought by the Department as a matter of course. There is no reason to think that the Department would not be equally eager to hear and consider the views of the Administrator when prosecutorial decisions are being made which appear to involve the interests of consumers. Section 204(D), however, would unnecessarily grant a statutory right to such participation, and, coupled with Section 204(d)'s requirement that Federal agency's declinations to act in response to the Administrator's requests must be justified by a public written statement setting forth the reasons therefor, could require disclosure of the various sensitive matters, often told to the Department in confidence, underlying the decision. At the very least, therefore, the Department would urge that the provisions of the bill be made inapplicable to prosecutorial or appeals decisions made by appropriate officers of the Department.

The Department is also opposed to the broad reach of section 204(a) of the bill, which gives the Administrator "standing to obtain * * * judicial review of any Federal agency action reviewable under law and to intervene as of right as a party in any civil proceeding in a court of the United States involving the review or enforcement of a Federal agency action, if he intervened or participated in the Federal agency proceeding out of which the action arose or, if he did not so intervene or participate, the court finds that the result of such action may substantially affect the interests of consumers."

It is unclear whether this provision will permit the Administrator, without the authorization of the Solicitor General, to file a petition for a writ of certiorari in cases in which he has become a party. With certain narrow statutory exceptions (see 28 U.S.C. 2323, 2350), it is a well-settled practice of many years standing that only the Solicitor General appears for the federal government in the Supreme Court. One aspect of this practice is that agencies, including independent agencies, cannot seek Supreme Court review without the authorization of the Solicitor General. This practice, we believe, rests upon sound considerations of public policy. We think it would create serious problems for all government litigation before the Supreme Court if the Administrator were singled out to permit him to present his own cases to the Supreme Court without the authorization and supervision of the Solicitor General. The interests that the Administrator would represent, important as they are, seem no less important that the interests represented by many other government agencies and the policy considerations that require those agencies to appear in the Supreme Court through the Solicitor General are, in our judgment, equally applicable to the Administrator of the Consumer Protection Agency.

In contrast to the unfettered grant of authority to the Administrator to obtain judicial review and to intervene as a party in a court proceeding involving the review or enforcement of a Federal agency action, we note that there is no provision in the Committee Print comparable to H.R. 10835's Section 204(c)(2), which allows the Administrator to appear as *amicus curiae* in other actions to which the United States or any Federal agency is a party. We believe that the Administrator's authority (or lack of it) to participate in judicial proceedings not involving the review or enforcement of Federal agency action should be specifically set forth.

The Committee Print's grant of compulsory information gathering powers to the Administrator also seems excessively broad. Both the Committee Print and H.R. 10835 authorize the Administrator to use in any Federal agency proceeding to which the proposed Agency is a party all types of compulsory process and discovery devices available to any party to the proceeding under the terms of the statute governing the agency conducting the proceeding. There is no difficulty with this provision, for it only guarantees that the Administrator, after intervention, will have the same rights to discovery

and to the use of the host agency's compulsory process as all other parties to the proceeding. But the Committee Print goes further, and extends in Section 203(e) these same rights to the Administrator whenever he is participating in any Federal agency "activity". Given the great latitude of the bill's definition of agency "activity", which has been previously noted, granting such rights to the use of compulsory process and other discovery devices in advance of any agency proceeding would give the Administrator an advantage not afforded any other person or official, and would jeopardize the host agency's ability to regulate effectively in the public interest. Moreover, such powers do not appear necessary for the new Agency to perform its advocacy function, since Section 207(c) would guarantee the Agency's access to all information in the hands of other Federal agencies, and since all the powers in question would become available to the Agency as soon as a formal proceeding had been commenced.

For similar reasons, the Department would recommend the deletion of Section 207(b) of the Committee Print in its entirety. In essence, Section 207(b) would give the Administrator the right to compel any person who is engaged in a trade, business or industry affecting commerce and whose activities substantially affect what the Administrator determines to be the interests of consumers to answer interrogatories under oath "concerning such activities and other related information." The Department regards this proposal as unsound and unnecessary. The proposal is unsound, because it is at odds with the basic premise of the legislation, which, as we understand it, is that the interests of consumers need more adequate representation in the processes of Federal administrative agency decision-making. To our knowledge, the proposed Agency has never been intended to be a wide-ranging investigative agency, empowered to scrutinize the business practices of any person or business entity whose activities might affect the interests of consumers. Section 207(b) would give to the Administrator, who would have no substantive regulatory responsibilities, interrogatory authority far in excess of that possessed by any other Federal official, department or agency similarly situated. The grant of such authority is also unnecessary, for by virtue of the discovery procedures made available to the Administrator in any agency proceeding by Section 203(e), and Section 207(c)'s guarantee of access to information already in the possession of other agencies, the Administrator already has all the information gathering powers he would reasonably need to give consumer interests the high quality of representation and advocacy that they deserve.

The Department of Justice is opposed to the enactment of S. 1177 in its present form.

Sincerely,

RALPH E. ERICKSON,
Deputy Attorney General.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., July 19, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I am happy to provide you with a list of proceedings and activities of the Department of Transportation which might be subject to intervention by the Administrator of the proposed Consumer Protection Agency (CPA). I regret that we were unable to provide this information more expeditiously but we felt that it necessitated some communication with the various elements of the Department in order to provide you with a comprehensive answer. We have enclosed copies of the comments received from some of the administrations with lists of activities which might be covered by sections 203 and 204 of the bill.

As you know, the Department engages in a great deal of informal rule making under section 553 of title 5, U.S. Code. These rule-making proceedings are concerned primarily with safety in the various modes of transportation, i.e., aviation, rail, highway, motor vehicle, boating, shipping, and pipeline. All of these regulatory activities would affect consumer interests as defined in the bill. However, the degree to which they do so varies widely and, as a result, it is difficult to make a general statement as to when consumer interests would be affected so as to warrant intervention by the Administrator. In some areas, such as the motor vehicle safety standards, almost all of the regulatory proceedings could be considered to have a substantial effect on consumer interests, both from the standpoint of consumer safety and cost of consumer goods. On the other hand, some safety regulations are so narrow in scope or so indirect in their effect upon the consumer that they would rarely have more than a minimal effect upon consumer interests. Into this latter category might fall such activities as the FAA's airspace reservations and air traffic rules.

The Department conducts very few other activities which would be subject to the Administrative Procedure Act or which would constitute an agency proceeding conducted on the record after a hearing. It would be most unlikely that any of these other proceedings would be considered as substantially affecting consumer interests.

The other major category of activities which would be subject to intervention under section 203(b) of the legislation is also rather difficult to establish with any degree of certainty. The proposed definition of "agency activity" is so general as to encompass a wide range of activities under the many statutes which the Department administers.

The enclosed comments will provide you with examples of Department of Transportation proceedings and activities which might be subject to CPA intervention. If we can provide you any additional information or any amplification on what has been provided herein, we will be happy to do so.

Sincerely,

JOHN W. BARNUM.

FEDERAL AVIATION ADMINISTRATION

RULEMAKING

In general, all FAA rule-making functions are performed subject to the provisions of the Administrative Procedure Act. Those proceedings subject to 5 U.S.C. 553 include the promulgation, revision, and amendment of all rules, regulations, minimum standards and procedures governing the following:

General rule making and enforcement procedures.

Aircraft, including design, materials, workmanship, construction, and performance of aircraft, aircraft engines, propellers, appliances and parts. Also their maintenance and alteration, identification and registration.

The certification of airmen and certain non-airmen, to insure possession of minimum qualifications with regard to knowledge, experience, competency, medical, and various others as required.

Airspace, including the designation and use of Federal airways, controlled airspace, reporting points, special use airspace, the establishment of jet routes and area navigation routes, and control of objects affecting navigable airspace.

Air traffic and general operating rules.

The certification and operations of operators, including air carriers, air travel clubs, and operators for compensation or hire.

The certification and operations of ground instructors, schools, and other certificated agencies.

The certification, operation, and maintenance of non-Federal navigational facilities.

Airports.

The transportation of hazardous materials and other dangerous articles by air.

Aircraft noise abatement and sonic boom.

CERTIFICATION

The Federal Aviation Act requires the Administrator to issue airman (pilot, aviation mechanic and crewmember) certificates; type, production and airworthiness certificates for aircraft, aircraft engines, propellers, and appliances; air carrier operating certificates (including certificates for air carriers, air travel clubs, and certain other operators for compensation or hire); navigation facility certificates; school, repair station, and other air agency certificates; and airport operating certificates.

While, by definition, issuance, or denial of such certificates amounts to an "adjudication" within the definition thereof in the Administrative Procedure Act (see 5 U.S.C. 551 (6) (7) and (9)), such are not adjudications "subject to" the provision of 5 U.S.C. 554 which applies only where a determination is required by statute to be made "on the record after opportunity for an agency hearing." Since the FAAct does not require a hearing in the issuance or denial of certificates,[1] 5 U.S.C. 554 is inapplicable and the Administrator of CPA could not therefor intervene as a party in such agency proceedings under sec. 203(a) of the bill. Again, however, the broad language of sec. 203(b) of the bill appears to authorize his limited participation in the issuance or denial phase of any agency certification process if he determines it may substantially affect the interests of consumers.

CPA intervention under sec. 203(a) of the bill would apparently not be authorized with respect to proceedings to amend, suspend or revoke any of the above-mentioned certificates. Except in the case of an "emergency," section 609 of the FAAct does require that the holder of a certificate to be amended, suspended, or revoked be afforded "an opportunity to . . . be heard as to why such certificates should not be amended . . . etc."

However, this would not, in our opinion, bring such proceedings within the operation of sec. 203(a). CPA could participate therein to the extent provided in 203(b). Also, a decision adverse to the certificate holder may be appealed to the NTSB, whose proceeding (which requires a hearing) would apparently be subject to intervention by the CPA under sec. 203(a) of the bill.

Opportunity for a formal hearing is afforded in our enforcement proceedings involving certificates of aircraft registration issued under Title V of the Federal Aviation Act. See 14 CFR 13.31 *et seq.* Briefly, these proceedings involve the suspension or revocation of such certificates for any cause that renders the aircraft ineligible for registration. Although hearings in such cases are not required by statute, they are provided in accordance with the provisions of the Administrative Procedure Act. Such proceedings would not appear to be within the operation of sec. 203(a) of the bill, unless that section be interpreted as authorizing CPA intervention in any proceeding "conducted on the record after opportunity for hearing," whether or not such is required by statute. In any case, sec. 203(b) participation would

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[1] Under sec. 602(b) of the FAAct, an applicant for issuance or renewal of an airman certificate whose application is denied is entitled to a hearing upon review of the denial by the National Transportation Safety Board. Presumably, the Board's adjudication proceeding would thus be open to intervention by CPA under sec. 203(a) of the bill.

be authorized with respect to these proceedings.

OTHER AGENCY ACTIVITIES

There are numerous functions of FAA which, although they do not fall into the class of formal proceedings in which the CPA might intervene under sec. 203(a) of the bill, nevertheless amount to "agency activities" in which the CPA may participate to the extent described in sec. 203(b) of the bill. By definition in sec. 401(4) of the bill, "agency activity" includes "any agency process, or any phase thereof, conducted pursuant to any authority or responsibility under law, whether such process is formal or informal, but does not mean any particular event within such process."

The limiting effect of the last-mentioned definitional caveat regarding "any particular event" is entirely unclear. We find it conceptually difficult to separate any agency "process" from the particular events which it comprises. To cite only one example, how is it possible to isolate a single event in the process by which determinations are reached as to whether agency records will be released to the public under the Freedom of Information Act (5 U.S.C. 552)?

Applying to the proposed bill a literal construction, it appears to us that sec. 203(b) thereof cuts across virtually every activity of this agency, formal or informal, that does not fall within its formal rulemaking or adjudicative functions. Carrying sec. 203(b) to its logical conclusion, the Administrator of CPA might, assuming he makes the requisite determination that the interests of consumers may be substantially affected thereby, "participate" to the extent described in sec. 203(b) of the bill in any of the following FAA activities:

The administration of grants under the Airport and Airway Development Act of 1970.

Agency procurement in establishing air navigation facilities and for research and development.

Collection and publication of information relative to civil aeronautics, including advisory circulars, aeronautical maps and charts, and technical study guides for airmen.

Formal and informal proceedings wherein U.S. positions are developed for international meetings on civil aviation matters.

Activities of the National Airspace System Program Office (NASPO), which is responsible for comprehensive long-range planning and development with respect to airspace usage.

General policy-making decision processes.

LIST OF COAST GUARD PROCEEDINGS OF INTEREST TO THE CONSUMER PROTECTION AGENCY UNDER S. 1177, SECTION 203

I. Formalized Proceedings.

a. Proceedings subject to the Administrative Procedure Act, 5 U.S.C. 553, 554, 556 or 557.

Rule Making Procedures under the Boating Safety Act, 46 U.S.C. 1451 et seq., and under the Life Saving Equipment Program, 46 U.S.C. 481, 489 et al.

b. Proceedings other than those subject to the above A.P.A. sections, but conducted on the record after opportunity for hearing.

The Coast Guard conducts no such proceedings significantly affecting the consumer.

II. Informal Activities.

The Boating Safety challenges dispute procedures, 46 U.S.C. 1464.

Boating Safety Council proceedings, 46 U.S.C. 1482.

Marine Safety Council proceedings which affect regulations under either the Boating Safety or Life Saving Equipment Program.

Life Saving Equipment Approval proceedings, 46 U.S.C. 481, 489, et al., and 46 C.F.R. parts 160–164.

FEDERAL HIGHWAY ADMINISTRATION

Paragraph 1. a.

(1) *Proceeding, looking towards the issuance, revocation, or modification of provisions of the Motor Carrier Safety Regulations (49 CFR Parts 391–397).* These proceedings constitute informal, legislative-type, rule making and are governed by the provisions of the Administrative Procedure Act, 5 U.S.C. 553. The FHWA Procedural Rules, 49 CFR Part 389, "Any interested person may participate in rulemaking proceedings by submitting comments in writing containing information, views, or arguments." 49 CFR 389.17(a). On rare occasions, the Director of the Bureau of Motor Carrier Safety (to whom rulemaking authority has been delegated) authorizes the holding of a legislative-type public hearing for the presentation of views by interested parties on a proposed rulemaking action. We frequently have the benefit of participation by interested Government agencies in these rulemaking proceedings. For example, the Department of the Army recently submitted comments to our Docket MC–12 upon a rule that affects the loading of commercial motor vehicles. We would welcome the participation of any other interested Government agency, including any new Consumer Protection Agency, if one were created.

(2) *Cease and desist proceedings against motor carriers.* In these proceedings, the Bureau of Motor Carrier Safety presents evidence relating to the compliance by a named motor carrier with the Motor Carrier Safety Regulations and the Hazardous Materials Regulations with the objectives of having the Federal Highway Administrator enter an order, under section 204(c) of the Interstate Commerce Act requiring the carrier to cease and desist from violations of the regulations. These proceedings are governed by the provisions of the Administrative Procedure Act relative to formal adjudications, 5 U.S.C. 554 and 556. Our Procedural Rules are found in 49 CFR Part 386. They provide that, "At any time before the date set for the hearing to begin, any person may petition the hearing examiner for leave to intervene. * * * Unless the hearing examiner's order states, otherwise, a party who has been granted leave to intervene is a party for the purpose of all subsequent proceedings." 49 CFR 386.14. Although it would be highly unusual for any party other than the carrier and the Bureau to participate in a cease and desist case, we see no reason why a Consumers Protection Agency with relevant evidence to submit could not do so.

(3) *Bridge toll review proceedings.* Under certain statutes, principally 33 U.S.C. 494 and 33 U.S.C. 526, the Federal Highway Administrator is authorized to determine whether tolls on certain Interstate bridges and bridges that span navigable waters of the United States are just and reasonable. The Administrator is authorized to prescribe just and reasonable rates of toll in those cases where he finds that the rates charged by the owner or operator of the bridge are either unjust or unreasonable. Procedures for review of toll rates are also governed by the provisions of the Administrative Procedure Act relating to formal adjudication, 5 U.S.C. 554, 556–558. Since the toll rates charged by bridge owners, principally those in major metropolitan areas, have an impact on commuter transportation costs, we normally find a great deal of consumer interest in these proceedings. Our Procedural Rules, 49 CFR Part 310, provide for the filing of a complaint by any interested person, 49 CFR 310.3 and for an unrestricted right of intervention by any interested person, 49 CFR 310.9. The Federal Highway Administration normally participates in these cases in the role of public counsel. However, there would appear to be no valid reasons why a Consumer Protection Agency could not also participate as an advocate for the consumer interest in these proceedings.

Paragraph 1. b.

Since the Secretary has to give his approval to them, the public hearings required by 23 U.S.C. 128, would fall under the description provided by Senator Allen's letter since they are of a quasi-legislative type. By virtue of PPM 20–8, the Federal Highway Administration provides in implementing that section, that both a location and design public hearing be held. The purpose of these hearings are "to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists." Since the effects that a highway will have on the "social, economic, and environment" of a community are discussed at these hearings, they should afford the Consumer Protection Agency an opportunity to intervene as an advocate for the consumer at a point when it will be most significantly felt.

It is to be noted that any hearings or rulemaking decisions affecting the consumer that the Federal Highway Administration is interested in involving labor and civil rights are conducted by the Department of Labor, Equal Employment Opportunity Commission and other agencies.

Paragraph 2.

One type of "agency proceeding" in which this agency is involved which would be subject to the APA would be the FHWA rulemaking process—agency memoranda which as defined by 5 U.S.C. 551(4) are classed as rules. Such memoranda are "agency statement[s] of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy . . . or . . . procedure, or practice requirements of an agency."

However, 5 U.S.C. 553 specifically provides that the rulemaking section does not apply where there is involved:

"(2) A matter relating to agency management or personnel or to public property, loans, *grants*, benefits, or contracts."

5 U.S.C. 553(b), also provides that "Except when notice or hearing is required by statute, this subsection does not apply—(A) to interpretative rules of agency organization, procedure, or practice. . . ." Therefore, the vast majority of FHWA memoranda would be exempted from the rulemaking provisions because they are either "interpretative rules," "general statements of policy," and most especially, "rules of agency organization or procedure."

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

I. Statutorily-authorized proceedings subject to the Administrative Procedure Act

National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)

Rulemaking—Standards and regulations relating to motor vehicles and motor vehicle equipment, importation, certification, defect reports, consumer information, tire identification and record keeping, tire uniform quality grading system, and tire retread limitation and such other rules and regulations as the Secretary deems necessary to carry out the Act

1. Petitions for rulemaking
2. Notices of proposed rulemaking
3. Petitions for extension of time for comment
4. Final rules
5. Petitions for reconsideration

II. Statutorily-authorized traffic activities other than those listed under I

A. National Traffic and Motor Vehicle Safety Act
1. Public meetings to assist rulemaking
2. Appointment of members of National Motor Vehicle Safety Advisory Council
3. Research and development
4. Decision to seek civil penalty or injunction
5. Decision to compromise civil penalty
6. Inspection, and investigation to enforce rules and regulations
7. Decision to disclose information relating to a safety defect
8. Determination of the existence of a defect related to motor vehicle safety
9. Issuance of a consumer protection bulletin
10. Planning, designing and constructing research and development and compliance facilities

B. Highway Safety Act of 1966 (23 U.S.C. 401 et seq.)
1. Promulgation of uniform highway safety programs standards
2. Waiver of standard to permit experimental, pilot or demonstration project
3. Waiver of requirement that 40 percentum of section 402 federal funds go to communities
4. Decision not to apportion section 402 federal funds to noncomplying States
5. Decision to make 10 percentum reduction in federal highway construction funds of noncomplying States
6. Suspension of highway construction fund penalty
7. Determination that provisions of chapter I of title 23, U.S.C., are inapplicable to chapter 4
8. Research and development
9. Appointment of members of National Highway Safety Advisory Committee

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URBAN MASS TRANSPORTATION ADMINISTRATION

The Urban Mass Transportation Administration (UMTA) administers the Federal program of grant and loan assistance to States and local public bodies desiring to acquire, construct, extend or improve publicly or privately owned urban mass transportation systems, as authorized by the Urban Mass Transportation Act of 1964 as amended (49 U.S.C. § 1601 et seq.). That program includes the following major activities:

Grants and loans for capital improvements to urban mass transportation systems.

Loans for the advance acquisition of land expected to be needed for such systems.

Research, development and demonstration projects in all phases of urban mass transportation.

Grants for planning of urban mass transportation systems and improvements thereto (technical studies).

Grants for university level research and training in urban transportation.

Grants to finance university fellowships for managerial, technical and professional personnel in the urban mass transportation field.

These activities are not subject to the formal "rule-making" requirements of the Administrative Procedure Act (5 U.S.C. § 553 (a)(2). UMTA does not engage in "adjudication" as described in 5 U.S.C. § 554, nor is there any requirement in the UMT Act that any determination be made on the record after opportunity for an agency hearing. Section 14(c) of the UMT Act (49 U.S.C. § 1610(c)) authorizes agency environmental hearings which would be subject to 5 U.S.C. § 555, but only if the Secretary finds that the record of environmental hearings required to be held at the local level is inadequate to permit him to make the requisite environmental findings. This has never happened and is not considered likely. Hence, the hearing and review procedures set forth in sections 556 and 557 do not apply to UMTA, and there would be no occasion for CPA to intervene or seek review under section 203(a) of S. 1177.

Section 203(b) of S. 1177 probably would authorize CPA to intervene in agency actions pursuant to the above-listed activities, such as, for example, approving or disapproving grant or loan applications, making planning and environmental findings, determining net project cost pursuant to section 4(a), determination by the Secretary of Labor of fair and equitable arrangements necessary for the protection of the interests of employees affected by a project, etc.

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
Baltimore, Md., July 17, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: In replying to your letter of June 8, I am assuming that the interest of the Government Operations Committee in relation to Senate Bill S. 1177 is in those proceedings and activities of the Social Security Administration which relate to members of the public in a consumer capacity. Our proceedings and activities in administering the cash benefit programs, i.e., retirement, survivors and disability benefits, are based on individual earnings records and on ascertaining on an individual basis for each claimant compliance with the requirements for entitlement to benefits set forth in the Social Security Act. Viewed in this light these proceedings and activities can scarcely be of interest from a consumer standpoint.

Our proceedings and activities in administering the health insurance provisions of the Social Security Act, on the other hand, may be of some interest to your committee in its deliberations on S. 1177. Following is a brief description of those proceedings and activities.

1. FORMALIZED PROCEEDINGS

a. *Rule Making*—Pursuant to direction of the Secretary of Health, Education and Welfare all proposed rules and regulations are required to be published in accordance with the public participation provisions of 5 U.S.C. 553 and the relevant provisions of the Federal Register Act, 44 U.S.C. 1501 et seq. Moreover, the Secretary has directed that the exceptions provided in 5 U.S.C. 553 are to be used sparingly in emergencies or where proposed amendments cover only minor technical matters (38 Federal Register 2532).

Health insurance regulations are contained in Regulations No. 5 of the Social Security Administration (Title 20 Code of Federal Regulations, Chapter III, Part 405). These regulations are promulgated by the Secretary of Health, Education and Welfare under authority conferred by Section 1871 of the Social Security Act (42 U.S.C., 1395 hh) and specify the conditions and procedures for entitlement to and payment of health insurance benefits, conditions for participation by providers of health services, procedures for the collection of premiums for medical insurance benefits, procedures for appellate processes, conditions for agreements with carriers and intermediaries, etc.

b. *Hearings and Appeals*—Section 1869(b) of the Social Security Act (42 U.S.C. 1395 ff. (b)) provides for a hearing "to the same extent as is provided by section 205(b) of (the act)" in the case of determinations as to entitlement to health insurance benefits and as to the amount of hospital insurance benfits where the matter in controversy is $100 or more. (Section 205(b) of the act, (42 U.S.C. 405(b) provides that a claimant or a survivor or dependent upon rquest, and on showing in writing that a decision of the Secretary may prejudice a right, shall be given reasonable notice and opportunity for a hearing.)

Section 1869(c) of the act (42 U.S.C. 1395 ff. (c)) provides a hearing right for any institution or agency dissatisfied with the Secretary's determination that it is not a provider of services or to terminate his agreement with a provider to the same extent as is provided by section 205(b).

Hearings pursuant to Section 205(b) and Sections 1869 (b) or (c) of the Social Security Act are conducted under procedures which conform to the requirements of 5 U.S.C. 556, 557. Such hearings are presided over by a hearing examiner of the Bureau of Hearings and Appeals, who is appointed in accordance with 5 U.S.C. 3105.

By regulation provision has been made for review of a hearing examiner decision by the Appeals Council of the Bureau of Hearings and Appeals at the request of a party or at the motion of the Appeals Council. (Sections 404.945–404.947 of Regulations No. 4 of the Social Security Administration, 20 CFR 404.945–404.947.)

With respect to the Supplementary Medical Insurance Benefits Program, section 1842(b)(3)(C) (42 U.S.C. 1395u(b)(3)(C)) provides that the contract entered into between the carrier and the Secretary of Health, Education and Welfare must provide for "procedures pursuant to which an (enrolled) individual . . . will be granted an opportunity for a fair hearing by the carrier when requests for payment . . . with respect to services furnished him are denied or are not acted upon with reasonable promptness or when the amount of such payment is in controversy."

A claimant may be represented by an attorney or other representative of his choice at all stages of formalized proceedings, as well as in all informal activities.

2. INFORMAL ACTIVITIES

These consist of the initial adjudication and reconsideration of claims for hospital and medical insurance benefits. Initial determinations in hospital insurance claims are generally made by intermediaries, who, under authority granted in contracts with the Secretary under Section 1816 of the Social Security Act (42 U.S.C. 1395(h)) and in compliance with pertinent regulations, receive claims executed by eligible individuals and forwarded by providers of services and make payment to the providers. Notice of the determinations made, including notice of the right to reconsideration, are sent to the recipients of the services.

An individual dissatisfied with the determination made on his hospital insurance benefit claim may have his claim reconsidered by personnel of the Administration's Bureau of Health Insurance and may subsequently have a hearing before a hearing examiner if the matter in dispute is $100 or more.

Determinations in claims for supplementary medical insurance benefits are made by carriers under agreements with the Secretary. These agencies are responsible also for any reconsideration of such determinations, and for granting fair hearings on request to which reference is made above.

I regret the delay in responding to your letter.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 17, 1972.

Hon. JAMES B. ALLEN,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your letter of July 10, 1972, regarding S. 1177, a bill to establish a Council of Consumer Ad-

visers and an independent Consumer Protection Agency (CPA), in which you requested a list of Commission formal proceedings and informal activities which would be subject to CPA intervention or participation.

I. FORMAL PROCEEDINGS

In administering the congressional mandate entrusted to the Commission under the federal securities law, the Commission is governed by the provisions of the Administrative Procedure Act (5 USC 551, *et seq.*) in its rulemaking and adjudicatory proceedings. For purposes of this letter, we have treated as rulemaking proceedings only those involving the adoption and promulgation of rules or statements of general applicability. We have treated as adjudications all proceedings which involve the determination of specific matters presented to the Commission relating to individual companies or applicants even though various of the proceedings may fall within the definition of "rulemaking" as contained in Section 2(c) of the Administrative Procedure Act.

A list of the Commission's rulemaking proceedings appears in attachment 1 to this letter. A list of the Commission's adjudicatory proceedings appears in attachment 2 to this letter.

II. INFORMAL ACTIVITIES

In addition to the proceedings discussed above, the Commission also engages in certain informal activities. A description of these informal activities is set out in Part 202 of Title 17 of the Code of Federal Regulations, a copy of which is attached (attachment 3).

If I can be of further assistance in this respect, please do not hesitate to let me know.

Sincerely,

WILLIAM J. CASEY,
Chairman.

SECURITIES ACT OF 1933

(15 U.S.C. secs., 77a–77aa)

1. Section 2(10): To designate information in a communication not deemed to be a prospectus in addition to that specifically required by statute.

2. Section 3(a)(2): To exempt from registration, securities involving a stock bonus, pension, profit-sharing or annuity plan which covers employees.

3. Section 3(b): To exempt securities from registration in addition to those specifically exempted by statute.

4. Section 3(c): To exempt from registration securities issued by a small business investment company under the Small Business Investment Act of 1958.

5. Section 6(d): To make required information in the registration statement available to the public and the prices to be charged therefor.

6. Section 7: To exempt classes of issuers of securities from including certain types of information in registration statements and generally to add to the requirements for information in registration statements.

7. Section 10(a)(4): To authorize omission from prospectuses of information otherwise required by statute.

8. Section 10(b): To authorize shortened prospectuses relating to securities as to which a registration statement is filed for use in connection with an offer and prior to the delivery of the security.

9. Section 10(c): To require information in prospectuses in addition to that specifically required by statute.

10. Section 10(d): To classify prospectuses and prescribe form and contents thereof.

11. Section 10(e): To prescribe size of type to be used in printing required portions of the prospectus.

12. Section 10(f): To prescribe filing of prospectuses consisting of radio and television broadcasts and forms and prospectuses used in offers and sales of registered securities.

13. Section 19(a): General rulemaking power—see question 2 infra.

Appendix, Schedule A.

14. Item 25. To prescribe details and form of balance sheet included in registration statement.

15. Item 26. To prescribe details and form of profit-and-loss statement in registration statement.

16. Final paragraph. To require information in the registration statements of certificates of deposit, etc., comparable to that required for other securities.

Appendix, Schedule B.

17. Item 5. To prescribe details and form as to receipts and expenditures in registration statements of securities issued by foreign governments or political subdivisions thereof.

SECURITIES EXCHANGE ACT OF 1934

(15 U.S.C. secs. 78a–78jj)

1. Section 3(a)(11): To add to the definition of equity securities.

2. Section 3(a)(12): To add to definition of exempted securities.

3. Section 3(b): To define technical trade and accounting terms.

4. Section 6(a): To prescribe the form of the registration statement.

5. Section 6(a)(2): To prescribe data to be included in an exchange registration statement.

6. Section 8(b): To provide for the net capital requirement of brokers or dealers.

7. Section 8(c): To provide conditions under which certain members, brokers, and dealers may hypothecate customers' securities.

8. Section 9(a)(6): To permit stabilization, etc., of securities prices.

9. Section 9(b): To permit puts, calls, or straddles, etc.

10. Section 9(c): To permit guaranties, etc., of puts, calls, straddles, etc., by exchange members.

11. Section 10(a): To prohibit stop-loss orders and short sales.

12. Section 10(b): To define manipulative or deceptive devices in connection with the purchases or sales of securities.

13. Section 11(a): To regulate floor trading and excessive trading by members of registered exchanges.

14. Section 11(b): To permit registered exchanges to make rules concerning odd-lot dealers and specialists and to require disclosure of orders placed with specialists.

15. Sections 12(b) and (c): To provide the form and contents of applications for registration of securities on national securities exchanges.

16. Section 12(d): To permit unissued securities to be registered.

17. Section 12(f): To suspend unlisted trading privileges for classes of securities, and to exempt securities which have unlisted trading privileges from provisions of sections 13, 14, or 16 of the act.

18. Section 12(g): To provide the form and contents of applications for registration of securities of unlisted, publicly-held issuers.

19. Section 12(g)(3): To exempt securities of foreign issuers from the registration requirements of section 12(g).

20. Section 12(g)(5): To define certain terms for purposes of section 12(g).

21. Section 12(h): To exempt any security or class of securities from section 12(g), or from section 13, 14, 15(d) or 16.

22. Section 13(a): To prescribe information in periodic reports and the copies which must be filed, and to require certification of financial statements contained therein.

23. Section 13(b): To prescribe the form of periodic reports.

24. Section 13(c): To require different types of reports for specified classes of issuers.

25. Section 13(d)(1): To prescribe the form for acquisition reports.

26. Section 13(d)(2): To prescribe the form of amendments to acquisition reports.

27. Section 13(d)(5): To prescribe instances in which a shortform notice may be filed in lieu of an acquisition report.

28. Section 13(d)(6)(D): To exempt certain acquisitions from the requirements of section 13(d).

29. Section 13(e)(1): To describe situations in which a registered closed-end investment company may purchase its own securities.

30. Section 13(e)(2): To describe situations in which persons controlling an issuer are subject to section 13(d).

31. Sections 14(a) and (b): To regulate the solicitation of proxies in respect of securities registered on a national securities exchange.

32. Section 14(e): To define means to prevent fraudulent, deceptive or manipulative actions.

33. Section 14(f): To prescribe information to be provided when a tender offer results in a new majority on the board of directors.

34. Section 15(b): To prescribe information in registration applications of brokers and dealers to prescribe specified and appropriate standards as to training experience and other necessary or desirable qualifications for persons associated with broker dealers who aren't members of a registered broker dealer association; to classify broker dealers and associated persons; to prescribe examinations for associated persons; to prescribe reasonable fees and charges in the administration of regulations governing associated persons.

35. Section 15(c)(1): To define fraudulent, manipulative, or deceptive devices by brokers and dealers.

36. Section 15(c)(2): To define and prescribe means designed to prevent fraudulent, manipulative, or deceptive practices and fictitious quotations by brokers and dealers.

37. Section 15(c)(3): To provide safeguards with respect to the financial responsibility of brokers and dealers.

38. Section 15(d): To provide for periodic reports by issuers under the Securities Act of 1933 who are required to undertake to file supplementary and periodic information and to exempt securities not comprehended within the purposes of this subsection.

39. Section 15A(a): To prescribe the form of registration statements for associations of brokers or dealers and data to be contained therein.

40. Section 15A(f): To prescribe forms of notice of withdrawal of registered associations of brokers or dealers.

41. Section 15A(j): To provide for filing of changes of the rules of registered associations of brokers or dealers.

42. Section 16(b): To exempt transactions of insiders from recovery of short-term profits where not comprehended within the purpose of the subsection.

43. Section 16(d): To subject foreign or domestic arbitrage transactions to provisions respecting short-term profits.

44. Section 17(a): To require the keeping of records and submission of reports by persons regulated.

45. Section 23(a): General rulemaking power.

46. Section 24(b): To make information available to the public and fix the price to be charged therefor.

47. Section 30(a): To permit brokers or dealers to effect transactions on foreign exchanges.

48. Section 30(b): To prohibit the transacting of business in securities outside the United States where it is conducted for the purposes of evasion of the act.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

(15 U.S.C., secs. 79–79z–6)

1. Section 2(a)(3): To exempt certain classes of companies from the provisions concerning electric-utility companies.

2. Section 2(a)(4): To exempt certain classes of companies from the provisions concerning gas-utility companies.

3. Section 3(a): To exempt certain holding companies and subsidiaries thereof from provisions of the act.

4. Section 3(b): To exempt certain subsidiary companies from provisions of the act.

5. Section 3(d): To exempt specific classes of subsidiaries or affiliates from provisions of the act.

6. Section 5(a): To prescribe the form of notification of registration for holding companies.

7. Section 5(b): To prescribe the form of registration statements for holding companies and the time for filing such statements; to prescribe the documents and information to be included therein; and to require certification of financial statements contained therein.

8. Section 5(c): To permit preliminary registrations and to set the time after which a complete statement must be filed.

9. Section 6(b): To exempt certain securities of subsidiaries of registered holding companies from the provisions of section 6(a) of the act, and to require information concerning transactions in these exempted securities.

10. Section 7(a): To prescribe the form of declaration for registered holding companies or subsidiaries as to transactions in their securities; to prescribe the information to be contained in such declarations, both that required to be filed under the Securities Act of 1933 and additional information.

11. Section 7(b): To fix the effective date of declarations under section 7(a).

12. Section 7(c)(1): To prescribe types of assets as security for bonds of registered holding companies and subsidiaries, the issuance and sale of which may be approved other than those specifically set forth in the act.

13. Section 7(c)(3): To authorize issue and sale of securities of registered holding companies or subsidiaries which had been authorized by the company prior to the passage of the act.

14. Section 9(c)(2): To prescribe certain marketable securities which registered holding companies or subsidiaries may acquire without approval of the Commission.

15. Section 9(c)(3): To prescribe types of commercial paper and securities, in addition to those specifically set forth in the act, which may be acquired by registered holding companies and subsidiaries without approval of the Commission.

16. Section 10(a): To prescribe the forms of applications by registered holding companies and subsidiaries for the acquisition of securities, utility assets, or any other interests in a business, and to prescribe the information to be contained therein.

17. Section 10(d): To provide for the time after which the Commission shall be ordered to approve an acquisition under section 9.

18. Section 11(d): To provide for the proposal of reorganization plans by persons having bona fide interests in the reorganization, and to define those persons, where the Commission has applied for court enforcement of section 11(b) orders.

19. Section 11(e): To provide for submission of plans for divestment or other steps looking toward compliance with the integration and simplification standards of the act.

20. Section 11(f): To provide for the proposal of reorganization plans by persons having bona fide interests in the reorganization and to define those persons in any court proceeding in which a receiver or trustee is appointed for a registered holding company or subsidiary, and to require approval by the Commission of fees, expenses, etc., in connection with any reorganization, dissolution, etc., of a registered holding company or subsidiary.

21. Section 11(g)(3): To prescribe requirements for solicitations in reorganizations.

22. Section 12(b): To permit intercompany loans, extensions of credit or indemnifications within a registered holding-company system.

23. Section 12(c): To permit the payment of dividends by registered holding companies and their subsidiaries, and to permit transactions in their own securities.

24. Section 12(e): To permit the sale of holdings of the securities of a public-utility company or of utility assets by a registered holding company.

25. Section 12(e): To permit solicitation of proxies regarding any security of a registered holding company or subsidiary.

26. Section 12(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts, and similar matters in the performance of any transaction not otherwise unlawful by a registered holding company or subsidiary company with certain affiliated companies.

27. Section 12(g): To prescribe reports, accounts, costs, etc., of any affiliate of any public utility company in connection with any transaction not otherwise unlawful with any company of which it is an affiliate.

28. Section 12(i): To prescribe the form and information to be included in reports of employees engaged in lobbying of registered holding companies or subsidiary companies and to prescribe the form and details of monthly statements of compensation and expenses for these employees.

29. Section 13(a): To permit service, sales or construction contracts by registered holding companies with associated companies under special or unusual circumstances.

30. Section 13(b): To permit service, sales, or construction contracts by subsidiary or mutual service companies with associated companies and to exempt certain transactions from provisions of this subsection.

31. Section 13(c): To prescribe generally for purposes of section 13 terms and conditions regarding the determination of costs and allocations thereof among specified classes of companies and for specified classes of service, sales, and construction contracts for the duration of such contracts, the making and keeping of accounts and cost accounting procedures, etc.

32. Section 13(d): To prescribe terms and conditions regarding applications for approval as mutual service companies, etc.

33. Section 13(e): To provide for reports, accounts, etc., of companies affiliated with public utility companies in connection with the performance of service, sales, or construction contracts.

34. Section 13(f): To provide for reports, accounts, etc., of companies whose principal business is service, sales, or construction for public utilities and holding companies.

35. Section 13(g): To prescribe the form in which the Commission's recommendations for leigslation relating to service contracts, etc., shall be made available to the public and the charges for copies of such recommendations.

36. Section 14: To prescribe forms for and information to be continued in periodic reports of registered holding companies and mutual service companies.

37. Section 15(a): To prescribe the keeping of accounts, papers, records, correspondence, etc., for registered holding companies and subsidiary companies.

38. Section 15(b): To prescribe keeping of accounts, papers, records, correspondence, etc., for affiliates of registered holding companies or subsidiaries.

39. Section 15(c): To prescribe the keeping of accounts, papers, records, correspondence, etc., for mutual service companies and affiliates of mutual service companies.

40. Section 15(d): To prescribe the keeping of accounts, papers, records, correspondence, etc., for every person whose principal business is the performance of service, sales, or construction contracts for public utility or holding companies.

41. Section 15(i): To prescribe uniform methods of keeping accounts and of classifying or segregating accounts, etc., for any person subject to sections 15 (a), (b), (c), or (d).

42. Section 17(a): To prescribe the form of reports which officers or directors must file with the Commission as to their security holdings in registered holding companies.

43. Section 17(b): To exempt transactions by insiders in the securities of a registered holding company from the provisions concerning short-term profits.

44. Section 17(c): To exempt registered holding companies or subsidiary companies from the rules against interlocking directorates.

45. Section 19: To provide for the admission of States, State commissions, etc., as parties to hearings before the Commission.

46. Section 20: General rulemaking provision.

47. Section 22(a): To prescribe the information that shall be made available to the public under this act and the prices to be charged therefor.

INVESTMENT COMPANY ACT OF 1940

(15 U.S.C., secs. 80a–1—80a–52)

1. Section 2(a)(20): To exempt persons from the definitions of investment adviser.

2. Section 2(a)(38): To designate other commercial types of securities which may be classified as short-term paper.

3. Section 2(a)(41)(b): To set dates for asset valuation of investment companies; to permit any security of a registered diversified company to be carried at cost when the assets thereof are not subject to the limitations provided for in section 5(b)(1); and to permit valuation of securities at cost or other basis for convenience and necessity in compling with other laws.

4. Section 6(c): To exempt persons, securities, or transactions from any provisions of the act.

5. Section 6(d): To exempt small intrastate closed-end companies from any provisions of the act.

6. Section 6(e): To condition exemptions so as to make certain provisions of the act applicable to nonregistered companies.

7. Section 8(a): To prescribe the form for notification of registration under the act.

8. Section 8(b): To fix the time for filing and to prescribe the form of and the information to be furnished in a registration statement.

9. Section 8(c): To permit the use of documents and information contained therein filed under other statutes in lieu of forms prescribed under the Investment Company Act.

10. Section 8(d): To prescribe for a unit investment trust, whose assets consist of securities of another registered company, a registration statement which eliminates duplication of information required of such other company.

11. Section 10(e): To prescribe periods in excess of 60 days during which the provisions concerning the eligibility of directors may be suspended.

12. Section 10(f): To exempt transactions from the prohibition that no registered in-

vestment company shall knowingly purchase or otherwise acquire certain securities during the existence of any underwriting or selling syndicate thereof.

13. Section 11(a): To prescribe the terms under which an offer of exchange may be made by a registered investment company or any principal underwriter of such a company to a holder of a security of such a company.

14. Section 12(a): To provide for the purchase of securities on margin; participation on a joint or a joint and several basis in any trading account in securities; and short sales of securities.

15. Section 12(b): To provide for the distribution by an open-end company of its securities other than through an underwriter.

16. Section 17(d): To provide for the limiting or preventing of participation by a registered company of any company controlled by such registered company on a basis different from or less advantageous than that of other participants, in connection with transactions involving affiliates of a principal underwriter for such registered investment company.

17. Section 17(e)(2): To permit commissions in excess of 1 percent for the purchase and sale of securities by an affiliate acting as a broker when the transaction is effected other than on a securities exchange or in connection with a secondary distribution.

18. Section 17(f): To provide for employment of members of a national securities exchange as custodians for securities and investments of registered management companies; to prescribe the safekeeping procedures for such custodians; to provide for the maintenance of portfolio securities in the custody of a registered management company; and if a qualified bank acts as custodian, to prescribe safekeeping procedures for the registered investment company's cash.

19. Section 17(g): To prescribe bonding requirement for officers and employees who have access to securities or funds of a registered investment company.

20. Section 17(j): To prevent fraudulent, deceptive or manipulative acts, practices or courses of business by principal underwriters and investment advisers of registered investment companies and affiliated persons of such principal underwriters and investment advisers.

21. Section 18(f)(1): To permit periods in excess of 3 days in which a registered open-end company must reduce its bank borrowings when the asset coverage of its bank borrowings fall below 300 percent.

22. Section 18(f)(2): To prescribe the percentage of outstanding voting securities of each class or series affected required for a matter to be effectively acted upon in connection with the definition of "senior security" for purpose of Section 18.

23. Section 18(i): To permit exceptions from the requirement that shares of stock issued by a registered management company must be voting stock.

24. Section 18(j)(1): To permit the issuance by a registered face-amount certificate company of securities other than the type prescribed in the statute.

25. Section 18(j)(2): To permit the declaration, distribution, or payment of dividends for a company which has securities outstanding other than in situations specified in section 18(j)(1).

26. Section 19(a): To prescribe the form of written disclosure where dividends are from sources other than income.

27. Section 19(b): To permit registered investments companies from distributing long term capital gains more often than once every twelve months.

28. Section 20(a): To provide for the solicitation of proxies, consents, or authorizations regarding securities of a registered investment company.

29. Section 22(b)(2): To adopt rules pursuant to section 15(b)(10) of the Securities Exchange Act to provide for sales of investment company shares by broker-dealers subject to regulation under section 15(b)(8) of that Act at a public offering price which shall not include an excessive sales load.

30. Section 22(b)(3): To alter or supplement rules of any securities association to effectuate the purpose of subsection (b) in the manner provided by section 15A(k)(2) of the Securities Exchange Act.

31. Section 22(c): To prescribe, as provided in subsection (a) with respect to a registered securities association, methods of computing minimum prices at which a dealer may purchase and sell a redeemable investment company security, minimum periods of time which must elapse between sale and resale of redemption of such a security by a dealer applicable to all registered investment companies, principal underwriters of and dealers in redeemable investment company securities, for the purpose of eliminating or reducing so far as practicable any dilution of the value of other outstanding shares of the investment company.

32. Section 22(e): To prescribe the conditions under which trading shall be deemed to be restricted or an emergency to exist for purposes of suspending the right of redemption or to postpone the date of redemption of redeemable securities for more than 7 days.

33. Section 22(f): To provide for the restriction by a registered open-end company of the transferability or negotiability of any security which it issues.

34. Section 23(b): To prescribe circumstances under which a closed-end company may sell its shares for less than the current net asset value of such stock.

35. Section 23(c)(1): To designate the open markets in which a closed-end company may repurchase its securities.

36. Section 23(c)(3): To prescribe the circumstances other than those specified in Section 23(c)(1) and (2) under which a closed-end company may repurchase its securities.

37. Section 24(a)(1): To prescribe the material filed under the Investment Company Act which a registered investment company may file in lieu of materials otherwise required when registering its securities under the Securities Act of 1933.

38. Section 24(a)(2): To prescribe additional information to be filed by registered investment companies for registration of their securities under the Securities Act of 1933.

39. Section 24(c): To prescribe the order, form, and presentation of information contained in any prospectus or summary thereof in respect to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933.

40. Section 24(d): To prescribe the extent and terms and conditions under which a transaction involving a security issued by a face-amount certificate company, open-end company, or unit investment trust may be exempt under the third clause of section 4(3) of the Securities Act of 1933.

41. Section 24(e)(3): To prescribe circumstances under which a prospectus relating to securities issued by face-amount certificate company, open-end company, or unit investment trust, which varies from section 10(a)(3) of the Securities Act of 1933 in respect of the latest prospectus filed under that act, may be deemed to meet the requirements of Section 10 of the Securities Act.

42. Section 24(f): To provide for registration of securities issued by face-amount certificate companies, redeemable securities issued by open-end investment companies or unit investment trusts which are sold in excess of the number of securities included in the effective registration statement of any such company.

43. Section 26(a)(2)(C): To prescribe reasonable fees for administrative services performed by a depositor or principal underwriter for a unit investment trust.

44. Section 27(a)(5): To prescribe reasonable management fees for a management company issuing periodic payment plans.

45. Section 27(a)(6): To prescribe reasonable fees for depositor or principal underwriter of a unit investment trust whose assets consist of securities of a management investment company. where such fees are payable by the management company.

46. Section 27(b): To grant exemption to smaller investment companies issuing periodic payment plan certificates from provisions of section 27(a)(1), (2) and (3) regulating sales loads on periodic payment play certificates.

47. Section 27(d): To specify reserve requirement applicable to underwriters and depositors for periodic payment plan certificates in order for such underwriters and depositors to refund sales charges required by this subsection.

48. Sectoin 27(e): To specify the method, form and contents of the notice required to be sent to each periodic payment plan certificate holder who has missed a specified number of payments of his right to surrender his certificate.

49. Section 27(f): To specify the method, form and contents of the notice which the custodian bank is required to send to certificate holders stating charges to be deducted from the projected payments; to specify reserve requirements applicable to underwriters and depositors of companies issuing periodic payment plan certificates necessary to carry out their obligation to refund sales charges.

50. Section 27(h)(6): To prescribe reasonable management fees for management face-amount certificate companies which invest in securities subject to management fees.

51. Section 27(h)(7): To prescribe reasonable fees to be paid to depositors for or principal underwriters of unit investment trusts or to affiliated persons of such depositors or underwriters.

52. Section 28(a)(2)(G): To prescribe appropriate contingency reserves for death and disability benefits and for reinstatement of rights of any face-amount certificate providing for such benefits or rights.

53. Section 28(b): To designate investments which are "qualified investments" for registered face-amount certificate companies.

54. Section 28(c): To provide for depositing and maintaining of the required reserves of a registered face-amount certificate company with a bank, and the terms and conditions of such arrangement.

55. Section 28(d): To provide deferments in addition to those described in section 28(d) for the payment of face-amount certificates prior to maturity and to prescribe terms and conditions in respect to such deferment.

56. Section 30(b)(1): To provide for the filing of information and documents on a quarterly or semiannual basis and to keep reasonably current the information and statement of subject companies.

57. Section 30(c): To permit filing with the Commission and securities exchanges copies of various reports required under the Investment Company Act in lieu of those required under the Securities Exchange Act of 1934.

58. Section 30(d): To prescribe the financial contents of the reports required to be transmitted, at least semiannually, to stockholders by registered investment companies; to permit inclusion of an item of comparable character in lieu of an item which is applicable or inappropriate to any specified type of investment company.

59. Section 30(e): To require certification by independent public accountants of financial statements filed pursuant to sections 30(a) and (d); to prescribe the information such statements are to contain with respect

to the nature and the scope of the audit and findings and opinion of the accountants; and to prescribe the type of statement required with respect to verification of portfolio securities by actual examination or certificate of the custodian.

60. Section 31(a): To prescribe accounts, books, and other documents to be maintained by every registered investment company and by every investment adviser, depositor of a registered investment company, and by a principal underwriter of a registered company other than a closed-end company, and to prescribe the period of time the same shall be preserved.

61. Section 31(c): To provide for uniformity in accounting principles and policies to be followed by registered investment companies.

62. Section 32(c): To require accountants and auditors to keep reports, worksheets, and other documents and papers relating to registered investment companies and to make the same available for inspection by the Commission and to prescribe the period or periods for the retention of such materials.

63. Section 34(a): To provide for the destruction of records required to be maintained under sections 31(a) or 32(c).

64. Section 38(a): General rulemaking power.

65. Section 38(b): To permit incorporation by reference of any information or documents required to be filed with the Commission under certain other statutes.

66. Section 40(b): To permit an application verified under oath to be admissible in evidence in a proceeding before the Commission and to provide that the record in such a proceeding may consist, in whole or in part, of such application.

67. Section 40(c): To provide for admission of parties in hearings before the Commission.

68. Section 45(a): To provide for exemptions from public disclosure of information filed with the Commission.

69. Section 45(b): To prescribe limitations and to fix fees respecting the furnishing of copies of documents and information contained in the Commission's public files.

TRUST INDENTURE ACT OF 1939

(15 U.S.C., secs. 77aaa–bbb)

1. Section 303(3)(B): To designate information in communications not deemed to be a prospectus in addition to that specifically required by statute.

2. Section 305(a)(1): To designate information and documents in registration statements.

3. Section 305(c): To designate contents of prospectus.

4. Section 306(b): To prescribe whether prospectus or security must be accompanied by analysis statement.

5. Sections 307(a) and (b): To prescribe the form for application for qualification under the act and to require information and documents in addition to that specifically required by the act. To provide for making information available to the public and the charges to be made therefor. To provide for the medium of payment of the $100 due under this section.

6. Section 308(a): To authorize incorporation by reference of documents filed under other acts administered by the Commission.

7. Section 308(b): To provide for consolidation of documents filed and proceeding initiated under other acts administered by the Commission.

8. Section 314(a): To provide for reports by the obligor to the trustee and to the Commission.

9. Section 319: General rulemaking power.

INVESTMENT ADVISERS ACT OF 1940

(15 U.S.C., secs. 80b1–21)

1. Section 202(a)(11): To exempt people not within the meaning of the act.

2. Section 203(c): To prescribe the form and content of applications for registration with certain limitations.

3. Section 204(a): To prescribe forms for annual and special reports by investment advisers.

4. Section 206(a): To exempt any person or transaction, or any class or classes of persons, or transactions, from any provision of this title or rule or regulation thereunder.

5. Section 210(a): To exempt from public disclosure information in applications for registration and in reports filed by investment advisers.

6. Section 211: General rulemaking power.

SECURITIES ACT OF 1933

(15 U.S.C., secs. 77a–77aa)

1. Section 7: To dispense with filing of written consents of experts in hardship cases.

2. Section 8(a): To accelerate effective date of registration statements.

3. Section 8(b): To refuse permission for a registration statement to become effective.

4. Section 8(c): To accelerate effective date of preeffective amendments to registration statements.

5. Section 8(d): To suspend the effectiveness of a registration statement.

6. Section 10(b): To prevent or suspend use of summary prospectuses.

Appendix, schedule A

7. Item 30.—To permit nondisclosure of any portion of a contract when such disclosure would impair its value and would not be necessary for protection of investors.

SECURITIES EXCHANGE ACT OF 1934

(15 U.S.C., secs. 78a–78jj)

1. Section 5: To exempt an exchange from registration where, because of the limited volume of transactions on such exchange, registration is not practicable.

2. Section 6(e): To grant or to deny registration of an exchange as a national securities exchange.

3. Section 6(f): To permit an exchange to withdraw its registration.

4. Section 11(c): To exempt an exchange and its members from the provisions of section 11(a) and (b) and the rules adopted thereunder when the limited volume of transactions on the exchange make application of such provisions impracticable and unnecessary.

5. Section 12(d): (1) To accelerate the effectiveness of the registration of a security on an exchange; and (2) to impose terms on the withdrawal of registration of a security.

6. Section 12(f): (1) To continue or extend unlisted trading privileges to a security; and (2) and (4) to terminate unlisted trading privileges.

7. Section 12(g)(1): To extend the date for a filing required under section 12(g).

8. Section 12(g)(4): To authorize the termination of a registration under section 12(g).

9. Section 13(d)(5): To permit the filing of a short notice rather than a section 13(d) acquisition statement.

10. Section 13(d)(6)(D): To exempt certain transactions from section 13(d).

11. Section 15(b): To accelerate effective date of application for registration as a broker-dealer—to defer the effective date of the registration of a broker-dealer until the 30th day after the filing of an amendment to the application for registration where the amendment is filed before registration becomes effective.

To censure, deny registration to, suspend for a period not exceeding 12 months, or revoke the registration of, any broker or dealer upon finding that such measures are in the public interest and that certain statutory disqualificatoins exist.

To postpone the effective date of broker-dealer registration not more than 15 days, pending final determination whether registration shall be denied.

To postpone the effective date of broker-dealer registration until final determination on the question of denial of registration.

To suspend broker-dealer registration if such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors, pending final determination whether any broker-dealer registration shall be revoked.

To impose such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors upon withdrawal of broker-dealer registration.

To cancel registration as a broker-dealer or of an application for registration as a broker-dealer if such broker-dealer is no longer in existence or has ceased to do business as a broker-dealer.

12. Section 15A(b)(4): To approve or direct the admission to or the continuance in membership of a member of a national securities association in certain cases where such member or any controlling or controlled person of such member is subject to certain disqualifications.

13. Section 15A(h)(1): To affirm to dismiss an order entered by a registered securities association in a disciplinary action by such association against a member thereof.

14. Section 15A(h)(2): To cancel, reduce, or require the remission of a penalty imposed upon a member by a national securities association.

15. Section 15A(h)(3): To review the denial of membership in a registered securities association.

16. Section 15A(k)(1): To abrogate any rule of a registered securities association, if it appears to the Commission such abrogation is necessary or appropriate to assure fair dealing by members and otherwise to protect investors.

17. Section 15A(k)(2): To alter or supplement the rules of a registered securities association as to certain specified matters.

18. Section 15A(l)(1): To suspend or revoke the registration of a registered securities association for violation of the act or rules thereunder, the failure to enforce compliance with its own rules, or other activity tending to defeat purposes of section 15A.

19. Section 15A(1)(2): To suspend or expel a member from a registered securities association upon finding that such member is subject to certain statutory disqualifications.

20. Section 15(A)(1)(3): To remove from office any disqualified officer or director of a registered securities association.

21. Section 19(a)(1): To suspend or withdraw the registration of a national securities exchange for violation of the act or the rules and regulations thereunder, or for failure to enforce compliance therewith by a member or an issuer of a security registered thereon.

22. Section 19(a)(2): To deny, suspend the effective date of, suspend, or withdraw the registration of a security if the issuer has failed to comply with the act or the rules and regulations thereunder.

23. Section 19(a)(3): To suspend or expel any officer or member of a national securities exchange who has violated any provision of the act or the rules and regulations thereunder, or who has effected any transaction for any person he has reason to believe is violating the act or the rules and regulations thereunder.

24. Section 19(a)(4): To suspend trading summarily for a period not exceeding 10 days in any security registered on a national securities exchange, or with the approval of

the President, to suspend summarily all trading for a period not exceeding 90 days on any national securities exchange.

25. Section 19(b): To alter or supplement the rules of a national securities exchange in respect of certain matters enumerated in this section.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935
(15 U.S.C., secs., 79–79z6)

1. Section 2(a)(3): To declare that certain classes of companies shall not be deemed electric utility companies and to revoke any such declarations.

2. Section 2(a)(4): To declare that certain classes of companies shall not be deemed gas utility companies and to revoke any such declarations.

3. Section 2(a)(7)(B), first sentence: To declare a person to be a holding company irrespective of stock ownership.

4. Section 2(a)(7)(B), second sentence: To declare that a company holding stock in another company is not a holding company and to revoke or modify any such declarations.

5. Section 2(a)(8)(B), first sentence: To declare a person to be a subsidiary company irrespective of stock ownership.

6. Section 2(a)(8)(B), second sentence: To declare that a company whose stock is held by a specified company is not a subsidiary company of such specified company and to revoke or modify any such declarations.

7. Section 2(a)(11)(D): To declare that any person or class of persons are affiliates of a specified company.

8. Section 2(b): To revoke an order declaring a person to be a holding company, subsidiary company or affiliate upon a finding that the circumstances which gave rise to the issuance of such order no longer exist.

9. Section 3(a): To exempt certain holding companies and subsidiaries thereof from provisions of the act.

10. Section 3(b): To exempt certain subsidiary companies from provisions of the act.

11. Section 3(c): To revoke orders exempting holding companies and subsidiaries when the circumstances which gave rise to the issuance of such orders no longer exist.

12. Section 5(b): To prescribe the form of initial registration statements for holding companies and the time for filing such statements.

13. Section 5(b)(1): To prescribe certain corporate or partnership documents to be included in initial registration statements.

14. Section 5(b)(2): To prescribe the form and copies of documents to be included in initial registration statements of holding companies containing information relating to specific aspects of the business of registrants and associate companies.

15. Section 5(b)(3): To prescribe additional information or documents to be included in initial registration statements concerning the relations between registrant and associate companies.

16. Section 5(c): To permit preliminary registrations and to set the time after which a complete initial statement must be filed.

17. Section 5(d): To declare that a registered holding company has ceased to be a holding company and to deny requests for such declarations.

18. Section 6(b), first sentence: To permit a registered holding company or subsidiary to issue, renew, or guarantee certain short-term notes and drafts in excess of 5 percent of the principal amount and par value of the company's other outstanding securities.

19. Section 6(b), third sentence: To exempt securities of certain subsidiaries from the provisions of sections 6(a) and 7 of the act and to require information concerning transactions in these exempted securities.

20. Section 7(a)(1): To prescribe certain information and documents contained in registration statements under the Securities Act of 1933 to be included in declarations regarding transactions in securities of registered holding companies and subsidiaries.

21. Section 7(a)(2): To prescribe certain additional information and documents to be contained in declarations regarding transactions in the securities of registered holding companies and subsidiaries.

22. Section 7(b): To fix the effective date of declarations filed under section 7(a); to require declarants to show cause why declarations should become effective; and to permit or deny the effectiveness of such declarations.

23. Section 7(c)(1): To prescribe types of assets, other than those specifically set forth in the act, as security for bonds of registered holding companies and subsidiaries, the issuance and sale of which may be approved.

24. Section 7(c)(3): To authorize the issue and sale of securities of registered holding companies or subsidiaries which had been authorized by the company prior to the passing of the act.

25. Section 9(c)(3): To prescribe commercial paper and other securities, in addition to those specifically set forth in the act, which may be acquired by a registered holding company or subsidiary in the ordinary course of business without approval of the Commission.

26. Section 10(a)(1): To require information with respect to applications for approval of acquisitions of securities.

27. Section 10(a)(2): To require information with respect to applications for approval of acquisitions of utility assets.

28. Section 10(a)(3): To require information with respect to applications for the approval of acquisitions of interests in other businesses.

29. Section 10(b) 2d sentence: To impose conditions in approving acquisitions of the securities of another company.

30. Section 10(d): To provide for the time after which the Commission shall approve or deny an application for the acquisition of securities, utility assets, or interests in other businesses.

31. Section 10(e): To prescribe terms and conditions respecting authorizations to acquire securities or utility assets.

32. Section 11(b)(1): To require each registered holding company and each subsidiary thereof to take action to limit the operations of the holding company system of which such company is a part to a single integrated public utility system together with reasonably incidental business and to permit the retention of additional integrated systems under specified conditions.

33. Section 11(b)(2): To require each registered holding company and each subsidiary company thereof to take steps to insure that the corporate structure or continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders of such holding company system.

34. Section 11(b) penultimate sentence: To revoke or modify any order previously made under section 11(b) upon a finding that the conditions upon which the order was predicated do not exist.

35. Section 11(c): To extend the period for compliance with an order under section 11(b).

36. Section 11(d): To approve plans of reorganizations for companies with respect to which a trustee has been appointed by an appropriate court.

37. Section 11(e): To provide for submission of and approval of plans filed by registered holding companies and subsidiaries thereof for divestment or other steps looking toward compliance with the integration and simplification standards of the act.

38. Section 11(f): To approve reorganization plans (prior to submission to a United States court) of registered holding companies or subsidiaries thereof with respect to which a trustee or receiver has been appointed and to require that any or all fees, expenses, and remuneration in connection with any reorganization, dissolution, liquidation, bankruptcy, or receivership of a registered holding company or subsidiary company in any such proceeding shall be subject to approval by the Commission.

39. Section 11(g)(3): To prescribe requirements for solicitations in reorganizations.

40. Section 12(b): To permit intercompany loans, extensions of credit or indemnifications with a registered holding company system.

41. Section 12(c): To permit the payment of dividends by registered holding companies and their subsidiaries and to permit transactions in their own securities.

42. Section 12(d): To permit the sale of holdings of the securities of a public utility company or of utility assets by a registered holding company.

43. Section 12(e): To permit the solicitation of proxies regarding any security or a registered holding company or subsidiary.

44. Section 12(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of inteerst, duration of contracts and similar matters in the performance of any transaction not otherwise unlawful by a registered holding company or subsidiary company with any company in the same holding company system or with any affiliate of a company in such holding company system.

45. Section 12(g): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, duration of contracts and similar matters in respect of any affiliate of any public utility company, or of any registered holding company or subsidiary thereof in connection with any transaction not otherwise unlawful with any such company of which it is an affiliate.

46. Section 12(i): To prescribe the form and information to be included in reports of employees and representatives engaged in presenting, advocating, or opposing any matter affecting any registered holding company or subsidiary thereof before Congress and the SEC and FPC and to prescribe the form and details of periodic statements of compensation and expenses for such employees and representatives.

47. Section 13(a): To permit service, sales or construction contracts by registered holding companies with associated companies under special or unusual circumstances.

48. Section 13(b): To permit service, sales or construction contracts by subsidiary or mutual service companies with associated companies and to exempt certain transactions from provisions of this subsection.

49. Section 13(c): To prescribe for purposes of section 13 terms and conditions regarding the determination of costs and allocations thereof among specified classes of companies and for specified classes of service, sales and construction contracts, the duration of such contracts, the making and keeping of accounts and cost accounting procedures, etc.

50. Section 13(d): To prescribe terms and conditions regarding the manner in which application may be made for approval as a mutual service company; to grant and continue such approval; to require reallocation or reapportionment of costs and elimination of unnecessary services among member companies of a mutual service company; and to revoke, suspend, or modify the approval given any mutual service company for specified causes.

51. Section 13(e): To prescribe reports, accounts, maintenance of competitive conditions, disclosure of interest, duration of contracts and similar matters in respect of com-

panies which undertake to perform service, sales or construction contracts for public utility companies and for registered holding companies and subsidiaries.

52. Section 13(f): To prescribe reports, accounts, costs, maintenance of competitive conditions, disclosure of interest, and duration of contracts in respect of persons whose principal business is the performance of service, sales, or construction contracts for public utilities and holding companies.

53. Section 14: To prescribe information to be filed in periodic and other reports by registered holding companies and by mutual service companies.

54. Section 15(f): To prescribe the account or accounts in which particular outlays, receipts, and other transactions by persons subject to section 15 shall be entered, charged, or credited, and the manner in which such entry, charge, or credit shall be made, and require an entry to be modified or supplemented so as properly to show the cost of any asset or any other cost.

55. Section 20(a): To make, issue, amend, and rescind such orders as it may deem necessary or appropriate to carry out the provisions of the act.

56. Section 20(c): To classify persons and matters within the Commission's jurisdiction, and to prescribe different requirements for different classes of persons or matters.

57. Section 20(d): To permit the incorporation by reference of information and documents filed previous to or concurrently with other filings under the act or the Securities Act of 1933 and the Securities Exchange Act of 1934.

TRUST INDENTURE ACT OF 1939

(15 U.S.C., secs. 77aaa–77bbbb)

1. Section 304(c): To exempt certain securities where compliance with provisions of the act would require consent of security holders to amendment of indenture or impose undue burden.

2. Section 304(d): To exempt securities issued by foreign governments.

3. Section 305(b): To refuse effectiveness of registration statements.

4. Section 305(c): To include supplementary analysis in prospectuses.

5. Section 307(c): To accelerate effective date of applications for qualification of indentures where securities are not registered under the Securities Act of 1933.

6. Section 308(a): To authorize incorporation by reference of documents filed under other acts administered by the Commission.

7. Section 308(b): To consolidate applications, reports, and proceedings with those under other acts administered by the Commission.

8. Section 310(b)(1)(i): To disqualify trustee from acting as such under two or more indentures upon Commission initiative.

9. Section 310(b)(1)(ii): To permit trustee to act as such under two or more indentures upon application.

10. Section 312(b): To sustain or refuse to sustain objections to mailing by trustee of communications to security holders.

11. Section 319(a): To issue orders to carry out the provisions of the act.

INVESTMENT COMPANY ACT OF 1940

(15 U.S.C., secs. 80a–1, 80–52)

1. Section 2(a)(9): To determine whether a company or a natural person shall be presumed to be a controlled person within the meaning of the act, and to revoke or modify such order upon a finding that the determination embraced in the original order is no longer consistent with the facts.

2. Section 2(a)(19): To exempt persons from the definition of "investment adviser."

3. Section 2(a)(39): To permit certain securities of a registered diversified company to be carried at cost when the assets thereof are not subject to the limitation provided for in section 5(b)(1).

4. Section 3(b)(2): To exempt an issuer from the definition of "investment company" contained in section 3(a)(3); to extend the period of temporary exemption and to revoke exemption orders upon a finding that circumstances which gave rise to the issuance thereof no longer exist.

5. Section 6(b): To exempt employees' security companies from any provisions of the act.

6. Section 6(c): To exempt persons, securities, or transactions from any provisions of the act.

7. Section 6(d): To exempt small, intrastate, closed-end companies from any provisions of the act.

8. Section 6(e): To condition exemptions so as to make certain provisions of the act applicable to nonregistered companies.

9. Section 7(d): To permit investment companies organized or otherwise created under the laws of a foreign country to register under the act, and to permit such companies to make a public offering of their securities.

10. Section 8(c): To permit the use of documents and information contained therein filed under other statutes in lieu of forms prescribed under the Investment Company Act.

11. Section 8(d): To prescribe for a unit-investment trust, whose assets consist of securities of another registered company, a registration statement which eliminates duplication of information required of such other company.

12. Section 8(e): To suspend or revoke the registration of investment companies.

13. Section 8(f): To declare that the registration of an investment company has ceased to be in effect, and to deny such declarations.

14. Section 9(b): To permit otherwise ineligible persons by reason of section 9(a) to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit-investment trust, or registered face-amount-certificate company.

15. Section 10(e): To prescribe periods in excess of 60 days during which the provisions concerning the eligibility of directors may be suspended.

16. Section 10(f): To exempt transactions from the requirement that no registered investment company shall knowingly purchase or otherwise acquire certain securities during the existence of any underwriting or selling syndicate thereof.

17. Section 12(a): To regulate activities of any registered investment company relating to marginal purchases, joint trading accounts, and short sales.

18. Section 12(g): To permit the acquisition by any registered investment company and any company or companies controlled by such investment companies from another investment company or any company or companies controlled by such registered companies, more than 10 percent of the total outstanding voting stock of any insurance company owned by any such company or companies, or the acquisition of the securities of any insurance company upon a determination that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof.

19. Section 14(a): To suspend the effectiveness of registration statements under the Securities Act of 1933, and to suspend or revoke the registration of a company under the Investment Company Act for reasons specified in the latter act.

20. Section 16(a): To extend the 60-day period within which a meeting of stockholders shall be held for the purpose of electing directors to fill any existing vacancies in the board of directors of a registered investment company when at any time less than a majority of the directors are persons who were elected by the holders of the outstanding voting securities of such company.

21. Section 16(b): To sustain or refuse written statements of objections of trustees to material proposed to be communicated to other shareholders, and to declare that objections have been met.

22. Section 17(b): To exempt transactions of affiliated persons, promoters, and underwriters from the requirements of section 17(a) regarding the sale and purchase of securities and other properties to and from a registered investment and controlled companies and the borrowing of money or other property from such companies.

23. Section 17(e)(2): To permit commissions in excess of limitations specified for the purchase and sale of securities by an affiliate acting as a broker.

24. Section 17(f): To permit a registered company to be custodian for the securities and the investments in other companies, and to prescribe the safekeeping procedures for custodians.

25. Section 17(g): To prescribe bonding requirements for officers and employees who have access to securities or funds of a registered investment company.

26. Section 18(i): To permit exceptions from the requirement that shares of stock issued by a registered management company must be voting stock.

27. Section 18(j)(1): To permit the issuance by a registered face-amount certificate company of securities other than the type prescribed in the statute.

28. Section 18(j)(2): To permit the declaration, distribution, or payment of dividends for a company which has securities outstanding other than in situations specified in section 18(j)(1).

29. Section 22(e)(3): To permit periods in excess of 7 days in which the right to redeem or postpone the date of payment or satisfaction of any redeemable security may be suspended.

30. Section 23(b): To permit a closed-end company to sell its shares for less than the current net asset value of its stock.

31. Section 23(c)(1): To designate the open markets in which a closed-end company may repurchase its securities.

32. Section 23(c)(3): To prescribe the circumstances other than those specified in sections 23(c) (1) and (2) under which a closed-end company may repurchase its securities.

33. Section 24(c): To prescribe the order, form, and presentation of information contained in any prospectus or summary thereof in respect to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933.

34. Section 27(b): To grant exemptions to smaller investment companies issuing periodic payment plan certificates from provisions of section 27(a)(1), (2), and (3) regulating sales loan on periodic payment plan certificates.

35. Section 28(a)(2)(G): To prescribe appropriate contingency reserves for death and disability benefits and for reinstatement of rights on any face-amount certificate providing for such benefits or rights.

36. Section 28(b): To designate investments which are "qualified investments" for registered face-amount certificate companies and to provide the method for valuing such investments.

37. Section 28(c): To provide for depositing and maintaining of the required reserves of a registered face-amount certificate com-

pany with a bank, and the terms and conditions of such arrangement.

38. Section 28(d): To provide deferments in addition to those described in section 28 (d) for the payment of face-amount certificates prior to maturity and to prescribe terms and conditions in respect to such deferment.

39. Section 28(h): To forbid the declaration, distribution, or payment of any dividend by any registered face-amount certificate company for or during any calendar year when it appears to the Commission that such action might impair the financial integrity of such company or its ability to meet its liabilities under its outstanding face-amount certificates.

40. Section 30(b): To provide for the filing of information and documents on a quarterly or semiannual basis and to keep reasonably current the information and documents contained in the registration statement of subject companies.

41. Section 31(b): To require that persons designated in section 31(a) furnish the Commission with copies of or extracts from records required to be maintained by such persons.

42. Section 31(d): To permit exemptions from any rules or regulations promulgated pursuant to section 31(c) regarding uniformity in accounting policies and principles followed by registered investment companies.

43. Section 32(c): To require accountants and auditors to keep reports, work-sheets, and other documents and papers relating to registered investment companies and to make the same available for inspection by the Commission and to prescribe the period or periods for the retention of such materials.

44. Section 34(a): To provide for the destruction of records required to be maintained under sections 31(a) or 32(c).

45. Section 35(d): To declare that names of registered investment companies are deceptive and misleading.

46. Section 38(a): To make such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the act.

47. Section 38(b): To permit incorporation by reference of any information or documents required to be filed with the Commission under certain other statutes.

48. Section 45(a): To provide for exemptions from public disclosure of information filed with the Commission.

INVESTMENT ADVISERS ACT OF 1940

(15 U.S.C., sec. 80b–1–21)

1. Section 202(a)(11)(F): To exempt certain persons from inclusion in the definition of investment adviser.

2. Section 203(e): To deny, suspend, or revoke the registration of an investment adviser if subject to certain statutory disqualifications.

3. Section 203(g): To postpone the effective date of registration as an investment adviser for not more than 3 months.

4. Section 203(i): To impose terms and conditions upon withdrawal from registration as an investment adviser.

To cancel the registration or application for registration of an investment adviser who the Commission finds is no longer engaged in business as an investment adviser.

5. Section 211(a): To make such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission by the act.

[Chapter II—Securities and Exchange Commission, § 202.1]

PART 202—INFORMAL AND OTHER PROCEDURES

Sec.
202.1 General.
202.2 Pre-filing assistance and interpretative advice.
202.3 Processing of filings.
202.4 Facilitating administrative hearings.
202.5 Enforcement activities.
202.6 Adoption, revision and rescission of rules and regulations of general application.
202.7 Submittals.

AUTHORITY: The provisions of this Part 202 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11.

SOURCE: The provisions of this Part 202 appear at 25 F.R. 6736, July 15, 1960, unless otherwise noted.

§ 202.1 General.

(a) The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as registration statements, periodic and ownership reports, and proxy solicitation material, and for the filing of certain plans of reorganization, applications and declarations seeking Commission approvals; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for the investigation and examination of persons and records where necessary to carry out the purposes of the statutes and for enforcement of statutory provisions; and (4) for the adoption of rules and regulations where necessary to effectuate the purposes of the statutes.

(b) In addition to the Commission's rules of practice set forth in Part 201 of this chapter, the Commission has promulgated rules and regulations pursuant to the several statutes it administers (Parts 230, 240, 250, 260, 270 and 275 of this chapter). These parts contain substantive provisions and include as well numerous provisions detailing the procedure for meeting specific standards embodied in the statutes. The Commission's rules and regulations under each of the statutes are available in pamphlet form upon request to the Superintendent of Documents, U.S. Governmnt Printing Office, Washington, D.C., 20402.

(c) The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings. These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. There follows a brief description of procedures generally followed by the Commission which have not been formalized in rules.

(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission. While opinions expressed by members of the staff do not constitute an official expression of the Commission's views, they represent the views of persons who are continuously working with the provisions of the statute involved. And any statement by the director, associate director, assistant director, chief accountant, chief counsel, or chief financial analyst of a division can be relied uopn as representing the views of that division. In certain instances an informal statement of the views of the Commission may be obtained. The staff, uopn request or on its own motion, will generally present questions to the Commission which involve matters of substantial importance and where the issues are novel or highly complex, although the granting of a request for an informal statement by the Commission is entirely within its discretion.

§ 202.2 Pre-filing assistance and interpretative advice

The staff of the Commission renders interpretative and advisory assistance to members of the general public, prospective registrants, applicants and declarants. For example, persons having a question regarding the availability of an exemption may secure informal administrative interpretations of the applicable statute or rule as they relate to the particular facts and circumstances presented. Similarly, persons contemplating filings with the Commission may receive advice of a general nature as to the preparation thereof, including information as to the forms to be used and the scope of the items contained in the forms. Inquiries may be directed to an appropriate officer of the Commission's staff. In addition, informal discussions with members of the staff may be arranged whenever feasible, at the Commission's central office or, except in connection with matters under the Public Utility Holding Company Act of 1935 and certain matters under the Investment Company Act of 1940, at one of its regional offices.

§ 202.3 Processing of filings.

(a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission under the Securities Act of 1933 and the Trust Indenture Act of 1939, and certain filings under the Securities Exchange Act of 1934 and the Investment Company Act of 1940 are routed to the Division of Corporation Finance, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of materiel information or through violation of accepted accounting principles and practices the usual practice is to bring the deficiency to the attention of the person who filed the document by a letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed where the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest. Where it appears that the filing affords adequate disclosure, acceleration of its effectiveness when appropriate, normally will be granted.

A similar procedure is followed with respect to filings under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940, which are routed to the Division of Corporate Regulation.

(b) Applications for registration as brokers, dealers and investment advisers are submitted to the Division of Trading and Markets where they are examined to determine whether all necessary information has been supplied and whether all required financial statements and other documents have been furnished in proper form. Defective applications may be returned with a request for correction or held until corrected before being accepted as a filing. The files of the Commission and other sources of information are considered to determine whether any person connected with the applicant appears to have engaged in activities which would warrant commencement of proceedings on the question of denial of registration. The staff confers with applicants and makes suggestions in appropriate cases for amendments and supplemental information. Where it appears appropriate in the public interest and where a basis therefor exists, denial proceedings may be instituted. Normally, absent indications of willful violations, the Commission will accelerate the effective date of registration upon request and after correction of all deficiencies.

[25 F.R. 6736, July 15, 1960, as amended at 27 F.R. 14493, Dec. 31. 1963]

§ 202.4 Facilitating administrative hearings.

(a) Applications, declarations, and other requests involving formal Commission action

after opportunity for hearing are scrutinized by the appropriate division for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. Prior to passing upon applications and declarations the Commission receives the views of all interested persons at public hearings whenever appropriate; hence, any applicant or declarant seeking Commission approval of proposed transactions by a particular time should file his application or declaration in time to allow for the presentation and consideration of such views.

* * * * *

(c) During the course of the hearings, the staff is generally available for internal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but among all interested persons; and, when circumstances permit, an attempt is made to narrow, if possible, the issues to be considered at the formal hearing.

(d) In some instances the Commission in the order accompanying its finding and opinion reserves jurisdiction for certain matters relating to the proceeding, such as payment of fees and expenses, accounting entries, terms and conditions relating to securities to be issued, and other matters. In such cases after receipt of satisfactory information and data the Commission considers whether further hearing is required before releasing jurisdiction.

§ 202.5 Enforcement activities.

(a) Where, from complaints received from members of the public, communications from Federal or State agencies, examination of filings made with the Commission, or otherwise, it appears that there may be violation of the acts administered by the Commission or the rules or regulations thereunder, a preliminary investigation is generally made. In such preliminary investigation no process is issued or testimony compelled. When it appears from information obtained either with or without a preliminary investigation that there is a likelihood that a violation has been or is about to be committed and that the issuance of process may be necessary, the matter is reported to the Commission, which may then order a formal investigation or examination if it is deemed necessary. Unless otherwise ordered by the Commission, the investigation or examination is nonpublic and the reports thereon are for staff and Commission use only.

(b) Where it appears after investigation or otherwise that there has been a violation of any of the provisions of the acts administered by the Commission or the rules or regulations thereunder, the Commission may take one or more of the following actions: institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunction proceedings in the courts, and, in the case of a willful violation, reference of the matter to the Department of Justice for criminal prosecution. The Commission may also on some occasions refer the matter to other Federal agencies, State authorities or organizations such as the stock exchanges or the National Association of Securities Dealers, Inc.

§ 202.6 Adoption, revision, and rescission of rules and regulations of general application.

(a) The procedure followed by the Commission in connection with the adoption, revision, and rescission of rules of general application necessarily varies in accordance with the nature of the rule, the extent of public interest therein, and the necessity for speed in its adoption. Rules relating to Commission organization, procedure and management, for example, are generally adopted by the Commission without affording public discussion thereof. On the other hand, in the adoption of substantive rules materially affecting an industry or a segment of the public, such as accounting rules, every feasible effort is made in advance of adoption to receive the views of persons to be affected. In such cases, proposals for the adoption, revision, or rescission of rules are initiated either by the Commission or by members of the public, and to the extent practicable, the practices set forth in paragraph (b) of this section are observed.

(b) After preliminary consideration by the Commission a draft of the proposed rule is published in the FEDERAL REGISTER and mailed to interested persons (e.g., other interested regulatory bodies, principal registrants or persons to be affected, stock exchanges, professional societies and leading authorities on the subject concerned, and other persons requesting such draft) for criticism and suggestions. Unless otherwise requested written comments and suggestions received become a part of the public record upon the proposed rule. Following analysis of comments and suggestions received, the rule may be adopted in the form published or in revised form in the light of such comments. In some cases a revised draft is prepared and published and, where appropriate, a public hearing may be held before final action upon the proposal. Any interested person may appear at the hearing or may submit written comment for consideration in accordance with the Commission's notice of the rule-making procedure to be followed. The rule in the form in which it is adopted by the Commission is publicly released and is published in the FEDERAL REGISTER.

§ 202.7 Submittals.

All required statements, reports, applications, etc., must be filed with the central office of the Commission, except that letters of notification filed pursuant to §§ 230.251 et seq. of this chapter, under the Securities Act of 1933 and reports of financial condition by exchange members, brokers, and dealers required by § 240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in § 230.255(a) of this chapter under the Securities Act of 1933 and § 240.17a–5(a) of this chapter under the Securities Exchange Act of 1934, respectively.

PRODUCTION OF ENZYME UROKINASE

Mr. ANDERSON. Mr. President, the U.S. space program has provided man with numerous benefits during its first 15 years, but outer space is still a resource whose full potential has only begun to be tapped. A forerunner of things to come from space is described in an article by Thomas O'Toole, published in the Washington Post of July 1. A team of scientists is recommending that the space environment be used in the production of the enzyme Urokinase, the drug so important in the treatment of blood clots but so expensive to produce that treatment of a single patient costs more than $1,000. The scientists believe that if the space method of electrophoresis can be used to produce Urokinase, then the treatment price would drop to $50 per dose. As one of the men put it, "What we have here is a method of producing this drug at a price man can afford."

Mr. President, we have only begun to reap the rewards of space; its potential will exceed man's most optimistic dreams; much of man's future rests with it.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

SCIENTISTS EYE SPACE PRODUCTION OF COSTLY ANTICLOTTING ENZYME

(By Thomas O'Toole)

A team of industry-university scientists believes it is possible to make a rare and costly enzyme that dissolves blood clots by producing it in the weightless conditions of outer space.

So convinced is the research team of the worth of making this enzyme in space that the team is about to submit a proposal to the space agency that the enzyme be produced aboard the Apollo spacecraft that will be flown in earth orbit in 1975 for the joint American-Russian docking mission.

The enzyme is named urokinase and has been successfully used in the last four years by the National Heart and Lung Institute to treat 236 victims of pulmonary embolisms, clots that block the flow of blood to the lungs. The body produces urokinase, but not enough to dissolve clots that cause embolisms.

The Heart and Lung Institute paid $50,000 for the urokinase it has used in treating embolisms, a price of more than $1,000 per patient. The urokinase was extracted from human male urine by an unwieldly process that produces only one dose of the enzyme from 1,500 quarts of urine.

A new method of making urokinase is what prompted the industry-university team to propose production of the enzyme in space. The team consists of scientists from Chicago's Abbott Laboritories, San Diego's Convair division of General Dynamics Corp. and the UCLA school of medicine.

The new method involves making the enzyme from the kidney cells of miscarried fetuses, which produce 50 times more urokinase than urine does. Kidney cells also turn out to be more manageable. A quart bottle of tiny but abundant kidney cells would be the equivalent of 50,000 quart bottles of urine.

A problem with kidney cells is that only one in 20 can be made to produce urokinase, which is where the Abbott-Convair-UCLA team came together to suggest that the enzyme be made in space. At the heart of their suggestion is the development by UCLA biophysicist Alexander Kolin of a machine that separates the one "active" kidney cell from the 19 inactive cells that don't make urokinase.

Kolin's device separates the cells by electrophoresis, using a moving electrical field to carry cells of different densities along at different rates of speed. Kolin has already shown that he can isolate the active kidney cells on earth, a procedure he and his colleagues believe can better be done in space where there is no gravity working against separation.

"Urokinase is a lifesaving drug that's unavailable to man because of its price," says Abbott Laboratories' Grant Barlow. "What we have here is a method of producing this drug at a price man can afford."

Barlow points out that the kidney cells would be separated aboard a spacecraft, then ampuled, frozen and brought back to earth where urokinase would be produced from the active cells in a pharmaceutical plant.

"Even allowing for this we could reduce the price by a factor of 20," Barlow said. "Our calculations show a price of $50 per dose for urokinase if we could use this method in space."

The Abbott-Convair-UCLA team has yet to propose their scheme to the space agency, but NASA officials say they have heard of it.

"It sounds like a bright and hopeful development," said the space agency's Dr. James Bredt, "but that's all we can say about it at this time."

CAPTIVE NATIONS WEEK

Mr. DOMINICK. Mr. President, again we should remember that the third week of July was designated by Congress of the United States in 1959 as Captive Nations Week.

Since the end of World War II, the Soviet Union has continued to maintain its military presence in Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, the Ukraine, Poland, and Rumania. We have seen how the stationing of large numbers of soldiers has inhibited and in cases quelled individuals from rationally expressing their religious and political convictions. The Hungarian Revolution of 1956, the 1968 invasion of Czechoslovakia, the worker's riots in Poland of 1970, and the revolt in Kaunas, Lithuania, in 1972 reveal the fact that many in Eastern Europe realize that the only avenue for serious political dissent is in the streets. Yet, in the streets they have been met by soldiers willing to commit violence on them.

During this week, we should remember the continuing struggle for liberation in Eastern Europe. I hope that the success of the recent SALT talks will lead to the demilitarization of Eastern Europe, and eventually permit the recall of Soviet troops and the rebirth of the right of self-determination for the people of the area. With such a rebirth, we hope that the present Soviet police campaigns against intellectuals, writers, and artists in the occupied satellites will cease.

DR. FRANK E. STINCHFIELD ELECTED PRESIDENT OF PRESBYTERIAN HOSPITAL MEDICAL BOARD AT COLUMBIA-PRESBYTERIAN MEDICAL CENTER, NEW YORK

Mrs. SMITH. Mr. President, a very great surgeon recently was elected president of the Presbyterian Hospital Medical Board at the Columbia-Presbyterian Medical Center in New York City—Dr. Frank E. Stinchfield, one of the greatest orthopedic surgeons in the entire world. He is internationally recognized and acclaimed for his preeminence in the field of orthopedic surgery.

However, his patients will tell you that he is also preeminent for his abundance of empathy, a gift far too rare these days among all of us whether we be doctors, lawyers, public officials or of any profession or activity. I know for I have been his patient since 1968 and he has performed three miraculous operations in hip surgery that have made me walk today even better than I did before I ever suffered hip ailments.

He is an outstanding American—and, as many of his patients say, he ought to be President of the United States.

I ask unanimous consent to have printed in the RECORD an article about him, appearing in this month's issue of the Stethscope, a publication of the Columbia-Presbyterian Medical Center.

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

DR. STINCHFIELD ELECTED PRESIDENT OF PRESBYTERIAN'S MEDICAL BOARD

Dr. Frank E. Stinchfield has been elected President of the Presbyterian Hospital Medical Board, replacing Dr. Hamilton Southworth, who served as President for the past two years.

For the past year, Dr. Stinchfield served on the Board of Trustees of the Presbyterian Hospital and now continues as an ex-officio member by virtue of his election as President of the Medical Board. These offices were assumed July 1st.

Dr. Stinchfield served his internship and surgical residency at the Wesley and Passavant Memorial Hospitals in Chicago. He then came to the Fracture Service of the Presbyterian Hospital as a resident in 1935 and has been continuously associated with our Medical Center since that time. He has served on numerous hospital committees as well as on national and international organizations. He has been an active and influential member of the post-war generation of orthopaedic surgeons and enjoys both a national and international reputation. In 1956 he was appointed Professor and Chairman of the Department of Orthopaedic Surgery, and Director of The New York Orthopaedia Hospital of the Columbia-Presbyterian Medical Center.

He is the founder and president of 'The Hip Society,' an association comprised of orthopaedic surgeons primarily interested in methods for the correction of hip joint problems. He is a member of the Board of Regents of The American College of Surgeans, and is the treasurer of The American Orthopaedic Association. He is a trustee of the publication *Surgery, Gynecology and Obstetrics*. Dr. Stinchfield is past-president of The American Academy of Orthopaedic Surgeons and of The American Board of Orthopaedic Surgery.

As President of the Medical Board of the Presbyterian Hospital, Dr. Stinchfield will be responsible for the introduction and promotion of policies related to professional services within the hospital, the care of patients, and the extension of health facilities. Dr. Stinchfield was Medical Director and Orthopaedic Surgeon-in-Chief of the Institute for the Crippled and Disabled from 1947 to 1951, along with his other duties at The New York Orthopaedic Hospital. Soon after The New York Orthopaedic Hospital moved to the Columbia Presbyterian Medical Center (in 1950) he was appointed Attending Orthopaedic Surgeon here and also was named as consultant in orthopaedics for many hospitals in the New York area.

He has been an active contributor to medical literature, publishing papers on such subjects as the arthritic hip, hip prosthesis, spine fusions, arthroplasty of the hip and low friction arthroplasty of the hip. One of his unforgettable publications was his Academy Presidential Address entitled, "Stand Up and Be Counted," which was an extremely strong and forthright presentation of the responsibilities of an orthopedic surgeon.

Dr. Stinchfield went overseas in 1942 with the Second General Hospital and served as an orthopaedic surgeon with this unit for one year. Following this he became the Commanding Officer of a group of hospitals in Coventry, England, where he served until 1945. He then transferred to the Surgeon General's office in Paris. During his army service he was promoted from 2nd Lieutenant to the rank of Colonel. He received the Legion of Merit, two Bronze stars, and the European Theater of Operations Unit Citation. He has continued his interest in military orthopaedics since the war and has given continuous post-war service to the Surgeon General's office, the Office of the Assistant Secretary of Defense, and is a senior orthopadeic consultant to the United States Air Force at this time. Early during the present conflict he toured Vietnam and Far East installations for the Office of Assistant Secretary of Defense.

Dr. Stinchfield was born in Warren, Minnesota. He received a B.S. degree in medicine from the University of North Dakota and in 1934 received his M.D. from Northwestern University Medical School. He received an honorary degree from Carleton College, where he did some of his undergraduate work, and was honored by receiving the Centennial Award from Northwestern University in 1959.

Dr. Stinchfield is married, has two children and lives in the Fieldston section of Riverdale. When asked about his hobbies, he replied, "My hobby is taking care of sick people." However, when not doing what he enjoys most (working long hours within the confines of the Medical Center), he occasionally finds time for horseback riding and fishing.

CONSUMER-PROTECTION LEGISLATION

Mr. FANNIN. Mr. President, in recent years, there has been growing concern over legislation to protect consumers. We have passed consumer protection laws, and we are being asked to enact even more stringent legislation.

It is obvious to me that legislation alone is an inadequate means of providing consumer protection. Proposals to build huge Federal bureaucracies to oversee consumer protection will compound rather than solve our problems.

The realistic approach is to revitalize our business enterprise system, to provide the marketplace where the best companies earn justifiable profits by providing the best in products and services to the public.

Mr. President, I am very proud of the fact that the business community in my hometown of Phoenix has long recognized its public responsibility. This fact was reemphasized this month when the Phoenix Chamber of Commerce Board of Directors endorsed a far-reaching Business Consumer Relations Code.

In announcing this action, Phoenix Chamber President Keith L. Turley said:

Business must recognize the right of the consumer to be informed, to be heard, and to choose in the marketplace. Consumers have every right to expect safety, quality and integrity from those whose products or services they buy.

By endorsing the code, we are doing more than signing a piece of paper setting forth high principles of business conduct. We are committing ourselves to take action to implement the principles contained in the code.

Mr. President, I ask unanimous consent that this code be printed in the RECORD.

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

BUSINESS CONSUMER RELATIONS CODE

The Business Consumer Relations Code states, "We affirm the responsibility of business to:

1. Protect the health and safety of consumers in the design and manufacture of products and the provision of consumer services. This includes action against harmful side effects on the quality of life and the environment arising from technological progress.

2. Utilize advancing technology to produce goods that meet high standards of quality at the lowest reasonable price.

3. Seek out the informed views of consumers and other groups to help assure customer satisfaction from the earliest stages of product planning.

4. Simplify, clarify, and honor product warranties and guarantees.

5. Maximize the quality of product servicing and repairs and encourage their fair pricing.

6. Eliminate frauds and deceptions from the marketplace, setting as our goal not strict legality but honesty in all transactions.

7. Ensure that sales personnel are familiar with product capabilities and limitations and that they fully respond to consumer needs for such information.

8. Provide consumers with objective information about products, services, and the workings of the marketplace by utilizing appropriate channels of communications, including programs of consumer education.

9. Facilitate sound value comparisons across the widest possible range and choice of products.

10. Provide effective channels for receiving and acting on consumer complaints and suggestions, utilizing the resources of associations, chambers of commerce, better business bureaus, recognized consumer groups, individual companies, and other appropriate bodies."

SIX-CENT U.S. POSTAL CARD TO COMMEMORATE JOHN HANSON, FIRST PRESIDENT OF THE UNITED STATES IN CONGRESS ASSEMBLED

Mr. BEALL. Mr. President, during the last session of Congress I introduced Senate Joint Resolution 85, a bill to proclaim April 14 as John Hanson Day, in honor the Nation's first President elected under the Articles of Confederation. We, as Marylanders, are very proud of John Hanson's role as one of America's great Founding Fathers. It is, therefore, most pleasing to note that the U.S. Postal Service will issue, on September 1, a new 6-cent postal card in tribute to this distinguished patriot.

Faced with what might appear to be insurmountable difficulties, the Continental Congress turned to John Hanson to provide the leadership needed to build a nation. This great son of Maryland was a man ideally suited, in both intellect and temperament, for the task.

Our first constitutionally elected Chief Executive was a strong man in a weak position. But his strength gave strength to the Confederation Government and enabled it to guide us through the transitional period from revolutionary struggle to constitutional federalism. During his tenure as "President of the Congress of the Confederacy," Hanson laid the groundwork for our Cabinet, our Consular Service, our postal system, and our national judiciary. Clearly, President Hanson was instrumental in the formulation of the system of government that we enjoy today.

I commend the U.S. Postal Service for marking the memory of this great American in such fine fashion, and ask unanimous consent that the article entitled "John Hanson—Patriot," published in the Washington Sunday Star and News of July 23, 1972, be printed in the RECORD.

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

PHILATELIC NEWS: JOHN HANSON—PATRIOT

(By Belmont Faries)

A 6-cent postal card honoring John Hanson of Maryland will be issued at Baltimore, Sept. 1, opening day of the BALPEX show of the Baltimore Philatelic Society.

The U.S. Postal Service identifies the card, which will replace the current 6-cent card picturing Paul Revere, as the second in a series honoring Colonial patriots as a part of the commemoration of the bicentennial of the American Revolution.

A small group of enthusiastic amateur historians have been campaigning since 1957 for a commemorative stamp for Hanson as first President of the United States, a title usually conceded to George Washington. The claim is made on the basis of Hanson's service as the presiding officer of the first session of the Continental Congress elected under the Articles of Confederation.

The official record on the subject, the "Biographical Directory of the American Congress, 1774–1949," lists the Continental Congress in sessions from Sept. 5, 1774, to March, 1789, with 16 "Presidents of the Congress." of whom John Hanson was the ninth.

The articles of Confederation were finally ratified on March 1, 1781, and on March 2 the Continental Congress formally assumed the title of "The United States in Congress Assembled," with the same presiding officer as the old Congress, Samuel Huntington of Connecticut. Huntington was the first "President of the United States in Congress Assembled."

On July 10, 1781, Thomas McKean of Delaware was elected president, the first elected under the Articles of Confederation.

On Nov. 5, 1781, the first new Congress elected under the Articles of Confederation met, and since it was Maryland's turn under the rotation system then in effect, unanimously chose John Hanson as its presiding officer. He was the first "President of the United States in Congress Assembled" elected by a Congress elected under the Articles of Confederation. It is difficult to equate a title requiring 13 qualifying words with "President of the United States."

Regardless of title, John Hanson, patriot, does deserve to be remembered.

Born April 14, 1715, at Mulberry Grove near Port Tobacco, Md., Hanson was a grandson of one of the original Swedish colonists on the Delaware. As a landed aristocrat he was elected repeatedly a delegate from Charles County to the Assembly, and early became a leader in the resistance to British authority.

It is unfortunate that the "first president" claim, advanced originally by two Connecticut newspapermen in a "Believe It or Not" type magazine feature, has been promoted by enthusiastic partisans to the point where the casual reader of news stories might well assume that Hanson was as phony as the claims made for him.

In 1765 he was a member of the committee which drafted the instructions for Maryland delegates to the Stamp Act Congress; in 1769 he signed the non-importation agreement protesting the Townshend Acts; as a member of the Maryland Convention, he signed in 1775 the call of the Maryland Association of Freemen for use of arms to repel British troops; he helped raise troops and money for Washington's army before Boston.

In 1773 Hanson moved from Charles County to Frederick, then so far in "the West" it was vulnerable to Indian attack. When the Articles of Confederation were proposed he favored approval, but only if the bigger colonies gave up their claims to the Western lands. When the Maryland Assembly chose him as a delegate to the Continental Congress in December of 1780, only Maryland was still balking at ratification.

Hanson and his colleague, Daniel Carroll, worked successfully with delegates from the remaining states with Western claims, and by early 1781, the way had been cleared for final approval of the Articles under which Hanson was to serve his one-year term as president.

Afterward he retired from public life, and died Nov. 15, 1783, at Oxon Hill Manor, the home of a nephew, where he is believed to have been buried. During the last year amateur archeologists have found what they believe to have been his tomb on the Oxon Hill estate owned in recent years by the late Sumner Welles and by Fred A. Maloof, who until his death was one of the most enthusiastic Hanson boosters.

The stamp design on the postal card is the work of Thomas Kronen, formerly with the Bureau of Engraving and Printing. The source of the portrait in the bronze statue of Hanson by Richard Edwin Brooks (1865–1919) placed in Statuary Hall in the Capitol by the state of Maryland on Jan. 31, 1903.

The master dies for the stamp were engraved by Albert W. Dintaman, who did the portrait, and Albert Saavedra, the lettering. The cards are being printed by letterpress in blue at the Government Printing Office.

Since the John Hanson card is a regular issue, it will come in both single and reply-paid double form.

Requests for cards with first day cancellation, with remittance at 6 cents for the single or 12 cents for the double card, may be addressed to "John Hanson Postal Card, Postmaster, Baltimore, Md. 21233."

TAXATION TO SUPPORT DRONES IS RESERVED

Mr. FANNIN. Mr. President, few if any people in our society resent having some of their tax money spent to help support people who cannot support themselves. But there is growing resentment over the expenditure of tax dollars to support people who simply will not support themselves because they do not wish to work.

This sentiment is obvious not only in the big cities where welfare has become a scandal. It also is of deep concern in the smaller cities and towns.

Mr. President, I ask unanimous consent to have an editorial from the Havre de Grace (Md.) Record printed in the RECORD.

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

DRONES IN U.S. SOCIETY

A "welfare lobby" turned up at the Democratic National Convention with the objective of inserting a plank in the party's platform calling for the payment of $6,500 to each welfare recipient. Fortunately, it was not adopted . . . fortunately for Senators McGovern and Eagleton who would have lost a chunk of votes right off before they even started to campaign.

Also fortunately, Senator McGovern abandoned an original pre-nomination promise to see that every man, woman and child in the U.S. receive $1,000 with no strings attached.

Americans who work for a living are getting fed up with having their pockets picked for welfare handouts. They are generous about it if the need is demonstrated. But they are also aware that for many recipients welfare is a racket operated by employable people who have become so used to doing nothing that they have no other ambition in life except to sit on their fannies, watch t.v., drink some booze and have more kids whom they can register as dependents in

order to increase the size of their welfare checks.

Inflation and the high cost of keeping a family fed and clothed have made many Americans bitter with the realization that their hard earned dollars are going out to a segment of drones in our society.

Three years ago, President Nixon offered a program of welfare reform intended to relieve the states of part of the welfare burden. His program has been stalled in Congress. Consequently, states seeing the hope of federal assistance dwindling while welfare rolls continued to soar have been forced to take action on their own. Some of the measures they have adopted have been drastic—and not altogether successful.

Lois Wille of the Chicago Daily News Service has devoted a special feature to the attempt of the states to bring welfare under control. She tells how, "In California, prosecuting attorneys have started a drive to track down fathers of children on welfare rolls—and garnish their wages." She notes the widely publicized New York requirement that employable welfare recipients must pick up their checks at state employment offices and accept any available jobs. "In Pennsylvania", she says, "teams of investigators called 'Project Sweep' are methodically working their way through welfare records, visiting families and checking Social Security numbers to find cheaters. In Illinois, 4,000 welfare recipients are moving into public service jobs—and records of hospitalized recipients are being scrutinized to determine if there are any unnecessary charges." These are merely samples of countless state projects to hold the line on welfare costs. Currently, some 14.6 million persons in the United States are public aid recipients—twice the number of 1962. Fourteen billion dollars a year, mostly state and local tax money, is going for welfare.

Ms. Wille points out that some of the state "reform" measures produce either undesirable results or merely shift the cost to taxpayers from welfare to another form of public aid. New Jersey, for example, in a desperate move to counter a 150 percent rise in welfare rolls over a five-year period, stopped payments to all families with an unemployed father in the home. A likely result of this, Ms. Wille feels, is that the unemployed father will disappear so his family can eat. Perhaps the home is broken up permanently, and another costly social problem has been created in addition to welfare. On the other hand, the California drive to find absent fathers and garnish their wages, she writes, ". . . seems to have merit."

"MINI COURSES" AT MANKATO STATE COLLEGE

Mr. MONDALE. Mr. President, in the past few years, college enrollments in some institutions have declined to the point that funds must be cut from teachers' salaries to make up the deficit. At Mankato State College, in Minnesota, for example, a decline in student enrollment caused a projected 1972 deficit of over $500,000 which would have necessitated a reduction in faculty by 36 positions.

I recently received a letter from Larry Spencer, the student association president at the college. In it, he describes a solution to the problem that has important benefits beyond the saving of faculty positions. Since financial aid is awarded to the college on the basis of student "credit hours," students were encouraged to enroll in one extra course. To implement this, 500 "mini courses" were developed by faculty members who were willing to teach them, and enrollment was opened to anyone interested. The courses included such topics as the psychology of Indian life, and antique clock repair. There were 1,900 students and, surprisingly, 600 townspeople enrolled in these courses. In addition to raising money to cover the deficit the courses proved innovative and exciting, and increased the community involvement in college affairs.

I highly commend the purposes and results of this program. I ask unanimous consent that the materials sent to me by Mr. Spencer be printed in the RECORD.

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

[From the New Ulm Sunday Journal]

DRIVE BEGUN TO KEEP TEACHERS

MANKATO, MINN.—With the possibility that 36 faculty positions will be eliminated because of declining enrollments, Mankato State College students Saturday launched a drive to keep teachers in school.

The "Save the Faculty" campaign will aim at encouraging students to take more courses, and asking resident nonstudents to sign up for courses at MSC.

A student spokesman said that if each student took the equivalent of one more credit, the total would be enough to keep the 36 faculty busy and cutbacks would not have to be made.

Mankato State had a drop of 611 full-time students in its fall enrollment, resulting in a $580,000 lower operating budget for the state-supported school. There is a prospect of a further drop of 150 in the 1972 fall enrollment.

Dan Quillan, spokesman for the Crisis Campaign for Education Committee which announced plans at a news conference, said the group is suggesting the college introduce mini-courses in banking, cooking, family planning and other subjects which hopefully would be attractive to students and local residents alike.

The courses could be offered for as short a period as two weeks and taught by present faculty members, the committee suggests.

Dr. Kent Alm, college executive vice president, gave his backing to the idea, saying it could be made to work if there were a sufficient number of enrollees.

Students at Macalester College in St. Paul recently suggested a similar program for the private liberal arts school.

[From the Minneapolis Star, Dec. 20, 1971]

MANKATO STATE DRIVE: STUDENTS OPPOSING FACULTY DROPOFF

MANKATO, MINN.—With the possibility that 36 faculty positions will be eliminated because of declining enrollments, Mankato State College students have launched a drive to keep teachers in school.

The "Save the Faculty" campaign aims at encouraging students to take more courses, and asking resident nonstudents to sign up for courses at Mankato State.

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Dr. Kent Alm, college executive vice-president, backed the idea, saying it could be made to work if there were a sufficient number of enrollees.

Students at Macalester College in St. Paul recently suggested a similar program for the private liberal arts school.

[From the Chronicle of Higher Education, January, 1972]

AAUP WINS CLOSE VOTE AT RHODE ISLAND

STUDENTS CAMPAIGN FOR TEACHERS

Students at Mankato State College in Minnesota have organized a "crisis campaign for education committee" to save 36 faculty positions endangered because of falling enrollments. The campaign is encouraging students to sign up for more credit-hours and is asking non-students to register for courses in order to raise the "full-time equivalency" base for state aid.

[From the MSC Daily Reporter, Jan. 6, 1972]

EDITORIALS AND OPINIONS

What can you do about a college faced with a half million dollar deficit besides waving good-bye to 36 faculty members, support personnel and other services that are to be cut?

You can fight back and beat the bureaucratic system at its own game—that's what.

As our page one story points out, MSC stands to lose 36 faculty positions and support personnel because enrollment projections fell short of expected numbers.

This doesn't necessarily have to be so.

WILL YOU HELP?

A program initiated by student leaders with administrative and faculty support during the last week of fall quarter will expand and develop current curriculum through individual faculty or student course ideas. These courses which will be formulated by Jan. 12 will be available to students at a special registration at the end of January where any number of the proposed one or two credit classes can be taken.

With the help of the registrar's office previous course level requirements, and other red tape has been removed to provide students and townspeople with this exceptional opportunity.

In order for the plan set forth by the Crisis Campaign for Education committee to succeed, the entire college community must make a concerted effort to add one or more credits to their normal class load this quarter. These extra credits can be taken with the regular class schedule or added during a special registration.

The only important requirement is that the added course credit be at least one above your present credit load.

This opportunity to alleviate the budget cut rests with the faculty as well as the student body. For it is up to the faculty to formulate relevant and interesting mini-course offerings that will entice students to add credits.

This type of scheduling of one or two credit courses for brief periods of time provides a solution to the dwindling student credit load hours and adds new dimensions to education in the college community.

By providing these easily instituted courses which would undergo review and evaluation after completion, normal avenues that are often used to hold back change have been tossed aside.

The plan is being implemented by the registrar, administrators, faculty, and many interested students. What is left to do is up to all students, whether on-campus or in town, and the individual faculty members. Not only will you be helping to preserve our standard of education, but you will also add new dimensions to course offering and curriculum.

Take an extra credit to help yourself while helping others, and improving our educational institution.

[From the Mankato Free Press, Dec. 27, 1971]

CLASSIC CAMPUS HARMONY

An old, familiar proverb, especially pertinent and compelling during the Christmas season, concerns not so much the size of the gift, but the spirit in which the gift is offered.

It is persuasive enough when taken at full face value.

But it assumes additional, unique significance when the size of the gift happens to match the great dimensions of soul inherent in those who extended it.

Of course, today's case in point is not really a gift at all. Among other things it is a challenge—an all-out campaign led by students to "save the young faculty" in answer to a situation at Mankato State College whereby 36 teaching positions must be cut by the next academic year.

An anticipated drop in total enrollment means more than a half-million dollar reduction in the college's operation budget. And fewer available dollars means fewer available jobs.

An innovative and potentially workable answer to the problem came from the students, who would stand to gain education-wise as much as those faculty members whose positions they are seeking to preserve. By increasing the number of courses available—especially short-term courses—and by having the average student load increased from 15½ to 16½ credit hours per quarter, it is anticipated that all or most of the faculty slots could be retained

What it boils down to is that the student would have to slightly increase his or her financial investment in education, and the faculty in turn would have to respond in kind by programming attractive courses and perhaps schedule them at extraordinary times or days.

The key, naturally, is motivating the bulk of the student body to the cause; equally the tenured or otherwise "safe" faculty members.

We wish the whole idea full success.

It is the epitome of faculty-student cooperation and fellowship that is always talked about but not always achieved in this age of independent ways and, yes, suspicion bordering on distrust. It is a remarkable turn-around from only a year or two ago when college administrations, faculties and students seemed to be riding off in opposite, strident directions, amid the roiling issues of the era.

Thus, a gift?

Again, not in the strict, one-sided sense of the word, it is more of a mutual exchange—student and faculty each giving and receiving something tangible and intangible in return.

[From the Mankato State Reporter, Jan. 10, 1971]

MINI-COURSE, CRISIS CAMPAIGN EXPLANATORY SESSION TODAY

A special meeting designed to explain the new mini-course proposal and discuss the current Crisis Campaign for Education will be held today at 4 p.m. in the South Ballroom of Centennial Student Union. Faculty members are cordially invited to discuss with both student leaders and the administration topics of concern.

The following questions and answers have been designed to clarify some of the issues at hand.

Q: What is the Crisis Campaign for Education?

A: Grassroots movement by students to expand the quality of education at MSC by raising the current credit level for winter and spring quarters of every student on campus by one credit. This increase will raise the necessary funds to maintain present personnel levels that will otherwise be lost because the projected enrollment level for this year was not reached.

Q. Who is endorsing the program?

A: Student leaders, faculty associations, the graduate student association, the administration and community leaders including the Chamber of Commerce and the Mankato Free Press.

Q: What alternatives are being offered students?

A: Students may choose to add one credit to a class he has already registered, with permission from the instructor. The change can be made without going through any registration procedure after the student work out the special extra credit requirements with his instructor. A student may also add any number of mini-courses in a special registration being developed by various faculty members, or he may choose to pick up extra credits during the current drop-add period.

Q: How can this help?

A: For each dollar a student spends on tuition the state pays two, so it is hoped that if every student takes one more credit this quarter and spring most of the $580,000 deficit will be offset.

Q: What are mini-courses?

A: A short course worth from 1 to 3 credits that can deal with any academically sound topic. Topics will encompass a wide range of subjects, with faculty urged to solicit student input for course offerings.

Q. What can this mean?

A. If successful, the Crisis Campaign will shatter traditional college calendars, integrating the mini-course concept into the current curriculum scheme. The Campaign can also give faculty and students an opportunity to try out new and innovative types of curriculum without the usual time lag between course conceptualization and implementation.

Q. How can a student, faculty member, or interested community person register for these mini-courses?

A. A special registration will be held for students January 24–27 at the Centennial Student Union. Registration for parttime students and community persons will be held on Saturday January 22. Further information on courses and specific registration times will be printed in the Daily Reporter at a later date.

Q. How long will these mini-courses last?

A. The mini-courses have no standard meeting time schedule. The only requirement being that the classes can begin Saturday, February 5 and must be completed by Friday, March 3. Courses may also be held outside of the usual classroom in such places as homes, local churches. or business establishments, or outdoors.

STUDENT SAVE-THE-FACULTY EFFORT TURNS CRISIS CAMPAIGN FOR EDUCATION AT MSC

A student save-the faculty effort at Mankato State College has developed into a crisis Campaign for Education designed to significantly expand offerings of interest to persons both on and off campus.

The campaign—a student-based thrust with college administration operation—is intended to produce academically sound new courses exciting enough to encourage students to take more credits each quarter. It is also aimed at setting up courses to interest area residents in taking a few credit tours at the college—under arrangements emphasizing convenience to working adults in time and * * *.

While laying down a potential for broadening of college programs in the future, it could have the immediate benefit of generating enough credit hours to ease the staff reductions which appear necessary for next year because of a six percent drop in enrollment this fall quarter. Allocations to the state colleges are based on credit hours taken by students and the reduction projected for this school year is expected to result in about 36 less faculty positions for next year.

The student goal is to reverse the downward trend by upping credit hours enough so there will have to be no reduction of faculty. Quality of education factors are being considered as well as the human element. Reduction of faculty could harm the college program.

College officials estimate that if every fulltime student on campus took one more credit hour per quarter, the increased income would make it unnecessary to drop any faculty next school year. Average student load now is about 15½ credit hours per quarter.

After Christmas vacation, immediate efforts will be made for development of ideas such as mini-courses, simplifying entrance procedures into upper level courses, and more community-related offerings. They are to be ready for use in the winter quarter.

"Originally the crisis was the need to save faculty positions and services," said Student Senate President Larry Spencer, a member of the Crisis Campaign for Education coordinating group. "We wanted each student to help by taking at least one additional credit hour. However, it has now evolved into a program of fantastic educational opportunity and innovation for students and faculty."

Similar comments came from another committee member, Dan Quillen, Student Senate Speaker and president of the state-wide Minnesota State College Student Association.

"Because of the loss of more than a half million dollars in income, it seems shockingly apparent that we are going to lose 36 of our faculty, the vast majority of which will be those without tenure," he said. "These are our youngest, newest, and, in many cases, our best faculty. The student body cannot stand by and watch the loss of talented teachers. This is a crisis and we as a student body and college community must respond to it."

"If we can increase the student credit hour production by about 8,500 hours, roughly one credit hour per quarter per student, we will have averted the crisis."

Mini-courses are one of the means being planned to interest persons in taking more credits. A mini-course is a concentrated program dealing with a limited subject. Characterized with a maximum of flexibility and informality, it is generally compacted into a short time span—such as one solid all-day session, meeting every night for one or two weeks, or meetings for a few weekends. This allows it to be offered at a time when it is not as likely to conflict with another program of study or a fulltime job.

Dr. Carl Lofy, assistant vice president for academic affairs, can see almost limitless educational opportunities in mini-courses. He explained they have diversity in content, methodology, location and number of credits. They need not be offered only on campus, he said, and could be presented in local churches, downtown business places, private homes, the outdoors—at any location that is convenient for the persons for which they are intended, or pertinent to the subject being studied.

Mini-courses also give creative faculty members the chance to try out ideas immediately without being hampered by the procedures necessary to establish a regular full quarter course.

The short term course mini courses could, for instance, consist of a discussion in a private home on family development, a seminar on banking at a local bank, information on how to fill out income tax, a class in special effects photography at the studio of a local professional, a one-day Outward Bound experience, a class in gourmet cooking, a drug seminar, a two-week field trip to another part of the state or nation, a class on how to

shop for a car, a weekend trip to a big ghetto—any educational need that is not otherwise provided for locally in such a concentrated manner.

Lofy pointed out that downtown persons in professional or occupational fields under study could be called in to team teach with regular faculty members—thereby giving students both the practical and theoretical sides of a subject.

Persons in the college service area interested in seeing mini-courses offered in certain subjects may call the MSC Student Senate Office, 389-2611, or Lofy at the MSC Academic Affairs Office, 389-1221.

The entire program arising out of the Crisis Campaign for Education will undergo a thorough evaluation at the end of the quarter, Lofy reported, and recommendations made as to whether it should continue.

He anticipates that some courses could develop out of it that could eventually be incorporated into the regular curriculum.

"Necessity is the mother of virtue," he said. "We first saw this as a means of meeting a crisis, but the more we go into it, the more we see it as an educational opportunity."

Members of the Crisis Campaign for Education Committee, in addition to Spencer and Quillin, are Joyce Stenzel of Wells, MSC Student Senate vice president; Pat McGregor of St. Paul, MSC Daily Reporter editor-in-chief; Greg Gackle, MSC Daily Reporter managing editor; Debbie Gage, student from Nankato; Dave Westphal, chairman of the MSC Graduate Student Association; and Ken Hartung of Cologne, student member of the MSC Task Force for Change.

"The proposed effort by the students at Mankato State to reverse a declining credit hour production and, thus, to reduce the necessity for releasing faculty must certainly earn for them the sincere respects of the community-at-large," said Dr. Kent Alm, vice president for academic affairs. "The manner in which the college will respond to this student effort, in my judgment, will reflect creditably on the faculty. I am certain that it will be an exciting, creative, and educationally sound experiment."

[From the Minneapolis Star, Dec. 25, 1971]

"ACTIVISM" FOR A COMMON CAUSE

Student skepticism about the establishmentarian world may very well be as strong as it was a few years back when it was fashionable to advocate violent change and sometimes to act on that advocacy.

But there is no doubt that, whatever reservations students may harbor about the system, they have a new attitude about their personal chances to survive it. The mood, reinforced by the dismal post-college employment prospects, is marked by a new seriousness about the value of learning. The battle cry is "save and improve," not "blow it up."

Two developments in Minnesota illustrate this. At Mankato State College, where declining enrollment threatens the loss of 36 faculty jobs, a "Save the Faculty" campaign has been launched. Because the size of the faculty is, by law, tied to a formula that reflects both the number of students and the credit hours they carry, students themselves can influence the allocation system.

This they propose to do by encouraging fulltime students to take one more credit, while expanding the part-time curriculum with on-campus "mini courses," open both to regular students and townspeople. The college administration is happily supporting this effort.

At Macalester, a "Save the Profs" campaign is going on against the background of that private college's financial quandary. There, the jobs of eight younger, nontenured faculty members are at stake as the result of a $300,000 budget cut that is part of a larger retrenchment. The students have staged events, such as an auction to raise symbolic funds, with the more serious goal of publicizing their dismay and of putting pressure on the trustees to reconsider. But this is far from "confrontation politics." Long range, trustees, students and administration must work together for increased alumni and other off-campus financial support.

While Macalester's situation is complicated by dispute over the faculty's own decision as to who was to go, there is a common and very constructive spirit among the "Mac" and Mankato students that deserves high praise and public support.

[From the Mankato Free Press, Jan. 11, 1972]

MINI COURSES KEY IN MSC "SAVE THE FACULTY" CAMPAIGN

(By Lynn Closway)

Faculty members at Mankato State College, on short notice, reacted openly Monday to the current "Crisis Campaign" which seeks to offer more courses for credit and ultimately retain faculty persons on campus.

A 6 per cent drop in enrollment that was not anticipated this past quarter and estimates that indicate a further enrollment drop for next year prompted the campaign which has been titled "Save the Faculty."

Faculty members have been asked to submit by Wednesday several outlines for "mini" courses that would be concentrated in a one-month period for credit.

It is hoped students will sign up for at least one more credit hour than they would have taken this quarter, and it is further anticipated community persons would take mini courses.

The campaign has received the sanction of the Minnesota State College Board inasmuch that the budget and finance committee has recommended the college be able to waive all but the normal tuition fee for the mini courses.

That means that the normal one-credit mini course would cost just $7.25, where it had a former minimum cost of $30. If a person were to take more than two credits in mini courses, however, he would then have to pay the normal fees because he would enter the category of a parttime student.

The mini courses will be offered from February to March and will have a diversity in content, methodology, location and number of credits.

They need not only be offered on campus, according to Dr. Carl Lofy, assistant vice president for academic affairs, but could be presented in homes, churches, downtown business places, or outdoors.

It has also been emphasized that the courses will be relevant and even applicable to a major field as well as general education—not of the "basket weaving" type.

Allocations to state colleges are based on credit hours taken by students.

Several faculty persons voiced reactions to the crisis campaign at the meeting:

Donald Glines, program leader at the Wilson Campus School, said mini courses are "long overdue" at the college and that such a plan should be a permanent part of the curriculum rather than "always a pilot."

Another faculty member asked that those who advocate mini courses as a permanent part of the program consider whether the faculty could continue teaching them for "no extra pay."

As it is, faculty members will be teaching the mini courses on a volunteer basis for no extra pay—in addition to their regular teaching load.

Because of that, still another faculty member said that if mini courses would continue as a contribution "over and above other professional projects," there would come a point when the extra courses could have detrimental effects.

[From the Mankato State Daily Reporter, Jan. 6, 1972]

EDUCATION CAMPAIGN SAVE THE FACULTY EFFORT

A student save-the-faculty effort at Mankato State College has developed into a Crisis Campaign for Education designed to significantly expand offerings of interest to persons both on and off campus.

The campaign—a student-based thrust with college administration cooperation—is intended to produce academically sound new courses exciting enough to encourage students to take more credits each quarter. It is also aimed at setting up courses unique enough to interest area residents in taking a few credit hours at the college—under arrangements emphasizing convenience to working adults in time and location.

While laying down a potential for broadening of college programs in the future, it could have the immediate benefit of generating enough credit hours to ease the staff reductions which appear necessary for next year because of a six per cent drop in enrollment this fall quarter. Allocations to the state colleges are based on credit hours taken by students and the reduction projected for this school year is expected to result in about 36 less faculty positions for next year.

The student goal is to reverse the downward trend by upping credit hours enough so there will have to be no reduction of faculty. Quality of education factors are being considered as well as the human element. Reduction of faculty could harm some college programs.

Mini courses are one of the means being planned to interest persons in taking more credits. A mini-course is a concentrated program dealing with a limited subject. Characterized with a maximum of flexibility and informality, it is generally compacted into a short time span—such as one solid all-day session, meeting every night for one or two weeks, or meetings for a few weekends. This allows it to be offered at a time when it is not as likely to conflict with another program of study or a full time job.

Dr. Carl Lofy, assistant vice president for academic affairs, can see almost limitless educational opportunities in mini-courses. He explained they have diversity in content, methodology, location and number of credits. They need not be offered only on campus, he said, and could be presented in local churches, downtown business places, private homes, the outdoors—at any location that is convenient for the persons for which they are intended, or pertinent to the subject being studied.

Mini courses also give creative faculty members the chances to try out ideas immediately without being hampered by the procedures necessary to establish a regular full quarter course.

The short term course could, for instance, consist of a discussion in a private home on family development, a seminar on banking at a local bank, information on how to fill our income tax, a class in special effects photography at the studio of a local professional, a one-day Outward Bound experience, a class in gourmet cooking, a drug seminar, a two-week field trip to another part of the state or nation, a class on how to shop for a car, a weekend trip to a big city ghetto—any educational need that is not otherwise provided for locally in such a concentrated manner.

Lofy pointed out that downtown persons in professional or occupational fields under study could be called in to team-teach with regular faculty members—thereby giving students both the practical and theoretical sides of a subject.

College officials estimate that if every full-time student on campus took one more

credit hour per quarter, the increased income would make it unnecessary to drop any faculty next school year. Average student load now is about 15.5 credit hours per quarter.

Immediate efforts are being made for development of ideas such as mini-courses, simplifying entrance procedures into upper level courses, and more community-related offerings. They are to be ready for use this quarter.

A goal of the campaign is to implement as many student suggestions for course content method and location as possible. Proposals must be submitted to department chairmen no latter than Jan. 11.

The courses will all be taught on pass-no-credit basis, and may be acceptable for meeting major and minor requirements. A schedule of the mini-classes will be published in the Daily Reporter, Jan. 20. First, classes may begin Saturday, Feb. 5 and are to be completed by Friday, March 3, three weeks before the end of the quarter.

All students will be permitted to register in the course of their choice. If a course has registration beyond the "maximum desired," plans will be made to assign adequate space and-or additional instructors within the department.

"Originally the crisis was the need to save faculty positions and services," said Student Senate President Larry Spencer, a member of the Crisis Campaign for Education coordinating group. "We wanted each student to help by taking at least one additional credit hour. However, it has now evolved into a program of fantastic educational opportunity and innovation for student and faculty."

Similar comments come from another committee member, Dan Quillin, Student Senate Speaker and president of the statewide Minnesota State College Student Association.

"Because of the loss of more than a half-million dollars income, it seems shockingly apparent that we are going to lose 36 of our faculty, the vast majority of which will be those without tenure," he said. "These are our youngest, newest, and, in many cases, our best faculty. The student body cannot stand by and watch the loss of talented teachers. This is a crisis and we as a student body and college community must respond to it."

"If we can increase the student credit hour production by about 8,500 hours, roughly one credit hour per quarter per student, we will have averted the crisis."

Persons in the college service area interested in seeing mini-courses offered in a certain subject may call the MSC Student Senate Office, 389-2611, or Lofy at the MSC Academic Affairs office, 389-1221.

The entire program arising out of the Crisis Campaign for Education will undergo a thorough review by existing evaluative processes (such as school curriculum committees) at the end of the quarter, Lofy reported, and recommendations made as to whether it should continue.

He anticipates that some courses could develop out of it that could eventually be incorporated into the regular curriculum.

"Necessity is the mother of virtue," he said. "We first saw this as a means of meeting a crisis, but the more we go into it, the more we see it as an educational opportunity."

James Andersen, associate professor of mathematics, suggested the idea for increasing credit hours which was developed by the student committee into the present plan.

Members of the Crisis Campaign for Education Committee, in addition to Spencer and Quillin, are Joyce Stenzel, MSC Student Senate vice president; Pat McGregor, MSC Daily Reporter editor-in-chief; Greg Gackle, MSC Daily Reporter managing editor; Debbie Gage, student from Mankato; Dave Westphal, chairman of the MSC Graduate Student Association; and Ken Hartung, student member of the MSC Task Force for Change.

The proposed effort by the students at Mankato State to reverse a declining credit hour production and, thus, to reduce the necessity for releasing faculty must certainly earn for them the sincere respects of the community-at-large, said Dr. Kent Alm, vice president for academic affairs. "The manner in which the college will respond to this student effort, in my judgment, will reflect creditably on the faculty. I am certain that it will be an exciting, creative, and educationally sound experiment."

[From Mankato (Minn.) Free Press, Dec. 18, 1971]

MSC Drive Launched To Save Faculty

(By Lynn Closway)

Mankato State College students today launched an all-out campaign to "save the faculty" in answer to a crisis situation at the college whereby 36 faculty positions must be cut by next year.

An unexpected drop in total enrollment projected for next year at the college has caused a reduction of $580,000 in the operating budget allocation and the need to reduce the number of faculty positions.

Now, in a move believed unprecedented anywhere in the country, students, faculty and administration will work to alleviate the crisis by creating more courses and credit hours.

Allocations are based on credit hours taken by students and this year the college showed a decline of about 611 full-time equivalent students, affecting the total credit hour production.

It is estimated that the college stands to suffer an additional decline of about 150 students next year.

The campaign basically is intended to produce academically-sound new courses on campus to stimulate students to take more credit hours each quarter—upping the total credit hour production and hopefully resulting in fewer staff reductions.

A "save the faculty" campaign recently was attempted at Macalester College when the college lost its chief endowment source last year and was forced to make faculty cuts.

* * * * *

Not enough money was raised, however, and sources reported that total amount raised was only enough to give those faculty persons "quite a going away party."

Executive vice President Kent Alm today lauded the efforts of the students and faculty and said the move is totally unprecedented—especially at an institution the size of Mankato State.

College officials estimate that if every full-time student on campus took just one more credit hour per quarter, the increased total production and income would make it unnecessary to drop any faculty next school year.

Average student load now is about 15½ credit hours per quarter.

Creation of more courses and credit hours will come when "mini courses" or short-term courses are offered for credit.

Efforts are underway to develop the mini courses, simplify entrance procedures into the upper level courses and offer more community-related courses.

Dan Quillin, student senate speaker at the college, said today that not every student could be inspired to take the additional credit or credits simply out of an altruistic attempt to "save faculty people."

But the whole idea has now evolved into a "fantastic educational opportunity and innovation for students and faculty," he said.

He added that the student body could not stand by and watch the loss of talented teachers. They would be the younger, newer and in many cases the "best" faculty without tenure, he said.

"This is a crisis and we as a student body and college community must respond to it."

The cooperative effort would mean that each student and faculty member would agree to taking the "additional step to contribute," according to Dr. Carl Lofy, assistant vice president for academic affairs.

Mankato State College,
Mankato, Minn., December 22, 1971.

Dear Faculty Member: The college is presently faced with a projected deficit of over $500,000 which will have a disastrous effect on faculty jobs and college services. With this in mind, we have formed a committee to coordinate a "Crisis Campaign for Education", in an effort to seek and promote alternatives to this present cutback trend.

During the closing week of the fall quarter, we met with faculty members and administrators to enlist their aid and that of the entire campus and the community-at-large. The coordinating committee is encouraging every student to take one or more additional credits during the winter and spring quarters. In addition, we are proposing that the faculty aid us by developing a series of mini-courses which could be offered in February.

This program has fantastic educational opportunities for the entire community of Greater Mankato. Each faculty member has the opportunity to freely develop and offer experimental curriculum with other faculty, students, and townspeople. Development of proposed "mini-courses" may serve as a trial run for future courses, new teaching or learning styles, and interdisciplinary courses.

The college has been forced to recognize that education is a consumers market. The success of this approach will substantially rest on the creativeness of the individual faculty member. Any request to students to take additional credits must be supplemented by the offering of innovative teaching methods and interesting course material. Those departments and centers which utilize the abilities of its students in the development of curriculum will be best able to encourage students to make the extra effort.

In short, we are extending a challenge to the faculty and administration to join with us and the entire Greater Mankato community in an effort to revitalize our college.

Without your full support, the Crisis Campaign for Education will surely fail, and the projected cuts in faculty and services will be the price we will all pay. We urge you to join with us in this joint effort. Thank you.

The Crisis Campaign for Education Committee

Debbie Gage, Chairman.
Larry Spencer, Student Association President.
Pat McGregor, Editor-in-Chief Daily Reporter.
Dan Quillin, Student Senate Speaker.
Joyce Stenzel, Student Association Vice President.
Ken Hartung, Task Force for Change Member.
Mehr Shahidi, College Curriculum Committee Member.
Greg Gackle, Managing Editor Daily Reporter.
Dave Westphal, Chairman Association of Graduate Students.

Mankato State College,
Mankato, Minn., December 27, 1971.

To: Members of the Faculty.
From: Kent G. Alm, Vice President for Academic Affairs.
Re: Crisis Campaign for Education.

Students have initiated, in line with the suggestion of James Andersen, Associate Professor of Mathematics, a concentrated effort to reverse the projected declining

credit hour production for Mankato State—a trend, which left unchecked, would result in the reduction of some 36.4 teaching and non-teaching faculty positions.

Student leaders, representing the Student Senate, Association of Graduate Students, and the Daily Reporter, have drawn up a proposal which may generate enough additional credit hours to offset proposed reductions in services and staff. They are requesting fellow students to take one or more additional credits. If successful, this would raise the average student credit load by as much as one credit hour per student, which would have a measured impact on our projected revenue loss.

In return, they ask that new and different courses be offered which represent a diversity in content, methodology, and location.

Following discussions with the Deans and Department Chairmen, our office has, in cooperation with the Registrar, streamlined the normal procedure for initiating course proposals.

In that regard, please note that as you review the attached mini-course proposal format, it is our understanding every effort will be made to insure that such course offerings are academically sound. Further, the existing machinery of the schools, as represented in the school curriculum committees, will be used as the evaluation vehicles with which students and faculty can analyze the effectiveness of a course following its completion.

We would encourage every faculty member and administrator to develop such mini-course proposals. Students have also urged that faculty families, administrators, and townspeople alike take advantage of these new course proposals—we endorse that approach.

PROCEDURES FOR SPECIAL REGISTRATION OF MINI-COURSES

1. Proposals should be submitted to department chairmen no later than January 11, 1972. Proposal forms accompany these guidelines. The proposed courses should maintain the same standards which we have for our regular courses, with special emphasis on interest and diversity of content, methodolgy, and location.

2. Department chairmen and deans are asked to exercise a minimum of prior "censorship". They should complete the add portion of "Request for Change in Class Schedule" form and forward them with the "Mini-Course Proposal Form" to the Dean's Office. The deans should in turn forward both forms to the Registrar's Office no later than January 12, 1972.

3. A mini-course is conceived, under this proposal, to be one (1) credit hour but someone may propose more. For guidance purposes a credit hour represents ten classroom hours or their equivalent. A mini-course could be added as an adjunct to existing courses now being taught.

4. Problem numbers will be used for the courses, beginning at 100. Admission to schools for taking advanced number courses will be waived. Courses should be available at the graduate, as well as undergraduate level. As much as possible, it is assumed that these courses will be acceptable for meeting major and minor requirements, unless otherwise specified. Mini-courses which satisfy general education requirements should be so identified.

5. All mini-courses should be set up on a P/N grading basis.

6. Proposals may be developed by one staff member or may represent a joint enterprise. Interdisciplinary efforts are encouraged and recommended. Townspeople may be invited to "team-teach" courses where appropriate.

7. To the extent time permits, suggestions as to course content, method and location should be solicited from students.

8. College administrators, as well as personnel from support areas such as Student Services, Library, and Audiovisual are encouraged to develop courses. Accreditation for such courses can be given through the Experimental Studies Program.

9. Faculty and administrators are encouraged, not only to develop mini-courses, but to register for such courses, along with their spouses. (Efforts are being undertaken to waive fees other than tuition.) Courses may be set up specifically for faculty and/or townspeople.

10. Courses may be held in homes, local churches or business establishments, outdoors, etc. Assignment of space will be made after registration, in the February 3 issue of the Daily Reporter.

11. An evaluation will be conducted by each school's curriculum committee, with assistance from the office of Institutional Research. If the evaluation indicates that this effort was successful, it will be repeated during the Spring Quarter.

12. All classes requested will be summarized by Registrar's Office and submitted to Data Processing no later than Friday, January 14.

13. Print out from Data Processing along with mini-class schedule data (meeting dates, time, etc. provided by Registrar's Office) available to Daily Reporter Monday, January 17.

14. Mini-Class Schedule published in Thursday, January 20 Daily Reporter.

15. Special Registration, Saturday, January 22, 9:30–11:30 at Student Union Ballroom. Scheduled for parttime students and interested community persons who are currently not enrolled winter quarter. No add fee will be charged. A drop-add form will be used for all currently enrolled students.

16. Special registration, Monday, January 24, between 12:00–4:00 p.m. Student Union Ballroom and Valley P.E. Building, Lobby and West Gym. Social Security #—— to ——. Six cash registers to be used on Highland Campus and three on Valley Campus. No limit will be established for any class. Additional sections or larger room assignments will be made to accommodate abnormally large registrations in a course.

17. Special Registration, Tuesday, January 25. (Same as #16) Soc. Sec. #—— to Soc. Sec. #——.

18. Special Registration, Wednesday, January 26. (Same as #16 & 17).

19. Special Registration, Thursday, January 27. (Same as #16, 17, & 18).

20. Registration studies by Schools, Departments and Staff with appropriate adjustments (i.e. adding sections, possibly combining some classes, final assignment of rooms and space needed.) Class schedule time and dates need to be kept constant per student registration.

21. Daily Reporter to receive information from #20 through Registrar's Office no later than Tuesday, February 1. Publication of revised schedule to be in Thursday, February 3 issue of Daily Reporter.

22. First classes may begin Saturday, February 5. All classes to be completed by Friday, March 3.

23. Grade Rosters to be completed along with regular class rosters at end of quarter. Grades for mini-courses to be sent to students at same time as other grades for winter quarter.

24. Any suggestions, reactions or questions to these guidelines are welcome. Call Dr. Alm (1312), Dr. Lofy (1221), Mr. Cowan (1926) or your dean.

[From Newsweek Magazine, Feb. 28, 1972]

THE MINI-COURSES

In an art classroom at Mankato State College in Minnesota, a professor points to a 5-gallon plastic jug and warns his attentive students: "Be sure you stir your wine once or twice a day to keep it from getting moldy." In a seminar room across the snow-blanketed campus, a middle-aged associate dean reads ballads to a class while his secretary softly strums her guitar. And in a large classroom, Nita Nickerson, whose husband is president of Mankato State, stands on her head to demonstrate a fine point of yoga.

If these courses in winemaking, folk singing and yoga give Mankato State an aura of radicalism, the image is misleading. For this erstwhile teachers' college, now a strapping institution of 12,000 students, still reflects the sober background of its rural setting in southern Minnesota. And the courses themselves, far from representing any attempt to turn Mankato State into a counterculture "free school," merely reflect an inventive brand of old-fashioned school spirit.

Mankato's mini-courses originated in reaction to a decline of some 600 students in the college's total enrollment. Because state-aid funds are based on the number of credit hours taken by students and the tuition fees they pay, it appeared that the reduced enrollment would cost 36 faculty members their jobs this year and next. Then a solution occurred to James Andersen, an associate professor of mathematics. "I knew we could not just go out in the street and pick up more student," he recalls. "So it seemed that the only way to save those faculty jobs was to have every student carry two or three more credits." The problem was handed over to a student "Crisis Campaign for Education Committee," which developed the mini-course concept. At the committee's urging, the 700 faculty members dreamed up no fewer than 744 one-credit courses, and a prospectus was circulated among the students and the 38,000 residents of the Mankato area itself. In addition, registration procedures were simplified and a token fee of $7.25 was established for each course. Ultimately, more than 2,500 prospective students signed up, including 600 from off-campus.

Although few of the mini-courses would ever see the light of day in a traditional curriculum, most of them have considerable practical value. A group of 51 students is studying "Gunsmithing Basics," while "Candle Making" has drawn 21 students and 28 more are engrossed in "Preventive Maintenance, Diagnosis and Tune-up of Volkswagens and Porsches." And even a course with the lighthearted title, "Everything You Wanted to Know About Personal Credit, Banking, the Police, City Hall, Owning Property and the Establishment But Were Afraid to Ask," may teach its 24 students something about survival in the twentieth century.

The mini-courses are proving so successful that a Mankato State faculty committee, which will evaluate all the courses at the end of the term, is expected to install many of them in the official curriculum. And more important, college officials now calculate that the increased number of credit hours resulting from the mini-courses will probably save at least fifteen faculty jobs. "Some people call this idea frivolous," student-association vice president Joyce Stenzel remarked. "But we think it is what learning is all about."

[Supplement to the MSC Daily Reporter]

MINI COURSE PROPOSALS

MINI COURSE ROOM SCHEDULE ASSIGNMENTS

Mini course classes are listed with meeting places in the schedule. Unless otherwise specified the classes will meet beginning the week of February 7 and will continue through Friday, March 3.

Section 100 problems courses have been eliminated from each of the departments in this schedule since meetings places will be arranged directly with the instructor.

If, for some reason, the mini class for which you registered does not appear with an assigned classroom in this schedule, please contact the instructor for information.

All mini courses for which one or more students have registered will be taught this quarter. Staff members have the prerogative to make changes in the meeting place and time in the case of very small class registration after the initial class meeting.

The last registration date for mini courses was Friday, January 28. Students will not be allowed to register during the first meeting session.

ACCOUNTING

6001, 4911, Problems, 101, 3:00–5:00, Th, Cogiltore, Dambrauskas, Granger, OM 210:

Practical case study approach involving the analysis and interpretation of financial statements.

6002, 4911, Problems, 102, 9:00–5:00, S, Daggett, Landas, OM 210 Feb. 26:

An introduction to the Securities and Exchange Commission. Restricted to accounting majors.

6003, 4911, Problems, 103, 7:00–9:00, W, Kind, OM 211:

Discussion of problems concerning the openings and operating a small business.

6004, 4911, Problems, 104, Arr, Berge Baird, Erickson 3:00–5:00 M OM 210:

To acquaint the student with information basic to personal financial accounting. Call Accounting office for class schedule information.

6006, 5911, Problems, 101, 3:00–5:00, Th, Cogiltore, Dambraushas, Granger, OM 210:

Practical case study approach involving the analysis and interpretations or financial statements.

6007, 5911, Problems, 102, 9:00–5:00, S, Daggett, Landas, OM 210, Feb. 26:

An introduction to the Securities and Exchange Commission. Restricted to accounting majors.

ART

6439, 4911, Problems, 101, 6:00–8:00, W, Matterg, LH 315:

An introduction to the fun of creative pursuit. Open to non-art majors and minors. The course is designed to acquaint the student with his potential for creative expression in the art of painting. Call 389–6413 for enrollment permission.

6440, 4911, Problems, 102, 7:00–9:00 TWTh, Anderson, LH 304:

A series of illustrated lecture-discussions on selected examples of urban housing in Germany from the 1920's to the present to determine the extent to which these examples of housing from Germany might be followed in U.S.

6441, 4911, Problems, 103, 6:00–8:00, T, Schwan, LH 308:

Students will study and make linoleum block prints. Call 389–6413 for enrollment permission.

6442, 4911, Problems, 104, 10:00, S, Hapke, LH 210:

Mural painting techniques and materials. Brief historical survey. Treatment of the wall. Making the cartoon. The students in this class will be offered the option of a 3–6 hour problem course in which they will actually complete a mural on an available wall during Spring Quarter.

6443, 4911, Problems, 105, 7:30–9:30, M, Forman, LH 303:

An introductory investigation into the influence of social and cultural variables on contemporary art education and, conversely, the actual and potential impact of art education on modern "Life Styles."

6444, 4911, Problems, 106, 9:00–10:00, WF, Luomala, LH 211.

Lecture and demonstration on grass human anatomy designed for the practicing studio artist. Limited sketching ability recommended.

6445, 4911, Problems, 107, 7:30–9:30, Th, Friese, Gallery 500:

The Artist at work is a five week lecture-demonstration series organized by Gallery 500 and Fine Arts, Inc., in cooperation with the M.S.C. Department of Art. Those participating are David Anderson, Thomas Friese, Paul Hapke, Edgar Morey, William Richmond, Robert Finkler, John Spurgin, and Donald Donald Matting.

6446, 4911, Problems, 108, 7:00–9:00, M, Richmond, Ni, 14A:

An introduction to wood carving, stone carving, etc. Call 389–6413 for enrollment permission.

6447, 4911, Problems, 109, 7:00–9:30, W, Patterson, Ni 17E:

Handspinning and vegetable dyeing of yarns. Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. Call 389–6413 for enrollment permission.

6448, 4912, Problems, 101, 2:00–4:00, TTh, Artis, Ni 32B:

Ceramic Sculpture is the modeling of a portrait or figure or other subjects, animal, fowl, fish, vegetation. Water, cloud, fire, or a composition of two, three, four or more directly in wet clay and fired to a terracota finish. Call 389–6413 for enrollment permission.

6450, 5911, Problems, 101, 6:00–8:00, W, Matterg, LH 315:

An introduction to the fun of creative pursuit. Open to non art majors and minors. The course is designed to acquaint the student with his potential for creative expression in the art of painting. Call 389–6413 for enrollment permission.

6451, 5911, Problems, 102, 7:00–9:00, TWTh, Anderson, LH 304:

A series of illustrated lecture-discussion on selected examples of urban housing in Germany from the 1920's to the present to determine the extent to which these examples of housing from Germany might be followed in the U.S.

6456, 5911, Problems, 107, 7:30–9:30 Th, Friese, Gallery 500:

The Artist at Work is a five week lecture-demonstration series organized by Gallery 500 and Fine Arts, Inc. in cooperation with the M.S.C. Department of Art. Those participating are David Anderson, Thomas Friese, Paul Hapke, Edgar Morey, William Richmond, Robert Finkler, John Spurgin, and Donald Matting.

6457, 5911, Problems, 108, Arr, Gruter, CSU:

The Go'Miles culture circle. Visits to and brief description of permanent art or craft collections and temporary art shows in Minneapolis, St. Paul, and surrounding area. Call 389–6413 for information.

6459, 5912. Problems, 101, Arr, Gruter, CSU:

The Go'Miles culture circle. Visits to and brief description of permanent art or crafts collections and temporary art shows in Minneapolis, St. Paul, and surrounding area. Call 389–6413 for information.

6463, 6911, Problems, 101, 7:00–9:30, W, Patterson, NI 17E:

Handspinning and vegetable dyeing of yarns. Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. Call 389–6413 for enrollment permission.

6464, 6912, Problems, 102, 2:00–4:00, TTh, Artis, Ni 32B:

Ceramic sculpture is the modeling of a portrait, or figure or other subjects, animal, fowl, fish, vegetation. Water, cloud, fire or a composition of two, three, four, or more directly in wet clay and fired to a terracotta finish. Call 389–6413 for enrollment permission.

BIOLOGY

6469, 4911, Problems, 102, 7:00–9:00, T, Nielsen, Ni 50C:

A brief survey of structure and function in certain insects and the effects of current chemical and biological controls on the insect.

6470, 4911, Problems, 108, 12:00, Th, Gordon, Frydendall, Quade, Ni 38C:

Open discussion and evaluation of selected current readings in ecology.

6471, 4911, Problems, 104, 6:00–9:00, T Arr, Zell Ni 3D:

Minnesota's trees; deciduous and evergreens. Laboratory and field work. High school biology is desirable.

6472, 4911, Problems, 105, 7:00–9:30, W, Ballard, Hybertson, Lund, Ni 64D:

Principles of light microscopy and photomicrography. To be held February 9, 16, 12, and March 1.

6473, 4911, Problems, 106, 4:00–6:00, T, Frey, Bessler, No. 203:

Development of methods for culturing and maintaining living organisms for laboratory use and-or for keeping a terrarium or aquarium in the home.

6474, 4911, Problems, 107, 7:00, W, Sutter, Frey, Ne 203:

A look at elementary study (ESS) and science curriculum improvement study (SCIS) in action.

6475, 4911, Problems, 108, Arr, McEnery, Ni 36D:

A phylogenetic examination of the regenerative and reparative capabilities and mechanisms in animals including man. This course may be taken independently or as an adjunct to Biology 3344–5344–Vertebrate Embryology.

6476, 4911, Problems, 109, 7:00–9:00, M. Cutter, Molitor, Ni 64D:

An introduction to veterinary medicine and the science of animal technology.

6477, 4911, Problems, 110, 10:00–12:00, S, Choe, Ni 5D:

Discussion of the optimum growth requirements of plants and related environmental factors. Open to interested gardeners. No advanced chemistry is required.

6478, 4911, Problems, 111, 7:00–9:00, T. Molitor, Ni 12A:

An introduction to the chemistry of living organisms. Adjunct to Biology 1004, but enrollment in 1004 not required. Chapters 2, 4, and 15 of Keeton, Elements of Biological Science.

6479, 4911, Problems, 112, 6:30–9:00, W, Frydendall, Ni 13D:

Birds, their characteristics and habits, bird watching as a hobby.

6480, 4911, Problems, 113, 4:00, M, Ehrle, AH 319:

Origins and implications of evolutionary thought and its relationship to religion, ethics, politics, and social developments.

6481, 4911, Problems, 114, 6:00–8:00, Th, Bessler, Ni 77D:

Human reproduction, birth control, and abortion. The biological and physiological aspects of human reproduction and development.

6487, 6911, problems, 104, 6:00–9:000, T. Zell, Ni 3D;

Minnesota's trees; deciduos and evergreens. Laboratory and field work. High school biology is desirable.

6488, 6911, problems, 105, 7:00–9:30, W. Ballard, Hybertson, Lund, Ni 64D;

Principles of light microscopy and photomicrography. To be held February 9, 16, 12, and March 1.

6489, 6911, problems, 106, 4:00–6:00, T, Frey, Bessler, Ne 203:

Development of methods for culturing and maintaining living organisms for laboratory use and/or for keeping a terrarium or acquarium in the home.

6490, 6911, problems, 107, 7:00 W, Sutter, Frey, Ne 203:

BUSINESS ADMINISTRATION

6010, 4911, 101, Arr Arr, Bensch, OM 205:

The creation and sales of newspaper advertising for the Mankato State Daily Reporter. Call Bus. Ad. department for information.

6011, 4911, 102 Arr Arr, Meyer, 11:00, Th, OM 223:

Business Ethics—Call Bus. Ad. department for information.

6012, 4911, 103 Arr Arr, Scheuller, OM 205: The course would be concerned with the letters a credit manager would be required to plan and write. An adjunct to Bus. Ad. 3663–5664.

6013, 4911, 104, 3:00 to 5:15 W, Schueller, OM 210:

Investment Companies: Selection of the proper type of investment company share for the individual investor.

6014, 4911, 105, Arr, Rotondi, OM 324:

Identification of critical issues relating to employment of minority people in industrial organizations. Enrollment restricted to members of Bus. Ad. 4444, 4464, 5444, 5464.

6015, 4911, 106, problems, 1:00 to 3:00 TH, Bigelow, OM 202.

A study of investment media suitable for the the average person. Emphasis will be placed on selecting media without a technical study.

6016, 4911, Problems, 107, 12:00, MTWTh, Lebsack, Ni 77F: Topics in Personal Finance. For students enrolled in Business Administration 2614.

6017, 4911, Problems, 108, 1:00 M, Swenson, OM 223: The purpose of this course is to develop an awareness of how communication can be used to change people and ultimately institutions. The thrust of the course is directed at understanding persuasion, manipulation and supportive communications from both the receiving and sending positions.

6018, 4911, Problems, 109, 7:00 TO 9:30, TH, Welty, Feb. 10, 216 Clark St.: This course is designed to stimulate thinking about long and short term personal goals and effective means of achieving them. For permission to register contact instructor at 387–2977.

6019, 4911, Problems, 110, Arr, Arr, Phillips, 6:00 W, OM, 207: Basic form and style in term papers for Business Students. Text: Form & Style in Thesis Writing by Wm. G. Campbell. Call Bus. Ad. department for class scheduling information.

6020, 4911, Problems, 111, Arr, Arr, Janavaras, 4:00–6:00, Th, OM, 223: The purpose of this course is to make students aware of the importance and ramifications of international marketing in a globally involved world. Call Bus. Adm. department for class schedule information.

6021, 4911, Problems, 112, 7:00 TO 9:00, W, Thomas, Northern States Power Co.: Everything you wanted to know about personal credit, banking, the police. City Hall, owning property and the Establishment but were afraid to ask. Community leaders will discuss the above areas (George Sugden, Paul Bell, Police Chief Alexander, Wm. Bassett and Paul Hadley to name a few.)

6024, 5911, Problems, 102, Arr, Arr, Meyer, 11:00, Th, OM, 223: Business Ethics—Call Bus. Ad. dept. for information.

6026, 5911, Problems, 104, 3:00 TO 5:15, W, Scheuller, OM, 210: Investment Companies: Selection of the proper type of investment company share for the individual investor.

6027, 5911, Problems, 105, Arr, Arr, Rotondi, Om, 324: Identification of critical issues relating to employment of minority people in industrial organizations. Enrollment limited to members of Bus. Ad. 4444, 4464, 5444, 5464.

6028, 5911, Problems, 106, 1:00 TO 3:00, TH, Bigelow, OM, 202: A study of investment media suitable for the average person. Emphasis will be placed on selecting media without a technical study.

BUSINESS EDUCATION

6150, 4911, Problems, 101, 2:00 to 5:00, F, Mayleben, NI 10E: A brief discussion of the psychology of utilizing projects. Specific methods and approaches shall be outlined. Material will be on display with their sources available. Limited to Distributive Education majors only.

6152, 4911, Problems, 103, 4:00 to 5:00, MTW, Steiter, Ni 84E: A ten hour introduction to an alternative shorthand system that uses a machine. Call 389-6116 for enrollment permission.

6153, 4911, Problems, 104, 6:30 to 7:45, MW, Kline, Ni 84E: How to compose a letter of application and resume with which to get the interview.

6154, 4911, Problems, 105, 4:00 to 6:00, T, Smale, Ni 85E: Development of Skill in the use of the proportional space typewriter. Call 389-6116 for enrollment information.

6155, 4911, Problems, 106, 1:00 to 3:00, TH, Krile, Ni 90E; Introduction to teaching in Business and Distributive Education and the role of the teacher.

6156 4911, Problems, 107, 7:00 to 9:00, Arr, Mickelson, Ni 86E: Development of a basic touch skill operation on the 10-key adding machine with primary emphasis on adding and listing. Call 389-6116 for enrollment permission.

6159, 6911, Problems, 101, 9:00 to 12:00, S, Mayleben: A brief discussion on the psychology of utilizing projects. Specific methods and approaches shall be outlines. Material will be on display with their sources available. Limited to Distributive Education majors only.

6160, 6911, Problems, 102, 2:00 to 3:00, S, Mayleben, Ni 10E: A brief discussion on the psychology of utilizing projects. Specific methods and approaches shall be outlined. Materials will be on display with their sources available. Limited to Distributive Education majors only.

CHEMISTRY

6493, 4911, Problems, 101, 7:00-9:00, Th, Weberg, Ni 81F: Chemistry for people who hate chemistry: opportunity for students to discuss topics of their interest from a chemical viewpoint with a chemist.

6494, 4911, Problems, 102, 3:00–5:15, T, Holden, Ni 23D: The course will study typical problems of equilibrium with emphasis on solving for equilibrium constants and concentrations of species involved in competitive equilibria.

6495, 4911, Problems, 103, 8:00 Th, Perisho, Ni 64D: Arithmetic for Chemistry: Ratio, proportion, percentage, linear equations as applied to chemistry problems—for students enrolled in Chemistry 1114.

6496, 4911, Problems, 104, 7:00–9:00, M, Perisho, AH 204: Arithmetic for Chemistry: Ratio, proportion, percentage, linear equations as applied to chemistry problems—for students enrolled in Chemistry 1114.

6497, 4911, Problems, 105, 7:00–9:30, W. Graham, Ni 83D: Practical Chemistry: Soaps and Detergents; Natural and Synthetic Fibers; Dyes and Hair Colors.

6498, 4911, Problems, 106, 7:00–9:00, T, Gulden, Ni 77F: Theory for Chemical Technicians: Explanation of what takes place in tests on fats, fibers, proteins, urease activity, urea and non protein nitrogen.

6501, 5911, Problems, 101, 7:00–9:00, Th, Weberg, Ni 81F: Chemistry for people who hate chemistry: opportunity for students to discuss topics of their interest from a chemical viewpoint with a chemist.

6502, 5911, Problems, 102, 3:00–5:15, T, Holden, Ni 23D: The course will study typical problems of equilibrium with emphasis on solving for equilibrium constants and concentration of species involved in competitive equilibria.

COMPUTER SCIENCE

6505, 4911, Problems, 101, 6:30–9:00, W, Wilson, Ni 65D: Stresses actual applications and solutions of Linear Programming Problems rather than the theory of Linear Programming. Applications will be taken from nutrition, business, transportation, and agriculture.

6506, 4911, Problems, 102, 3:00, T, Lewis, OM 210: Functional use of micro circuits and their impact on computers. Class schedule after initial meeting will be decided by students enrolled.

6507 4911, Problems, 103, 3:00–5:30, T, Klein, Trivedi, OM 211: Advanced assembler techniques emphasizing odular construction, multiple file processing, and other programming techniques.

6508, 4911, Problems, 104, 12:00–5:00, SSun, Klein, Lewis, OM 211: Systems development emphasizing pitfalls in systems analysis. Meeting Feb. 19 and 20.

6509, 4911, Problems, 105, 6:00–9:00, T, LeBeda, OM 211: Computer applications in chemistry.

6512: 4911, Problems, 108, 6:00, T, Odom, Hopkins, OM 112: Computer applications in social science curriculum. Meetings Feb. 1, 8, 15.

6513, 4911, Problems, 109, 6:00–8:00, Th, Prouse, Om 211: Computer applications in secondary school mathematics.

6514, 4911, Problems, 110, 6:00–9:00, Th, Odom, Hopkins, OM 210: Emphasis placed on commands and options of ED processor, ELT processor, EXEC 8 system commands and various options available.

6515, 4911, Problems, 111, 4:00–6:00, M, Klein, Trivedi, OM 211: Advanced COBOL techniques emphasing modular construction, multiple file processing, and other programming techniques.

6516, 4911, Problems, 112, 6:00–8:00, T, Hopkins, OM 210: Applications using the FORTRAN programming language. No previous programming experience required.

6517, 4911, Problems, 113, 3:00–5:00, W, Hopkins, OM 211: Discussion of methods and modes of Computer-Assisted instruction available.

6518, 4911, Problems, 114, 9:00–12:00, S, Hopkins, OM 223: Introduction and Applications using the BASIC Programming Language. Meetings Feb. 19, 26 and Mar. 4.

6519, 4911, Problems, 115, 6:00–9:30, M, Henderson, OM 210: Computers in Society. A general introductory course about computer development, usage, social implications, programming, and a review of the Mankato State Regional Computer Center.

6520, 4911, Problems, 116, 9:30–12:00, S, Gildemeister, Willson, OM 110: A brief introductory course covering the use of the UNIVAC 1106 Assembly Language.

6521, 4911, Problems, 117, Arr, Braaten, OM 112: The reliability of the random number generator subroutine included in the present operating system of the computer at Mankato State College will be tested by statistical inference. Call Computer Science Department for information.

6522, 4911, Problems, 118, 9:00–12:00, S, Braaten, OM 112: Packaged computer programs for descriptive statistics will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data. No prerequisite.

6523, 4911, Problems, 119, 1:00–4:00, S, Trivedi, OM 224: Packaged computer programs for descriptive statistics and tests of statistical inference will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data, and for making tests of statistical inference. Pre: Beginning Statistics Course. Meetings Feb. 12, 19, 26.

6524, 4911, Problems, 120, 6:30–9:00, M, Willson, Ni 66C: Stresses the additional features and advantages of programming with FORTRAN V instead of FORTRAN II and-or FORTRAN IV.

6525, 5911, Problems, 100, Arr, Staff, Om 211: Independent Study—Pink Special Permission card needed similar to problems courses in quarterly registrations.

6530, 6911, Problems, 104, 12:00–5:00, SSun, Klein, Lewis, OM 211: Systems development emphasizing pitfalls in systems analysis. Meeting Feb. 19 and 20.

6535, 6911, Problems, 109, 6:00–8:00, Th, Prouse, Om 211: Computer applications in secondary school mathematics.

6536, 6911, Problems, 110, 6:00–9:00, Th, Odom, Hopkins, OM 210: Emphasis placed on commands and options of ED processor,

ELT processor, EXEC 8 system commands and various options available.

6537, 6911, Problems, 111, 4:00–6:00, M, Klein, Trivedi, OM 211: Advanced COBOL techniques emphasing modular construction, multiple file processing, and other programming techniques.

6538, 6911, Problems, 112, 6:00–8:00, T, Hopkins, OM 210: Applications using the FORTRAN programming language. No previous programming experience required.

6542, 6911, Problems, 116, 9:30–12:00, S, Gildemeister, Willson, OM 110: A brief introductory course covering the use of the UNIVAC 1106 Assembly Language.

6545, 6911, Problems, 119, 1:00–4:00, Trivedi, Sat, OM 224: Packaged computer programs for descriptive statistics and tests of statistical inference will be studied for their value to the researcher as a convenient and easy-to-use technique for describing and manipulating data, and for making tests of statistical inference. Pre: Beginning Statistics Course. Meetings Feb. 12, 19, 16.

6546, 6916, Problems, 120, 6:30–9:00, M, Willson, NI 66C: Stresses the additional features and advantages of programming with FORTRAN V instead of FORTRAN II and-or FORTRAN IV.

DENTAL HYGIENE

6547, 4911, Problems, 101, 7:00–9:00, T, Fonda, MH 212: Teeth: facts and fiction for everyone.

EDUCATIONAL ADMINISTRATION

6162, 4911, Problems, 102, 7:00 to 9:00, W., Blum, AH 317: The content of the course includes: (a) a study of the elements of a valid teaching contract, (b) teacher tenure generally and the Minnesota teacher tenure laws, and (c) teacher duties and obligations under Minnesota tort liability statutes.

6168, 5911, Problems, 101, 3:30 to 5:30, MT, Salek, AH 114B: Students will evidence an understanding of and skill in the use of Flander's system of Interaction Analysis, the best known approach to the analytic study of teaching.

6169, 5911, Problems, 102, 7:00 to 9:00, W, Blum, AH 317: The content of the course includes (a) a study of the elements of a valid teaching contract, (b) teacher duties and obligations under Minnesota tort liability statutes.

6173, 6911, Problems, 102, 7:00 to 9:00 M, Brunsvold, AH 115: The Professional Negotiations in Education on Mini-Course will be organized as a bargaining game using simulation materials. Participants in the class will be exposed to the complexities and interrelationships found in an actual bargaining situation. Contact P. O. Brunvold 389–6218 for enrollment permission.

6175, 6911, Problems, 104, 6:30 to 9:30 M, Alm, McMahon, OM103: An examination of the relationship, in respect to decision making, between MSC and other units of state government.

6176, 6911, Problems, 105, 9:00 to 12:00 S, Miller, AH 115: This course will introduce the Delphi technique and develop its application to educational planning.

6178, 6911, Problems, 107, Arr, Lindsay, Feb. 5, AH 115: This course is to enhance the observation and conference skills of practicing elementary and secondary school principals. First meeting February 5. Contact Dr. Lindsay for course specifics.

EDUCATIONAL PSYCOLOGY

6181, 4911, Problems, 102, 7:00 to 9:00, Th, Auger, AH 325: Helping Adolescents Plan: course intended for parents, teachers, and counselors to help adolescents plan their post-high school education.

6183, 4911, Problems, 104, 7:00 to 9:00, W, Christensen, OM 316: Techniques of Grantsmanship: this course will present practical and realistic methods of obtaining private and federal funds, as well as identify sources of funds.

6184, 4911, Problems, 105, 7:00–9:30, T, Hatfield, Moosally, AH 318: Selection and use of Play Materials: concentration will be on the play needs of children and the value of various toys and play materials.

6185, 4911, Problems, 106, 2:00–4:30, M, Knauer, Counseling Center: Problems in Human Relationship Training: the course is designed to help participants gain greater insight into their own behaviors: develop a better understanding of their own and others' feelings, potentialities, and beliefs: and to develop skills necessary for more effective interpersonal relationships.

6187, 4911, Problems, 108, 11:00–1:00, M, Hyde, Harrar, Counseling Center: Designed to explore womanhood. For those interested in experimenting with creative participation in problem-solving situation and new forms of communication in understanding womanhood.

6188, 4911, Problems, 109, Arr, Brown, AH 318: Student Volunteer Services in Community Child and Youth Serving Organizations: student arranges with contact person in some one community organization with assistance and guidance of Dr. Kenneth Brown.

6189, 4911, Problems, 110, 3:00–5:00, TTh, Staff, AH 3181: A detailed study and construction of a unit test. Each student will be expected to select a unit of study in their major field and construct an achievement test measuring the mastery of selected behavioral objectives.

6191, 4911, Problems, 112, Arr, Hatfield, AH 324: Involvement Participation with Youth and Children: observing the behavior and obtaining a better understanding of growing children and youth and their needs. Student enrolling makes arrangements with Mrs. Evelyn Hatfield.

6192, 4911, Problems, 113, 6:00–11:00, WTh, Fuller, LeVake, AH 318N: Interpersonal Relationship Skills: structured participatory experiences designed to increase effectiveness in working with people through increased awareness and understanding of communication skills.

6193, 4911, Problems, 114, 5:50, Th, Draheim, Counseling Center: How to Study Effectively: a group centered, self-learning experience designed to help the individual become aware of different study techniques.

6194, 4911, Problems, 115, 3:00–5:00, MTWTh, Veronda, Griffiths, Hendel, AH 305: Career Opportunities for College Women: this class will endeavor to provide college women with the knowledge of job opportunities today with special emphasis on new job trends or new occupational trends. To be held February 21–24.

6200, 5911, Problems, 104, 7:00–9:00, W Christensen, OM 316: Techniques of Grantsmanship: This course will present practical and realistic methods of obtaining private and federal funds, as well as identify sources of funds.

6202, 5911, Problems, 106, 2:00–4:30, M, Knauer, Counseling Center: Problems in Human Relationship Training: the course is designed to help participants gain greater insight into their own behaviors: develop a better understanding of their own and others' feelings, potentialities, and beliefs: and to develop skills necessary for more effective interpersonal relationships.

6203 5911, Problems, 107, 4:00–8:00, Th, Warrington, Counseling Center: Communications Skills Training: a course designed to help participants become more aware of their communication patterns: to help them improve present communications skills: and to develop new and better skills in relating to others.

ECONOMICS

6031, 4911, Problems, 101, 4:00–5:00, M&Th, Pasanen, OM 324: Public Interest & Public Policy: Some Problems in Environmental Economics. A brief overview and interpretation of the economics of environmental challenges.

6032, 4911, Problems, 102 Arr. Abel OM 324: What economics has to say about certain real-world questions. If interested, contact the instructor at 389–2711.

6033, 4911, Problems, 103, Arr, Withouski, Om 324: An examination of the effects of a system of public higher education on the distribution of income in the U.S. Call Economics Department for information.

6035, 4911, Problems, 105 Arr., Witkowski, OM 324: An examination of the system of higher education as an industry and of colleges and universities as individual producers. Call Economics Department for information.

6036. 4911, Problems, 106, 3:15–5:15, T, Kaldenberg, OM 324: A survey course in the application of mathematics to economics.

6037, 4911, Problems, 107, 6:30–8:30, W, Kaldenberg, OM 223: A practical course covering the information needed for an appraisal, the methods of determining real estate value, and some local examples of real estate appraisal.

6039, 4911, Problems, 109, 7:00–9:15, W, Schwab, OM 324: A study of the methods, safety, and returns of investing money in bank and savings and loan deposits, government bonds, corporate bonds, mutual funds, and corporate stock.

6040, 4911, Problems, 110, 9:00, T, Abel, Galligan, Jones, OM 223: Everything you wanted to know about Gold, the Volkswagen and Phase III and were too busy to ask. A brief and hopefully lucid survey of the current U.S. balance of payments situation and what it means to the U.S. business community and consumers.

6041, 4911, Problems, 111, Arr, Lee, Brown, OM 324: An examination of various approaches to manpower projection. Students will be assigned to work on the Mankato State College Manpower project with pay. Call Economics Department for information.

6042, 4912, Problems, 101, 7:00–9:00, W&Th, Askalani, OM 222: A set of forecasting techniques will enable the student to describe quantitatively fluctuation occurring in time series, to isolate these variations and to eliminate their influence from the basic data when deemed desirable. The class is open for students in Business, Economics, Geography, Sociology, and Urban Studies.

6043, 4912, Problems, 102, Arr, Skorr, OM 324: Financing of Rural Development: To provide students with knowledge of the credit system affecting rural America. Call Economics Department for information.

6045, 5911, Problems, 101, 4:00–5:00, M&Th, Pasanen, OM 324: Public interest & Public Policy: Some Problems in Environmental Economics. A brief overview and interpretation of the economics of environmental challenges.

6046, 5911, Problems, 102, Arr, Abel, OM 324: What economics has to say about certain real-world questions. If interested, contact the instructor at 389–2711.

6048, 5911, Problems, 104, Arr, Witkowski, OM 324: An examination of the application of operant conditioning to the economy as evidenced in Skinner's Walden II Utopia. Call Economics Department for information.

6051, 5911, Problems, 107, 6:30–8:30, W, Kaldenberg, OM 223: A practical course covering the information needed for an appraisal, the methods of determining real estate value, and some local examples of real estate appraisal.

6052, 5911, Problems, 108, Arr, Peterson, OM 324: Expiration of the cooperative structure and effectiveness as an economic and social institution. Call Economics Department for information.

6053, 5911, Problems, 101 7:00–9:00, W&Th, Askalani, OM 222: A set of forecasting techniques will enable the student to describe quantitatively fluctuation occurring in time series, to isolate these variations and to elim-

inate their influence from the basic data when deemed desirable. The class is open for students in Business, Economics, Geography, Sociology, and Urban Studies.

6054, 5912, Problems, 102, Arr, Skorr, OM 324: Financing of Rural Development: To provide students with knowledge of the credit system affecting rural America. Call Economics Department for information.

ELEMENTARY EDUCATION

6209, 4911, Problems, 101, 1:00–4:00, TWTh, Brown, Sinks, AH 306: Participants are engaged in a number of interesting inquiry exercises designed to increase their understanding of, and skill in using inquiry to teach social studies. Will be held February 8, 9, 10.

6211, 4911, Problems, 103, 6:30, M, Oelerich, Ah 232: Construction of teacher-made instructional materials for pre-reading experiences.

6213, 4911, Problems, 105, Arr, Zimmerman, AH 324: The student will learn the technique of interaction analysis and practice it in the classroom where he is teaching. Enrollment restricted to student teachers in Minneapolis, Edina, and Bloomington enrolled in Ed. El. 4724 and supervising teachers in those school districts.

6214, 4911, Problems, 106, 2:00–3:00, MW, Staff, AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6215, 4911, Problems, 107, 6:30–8:30, W, Staff, AH 322AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6216, 4911, Problems, 108, 8:00–9:00, TTh, Staff, AH 322: This course will help the student evaluate and improve his own reading and study skills. Contact Dr. Schiller at 389–1607 for enrollment permission.

6217, 4911, Problems, 109, 2:30–5:30, W, Nelson, Bloomington: Creating bulletin boards for classroom use. Enrollment restricted to MSC Bloomington student teachers. Meets at Central Adm. Bldg. Room 1.

6218, 4911, Problems, 110, 6:30, W, Oelerich, AH310: Construction teacher-made instructional materials for kindergarten language arts, mathematics, science and social studies.

6219, 4911, Problems, 111, 6:30, Th, Oelerich AH 310: Construction of teacher-made instructional materials for pre-kindergarten language arts, mathematics, science and social studies.

6220, 4911, Problems, 112, 7:00–9:30, W, McDiarmid, AH 339: History, background, philosophy and curriculum of the British Infant School, ages 5–7. Emphasis on the open school plan.

6221, 4911, Problems, 113, 7:00–9:00, TTh, Jenesn, CS 001: The Open School: a discussion of the rationale, facilities, staffing, and curriculum of the "open" elementary and secondary school using the Wilson Campus School as a working model.

6222, 4911, Problems, 114, 3:00, W-Arr, Staff, AH 3011: Teaching Techniques: Drug Abuse. Topics of study: drugs in the world of the elementary-secondary pupil; identification of teaching areas appropriate to the elementary secondary school area; instructional media; developmental activities.

6223, 4911, Problems, 115, 12:00, T–Arr, Staff, Th, AH 304: Teaching Techniques: Drug Abuse, Topics of Study: Drugs in the world of the elementary-secondary pupil; identification of teaching areas appropriate to the elementary-secondary school area; instructional media; developmental activities.

6227, 5911, Problems, 103, 6:30, M, Oelerich, AH 232: Construction of teacher-made instructional materials for pre-reading experiences.

6228, 5911, Problems, 104, Arr, Oelerich, AH 301: Investigation of recent research regarding development of cognition for the infant and toddler. Contact the instructor for arrangement regarding time and place of meeting.

ENGLISH

6550, 4911, Problems, 101, Arr., Lokensgard, AH 201: Introduction to study of the dictionary. Enrollment restricted to students in English 1123–5 and 1023–26.

6553, 4911, Problems, 104, 7:00–9:00, T, Wright, AH 226: Creative language activities for the Junior High. Preparation of resource units and specific activities.

6554, 4911, Problems, 105, 1:00, W, Earley, AH 218P: Selected novels. Consent of instructors required for admission to class.

6555, 4911, Problems, 106, 7:00–9:30, W, Linney, AH 212: Reading literature aloud and listening to records for pleasure. Call 389–2025 for enrollment permission.

6556, 4911, Problems, 107, 6:00–9:00, T, Fitterer, AH 319: The unrapable "Me" in me: an understanding of the unexplainable, systematic phenomenon of language which separates the human being from all other being in the universe.

6557, 4911, Problems, 108, 7:00, T, Wright, 224 Crocus Place: Creative Letter Writing: Discussion of ideas and events through a regular correspondence. The purpose of the course is to develop skill and pleasure in writing and thinking about vital issues. Call 389–2025 for enrollment permission.

6558, 4911, Problems, 109, 7:00, W, Fry, AH 222: The Road to Middle Earth: J. R. R. Tolkien and the Nature of Fantasy in Fiction.

6559, 4911, Problems, 110, 2:00, MWTh, Michael, AH 305: Independent project: Shakespeare.

6562, 4911, Problems, 113, 6:00–8:00, Th, Solensten, Bronson, Alcott, AH 201: Individualized study of the influence of Emerson and-or Thoreau on American Culture, including art, architecture, education, scientism, poetry, economics, and various aspects of contemporary thought.

6563, 4911, Problems, 114, 9:30, S, Wessman, Shrewsbury, Sponkberg, AH 302: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. A reading list will be made available a week in advance of the first session. To be held February 5, 12, 19, 26.

6565, 4911, Problems, 116, 5:50, M, Barger, AH 229: Students will add three novels to the required reading for English 1133-Section 7 and be examined on these novels. Enrollment restricted to English 1133-Section 7.

6566, 4911, Problems, 117, 9:00–12:00, S, Dornberg, Fry, Detter, Wright, AH 201: Classic films: Three films on Channel 2, KTCA–TV. Discussion of the films and a paper required.

6567, 4911, Problems, 118, 12:00, MWF, Waterman, AH 310: Contemporary Poetry.

6568, 4911, Problems, 119, 8:00–10:00, Th, Waterman, Cassell, Davidson, AH 310: Writers Workshop: Production and constructive criticism.

6570, 4911, Problems, 121, 7:00–9:00, W, Meyer, OM 212: Read and discuss Wright's Black Boy and Native Son and Baldwin's The Fire Next Time and Go Tell It on the Mountain.

6572, 4911, Problems, 123, 4:00–6:00, W, Otis, AH 212: Detective Fiction.

6573, 4911, Problems, 124, 5:50–8:40, Th, Maakestad, AH 201F: The evolution of literary humor since the Civil War.

6575, 4911, Problems, 126, 4:00, Th, Duane: A grammar laboratory where students can work at their own pace learning basic grammar. AH 210.

6579, 4911, Problems, 130, 9:00, S, Shively, Meisel, AH 212: Radio scripting from children's stories: select children's stories, transform them into radio scripts (English 4911) and-or produce these scripts (Speech 4911).

6580, 4911, Problems, 131, 7:00–9:00, T, Otis, AH 210; Introduction to Aviation.

6581, 4912, Problems, 101, 12:00, MWF, Waterman, AH 310: Contemporary Poetry.

6582, 4912, 102, 8:00–10:00, Th, Waterman, Cassell, Davidson, AH 310: Writers Workshop: Production and constructive criticism.

6587, 5911 Problems, 104, 7:00–9:00 T Karvonen, Wright, AH 226 Creative language activities for the Junior High. Preparation of resource units and specific activities.

6590, 5911, Problems, 107, 6:00–9:00, T, Fitterer, AH 319: The unrapable "Me" in me: and understanding of the unexplainable, systematic phenomenon of language which separates the human being from all other being in the universe.

6596, 5911, Problems, 113, 6:00–8:00, Th, Solensten, Bronson, Alcott Ah 201: Individualized study of influence of Emerson and-or Thoreau on American Culture, including art, architecture, education, scientism, poetry, economics, and various aspects of contemporary thought.

6597, 5911, Problems, 114, 9:30, S, Wessman, Shrewsbury, Sponberg, AH, 302: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women in Higher Education. A reading list will be made available a week in advance of the first session.

6600, 5911, Problems, 117, 9:00–12:00, S, Doinberg, Fry, Detter, Wright, AH 201: Classic films: Three films on Channel 2, KTCA–TV. Discussion of the films and a paper required.

EXPERIMENTAL STUDIES

6057, 4911, Problems, 101, 1:00–5:00, FS, Sandersfeld, Cooper: Organizing, planning, and developing a conference.

6058, 4911, Problems, 102 4:00–5:30, T, Sandersfeld, Hess Housing Office, Preparation of the Residence newspaper. Responsibilities in writing a newspaper. Practical experience in the areas of news writing and newspaper makeup.

6059, 4911, Problems, 103, 7:00–9:00, W, Tim Ni 23E: Wines and spirits in meal preparation and serving. A quintet of cuisines and chinese. Call 389–6021 for class registration permission.

6060, 4911, Problems, 104, 3:00–5:00, D, Nickerson, OM 319: This course is designed to help the student to begin elementary yoga breathing, exercises leading to the postures, plus discussion of philosophical, psychological and physiological background. To be held February 7–11.

6061, 4911, Problems, 105, 4:00–5:30, TT, Hess, T, Th, McElroy-Crawford: A look at bureaucracies and bureaucrats using as a guide the very humorous book The Peter Principle.

6062, 4911, Problems, 106, 3:00–4:00, D, Hausker, Matuska, Ruble: The objective of the seminar will be to explore the financial concerns of present college students. To be held February 7-18. Student Financial Aids Office.

6063, 4911, Problems, 107, 6:00–9:00, Th, Olson, PA 101: Mini: Enlightenment. Music and the art of the 18th century, and the changing concept of man. Meeting Feb. 10, 24, and Mar. 2.

6064, 4911, Problems, 108, 8:30–4:30, S, Lofy, Mans, Feb. 5, OM 212: Parental concerns in raising a family: This is a one-day workshop in which the participants will discuss difficulties they encounter in relating to their children. We will attempt to isolate major areas of concern and discuss them in depth. To be held February 5.

6065, 4911, Problems, 109, 3:00–4:30 TTh, Webster, OM 118: Designed primarily for students and faculty currently serving or planning to serve on dorm, house, or college-wide judicial boards.

6066, 4911, Problems, 10, 7:30–9:30, T, Nickerson, Fitterer, AH 317: This course provides the opportunity for community members, faculty and students to discuss with the President and administrators of Mankato State the principles and factors which should guide the college as it looks to the future.

6067, 4911, Problems, 111, 4:00–8:00, Th,

Warrington Counseling Center: A course designed to help participants become more aware of their communication patterns; to help them improve present communication skills; and to develop new and better skills in relating to others. It also focuses upon the significant dimensions of interpersonal relationships and the effect of these dimensions upon others behavior. Enrollment limited—for permission to register, contact instructor at 389–2212.

6068, 4911, Problems, 112, 7:00-9:00, T, Ehrle, 25 University County; Gourmet Cooking: Experiences in the purchase, preparation and serving of Gourmet foods. Call 389-1711 for enrollment permission.

6069, 4911, Problems, 113, 2:00-4:00, F, Heaney Student Service Ctr: Residence hall government and operations.

6070, 4911, Problems, 114, 7:00-10:00, T, Nigg, Lee Foreign Student Office: A comparative study for the understanding of foreign culture and social customs.

6071, 4911, Problems, 115, 6:30-9:30, W, Lee Foreign Student Off: Idiomatic Spanish for Mexican travelers and pronunciation help.

6072, 4911, Problems, 116, 7:00-10:00, W, Nigg, Lee Foreign Student Office: To study about foreign educational patterns and its implication to international education.

6073, 4911, Problems, 117, 7:00–10:00, T, Nigg, Lee Foreign Student Office: To train students who will be going into international student advision and programing.

6074, 4911, Problems, 118, 6:30–9:30, T. Lee Foreign Student Office: To teach the Chinese language.

6075, 4911, Problems, 119, 7:30–9:30, T, Olszewski, 1210 Corney, No. Mankato: Introduction to handwriting analysis (graphoanalysis). Special permission may be requested for enrollment by calling 389–1912.

6076, 4911, Problems, 120, 6:00–9:00, T, Nikkelsen AH 326: Designing your own Home: The court is designed to give guidance from a graduate architect to inividuals interested in planning their own home: basic planning, floor patterns, construction methods and aesthetic considerations.

6077, 4911, Problems, 121, 4:00–6:00, M, Hartzlee AH 310: Science and Christianity: A general survey of the relations between science and Christianity. Particular emphasis on astronomy.

6078, 4911, Problems, 122, 6:00–8:00, W, Lashway, Zwickey, Rosburg: CSU 220: Considerations of details in planning and organizing conferences and group meetings.

6081, 4911, Problems, 125, 4:00–6:00, M, Gappa, Halling, AH 225: Lessons on the guitar and folk song and ballad materials. A short background on the development of folk singing and balladry will be included.

6082, 4911, Problems, 126, 6:00–8:00, M, Schwan, LH 301: Winemaking: Introduction to home wine making: equipment needed, fermentation process and type of wines. Students must be over 21 and married. Call 389–6017 for enrollment permission.

FOREIGN LANGUAGE

6604, 4911, Problems, 102, 3:00–5:00, W, Esgate AH 218: Brecht's "3 Penny Opera". Primarily listening appreciation in German.

6605 4911, Problems, 103, 11:00, WF, Barson, AH 218: A comprehensive study of modern Romanian with emphasis on communication of ideas and exchanges of conversations.

6607, 4911, Problems, 105, 4:00, W, Ries, Siegler, AH 210: A cultural orientation to Mexico and conversational Spanish. Enrollment is limited only to prospective Mexican-bound student teachers.

6608, 4911, Problems, 106, Arr, Longwell, AH 2218: Readings, conversation, composition, culture for intermediate level Spanish students.

6609, 4911, 107, 1:00, W, Mayer, AH 302: Cuentos Americanos: A selection of short stories of Latin America. Open to the present Spanish 1024 classes and to former students of 1034.

6610, 4911, Problems, 108, 10:00, Th Waldorf, AH 234: A study of the Latin American peoples and the history of their countries. Pictures and movies of the various countries. Conducted in English.

6611, 4911, Problems, 109, 10:00, T, Lange, MH 112: Elementary German reading and translation, an adjunct to German 1024.

6612, 4911, Problems, 110, Arr, Lange, AH 218: German pronunciation and intonation. Call 389–2025 for information.

6613, 4911, Problems, 111, 2:40–6:00, W, X, Lang, H.S.: French gourmet cooking. Minimal lab fee. For permission to register, contact 389–6515.

6614, 4911, Problems, 112, 8:00–10:30, W, Ready, Lang H.S.: Contemporary French life: pop culture via the song. Open to anybody with a smattering of French.

6615, 4911, Problems, 113, Arr, Strachan, AH 218: German songs as reflection of social history. Cultural content rather than melody to be emphasized. Suggested as adjunct to any first or second year course. Non-German students accepted.

6616, 4911, Problems, 114, Arr, Strachan, AH 218: Readings in German history and culture. Suggested as adjunct to German 1024, 1034, 2104, 1014, etc.

6617, 4911, Problems, 115, 8:00, F, Posteuca, AH 205: Special Problems (Interm. German).

6618, 4911, Problems, 116, 10:00, F, Posteuca, AH 218: Special Problems (French).

6619, 4911, Problems, 117, Arr, Posteuca, AH 218: Beginners course in Latin. Call 389–2025 for information.

6620, 4911, Problems, 118, 3:00, Arr, Posteuca, AH 218: Yoga and Physical education. Call 389–2025 for information.

6621, 4911, Problems, 119, 4:00, T, Posteuca, AH 210: Seminar: Yoga and oriental philosophy.

6623, 4912, Problems, 101, Arr, Staff, AH 226: Accelerated practical readings in French. Call 389 for information.

6624, 4912, Problems, 102, Arr, Senner, AH 218G: Old Norse—Readings from Scandinavian history, Nordic mythology, and Viking adventure stories. Call 389–2025 for information.

6629, 5912, Problems, 102, Arr, Senner, AH 218g: Old Norse—Readings from Scandinavian history, Nordic mythology, and Viking adventure stories. Call 389–2025 for information.

GEOGRAPHY

6635, 4911, Problems, 101, 6:00–8:00, T, Grove, OM 305: Bangladesh: a study of the historical, cultural, geographical, and political situations of the new country. February 1, 8, 15, 11, 19.

6636, 4911, Problems, 102, 6:00–8:30, T, Jack, OM 310: The Salmon: A Continuation of Crisis & Resource Depletion.

6637, 4911, Problems, 103, 7:00–10:00, S, Anderson, Ostrem, AH 207: Settlement patterns of a communal group: The North American Hutterites. Includes a day field trip. Call 389–2617 for information.

6638, 4911, Problems, 104, 9:00–3:00, FS, Stoops, Thurston, OM 325: Field Trip: Mankato Area Urban Development, present and future. To be held February 12 and 18.

6639, 4911, Problems, 105, 3:00–5:00, TTh, Colakovic, OM 325: Yugoslovia: Key Nation in Europa's "Soft Underbelly" The cultural and historical background, economic and demographic development, and political-military situation.

5530, 4911, Problems, 106, 7:00–10:000, W, Burns, OM 310: Through the USSR by Aeroflot and Kodachrome; an armchair trip following the 10,000 mile route travelled by the instructor in the summer of 1971. Meetings Feb. 16, 23 and Mar. 1.

6641, 4911, Problems, 107, 7:00–9:00, TTh, Burns, Sletten, OM 311: This course will utilize short biographical sketches of the leading American geographers, together with selected readings from their publications with the intent of familiarizing geography students with the recent and contemporary leaders in that discipline. Feb. 15, 17, 22, 24, 29.

6642, 4911, Problems, 108, 6:00–9:00, M, Davenport, Jack, Ostrem, Thurston: Sewage. The generation of sewage, treatment costs and alternatives, impact on streams, and public policy issues. OM 310.

6643, 4911, Problems, 109, 7:00–9:00, W, Davenport, OM 323: Evaluate the potential agricultural production of undeveloped tropical and subtropical lands.

6644, 4911, Problems, 110, 6:00–9:30, Th, Groenhoff, Om 301: "The Landscape as Viewed by Hemmingway" in selected novels.

6645, 4911, Problems, 111, Arr, Smith, OM 308: Booze: Mixing and Consumption. An indepth consideration of the alcoholic beverage in our society with intensive field work, throughout southern Minn. and central Maine. Call 389–2617 for information.

6646, 4911, Problems, 112, 7:00–9:00, Th, Rankin, AH 207: This course is designed to further the student's knowledge and appreciation of the history, economy, culture, and physical setting of South-Central Minnesota.

6647, 4911, Problems, 113, 7:00–9:00, MT, Roscoe, OM 307: A layman's discussion of meteorological and atmospheric phenomenon associated with typical television weather program.

6648, 4911, Problems, 114, 7:00–9:30, Th, Morgan, OM 307: What's in a Place name? Determination of the origin and reasons for place name.

6649, 4911, Problems, 115, 7:00–9:00, T, Apitz, OM 223: Focus of the Minnesota: A Unique River—A Unique Valley.

6651, 5911, Problems, 101, 6:00–8:00, T, Grove, OM 305: Bangladesh: study of the historical, cultural, geographical, and political situations of the new country.

6653, 5911, Problems, 103, 7:00–10:00, S, Anderson, Ostrem, AH 207: Settlement patterns of a communal group: The North American Hutterites. Includes a day field trip. Call 389–2617 for information.

6657, 6911, Problems, 103, 7:00–10:00, W, Burns, OM 310: Through the USSR by Aeroflot and Kodachrome; an armchair trip following the 10,000 mile route travelled by the instructor in the summer of 1971. Meetings Feb. 16, 12 and Mar. 1.

6658, 6911, Problems, 104, 7:00–9:00, TTh, Burns, Sletten, OM 311: This course will utilize short biographical sketches of the leading American geographers, together with selected readings from their publications with the intent of familiarizing geography students with the recent and contemporary leaders in that discipline. Feb. 15, 17, 11, 13, 19.

6659, 6911, Problems, 105, 6:00–9:00, M, Davenport, Jack, Ostrem, Thurston: Sewage. The generation of sewage, treatment costs and alternatives, impact on streams, and public policy issues. OM 310.

GEOLOGY

6661, 5911, Problems, 101, 6:00–9:30, T, Zimmer, NI 28C: A laboratory oriented course on the practical identification and recognition of minerals and rocks. Call 389–2815 for enrollment permission.

HEALTH

6092, 4911, Problems, 102, 5:50 to 8:00, TH, Cbb, VP 605: Health problems commonly found among Minority ethnic groups will be researched and discussed.

6093, 4911, Problems, 103, 9:00 to 11:30 FS, Hankerson, Health Center: Medicine for the Emerging Adult: Discussions of Venereal Disease, pregnancy problems, sexual identity problems, problems of stress, neurosis and psychosis, drugs, drinks and the devil, and skin problems pertaining to acne.

6094, 4911, Problems, 104, 10:00 to 11:00, TTH, Witham, VP 603: Health construction and analysis of achievement tests.

6095, 4911, Problems, 105, 3:15 to 5:45, W, Clarke, LH 223; Medical Terminology: An

introduction to the understanding, utilization and significance of the nomenclature of the health sciences.

6103, 5911, Problems, 104, 10:00 to 11:00, TTH, Wiltham, Up 603: Health test construction and analysis of achievement tests.

6105, 5911, Problems, 106, 6.00 to 9:00, M, Schuster, UP 510: The Politics of Health: Explore the political structures of health delivery systems and the political process of the Minnesota State Legislature as it relates to health legislation.

HISTORY

6666, 4911, Problems, 101, 12:00, T, Allen, MH 213: The Naya of Mexico and Guatemala to 1600. Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6667, 4911, Problems, 102, 7:00–8:00, MT, Brennan, MH 109: Problems of the Soviet Union: Literature as a Means of Dissent: The Case of Alexander Solzhenitsyn. To be held February 1, 14, and 28. "The First Circle" by A. Solzhenitsyn will be the text.

6668, 4911, Problems, 103, 3:00–4:00, M, croce, MH 105: Discussion of five or six critical elections for the Office of President throughout United States history.

6670, 4911, Problems, 105, 7:00–9:30, M, Hevener, MH 109F: The class will read and discuss three urban novels, Dreiser's "Sister Carrie", O'Connor's "Last Hurrah", and Ellison's "Invisible Man".

6671, 3911, Problems, 106, Arr, Holzer, 3:00–5:00, M, AH 230: "The Third Reich" by Albert Speer. The class will learn why and how Hitler and the Nazis came to power, what life was like in the Third Reich, and be exposed to the two main views and interpretations of the German guilt. Call 389–2725 for information.

6672, 4911, Problems, 107, 10:00–11:00, M, Nicholls, AH 121: Lectures and discussion concentrating on the historical and intellectual origins of Marxism as well as the implementation of the theory of the Soviet Union.

6673, 4911, Problems, 108, 7:00, W, Nordstrom, MH 109F: The Nature of Man and the Historical Process: A Question of the Dynamics of History. What is it in man which moves history?

6674, 4911, Problems, 109, 8:00–10:00, T, Postma, 218 Iota Ave: Fictional Literature as History. The objectives of this course are (1) to build a repertoire of historical fiction, and (2) to illustrate the merits and pitfalls of the use of novels as historical source material. Call 389–1715 for registration permission.

6675, 4911, Problems, 1101, 3:00–5:00, F, Williams, 222 Clover Lance: The History of Nazism: Each student will read about and report on an aspect of Nazism that interests him and participate in free discussion of subjects reported on by his colleagues in the class.

6676, 4911, Problems, 111, 7:00–9:00, T, Zimmerman, MH 109F: Participants will examine public attitudes toward two American wars, the Philippine-American War of 1899–1902 and the current Vietnam War.

6677, 4911, Problems, 112, 1:00–2:00, Th, Abbott, MH 103: Our American Heritage: A series of slide lectures depicting our heritage. Enrollment restricted to those in Hist 1134–4.

6679, 4911, Problems, 114, Arr, Hench, Hevener, 931 Baker Ave: Writing Family History. Persons with prior knowledge of their own family history are invited to formalize their findings. For permission to register call Mr. Hench at 388–9234.

6680, 4911, Problems, 115, 1:00, T, Kress, Mh 222F: Technology and Civilization to 1600 A.D.: An examination of the proposition that civilizations are reflections of the technology of their time.

6681, 4911, Problems, 116, 2:00, T, Kress, Mh 222F: Discovery and Exploration from Aeneas to Columbus: Since discoveries and explorations seem to be non-constants, can we discover what inspires such enterprises?

6683, 4911, Problems, 118, 7:00–9:00, TTh, Taylor, 109½ Broad: An examination of the course of U.S.-Chinese relations in the 20th Century; discussion will concern itself with John K. Fairbanks, The United States and China. Call 389–1715 for enrollment permission.

6684, 4912, Problems, 101, 12:00, T, Allen, MH 213: The Maya of Mexico and Guatemala to 1600. Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6687, 6911, Problems, 101, 12:00 T, Allen, MH 213: The Maya of Mexico and Guatemala to 1600: Slides and lectures will show the achievements of this amazing culture group—achievements in architecture, in mathematics and astronomy, and in social and political relations.

6689, 6911, Problems, 103, 3:00–4:00, M, Croce, MH 105: Discussion of five or six critical elections for the Office of President throughout United States history.

6692, 6911, Problems, 106, Arr, Holzer, 3:00–5:00, M, AH 230: "Inside the Third Reich" by Albert Speer. The class will learn why and how Hitler and the Nazis came to power, what life was like in the Third Reich, and be exposed to the two main views and interpretations of the German guilt. Call 389–2725 for information.

6694, 6911. Problems, 108, 7:00, W, Nordstrom, MH 109F: The Nature of Man and the Historical Process: A Question of the Dynamics of History. What is it in man which moves history?

6695, 6911, Problems, 109, 8:00–10:00, T, Postma, 218 Iota Ave.: Fictional Literature as History. The objectives of this course are (1) to build a repertoire of historical fiction and (2) to illustrate the merits and pitfalls of the use of novels as historical source material. Call 389–2725 for enrollment permission.

HOME ECONOMICS

6251, 4911, Problems, 101, 7:00–9:30, W, Patterson, Ni 17E: Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves, and bark. For registration permission call 389–6021.

6252, 4911, Problems, 102, 10:00–10:00, Th, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6253, 4911. Problems, 103, 4:00–10:00, T, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6254, 4911, Problems, 104, 6:00–9:00, W, Widmer, Ni 24E: Lab experiences designed to develop observation, perception, and communication through varied techniques in rendering interiors. Techniques include pencil, ink, water color, floor plans, elevation, one-point perspective, and two-point perspective. For registration permission call 389–6021.

6255, 4911, Problems, 105, 4:00–600, MW, Widmer, Ni 10E: The evolution of interior Design from the Egyptian period to contemporary, with particular emphasis on furniture, domestic architecture and interiors.

6257, 4912, Problems, 101, 7:00–9:00, W, Hagan, Ni 15F: Factors involved in controlling weight at the different age levels, and suggestions for the overweight individual.

6260, 6911, Problems, 101, 7:00–9:30, W, Patterson, Ni 17E: Drop-spindle spinning of yarns from wool and the dyeing of wool with natural materials such as berries, leaves and bark. For registration permission call 389–6021.

6261, 6911, Problems, 102, 10:00–10:00, Th, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

6262, 6911, Problems, 103, 4:00–10:00, T, Hallett, Wyckoff, Ni 25E: Participation in a clothing botique, an educational program with the Extension Service sewing industry, and other educational units. To be held February 8 & March 23.

INDUSTRIAL AND TECHNICAL STUDIES

6232, 4911, Problems, 101, 3:00–5:00, W, Johnson, Ne 106: An opportunity to explore concepts and literature suggestive of future technology and related ramifications.

6235, 4911, Problems, 104, 6:30–10:00, M, Gavin, Ne 106: Self Expression and Design with Metals. Basic instruction in gas welding, brazing and cutting of metal and their application to freeform art. Enrollees will be responsible for material used.

6236, 4911, Problems, 105, 7:00–9:00, W, Johnson, Ne, 101: Molding and frame construction, matting and mounting prints, glazing and finishing. Enrollees will be responsible for material used.

6237, 4911, Problems, 106, 3:00–5:00, M, Brown, Ne, 108: Candle making: coloring, scenting, use of molds, freehand and mold casting, using ice and others. Enrollees will be responsible for materials used. For permission to register, contact the receptionist's office, Nelson Hall or call 389–6516.

6238, 4911, Problems, 107, 6:00–9:30, W, Ready, Ne, 105: Preventive maintenance, diagnosis, and tune-up of Volkswagons and Porsches. Student-owned vehicles optional. For permission to register, contact receptionist office, Nelson Hall or phone 389–6516.

6239, 4911, Problems, 108, 6:30–10:00, W, Gavin, Ne, 104: The exploration, evaluation and development of winter fish shelters designs which culminate in the production of selected designs. Enrollees will be responsible for materials used.

6240, 4911, Problems, 109, 7:00–9:00 Th, Brown, Ne, 107: Developing and mounting techniques of color (35 MM Etachrome) slides. Please Note: No kodachrome. (Enrollees will be responsible for material used.) For permission to register, contact receptionist's office, Nelson Hall or phone 389–6516.

6241, 4911, Problems, 110, 6:00–8:30, Th, Andersen, Ne, 1: Gunsmithing Basics. Lecture-demonstrations on such topics as bedding, trigger pull assemblies, scope mounting, and reloading.

6242, 4911, Problems, 111, 6:00–8:00, M, Seigler, Ne, 305: Introduction to Amateur Radio. This course should prepare a person to pass the Novice Class Amateur examination. Basic electronic theory and international morse code will be included. For permission to register contact the receptionist office, Nelson Hall or phone 389–6516. (Enrollees will be responsible for material used.)

6245, 5911, Problems, 102, 6:00–8:30, W. Seigler, Ne, 103: Basic foundry practices used a hot wire cutting machine in making styrofoam patterns. For permission to register contact the receptionist office, Nelson Hall or phone 389–6516. Misc. fee $2.00. Aluminum used $0.30-lb.

6248, 5911, Problems, 7:00–9:00, W, Johnson, 105, Ne, 101: Molding and frame construction, matting and mounting prints, glazing and finishing. Enrollees will be responsible for materials used.

INSTRUCTIONAL MEDIA AND TECHNOLOGY

6264, 4911, Problems, 101, 4:00–4:50, T, Johnson, LH 5: Photography: From Camera to Negative. Covers basics of camera operation, exposure determination and procedure for developing film. Students without a

camera of their own available should check with the instructor of the course prior to registration to determine camera availability.

6265, 4911, Problems, 102, 10:00–12:00, S, Birmingham, ML 1023: A study of Cable Television, its origins, present and future growth and potential.

6266, 4911, Problems, 103, 7:00–9:30 Th, Pagel, ML 1023: Comparative study of various encyclopedias, dictionaries and atlases frequently purchased by parents for use by school-age children.

6267, 4911, Problems, 104, Arr, Pengelly, Folkers, ML 1017: Evaluation and Selection. Enrollment limited to MT 4–5173 students.

6268, 4911, Problems, 105, Arr, Pagel, McDonald, ML 1019: Materials for Adolescents. Enrollment limited to MT 4–5133 students.

6269, 4911, Problems, 106, 6:00–8:30 Th, VanDyke, ML 1001: An introduction to folklore and picture books and to techniques of storytelling.

6270, 4911, Problems, 107, 3:00–4:00, T, Hughes, Folkers, ML 1024: Preparation of Overhead Transparencies. Production of thermofax, diazo, color life, photographic, and hand made transparencies.

6273, 4911, Problems, 110, Arr, McDonald, St. Peter: Preparation of transparencies, mounting pictures and instructional materials. Contact Memorial Library desk for time arrangements as well as location of class.

6274, 4911, Problems, 111, 8:30–11:30, S, Hitt, ML 106A: Using Abstracting for Educational Research: the course would be designed, 1) to give the student the specific "helpful hints" for initiating research projects in the field of education, 2) to help the student minimize problems with subject headings and systems, and 3) to acquaint the student with the use of available abstracting services.

6275, 4911, Problems, 112, Arr, Sarenpa, ML 106: A self-instructional course consisting of fifteen recorded lessons dealing with the principles and procedures used to analyze instruction, design instruction, instruct, and provide quality control. Arranged according to students schedule.

6276, 4911, Problems, 113, Arr, Sarenpa: Medical Dental Terminology: a full orientation and background course in word origin and word development. Much attention to scientific environment, as well as root word, prefix, and suffix relationships of words commonly used in the dental and medical fields. This course, consisting of 22 recorded lessons correlated with a student workbook is self instructional and arranged according to the students' schedule.

6277, 4911, Problems, 114, 3:00–5:00, M, Lester, ML 1032: Unit Record Equipment: Practical experience in writing and operation of data processing unit record equipment, including the collator, accounting machine, sorter, interpreter, and reproduce punch. For permission to register, obtain approval card at Memorial Library Main Office.

6279, 4911, Problems, 116, 4:00–4:50, Th, Johnson, Johnson LH7: Photography: Polaroid Prints and Portraits. Basics of various size camera operation including 4x5 and MP-3 copy. Includes black and white and color films, exposure calculation and use of the Polaroid as a basis for color exposure and to check lighting. For permission to register, obtain approval card at Memorial Library Main Office.

6281, 4911, Problems, 118, Arr, Johnson LH 7: Motion Picture. Enrollment limited to MT 4–5273 students.

6284, 4911, Problems, 121, Arr, Pagel, ML, 1019; Bibliography and Reference. Enrollment limited to MT 4–5113 students.

6289, 4911, Problems, 126, 6:00, Th, Sivertson, Feb. 3, LH 20: To enable the student to gain experience in selection, operation, and identification of camera, film, and lenses. The student will also learn the basic principles of pictorial composition. For permission to register, obtain approval card from Memorial Library.

6290, 4911, Problems, 127, 6:00, Arr, Sivertson, Feb. 22, LH 20: Decoupage: the purpose of this course is to enable the student to gain experience in the fundamental principles and processes of decoupaging. For permission to register, obtain approval card from Memorial Library.

6292, 4911, Problems, 129, 10:00, S, Sharits, Lundin, LH 5: Understanding Stereo Specs. Interpretations of various specifications as applied to stereo high fidelity equipment. Includes demonstrations of measurement techniques. For permission to register, obtain approval card from Memorial Library.

6293, 4911, Problems, 130, 7:00–8:00, MWF, Morgan A.M., ML 1015: The course will briefly survey the most controversial and provocative of Shakespeare criticism, Hamlet and Othello. For permission to register, obtain an approval card at Memorial Library, Main office.

6294, 4911, Problems, 131, 7:00–9:00, Th, Bull, Lester, ML 3115: Consumer Information: How to locate information through guides, regulations, laws; enforcement of consumer protection laws and regulations with emphasis on how you can be informed, active, and effective as a consumer.

6295, 4911, Problems, 132, 4:00–6:00, W, Bull: Government Publications and Information Sources. How to locate and utilize information sources published by the U.S. Government.

6297, 4911, Problems, 134, 2:30–4:30, T, Folkers, Hughes, ML 105: Interesting variations in the techniques of mounting and laminating. For permission to register, obtain approval card at Memorial Library Main Office.

6298, 4911, Problems, 135, Arr, Pengelly, ML 1017: Cataloging. Enrollment limited to MT 4–5413 students.

6300, 4911, Problems, 137, 9:00–9:50, M, Johnson, LH5: Bulletin Board: Design and Preparation. Involves all phases of production from layout to creative construction on celotex, cork, peg, magnetic Hook 'N Loop, and related boards.

6301, 4911, Problems, 138, 6:30–7:30, M, Troumbly, ML 101: Directed experience in planning a vacation systematically by examining road maps, hotel-motel literature, and scenic and historical monuments literature. For permission to register, obtain approval card at Memorial Library Main Office.

6302, 4911, Problems, 139, 1:30–3:00, F, Williamson, ML 1003: A capsule over view of MSC Media Resources and Services with emphasis on where located and how used.

6303, 4911, Problems, 140, Arr, Hughes, Folkers, ML 105: Enrollment limited to MT 3013 students.

6304, 4911, Problems, 141, 3:00–4:30, W, Montgomery, Willison, Pillepich ML 1008: An informal, painless course primarily intended for freshmen and sophomores who have limited library experience and want to know more about special sources, research strategy and "what the library can do for you." For permission to register, obtain approval card at Memorial Library Main office.

6306, 5911, Problems, 101, 4:00–4:50, T, Johnson, LH 5: Photography: From Camera to Negative. Covers basics of camera operation, exposure determination and procedure for developing film. Students without a camera of their own available should check with the instructor of the course prior to registration to determine camera availability.

6307, 5911, Problems, 102, 10:00–12:00, S, Birmingham, ML 1023: A study of Cable Television, its origins, present and future growth and potential.

6309, 5911, Problems, 104, Arr, Pengelly, Folkers, LM 1017: Evaluation and Selection. Enrollment limited to MT 4–5173 students.

6312, 5911, Problems, 107, 3:00–4:00, T, Hughes, Folkers, LM 1024: Preparation of Overhead Transparencies. Production of thermofax, diazo, color lift, photographic, and hand made transparencies.

6314, 5911, Problems, 109, Arr, McDonald, ML, 1001–A: Introduction to resources available to support learning and instruction in the public schools. Contact Memorial Library desk for time arrangements as well as location of class.

6316, 5911, Problems, 111, 8:30–11:30, S, Hitt, ML 106–A: Using Abstracting Services for Educational Research. The course would be designed, 1) to give the student special "helpful hints" for initiating research projects in the field of education, 2) to help the student minimize problems with subject headings and systems, and 3) to acquaint the student with the use of available abstracting services.

6318, 5911, Problems, 113, Arr, Sarenpa, ML 106: Medical Dental Terminology: a full orientation and background course in word origin and word development. Much attention to scientific environment, as well as root word, prefix, and suffix relationships of words commonly used in the dental and medical fields. This course, consisting of 22 recorded lessons correlated with a student workbook is self-instructional and arranged according to the student's schedule.

6319, 5911, Problems, 114, 3:00–5:00, M, Lester, ML 1032: Unit Record Equipment: Practical experience in wiring and operation of data processing unit record equipment, including the collator, accounting machine, sorter, interpreter, and reproduce punch. For permission to register, obtain approval card at Memorial Library Main Office.

6322, 5911, Problems, 117, Arr, McDonald, Helser, Pagel, ML 1019: Learning Resource Center. Enrollment limited to MT 4–5313 students.

6326, 5911, Problems, 121, Arr, Pagel, ML 1019: Bibliography and Reference. Enrollment limited to MT 4–5113.

6327, 5911, Problems, 122, 7:00, W. Thompson, ML 102: Basic principles of individualized instruction involving the development and application of these methods using cable TV.

6330, 5911, Problems, 125, 9:00–12:00, S, Troumbly, ML 101: Map Procedures: Cursory overview of evaluation and selection, order, processing, and storage of maps. For permission to register, obtain approval card at Memorial Library Main Office.

6331, 5911, Problems, 126, 6:00, Th, Sivertson, Feb. 3, LH 20: To enable the student to gain experience in selection, operation, and identification of camera, film, and lenses. The student will also learn the basic principles of pictorial composition. For permission to register, obtain approval card Memorial Library.

6337, 5911, Problems, 132, 4:00–6:00, W, Bull, ML 3115: Government Publication and Information Sources. How to locate and utilize information sources published by the U.S. Government.

6340, 5911, Problems, 135, Arr, Pengelly, ML 1017: Cataloging. Enrollment limited to MT 4–5413 students.

6344, 5911, Problems, 139, Arr, Pagel, Helser, ML 1019: Media Services. Enrollment limited to MT 4–5363 students.

JOURNALISM

6701, 4911, Problems, 101, 4:00–6:00, Th, Hodowanic, AH 209: A course designed to help the service club publicity chairman, the public school community relations officer, the public-minded businessman, the career-bound student and others in getting their particular message to the public.

6702, 4911 Problems, 102, 7:00–9:30, T, Bennett, AH 213: An examination of the growth of the underground press during the last decade as an answer to the lack of media responsibility and an opportunity to participate in planning and constructing an underground newspaper, based on sound journalistic principles.

6703, 4911, Problems, 103, 6:00–9:00 W, Edwards, AH 205: A study of practical public relations employing the combination of investigation and news media utilization to achieve such objectives as election (or defeat) of a councilman or congressman, passage of needed laws or regulations, and influencing community action generally.

6704, 4911, Problems, 104, 4:00–6:00, W, Stone, AH 113: News Photography. The course would cover photo-journalism relating to a community newspaper. Must have use of camera.

6705, 4911, Problems, 105, 7:00–9:00, W, 9:00–12:00, S, Levin, AH 223: Students will view original CBS news documentaries featuring Edward R. Murrow and Howard K. Smith including the CBS report on Senator Joseph McCarthy, which led to his censure in the Senate, Harvest of Shame, Carl Sandburg at Gettysburg, The Population Explosion, and Biography of a Cancer. Comparisons will be made to later day documentaries such as Selling of the Pentagon for technique, investigative skill, and courage. Class meets Feb. 9 and 12.

6706, 4911, Problems, 106, 7:00–9:00, Th, Levin, AH 211: A look at the problems the American Indian has faced to overcome the stereotypes developed through the media with particular emphasis on newspaper and film.

6707, 4911, Problems, 107, 9:00–1:00, S, Levin, Borchers, AH 113: A basic exposure to the fundamental of photography. Will include picture taking, developing, and composition. Students should have some type of camera.

6708, 4912, Problems, 101, 7:30, MWF, Levin, AH 213: "Practical Journalism" will entail 10 one-hour sessions covering a specific area in reporting, with each meeting led and instructed by a person versed in that particular subject matter.

MATHEMATICS

6710, 4911, Problems, 101, 10:00, F, Alders, Hatfield, Ne 120: Probability. Enrollment restricted to students currently enrolled in Math 3524 or 5524.

6711, 4911. Problems, 102, Arr, Arr, Formichella, Ne 302: Improper integrals are classified by types. A limit definition of convergence is prescribed for each type and various limits tests are derived. Also, the concept of uniform convergence of improper integrals and the Weirstrass M test are presented. Some theorems about proper integrals as a function of a parameter will be considered. Pre-requisite: Math 2235. Enrollment limited. For permission to register contact Mr. Formichalla in 302A.

6714, 4911, Problems, 105, 4:00–6:00, T, Lewis, OM 212: At the end of this course you will be able to write your own programs on the Mankato State College computer. Prerequisite: Sixth grade arithmetic.

6715, 4911, Problems, 106, 12:00, F, Turner, Prouse, Ne 306: The purpose of this course is to introduce students to some of the techniques of problem-solving in mathematics.

6716, 4911, Problems, 107, 9:00, W, Mattson, AH 201: This course will examine some geometries other than Euclidean Geometry. Attempts will be made to relate these geometries to our perception of the "real world."

6717, 4911, Problems, 108, 1:00 MTTh, Standeford, Ne 111: Purpose is to provide the student with some insight into man's continuing attempts to understand the universe.

6718, 4911, Problems, 109, 4:00 TTh, Hatfield, Ne 301: Derivation of equation from locus definitions. The general equation of second degree. Interesting properties of conic section curves. Pre-requisite: Math 1125 or equivalent.

6719, 4911, Problems, 110, 1:00, W, Olson, Ne 3: Problems from Math 1134 plus additional topics not presented in the course at present. For students currently enrolled in Math 1134, Math (BS teaching) students who are nearing graduation but feel they need a review of material that they may teach, and those students who desire a structured review of trigonometry.

6720, 4911, Problems, 111, 3:00–4:00, W, Fruit, Ne 306: The course will be present problems, applications, and–or extensions of topics covered in Math 2474. Limited to students enrolled in Math 2474.

6724, 4911, Problems, 115, 4:00, M, T, W, Th, Anderson, Lentz, Ne 118: Progressions, combinations, permutations as related to everyday problems found in most homes. Enrollment restricted to those with no college mathematics other than 1104, 2013, 2023, 1861.

6726, 4911, Problems, 117, 10:00, M, Anderson, Ne 118: Enrollment restricted to those in Math 2834 Winter Quarter.

6727, 4911, Problems, 118, 2:00, M, Anderson, Ne 118: Enrollment restricted to those in Math 2834 Winter Quarter.

6728, 4912, Problems, 101, 9:00–12:00, S, Alders Lentz, Ne 301: Calculus Refresher: a review of integration and differentiation, along with basic concepts, definitions and graphical application. For persons having completed a calculus sequence at least two years ago or admitted by consent.

6731, 6911, Problems, 101, 10:00, F, Alders Hatfield, Ne 120: Probability. Enrollment restricted to students currently enrolled in Math 3524 or 5524.

6732, 6911, Problems, 102 Arr, S, Formichella, Ne 302: Improper integrals are classified by types. A limit definition of convergence is prescribed for each type and various limits tests are derived. Also, the concept of uniform convergence of improper integrals and the Weirstrass M test are presented. Some theorems about proper integrals as a function of a parameter will be considered. Pre-requisite: Math 2235. Enrollment limited. For permission to register contact Mr. Formichella in NE 302A.

6735, 6912, Problems, 101, 9:00–12:00, S, Alders Lentz, Ne 301: Calculus Refresher: a review of integration and differentiation, along with basic concepts, definitions and graphical application. For persons having completed a calculus sequence at least two years ago or admitted by consent.

MINORITY GROUP STUDIES

6736, 4911, Problems, 101, 6:00–10:50, MT, Fagin, Block Cultural House: Guess who's coming to your Sorority Dance: the course will be designed to examine the myth and stereotypes of interracial relationships between blacks and whites in America. It will discuss social and related problems experienced by those who engage in interracial relationships. To be held February 28 and 29.

6737, 4911, Problems, 102, 6:00–9:00, W, Hampton, AH 313: Psychology of Indian Life: Students will construct and live in an Indian tipi. Readings and discussion will focus on the Indian's integrated life style.

6738, 4911, Problems, 103, 6:00-10:00, MT, Fagin, Block Cultural House: Black Power in America-Myths and Realities: Designed to examine the development of Black Nationalism by looking at the urban crisis and civil disorder in America. It will be structured to reduce myths and misunderstanding about what Nationalism means. To be held February 14 and 15.

MUSIC

6740, 4911, Problems, 101, 9:00-12:00, S, Hawkey, PA 227: Repair, maintenance and adjustment of stringed instruments used in standard school orchestras.

6741, 4911, Problems, 102, 7:00–9:00 p.m. Th-S. Kasling, PA 103: Survey of Argan Building 1890–1972: Brief history of pipe organ bldg. in state. Trips to see antique and most modern examples.

6743, 4911. Problems, 104, 7:30–9:30, T-W. Dunn, Pa 228: Attendance of 2 musical performances in February: Andre Watts, pianist and the Merry Widow opera.

6744, 4911. Problems, 105, Arr Arr Karvonen PA 203: Music Calligraphy: Practice in producing professional-looking music manuscripts.

6745, 4911. Problems 106, Arr Arr, MNadean PA 226: Survey of 20th Century Piano Music. A listening lab in which the various styles of piano music during this period will be analyzed and discussed. Call 389–2119 for meeting time information.

6746, 4911. Problems, 107, Arr, Arr Scheuren PA 214: Informal introduction through listening, discussion and analysis of the symphonic music of four 19th century masters (Schumann, Brahms, Tchaikovski Berlioz) in terms of their most representative work.

6747, 4911, Problems, 108, 7:00 p.m.–8:30 p.m., T-Th, Willison PA 102: Designed for musicians wanting to learn jazz improvisation in workshop setting. No jazz background is necessary but students should have some knowledge of reading music.

6748, 4911, Problems, 109, 8:00–10:00, W, 3:00–5:00 S, Bos, PA 232: Aural studies in jazz and classical music. Meetings Feb. 5, 12, 16, 23, and Mar. 1.

6749, 4911, Problems, 110, 4:00–6:00, T–Th, Elrey, PA 101: Music in early childhood: Development of musical concepts through musical experiences for children in 3 to 6 year age group.

6750, 4911, Problems, 111, 8:00 pm-10:00 pm, M, Epple, 225 So. Broad: The art and skill of listening to music. Call 389–2119 for enrollment permission.

6751, 4911, Problems, 112, 4:00–6:00, T-Th, Hoyem, PA 102: The sounds of music in various cultures. An introduction to the folk songs, dances and instruments in Japanese, Latin American, Slavic, African and American Indian cultures. Meetings Feb. 8, 10, 15, 22 & 24.

6752, 4911, Problems, 113, 1:00, T–Th, Reed PA 229: Effectiveness of today's popular music in the elementary listening programs: Choice and Presentation. Must have had music 3243 or 3254.

6753, 4911, Problems, 114, 5:00–6:30, T, Schreyer, OM 134: Rug Time Reading Lab: This class, open to reading musicians only, will concentrate on reading antique ragtime instrumental scores from the collections of the class leader and Max Morath, listening to early recorded ragtime and discussing the place of ragtime in American music

6754, 4911, Problems, 115, 4:00–6:00, M–4, Suyematsu, PA 101: Beginning piano for adults with little or no musical background. Basic fundamentals of music are combined with the principles of piano playing Electropiano lab is used

6756, 5911, Problems 101, 9:00–12:00 S, Hawkey, PA227: Repair, maintenance and adjustment of stringed instruments used in standard school orchestras.

6757, 5911, Problems, 102, 7:00–900, ThS, Kasling, PA 103: Survey of organ building, 1890–1972: Brief history of pipe-organ building in state. Trips to see antique and most modern examples.

6761, 6911, Problems, 103, Arr Arr, Kavooxen, PA, 203: Music Calligraphy: Practice in producing professional-looking music manuscripts. Call 389–2119 for schedule information.

6762, 6911, Problems, 104 Arr Arr, Mcdeau, PA, 226: A listening lab in which the various styles of piano music during this period will be analyzed and discussed.

6763, 6911, Problems, 105, Arr Arr, Scheurer, PA, 214: Informal introduction through listening, discussion and analysis of the symphonic music of four 19th century masters

(Schumann, Brahms, Tchaikovsky, Berlioz) in terms of their most representative work. Call 389–2119 for meeting time information.

6764, 6911, Problems, 106, 7:00 pm–8:30 pm T-Th, Wilson, PA, 102: Designed for musicians wanting to learn jazz improvisation in a workshop setting. No jazz background is necessary but students should have some knowledge of reading music.

NURSING

6084, 4911, Problems, 101, 8:00–5:00, S&S, Staff Ni 9B: Reservation Field Trip: Nursing students will accompany nursing faculty to the White Earth Indian Reservation for the weekend and attend conferences and seminars. For permission to register, contact the nursing division at 389–1121. Enrollment restricted to nursing students.

6085, 4911, Problems, 102, 4:00–6:00, TTh, Coffney, Natvig, Tenoria, Ni 4B: Nursing II: Independent exploration of selected aspects related to Nursing II. Must be enrolled in Nursing II.

6086, 4911, Problems, 103, 8:00–5:00, F, Thayer, Feb. 18–Ni 9B: Professional Workshop: Minnesota Nursing Student Association Mid-Winter Workshop to be held Friday Feb. 18, St. Cloud, Minn. Limited to Nursing Students and R.N.'s.

6087, 4911, Problems, 104, 12:00–4:00, F, Thayer, Feb. 4 & 11 Ni 38: Nursing Principles of IV Therapy: Nursing principles of starting IV's as well as nursing care during IV therapy. Enrollment restricted to nursing students and R.N.'s.

6088, 4911, Problems, 105, 7:00–9:00, TTh, Kubichek, Ni 1B: Nursing Measures in the home. Knowledge which is basic to the care of the sick in the home is open to non-nurses.

6089, 4911, Problems, 106, 4:00–6:00, W, Staff, Ni 1B: Nursing Synthesis: To synthesize and apply learning from all nursing major courses, particularly in relation to preparing to write the licensing examination following graduation. Enrollment limited to nursing majors.

PHILOSOPHY

6766, 4911, Problems, 101, 10:00–11:00 MTWTh, Taylor, AH 310: This course will involve an extension of the reading assigned in Phil 4024 and open only to those students registered in Phil 4024.

6767, 4911 Problems, 102, 12:00–1:00 MTWTh, Taylor AH 222: This course will involve an extension of the readings assigned in Phil 1004 and is open only to those students registered in Phil 1004.

6768, 4911 Problems, 103, 7:00–9:00, W, Rikkers, Taylor AH 302: Starting with Leibniz's view that this is the best of all possible worlds and Voltaire's humorous reply in Candide, we will discuss whether or not this is the best of all possible worlds.

PHYSICS

6771, 4911, Problems, 101, 6:30–8:00, Th, Berggren Ni 92B: Lectures and lab basic theory, characteristics, and applications of lasers. Practical applications with special emphasis on holograms.

6772, 4911, Problems, 102, 7:00–9:30, T, Flinner, AH 209: A Study of the Crab: A nonmathematical introduction to the Crab nebula. A history of the observations of the Crab, and examination of the radio-activity processes involved in such supernova eruptions and a telescopic viewing session will be included. Reference material will be available in the library and a paper on the Crab will be expected.

6773, 4911, Problems, 103, 4:00–5:00, M, Glick, Ni 65D: The rudiments of programming the Hewlett-Packard 9100A programmable calculator system will be taught. The system consists of a programmable calculator with extended memory, marked-card reader, printer and x-y plotter.

6774, 4911, Problems, 104, 6:00–9:00, T, Marley, Ni 93B: The Coming Energy Crisis: Survey of future world demands for energy. Current energy sources. Limitations of current energy sources. Future sources of energy, etc.

6775, 4911, Problems, 105, 6:30–9:00, M, Raeside, Ni 91B: Radiation Ecology. Natural and man-made radioactivity in the earth and its atmosphere, and the risks arising from this radioactivity.

6776, 4911, Problems, 106, 6:00–9:00, Hendrickson Smith, Ni 66C: Interpreting Hi Fi specs. Specifications of turntables, tape decks, tuners, amplifiers, receivers and speakers will be compared and interpreted. Demonstrations will be given by Team Electronics and by Mr. Leon Tietz.

6777, 4911, Problems, 107, 7:00–9:00, MW, Rankin, Ni 87C: Cameras and Lens: This course will cover in depth the advantages and disadvantages of common type cameras, press cameras and the Polaroid. Class will meet Monday or Wednesday.

6779, 4911, Problems, 109, 6:30–9:00, Th, Mordue, Ni 81C: Household Electricity: The electrical distribution from the transformer to its uses in the home will be presented. Wiring in homes will be inspected and discussed.

PHYSICAL EDUCATION

6108, 4911, Problems, 101, 9:30–11:30, S, Graham, Brauer, Meredith, HA 136: Sports medicine for intramurals. Orientation for self care, medical referral, and rehabilitation for participants in intramural sports activities.

6109, 4911, Problems, 102, 5:50, W, Thompson, VP 509: Smoking and Physical Efficiency: A consideration of tobacco smoking from the point of view of the coach, physical educator and participant in physical activities.

6110, 4911, Problems, 103, 3:00–5:00, W, Novak, VP 603: Exercise and the Cardiovascular System: A course for graduate students with an evaluation of the presently known data about the effects of habitual physical activities on the cardiovascular systems of adolescents, adults and ages of both sexes.

6111, 5911, Problems, 104, 3:00–5:00, Arr, Amann, Feb. 28, VP 509: Golfsmanship: a course designed to bring golfers up to date on: golf-lore, golf terminology, playing rules, rules of etiquette, equipment appreciation. (No instruction on skills) Daily classes week of Feb. 28.

6112, 4911, Problems, 105, 9:00–9:00, F, Keogh, Feb. 18, NP, MG: Archery-Badminton-Lifetime sports for teachers and teacher candidates. Class meets all day and evening Friday, Feb. 18.

6113, 4911, Problems, 106, 3:00–4:00, D, Larsen HaFH: Training and conditioning: physical training class of running, weight training, agility and routine drills for quickness. Beginning Feb. 7 daily for two weeks.

6114, 4911, Problems, 107, 3:00–5:00, T, Stadulis College Bowl: Pocket Billiards: Basic instruction in techniques, rules and strategy of various pocket billiard games. For enrollment permission, contact instructor at 389–6312.

6115, 4911, Problems, 108, 3:00–5:00, W, Stadulis College Bowl: Pocket Billiards: Basic instruction in techniques, rules and strategy of various pocket billiard games. For enrollment permission, contact instructor at 389–6312.

6116, 4911, Problems, 109, 1:00, F, Graham, HA 154: Athletic training, must be enrolled in PEd 3403.

6117, 4911, Problems, 110, Arr, Holbrook, Feb. 12, NP EG: Rules, regulations and techniques of judging gymnastics for girls and women. First meeting Sat. Feb. 12, 9–12 and 1–4. Other meetings arranged.

6118, 4911, Problems, 111, 4:00–6:00, WTh, Roberts, Ski Haven: Beginning skiing for secondary education block students.

6119, 4911, Problems, 112, 6:00–8:30, W, Buck, HA Pool: Swimming for Non-Swimmers! Swimming skills and water safety techniques.

6120, 4911, Problems, 113, 6:00–8:00, WTh, Roberts Ski Haven: Beginning skiing for women physical education majors.

6121, 4911, Problems, 114, 12:00–5:00, Sun, Schellberg, Feb. 12 & 22, HA: Beginning cross-country skiing. Rental equipment available for 25. Meetings Feb. 13 & 27. Call 389–1917 for enrollment permission.

6122, 4911, Problems, 115, 1:00, F, Schelberg, VP Pool: Cross Country skiing an extension of PE 1361–11. Feb. 18–20 ski tour, winter overnite and mini loppet—must be currently enrolled in Cross Country skiing.

6123, 4911, Problems, 116, 9:00–5:00, FS, Murray, Feb. 11 & 12 Lake Crystal: Elementary P.Ed methods workshop extension of PEd 3233 Feb. 11–12.

6124, 4911, Problems, 117, 3:00–4:00, Th, Thompson VP WG: Aerobics: a new approach to physical activity based on a medical doctor's research. An individual approach to exercise with points given for a prescribed amount of exercise and activity. Individual exercise programs combined with the development of an understanding of the new exercise and activity approach.

6125, 4911, Problems, 118, Arr, Brock Feb. 2–5 Miami: Participation on the women's national volleyball tournament (Limited to team membership.).

6126, 4911, Problems, 119, 6:00–8:00, T, Cobb VP WG: Dance improvisation: an experience in the use of dance movement in continuous sequential growth patterns based on motivating ideas.

6127, 4911, Problems, 120, 6:00–8:00, TTh, Mussett Ha Pool: Annual water show choreography for Dolphin Club members.

6128, 4911, Problems, 121, 10:00–12:00, S, Staff HA: Opportunity to gain experience in teaching physical education skills to local children, ages 8–15. See Robert Clayton (MPE) for further details.

6129, 4911, Problems, 122, 6:00, W, McCarthy, Petersen, Robinsson, Mills Teaching sports with video tape.

6130, 4911, Problems, 123, 3:00–5:00, W, Kalakian, 2:30, N. Megg. Highland Arena, Beginning skiing. Call 389–6313 for enrollment permission.

6131, 4911, Problems, 124, 7:00–9:00, F & 1:00–3:00, Sun., Coatta Ski Haven: Beginning skiing. Meetings Feb. 4, 6, 11, & 13. Call 389–6216 for enrollment permission.

6132, 4911, Problems, 125, 4:00–6:00, TTh, Cobb, VP WG: To choreograph dance and publicly perform. Guidance and supervision in dance choreographic techniques.

6133, 4911, Problems, 126, 2:00–4:00, MTh, Mills, HA: PR in P.E. & Athletics: a course in public relations which directly concerns the physical education major or minor who is going into the coaching field.

6134, 4911, Problems, 127, Arr, Cobb, Concert Sites: Attendance at 3–4 dance concerts and visiting two dance studios in Minnesota area. Students must pay for concerts and transportation.

6135, 4912, Problems, 101, 4:00–6:00, TTh, Cobb, VP WG: To choreograph dance and publicly perform. Guidance and supervision in dance choreographic techniques.

6136, 4912, Problems, 102, 2:00–4:00, MTh, Mills, HA PR in P.E. & Athletics: a course in public relations which directly concerns the physical education major or minor who is going into the coaching field.

6137, 4912, Problems, 103, Arr, Cobb Concert Sites: Attendance at 3–4 dance concerts and visiting two dance studios in the Minnesota area. Students must pay for concerts and transportation.

6141, 5911, Problems, 103, 3:00–5:00, W Novak VP 603: Exercise and the Cardiovascular System: a course for graduate students with an evaluation of the presently known data about the effects of habitual physical activities on the cardiovascular systems of adolescents, adults and ages of both sexes.

6142, 5911, Problems, 104, 3:00–5:00, Arr, Amann, Feb. 28, VP 509, Golfsmanship: a course designed to bring golfers up to date on: golf-lore, golf terminology, playing rules, rules of etiquette, equipment appreciation.

(No instruction on skills) Daily classes week of Feb. 28.

6144, 5911, Problems, 106, 10:00–12:00, S, Clayton, HA 122, Organization and Administration of Sports Schools: Opportunity to organize and administer a sports program for children. Feb. 5-Mar. 11.

POLITICAL SCIENCE

6786, 4911, Problems, 101, 3:00–5:00, T, Barrett City Hall Council Chambers: A course which will "study the organization and dynamics of city councils through interpretation of information from a national survey of city councils and city council members as resource persons."

5787, 4911, Problems, 102, 6:00–9:00, T, Huyen, AH 216, Ho Chi Minh: an insight into the life of a revolutionary who has become one of history's greatest legends, and a critical analysis of the policies he adopted which have profoundly affected the course of international events since 1945.

6788, 4911, Problems, 103, 1:00–5:00, S, Karson, Feb. 12 & 19, 209 Sunset Blvd., Mankato. Music: Protest and Politics; An examination of the lyrics in modern American folk music to understand the social grievances expressed and to discuss the validity of the "message."

6789, 4911, Problems, 104, Arr, Kessel, 6:00–8:00 M, MH 221E: The Challenge of Poverty; To examine the scope, the ostensible sources and possible remedies of poverty, both at the national and world-wide levels. Course to meet either Mon. or Tues. evening for two hours.

6790, 4911, Problems, 105, 9:30 S, Shrewsburh, Sponberg, Wessman, AH 310: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education Meeting Feb. 5, 12, 19, 26.

6791, 4911, Problems, 106, 6:30–9:00 M, Mundale: Contracts between village life and modern urban areas in contemporary Mexico.

6792, 4911, Problems, 107, 4:00–6:00 T, Hartzler, Ne 123: War, Peace, and Nonresistance, particular emphasis will be given to position of the conscientious objector to all wars.

6793, 4911, Problems, 108, 6:00–9:00 M, Coyer, MH 106: A description of the events leading to the formation of Bangla Desh with an emphasis on understanding the roles of India, China, the Soviet Union, and the United States in South Asia.

6794, 4911, Problems, 109, Arr, Coyer, AH 245: An analysis of the Selective Service System with an emphasis upon understanding how local draft boards operate; students will contact Board members and compile a project paper. For students currently enrolled in Pol. Sci. 2024.

6797, 4912, Problems, 101, Arr, Kisirwani, Historical roots of the Arab-Israeli conflict—AH 245: Arab-Israeli Conflict; Peace or War; 1. Historical of the Arab-Israeli conflict. 2. Palestinian refugees. 3. The current scene. Times arranged at convenience of students enrolled.

6798, 4912, Problems, 102, 9:00–4:00 S, Pflaum, 111 W. Wood Dr.: Seeing Beyond, One-Dimensional Society—Galloping Technology—Individual and the System-New Communities + Ways of Life.

6799, 4912, Problems, 103, 3:00–5:00 W, Pfaum, MH 221: The American Revolution—The new left—How democratic is America? Who rules? Revolutionary programs of the 70's.

6801, 5911, Problems, 101, 3:00–5:00 T, Barrett City Hall Council Chambers: A course which will "study the organization and dynamics of city councils through interpretation of information from a national survey of city councils and city council members as resource persons."

6803, 5911, Problems, 103, 1:00–5:00 S, Karson, Feb. 12 & 19, 209 Sunset Blvd., Mankato. Music: Protest and Politics; An examination of the lyrics in modern American folk music to understand the social grievances expressed and to discuss the validity of the "message."

6805, 5911, Problems, 105, 9:30 S, Shrewsbury, Sponberg, Wessman, AH 310: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor, (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. Meetings Feb. 5, 12, 19, 26.

PSYCHOLOGY

6350, 4911, Problems, 101, 6:00-9:00, Th, Phillip, AH 204: This course is designed to assist persons in learning the process of relating to other people with particular emphasis on the interaction between parents and children which will facilitate warm and close emotional relationships.

6351, 4911, Problems, 102, 2:00-5:00, Arr, Collins, AH 49: The course will consider the position of modern day woman in our society.

6352, 4911, Problems, 103, Arr, King, AH 32: Each student currently enrolled in Dr. King's classes wishing to enroll for an extra hour of credit in courses offered this quarter may do so by engaging in some service or on the job activity in the fields of Abnormal Psychology or mental health. Will be the equivalent of thirty hours work or more.

6353, 4911, Problems, 104, 3:00, W. Staff, AHH 234: Ten members of the psychology staff will make an hour presentation in some area of psychology from any perspective they choose.

6354, 4911, Problems, 105, 2:00-5:00, F, Rucker, AH 326: The course will consider clinical features classification theories and treatment depression with emphasis on social, cultural and biochemical aspects. Outside speakers will be invited to discuss suicide, drugs, and depression in students. Text: Mendel's Concepts of Depression (1970), 111 pages $5.00.

6355, 4911, Problems, 106, 7:00-10:00, F, Broadstreet, AH 40: The principles of psychology will be applied in developing skills for communicating acceptance both verbally and non-verbally. Psychology of Family Communication.

6358 5911, Problems, 102, 2:00-5:00, Arr, Collins, AH 49: Contemporary Feminism: the course will consider the position of modern day woman in our society. Class meetings Feb. 5, 11, 18, 25, and Mar. 3.

6360, 5911, Problems, 104, 3:00, W, Staff AH 234: Ten members of the psychology staff will make an hour presentation in some area of psychology from any perspective they choose.

RECREATION

6147, 4911, Problems, 101, 3:00 to 5:30, Arr, Buchanan, AH 223: Today's financial binds in providing recreation and park services. Off campus resource personnel as consultants. Class meets Feb. 9, 10, 17, and 23.

6148, 5911, Problems, 101, 3:00 to 5:30, Arr, Buchanan, AH 223: Today's financial binds in providing recreation and park services.

SECONDARY AND FOUNDATIONS OF EDUCATION

6366, 4911, Problems, 104, 7:00–10:30, T, Arr, Glines, Wilson Campus: This course will be designed to learn how to achieve alternative approaches to learning in each individual's community school system. 1st meeting February 8.

6367, 4911, Problems, 105, 7:00–3:00, FS, Coffey, White, Fagen: A brief exposure to the problems of Inter-City Education. To be held February 4–5 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information, Mpls. Feb. 3 (3:00) AH 321.

6368, 4911, Problems, 106, 7:00–3:00, FS, Coffey, White, Fagen: A brief exposure to the problems of Inter-City Education. To be held February 11–12 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information. Mpls. Feb. 3 (3:00) AH 321.

6371, 4911, Problems, 109, 8:00–12:00 M, Davis Brown, AH 306: Participant involvement in playing, analyzing, and developing educational games for classroom use. To be held February 7th and 14th.

6374, 4911, Problems, 112, 9:00–11:00, S, Twedt, OM 101: An analysis of some fundamental developing philosophical ideas implicit in four novels by Herman Hesse, with a focus on those legitimate inferences which can be drawn for educational philosophy. The following novels to be read: Demian, Siddhartha, Steppenwolf, and Magister Ludi.

6377, 4911, Problems, 115, Arr, Kline, AH 307: Alternative Schools: This course will provide the student with an opportunity to examine the school structures and teaching methods employed in the open school and semi open schools. Call 389–1164 for class meeting schedule.

6380, 4911, Problems, 118, 9:00–5:00, W, Feb. 16, 1405 Lor Raoy Dr., No Mkto: This course will consider the appropriate role of the individual teacher when negotiations between the teacher group and the school board break down and student unrest appears and the present status of educational negotiations in Minnesota as well as prospects for the future. Meeting Feb. 16.

6384, 4911, Problems, 122, 7:00–9:00, M, Dailing, Wilson Campus: Open School Teaching Strategies: This experience will provide students with an introduction to the types, rationale, and background of the teaching methods used in an open school.

6387, 4911, Problems, 125, 3:15–4:45, Th, Annis, Komaridis, Petersen, Dooley: Principles and procedures in writing and analyzing subjective evaluations. Includes survey work in classes, selection and testing of survey items. Restricted to Blue Book staff. AH 319.

6389, 4911, Problems, 127, 3:00, W, Arr, Staff, AH 304: Teaching Techniques: Drug Abuse Topics of Study: (1) Drugs in the world of the elementary-secondary pupil; (2) Identification of teaching areas appropriate to the elementary-secondary school area; (3) Instructional media; (4) Developmental activities.

6390, 4911, Problems, 128, 12:00, Th, Arr, Staff. Teaching Techniques: Drug Abuse. Topics of Study: (1) Drugs in the world of the elementary-secondary pupil; (2) Identification of teaching areas appropriate to the elementary-secondary school area; (3) Instructional media; (4) Developmental activities.

6398, 5911, Problems, 107, 7:00–3:00, FS, Coffey, Wite Fagen: A brief exposure to the problems of Inter-City Education. To be held February 18–19 at Awareness House. All enrolled will meet on February 3rd, 3:00 p.m. Contact Dr. White 389–1608 for enrollment information. Mpls Feb. 3 (3:00) AH 321.

6403, 5911, Problems, 112, 9:00–11:00, S, Twedt, OM 101. An analysis of some fundamental developing philosophical ideas implicit in four novels by Herman Hesse, with a focus on those legitimate inferences which can be drawn for educational philosophy. The following novels to be read: Demian Siddhartha, Steppenwolf, and Magister Ludi.

6404, 5911, Problems, 113, 1:00–3:00, T. Holden, Brown, AH, 306: Student dissent in Secondary Schools: A survey of the incidence of student unrest in the secondary schools with emphasis upon causative factors and possible solutions.

6412, 5911, Problems, 121, 3:30–5:30, T. Hagen, AH, 321: A review of the recent court decisions affecting the area of student rights and responsibilities.

6416, 6911, Problems, 101, 6:00, MW, Shubert, Hagen, AH, 312: Question and Discussion Technique in College Teaching.

SPECIAL EDUCATION

6421, 4911, Problems, 104, 12:00–5:00, Th, Birbeck, AH, 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–1124.

6422, 4911, Problems, 105, 12:00–5:00, Th, Kudela, AH, 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–124.

6423, 4911, Problems, 106, 3:00–6:00, W, Kudela, AH 107: Exploration of issues which relate to educational practices, philosophy, administration, and organization of special education provisions for the handicapped. For permission to register, contact the instructor at 389–1124.

6427, 5911, Problems, 101, 10:00–12:00, S, Bostic, AH 110–A: Introduction to group process and the application of group procedures with rehabilitation clients.

6430, 5911, Problems, 104, 12:00–5:00, Th, Birbeck, AH 107: The purpose of this course will be to afford participants the opportunity to observe a variety of innovative programs throughout the state designed for serving the handicapped. For permission to register, contact the instructor at 389–1124.

6431, 5911, Problems, 105, 4:00–8:00, Th, Warrington, Counseling Center: Communications Skills Training: a course designed to help participants become more aware of their communication patterns: to help them improve present communication skills; and to develop new and better skills in relating to others.

6432, 5912, Problems, 101, Arr, Reed, Warrington, Counseling Center: This course will be designed to help students in the field of counseling to gain greater insight into their own behaviors, develop a deeper understanding of their own and others' feelings, potentialities and beliefs; and become more aware of the processes which help or hinder group action. For permission to register, contact Dr. Walter Reed at 389–1819 or 389–2212; or Dr. Don Warrington at 389–2212.

SOCIOLOGY

6809, 4911, Problems, 101, 8:00–1:00 S, Clare, AH 203: Correctional Law: Analysis of court decisions that relate to the civil liberties of felons. For permission to register, contact Paul Clare at 389–1723. To be held February 19–26.

6810, 4911, Problems 102, 6:00–9:00, W. Strachan, Vassar, AH 233: Development in the Third World: This course will cover the problems of developing nations in Africa, Asia and Latin America, focusing on peasant life, urban development, and the revolutionary potential inherent in these areas.

6811, 4911, Problems, 103, 7:00–10:00 T, Janovy, AH 113: Crisis in the Classroom? A critical review of American Education as seen through Charles Silberman's book: Crisis in the Classroom.

6812, 4911, Problems, 104, 5:30–8:30, TTh, Englund Ne 104: Primitive Religion: Origin and development of primitive magic and religion. The religious systems of primitive peoples are analyzed and compared with modern world religions.

6813, 4911, Problems, 105, 2:00–4:00, MTh, Braun, AH 113: Sociology of Conflict: Definition and discussion of conflict, its negative and positive functions, omnipresent nature. Special emphasis on class and elite mass antagonisms and tensions, particularly with regard to political activity. One field trip to city council meeting.

6814, 4911, Problems, 106, Arr, Kramer, Wessman, AH 223: The Sociology of Ice Fishing. Consists of a two-hour session in the library reviewing existing literature and developing a study design: six hours of participation observation and interviewing fishermen, conservation authorities, servicing businessmen, etc. and a two-hour session evaluating the experience and compiling findings. To be held February 11–14.

6815, 4911, Problems, 107, 9:30, S, Wessman, Shrewsbury, Sponberg, AH 113: Perspectives on Women: This interdisciplinary course will consist of four sessions: (1) the Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. To be held February 5, 12, 19, and 26.

6818, 6911, Problems, 101, 8:00–1:00, S, Clare, AH 203: Analysis of court decisions that relate to the civil liberties of felons. Held Feb. 19, 26. For permission to register, contact Paul Clare at 389–1723.

6819, 6911, Problems, 102, 6:00–9:00, W, Strachan, Vassar, AH 233: Development in the Third World: This course will cover the problems of developing nations in Africa, Asia and Latin America, focusing on peasant life, urban development, and the revolutionary potential inherent in these areas.

6820, 6911, Problems, 103, 7:00–10:00, T, Janovy, AH 113: Crisis in the Classroom? A critical review of American Education as seen through Charles Silberman's book: Crisis in the Classroom.

6821, 6911, Probelms, 104, 5:30–8:30, TTh, England, Ne 104: Primitive Religion: Origin and development of primitive magic and religion. The religious systems of primitive peoples are analyzed and compared with modern world religions.

6822, 6911, Problems, 105, 2:00–4:00, MTh, Braun, AH 113: Sociology of Conflict: Definition and discussion of conflict is, its negative and positive functions, omni-present nature. Special emphasis on class and elite mass antagonisms and tensions, particularly with regard to political activity. One field trip to city council meeting.

6823, 6911, Problems, 106, Arr, Kramer, Wessman, AH 223: The Sociology of Ice Fishing. Consists of a two-hour session in the library reviewing existing literature and developing a study design; six hours of participant observation and interviewing fishermen, conservation authorities servicing businessmen, etc.; and a two-hour session evaluating the experience and compiling finds. To be held February 11–14.

6824, 6911, Problems, 107, 9:30, S, Wessman, Shrewsbury, Sponberg, AH 113: Perspectives on Women: This interdisciplinary course will consist of four sessions: (1) The Changing Nature of Women's Labor; (2) The Emergence of Women as a Political Force; (3) Women in Literature; and (4) Women and Higher Education. To be held February 5, 12, 19, and 26.

SPEECH

6829, 4911, Problems, 101, 6:00–8:50, T, Schooner, AH 207: Black Rhetoric: Exposure to the ideas, methods, and influence of 3 representative Black speakers: Frederick Douglas; Martin Luther King, Jr.; Malcolm X.

6830, 4911, Problems, 102, 5:50–8:50, M, Moffatt, OM 312: Seminar in non-verbal communication. A study of non-spoken "language."

6831, 4911, Problems 103, 7:00 T, Cohn PA 216: Shopping Minneapolis. An attempt to find out where it is at in Minneapolis. For permission to register, contact the instructor at 389-1419. First meeting to be held February 8.

6833, 4911, Problems 105, 7:00 T, Bachmann, Olauson PA 101: Weird Art and Exotic Eating in the Twin Cities. For permission to register, contact the instructor at 389-2014 or 389-1419. First meeting to be held February 8.

6834, 4911, Problems, 106, 7:00 T, Bachmann, PA, 111: Wok Cookery: And adventure in Chinese cuisine. For permission to register, contact the instructor at 389-2014. First meeting to be held February 8.

6835, 4911, Problems, 107, 7:00, T, Bachmann, PA, 111, Junk Jewelry; An attempt to make something out of nothing. For permission to register contact the instructor at 389-2014. First Meeting to be held February 8.

6837, 4911, Problems, 109, 7:00, T, Olauson, PA 218: Interior Decoration in the Victorian Style: An Experience in Fine Living. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6838, 4911, Problems, 110, 7:00, T, Olauson PA 218: Antique Clock Repair and Restoration: First meeting to be held February 8. Call 389-2025 for enrollment permission.

6839, 4911, Problems, 111, 7:00, YT, Brockway PA 180: Promotional media for high school activities. May use as credit toward major. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6840, 4911, Problems, 112, 7:00 T, Bock PA 104: Let's make a movie, may use as credit toward major. First meeting to be held February 8. Call 389-2025 for enrollment permission.

6841, 4911, Problems, 113, 5:00-9:00 W, Beckman AH 226: Critical review of collegiate oratory, preparation and delivery of a carefully written ten-minute speech. Acceptable as one activity credit toward a major or minor in Speech. To be held February 9 and 16.

6842, 4911, Problems, 114, 9:00 S, Meisel AH 212: Radio Scripting from Children's Stories. Select children's stories, transform them into radio scripts (English 4911) and/or produce these scripts (Speech 4911) Students may enroll in both courses.

6843, 4911, Problems, 115, 3:00-4:50, W, Nelson AH 301: The course is designed to improve study habits with emphasis on note taking as well as improving listening and reading skills.

6844, 4911, Problems, 116, Arr Alm, Painter KYSM Radio Studios: Role of Broadcaster in Mankato Community: To acquaint the Student with the cultural, social, legal and economic issues facing the radio and television broadcaster in operating his station in Mankato. Call 389–2025 for information.

[From the Greater Mankato Weekly Shopping Guide, Jan. 19, 1972]

MINI COURSE CLASSES THROUGH THE MANKATO STATE COLLEGE

The Mankato State Faculty has developed and is offering Experimental Curriculum to provide an exceptional opportunity for a challenging and stimulating educational experience.

For the Entire Mankato Community.

WHO MAY PARTICIPATE?

There will be No Admission' requirements for participating in the Mini Course Program. This is an unusual and outstanding educational opportunity for the entire Mankato Community, and all are invited and encouraged to participate.

WHERE WILL THE CLASSES BE HELD?

In Homes, Local Churches, Business Establishments, at the College, and at various other locations. The program is in No Way confined to the College Campus.

HOW AND WHERE DO YOU REGISTER?

Special registration for those not presently enrolled at Mankato State College for Winter Quarter will be Saturday, January 22nd, from 9:30 A.M. to 2:00 P.M. at the Student Union' on Upper Campus.

Those currently enrolled at Mankato State College for Winter Quarter will register for Mini Courses as "Additions" to their schedule on January 24th, 25th, 26th, 27th from 12:00 noon to 4:00 p.m. each day in the North Ballroom of the Student Union.

WHAT IS THE COST OF REGISTRATION?

Undergraduate Mini Course Tuition is $7.25 per quarter hour for Minnesota Residents and

$15.50 per quarter hour for Non-Residents. Graduate Mini Course Tuition is $9.50 per quarter hour for Minnesota Residents and $19.50 per quarter hour for Non-Residents.

For those NOT Enrolled, the Activity Fee normally required for all On-Campus Registrations Will Not Be Charged (For Up to Two (2) Classes.) during this Mini Course Registration. Payment Must be made at the time of Registration.

WHEN DO THE CLASSES BEGIN?

Unless stated otherwise in the Course Description, classes will meet on days listed during the weeks beginning February 7th and ending March 3rd.

All Mini Courses will be offered on the Pass/No Credit Basis Only—as many as will fit into your schedule. All credits earned through this Mini Course Program will apply toward the quarter hour requirement for graduation, generally as electives within a major or minor.

See the Enclosed Insert for Mini-Course Class Schedule.

MARSHALING CITIZEN POWER TO MODERNIZE CORRECTIONS

Mr. HRUSKA. Mr. President, I invite attention to a fine example of the kinds of contributions that the Chamber of Commerce of the United States has made time and again for the betterment of this entire Nation.

I refer to the Chamber's new booklet entitled "Marshaling Citizen Power To Modernize Corrections."

This 24-page analysis of key issues in the area of offender rehabilitation is typical of the Chamber's efforts to support good Government.

The brochure tells our citizens about the present problems in corrections in a frank, straight forward manner, and then proceeds to suggest what they can do about them.

The President's message to the National Conference on Corrections held last winter in Williamsburg, Va., is included, and in a very significant sense the booklet is a conference followup effort in that it points the way to the progressive and sensible reforms that this country so truly needs.

The brochure is being reprinted and distributed by the American Correctional Association under a grant from the Law Enforcement Assistance Administration which provides for 1 million copies. This will permit free distribution in bulk to any organization that can put them to good use.

The Chamber of Commerce of the United States has already distinguished itself through two other such projects. It has written and distributed 50,000 copies of a 76-page publication called "Deskbook on Organized Crime," which alerts businessmen and law enforcement personnel to the problems and symptoms of racketeering infiltration and outlines the proper countermeasures.

The Chamber has also written and printed 20,000 copies of a 133-page book on "Marshaling Citizen Power Against Crime." This publication reviews the interrelationships of the three segments of the criminal justice system—police, courts, and corrections—and indicates what businessmen can do to provide leadership and resources at the local level.

These publications can well be expected to prompt a powerful response among the millions of people who will read them, and I think that it is a wonderful achievement.

Mr. President, I am proud of the Chamber of Commerce for preparing the corrections booklet, and I am equally proud of the Law Enforcement Assistance Administration for making such a wide distribution possible.

This, Mr. President, is the type of enlightened cooperation between our Government and our citizens that I was sure the safe streets program would inspire.

This is exactly what could be expected of LEAA under this administration's forward-looking guidance. The programs to improve corrections institutions initiated by the Federal Government during the past 3½ years are unprecedented in our Nation's history.

A new partnership has been fashioned among the State, local, and Federal authorities which has begun to reduce crime and improve all aspects of the country's correctional process.

Shortly after taking office, President Nixon directed the Attorney General to begin a priority study on how to rehabilitate all corrections programs at the Federal, State, and local levels.

In a short time a plan was devised. It included a comprehensive program to turn the Federal prison system into a model for the Nation and to increase the LEAA funds for corrections improvements by State and local action.

In 1970, the President appointed a White House Task Force on Prisoner Rehabilitation, which has subsequently drafted blueprints for a number of important new approaches. At the same time, the President created an Inter-Agency Council on Corrections to better coordinate existing Federal programs and to develop new ones.

Since then, the Williamsburg conference has been held at the President's initiative; and many beneficial results are now being seen in the new programs to really rehabilitate the Nation's offenders.

Mr. President, because this new Chamber booklet is so impressive, and because its message is so crucial to the welfare of this Nation, I ask unanimous consent that its excerpted text be printed in the RECORD.

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

MARSHALING CITIZEN POWER TO MODERNIZE CORRECTIONS

THE PRESIDENTIAL CALL FOR ACTION TO MODERNIZE CORRECTIONS

"At long last, this nation is coming to realize that the process of justice cannot end with the slamming shut of prison gates.

"Ninety-eight out of every hundred criminals who are sent to prison come back out into society. That means that every American concerned with stopping crime must ask this question: Are we doing all we can to make certain that many more men and women who come out of prison will become law abiding citizens?

"The answer to that question today, after centuries of neglect, is no. We have made important strides in the past two years, but let us not deceive ourselves: Our prisons are still colleges of crime, and not what they should be—the beginning of a way back to a productive life within the law.

"To turn back the wave of crime, we must have more effective police work, and we must have court reform to ensure trials that are speedy and fair. But let us also remember that the *protection of society depends largely on the correction of the criminal.*"

President RICHARD M. NIXON,
First National Conference on Corrections, December 6, 1972.

FOREWORD

Of the three components of the criminal justice system (police, courts and corrections), corrections is perhaps the most critical. Yet it is often the least visible and least understood part of the system. Among other things, corrections involves detention, probation, prisons, jails, juvenile centers and both male and female. The correctional process is a massive operation, receiving more than 2.5 million new offenders a year at a cost of more than $1 billion dollars. It is burdened with a performance record which would plunge any business into bankruptcy.

Corrections today is plagued by an overlapping of jurisdictions, contradicting philosophies, and a hodge-podge of organizational structures. It has grown piecemeal—sometimes out of experience, sometimes out of necessity. Lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, officials make policies, and both cause large sums of money to be spent on ineffective corrective methods.

As is true with many problems that face our nation today, businessmen can play a significant role in upgrading the correctional system. This role includes counseling, employment of ex-offenders, supporting the changes that are needed in the correctional system, and leadership in gaining the support of other citizens for these vital programs. Some of the successful programs involving these and other areas are outlined on the following pages.

Marshaling Citizen Power to Modernize Corrections is the most recent in a series of National Chamber publications designed to stimulate business and other citizen action to improve the components of our criminal justice system. It is intended not only to inform, but to show what we can all do to facilitate correctional programs that really correct.

In developing this publication, the National Chamber received the excellent cooperation of the American Correctional Association.

ARCH N. BOOTH,
Executive Vice President, Chamber of Commerce of the United States.

CORRECTIONS TODAY: AN OVERVIEW

Although the nation has neglected its criminal justice system as a whole, there is growing evidence of a new interest on the part of the public to improve the entire system, especially corrections. For example, the Congress has begun to allocate additional monies for corrections through the Law Enforcement Assistance Administration of the Department of Justice.

The President has indicated a direct interest in the improvement of corrections and demonstrated this interest by convening the recent National Correctional Conference in Williamsburg, Virginia. Attorney General John Mitchell announced at that correctional conference that a federal program is being initiated to assist state and local governments in modernizing their correctional systems. The program calls for a National Corrections Academy to train federal, state and local corrections personnel, a National Clearinghouse for Criminal Justice Architecture and Design, and a National Clearinghouse for Correctional Education.

The Attorney General, Secretary of Labor, and Secretary of Health, Education and Welfare recently communicated with the 50 governors, emphasizing that the highest priority be placed on the importance of correc-

tional reform and the key role to be played by the individual states.

All these efforts indicate that we can look forward to a better correctional system in the future. However, we must realize that much more needs to be done now for the following reasons:

Beyond any rational dispute, the Nation's correctional system is ineffective.

In reality it is a "non-system"—a potpourri of facilities and programs which handles about 1.3 million offenders on an average day.

Correctional operations are administratively fragmented among federal, state, county and local governments.

By any standard, correctional facilities, programs and personnel are badly overburdened.

Legacy of neglect

Correctional improvement efforts are mired in two centuries of neglect and, too often, face open hostility by the public and legislators.

Overloaded, antiquated, underfunded correctional institutions have created problems of near desperation for the administrators and personnel who man them. The degree of this desperation has been intensified by the recent wave of disturbances and inmate rebellions in institutions across the country. Of approximately 460 State and Federal institutions for offenders sentenced to long terms, there are 25 over 100 years and 61 that opened before 1900.

State institutions are often expected to be largely self-supporting through their farming and prison industries, most of which involve only repetitive and underproductive work with obsolete equipment. Few correctional industrial programs provide skill development opportunities or training experience relevant to the industrial requirements of the community. In many states, prisons are prohibited from training inmates or making products that will compete on the market with local industry.

Juvenile offenders

Most crime in the United States is committed by youth.

Over 350,000 children, or about 30% of all offenders, are under the custody and supervision of juvenile correctional institutions or agencies on any given day.

Although 70% of all funds spent on juvenile corrections now goes toward supporting juvenile institutions rather than juvenile probation, these institutions are still adequate. For example, standards recommended for the size of juvenile institutions call for facilities to accommodate 150 or less, with individual living units housing no more than 20 youngsters. Yet, according to survey data collected by the Task Force on Corrections of the President's Commission on Law Enforcement and the Administration of Justice, only 24% of all institutions meet this living unit standard, and the traditional feeling is toward building larger units.

Probation and parole—unfulfilled promises

A person who is fully guilty of a crime will often receive a suspended sentence, provided that he remain on good behavior and that he be placed under special supervision. Such a person is said to be on "probation."

A person who has served part of a given sentence in prison may be released under certain conditions, including special supervision. Such a person is termed to be on "parole".

Though the effectiveness of properly implemented parole and probation programs has been demonstrated many times, their full cost/benefit potential is yet to be achieved on a nationwide basis. A major weakness in probation and parole services is that they have never received adequate funds for the number of offenders under supervision. Two-thirds of all offenders are under probation or parole supervision, but these services receive less than one-third of the monies allocated for correctional efforts.

The President's Commission on Law Enforcement and the Administration of Justice notes that "probation and parole services are characteristically poorly staffed and often administered." Of the 250 counties surveyed by the Commission, one-third provided no probation services at all. Average probation and parole caseloads vastly exceed the recommended standards of 35 cases per officer. Over 76% of all persons convicted of a minor offense, and 67% of all those convicted of a major offense who are on probation are in caseloads of 100 or more. Less than 4% of the probation officers in the nation carry caseloads of 40 or less.

Despite the far-from-ideal conditions existing in the probation and parole fields, studies indicate that roughly 55–65% of parolees are not returned to prison during the period of their parole supervision. Of those that are, about two-thirds are returned for parole violations, not for new crimes. 60–90% of probationers complete their probation terms without revocations.

The jail mess

County and local jails are the first contact with the correctional world for most offenders. Most people in jails are awaiting trial and have not been sentenced or convicted of any crime. Some are serving short sentences for minor offenses. The need for the rights of inmates to be considered and protected in all levels of correctional facilities is evident, but the situation in jails is particularly poor. Yet, the initial and often lasting impressions toward corrections and our system of criminal justice are formed in these institutions.

In most city and county jail facilities for adult offenders (with a few outstanding exceptions) inmates are kept under maximum security, and general services and conditions are considered to be the worst of all penal institutions. The National Crime Commission's Task Force on Corrections states that: "In the vast majority of city and county jails . . . no significant progress has been made in the last fifty years."

CORRECTIONAL PLANNING: BY GUESS AND BY GOLLY

Corrections in the past has suffered from piecemeal and patchwork programming and crisis-oriented planning.

Plagued with a lack of resources and adequate planning for handling present and future problems, corrections has too often operated on the basis of coping with problems as they arise, reacting to situations rather than planning ahead for them.

New federal funding programs and the emerging emphasis on comprehensive criminal justice planning by the Law Enforcement Assistance Administration of the U.S. Department of Justice, should help improve the long-range planning and management of the nation's correctional system.

CORRECTIONAL PERSONNEL: MANPOWER DEVELOPMENT AND TRAINING PROBLEMS

Surveys conducted by the Joint Commission on Correctional Manpower and Training in 1967–68 revealed widespread personnel recruitment and retention problems created by low pay, heavy workloads, insufficient training and lack of merit system employment in the correctional field. These problems have deprived the system of essential professional services and have resulted in programs often manned by personnel with little or no educational preparation for correctional work.

The Joint Commission also revealed that minority groups, females, and young people are underrepresented in the nation's correctional work force. The Commission urged a comprehensive nationwide recruitment program with particular emphasis on enlisting more qualified young people, women, Blacks, Spanish-surnamed Americans, and other minority group members.

The recent availability of federal funds for college and university programs designed to prepare students for careers in corrections (and other areas of criminal justice) could help provide the kind of correctional personnel the country needs.

Contradictory goals and goals uncertainty

The average citizen does not know what is to be expected of correctional services. This attitude has created a paradox in handling offenders.

Confusion over whether corrections should be punishment-oriented, rehabilitation-oriented, or both, brings public accusations that the system brutalizes offenders, on the one hand and coddles them on the other. Manifestation of this confusion is the existence, side-by-side, of correctional facilities intended primarily for punishment and detention, and others designed to help rehabilitate offenders.

The conditions within many prisons achieve nothing but an increase in the number of recidivists (those released from institutions who commit additional crimes.) 80% of all felonies are committed by repeaters. These conditions may result also in the loss of self-respect and human dignity and lead to increased sophistication in criminal behavior through contact with hardened offenders.

The negative impact of imprisonment, coupled with the lack of acceptance by the community following release, often creates more bitterness and a desire to get back at society.

COMMUNITY CORRECTIONS: A CHEAPER AND MORE HUMANE APPROACH

There is growing evidence that new programs making use of community approaches to corrections as alternatives to incarceration, and also as a means of facilitating reintegration of the offender back into the community following release from an institution, can be more successful and less costly to society. Community-based corrections recognizes the failure of massive, impersonal institutions far removed from population centers. It recognizes the importance of working with the offender in his home community, or near it where his ties with family and friends can be used to advantage in his rehabilitation.

There are many types of community and transitional release programs that have demonstrated value in rehabilitating the offender and reducing the social costs of recidivism. Among these are:

Pre-trial intervention—a program designed to provide a rapid rehabilitation response for young first-offenders following arrest, but prior to trial, conviction and sentencing. The court suspends prosecution for a 90-day period and places young offenders into a program of counseling, training, and employment assistance. Successful participation results in dismissal of charges and thus avoids the stigma of a criminal record.

Probation—a court action which permits the convicted offender to retain his freedom in the community, subject to court control and the supervision and guidance of a probation officer. Probation sustains the offender's ability to continue working and to protect his family's welfare, while avoiding the stigma and possible damaging effects of imprisonment.

Halfway houses—small, homelike residential facilities located in the community for offenders who need more control than probation or other types of community supervision can provide. Halfway houses are used also for gradual readjustment to community life for those who have come out of institutions. Half-way house programs usually offer supervised living, counseling services, and draw upon the community for education, training, jobs and recreation to aid in the rehabilitation process.

Work-release—under this alternative, the offender is confined in an institution only at night or on weekends, but is permitted to pursue his normal life the remainder of the time. Such a program makes possible a greater degree of control than is possible under probation or other types of community supervision, but avoids total disruption of family life and employment.

Pre-release Centers—supervised programs designed to ease the transition from total confinement to freedom by involving people from the community who come to the prison to provide information in areas of vital interest to the inmate who is about to be released. Subjects covered include such topics as employment, finances, family life, community services and legal resources.

Parole—a procedure by which prisoners are selected for release and a service by which they are provided with the controls, assistance, and guidance they need as they serve the remainder of their sentences within the free community.

The report of the President's Task Force on Prisoner Rehabilitation concluded that "perhaps the greatest obstacle to improvement in the correctional system always has been the tendency of much of the public to regard it and treat it as a rug under which to sweep difficult and disagreeable people and problems . . . after all, the overwhelming majority of offenders do not stay under the correctional rug. . . . As a matter of fact, the two-thirds of the correctional population . . . on probation or parole are in the community right now. . . . 'Community based corrections' is no visionary slogan, but a hard contemporary fact."

With increasing funding available—about a quarter of a billion dollars for Fiscal 1972—the Law Enforcement Assistance Administration has set a number of goals for its expanded corrections program. They include: Community-based programs, with emphasis on youthful offenders; improvement of probation and parole; marshaling resources of the private sector; expanded use of halfway houses; replacement of outmoded jails with regional corrections facilities; new training centers for corrections personnel; more effective research.

Community corrections reduce the need for expensive facilities

The shift to community-based corrections will eventually reduce the need for maximum security institutions. Experts agree that only 20–30% of present inmates represent a danger to society and must be securely confined. If the remaining 70% can be rehabilitated in less restrictive local institutions, or under supervision in the communtiy, few facilities will be needed for those considered dangerous and least responsive to correctional treatment.

The cost of keeping an adult offender in a state institution is about six (6) times as great as that to keep him under parole supervision, and fourteen (14) times as great as that required to supervise him on probation. Based on current per capita cost, it is estimated that it takes $11,000 a year to keep a married man in prison. This figure includes the inmate's loss of earnings, the cost to taxpayers if his family has to go on relief, and the loss of taxes he would pay. Compare this to the national average cost of 38 cents and 88 cents per day for probation and parole supervision respectively, or an average of less than $365 a year, as reported by the President's Commission on Law Enforcement and the Administration of Justice.

In its 1967 *Task Force Report: Corrections*, the Commission projected that construction of institutions planned for completion by 1975 would cost more than a billion dollars, with construction estimated conservatively at $10,000 per bed. More recent data gathered by the Law Enforcement Assistance Administration indicate that institutional building costs currently average $15,000 to $20,000 per bed. When completed, the cost of the new space, based on 1969 estimates, would add over $200 million annually to the operating cost of the institutions. This amount would be considerably increased in the light of current costs.

Community corrections is more humane

Experience has shown that, as opposed to isolation and punishment, community-based corrections which permits a person to live in his own community and maintain normal social relationships, while providing control, guidance, and access to rehabilitative resources and services, is a more efficient, economic, and more humane approach to the treatment of the offender. A considerable and impressive body of evidence has been accumulated indicating that corrections in the community is more effective in reducing recidivism than severe forms of punishment.

Because the community-oriented approach is almost always more economical, it enjoys a substantial cost/benefit advantage. Experience has revealed that if one-third of the offenders currently held in institutions were transferred to probation along with their share of the correctional budget, they could be placed in caseloads of 10 or less. This would provide the opportunity for more individual attention and enhance chances for probation to succeed. Under present circumstances, however, judges face the dilemma of having to choose between the worst of two worlds; whether to utilize already overburdened probation services, or whether to commit the offender to an institution which is ill-equipped to rehabilitate at all.

Pre-trial intervention

Another low-cost high-yield program recently developed is that of pre-trial intervention, which was designed primarily through the leadership of the Manpower Administration, U.S. Department of Labor, to help break up the backlog in court processing and to offer the court yet another alternative to imprisonment.

The pre-trial program explores methods of diverting young first-offenders from prosecution and imprisonment. Following successful experiments with two demonstration programs, it is now being tested in Atlanta, Boston, Cleveland, Minneapolis, San Antonio, Baltimore, and San Francisco, and will eventually have an enrollment of over 4,000 participants.

In cooperation with the courts and police authorities, carefully selected persons, primarily younger offenders, are offered an opportunity to participate in a specifically designed manpower program after arrest but prior to trial, conviction and sentencing.

If a youth agrees to enter the program, a delay of generally three months is obtained before the case is processed by the courts. The youth is then directed to counseling, training and jobs. If the youth reacts positively, charges are dismissed. So far the results have been encouraging. The courts, after reviewing the progress of participants during a 90-day period, have dismissed charges in 70% of the cases.

This program, which is to be expanded to other cities in the near future, was built on two earlier efforts: The Manhattan Court Employment Project operated by the Vera Institute of Justice in New York, and Project Crossroads operated by the National Committee for Children and Youth in Washington, D.C.

The Washington project proved so successful that it has been incorporated into the court system as a continuing element of its practices with the enthusiastic endorsement of the U.S. Attorney General and the Chief Judge. The recidivism rate for adult participants in Project Crossroads over a 15-month period was 22.2%; that of the control group (not receiving project services) was 45.7%. Program costs totaled approximately $500.00 per enrollee and the project exhibited a benefit/cost ratio of at least 2 to 1.

EX-OFFENDERS AND EMPLOYMENT: THE HIGH COST OF THE REVOLVING DOOR

Most authorities agree that the lack of meaningful employment opportunities has been a major contributing cause to the rising crime rate and the high rate of recidivism, and, in turn, to the increasing cost of crime. Unless assimilation into communities is facilitated by the availability of suitable jobs, corrections will continue to be a wasteful and high cost "revolving door" system under which non-dangerous offenders serve what is virtually a life sentence on the installment plan—largely because of the obstacles in the way of stable, worthwhile employment.

Experience in vocational training and placement programs for public offenders (sponsored by the Manpower Administration, U.S. Department of Labor) since 1964 reveals that:

Ex-offenders can be trained and placed in employment, regardless of previous education or the nature of their crime;

When ex-offenders are placed in appropriate jobs, their rate of recidivism is two to three times less than that of ex-offenders who do not receive job assistance;

Ex-offenders with better paying jobs are much less likely to be recividists than those with no jobs, part-time jobs or lower-paying jobs; and

Independent of work experience in prison, if the released offender gets a remunerative job on release and is able to keep it for at least six months, the probability of recidivism declines.

Bars to employment

Public and employer attitudes, laws, and licensing regulations bar ex-offenders from employment. Too often, the government which urges the ex-offender to pursue a normal law-abiding life is the same government that bars the way to that pursuit. By reason of various state statutes, certain manufacturers cannot employ convicted felons. An official of the Law Enforcement Assistance Administration testifying before the Senate Judiciary Penitentiaries Subcommittee told of a man with a misdemeanor record (for minor offenses) being denied a taxi driver's license, and of a federal court upholding a city's refusal to hire an ex-convict as a tree trimmer.

Employer attitudes toward ex-offenders remain the most difficult to counter because they are not written in any formal guidelines, such as those found in bonding, union or license requirements.* Since employment opportunities for the rehabilitated offender are an effective tool in the national effort to prevent crime, policies governing company employment practices should be reviewed and revised to encourage the hiring of such offenders, especially when they are qualified by education and training for the jobs available. For example, employers may want to consider eliminating questions regarding prior criminal records (particularly arrest records as contrasted to conviction records) from job applications.

If, upon examining this aspect of the job application, company policy dictates that such questions are necessary, confidentiality

*The American Bar Association's Commission on Correctional Facilities and Services has established a national clearinghouse and educational program focusing on disseminating information regarding unreasonable employment restrictions which impair the ability of the rehabilitated offender to obtain suitable job opportunities and measures that have been taken to remove these obstacles. This project, conducted under contract with the Manpower Administration, U.S. Department of Labor, will ultimately attempt to use the resources and influence of the legal community to overcome legal and licensing restrictions that discriminate against the ex-offender.

of the information should be assured in all cases, and the applicant should be informed that such information does not mean he will not be considered for the job if he is otherwise qualified. Probation and parole officers can be extremely helpful in discussing the background and overall adjustment needs of the ex-offender with the prospective employer. Maximum benefit from the work experience can be derived for both the employer and the employee when these things are taken into consideration.

Bonding assistance program

The experimental Bonding Assistance Program, administered by the U.S. Department of Labor, has done much to open new doors for employment and has also documented the low risk to business in hiring ex-offenders.

In this project, fidelity bonds were posted in order to protect the prospective employer from loss due to theft or acts of dishonesty. The Department of Labor provided bonding assistance to more than 3,400 persons, most of whom were ex-offenders. Included were inmates released after completing skill training programs conducted in correctional institutions under the Manpower Development and Training Act.

Less than 2% have defaulted over a 5-year period, and a state official administering this program declared that nationwide statistics regarding the programs' loss experience indicate that the average ex-offender is a better risk than some company employees. This program has motivated many employers to review their normal requirements for subsequent hiring, and in some cases drop the bonding requirement.

The program has been so successful that bonding assistance is now available to all institutions where skill training under the Manpower Development and Training Act is provided. In 1971, the experimental effort was expanded nationwide on a pilot basis. Through more than 2,200 local public employment service offices, special assistance is given to ex-offenders and others who apply and who can demonstrate that they are barred from a specific job offer solely because of the inability to secure a commercial bond.

HOW THE PUBLIC CAN HELP OR HINDER

Chief Justice Warren Burger, speaking before the National Conference on Corrections, stated: ". . . it is my deep conviction that when society places a person behind walls, we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees."

Concerned citizens can do much to promote and support correctional programs that really correct. On the other hand, public uncertainty and lack of consensus on what constitutes an effective approach will result in weak and inconsistent legislative support for correctional programs. Citizen opposition through lack of understanding can also block implementation of desirable programs even with strong legislative backing.

Almost all studies and experts agree on the changes needed: more in-community facilities like halfway houses; more academic and vocational training in institutions; more work-release programs whereby local business and industry cooperate by providing job opportunities and follow-up counseling services; more separation of offenders not only by type of offenses but by amenability to rehabilitation; and more pooling of state and local facilities.

An informed and active citizenry can do much to bring these about.

BUSINESS LEADERSHIP ESSENTIAL

Training and employment

The importance of employment in the rehabilitation process puts a tremendous responsibility—and opportunity—in the laps of the business community. Businessmen should take the initiative in opening doors to jobs for ex-offenders by:

Providing post- and pre-release employment opportunities in meaningful positions;

Giving appropriate guidance to correctional administrators regarding job trends and anticipated employment openings;

Mobilizing business and public support for improved industrial and vocational training programs in institutions;

Providing volunteer management expertise to advise on curriculum and equipment needed for realistic training; and

Informing the memberships of business associations about the manpower resources available from correctional institutions.

An outstanding example of how businessmen can assist materially in reducing the chances of an ex-offender having to return to crime is Project Transition, a program conducted by the South Carolina Department of Corrections.

In June of 1971, this project began capitalizing on the excellent organizational structure of State and local Chambers of Commerce, the State Chamber, together with several of the local Chambers in Columbia, Spartanburg and Greenville, was actively interested and involved in exploring the possibility of sponsoring a "Safer Communities" project. The project draws upon existing programs, such as the National Alliance of Businessmen and the jobs in the Business Sector (JOBS) program, Project Transition representatives, in cooperation with a number of Chamber of Commerce committees, approached business leaders with the idea of employing ex-offenders under established contractual arrangements of the JOBS program. The proposal has been received with interest and encouragement. Several contracts have been entered into between Project Transition and JOBS to hire and train ex-offenders.

In another dimension to the cooperative efforts between the South Carolina Department of Corrections and the Chamber activities, the State Jaycees are assisting with the department's job development programs by surveying local job markets in many cities in the state on a monthly basis for the best opportunities available for placing ex-offenders.

A similar forward-looking program involving collaboration between the state corrections department, businessmen, and chambers of commerce has been developed in the State of Illinois, and is producing excellent results.

Advice and guidance in employee-management relations

Unions and employee associations are organizing growing numbers of people who work in the field of corrections. Business leaders experienced in collective bargaining negotiations with organized labor can provide helpful guidance and direction to correctional administrators who lack experience and sophistication in labor negotiations and employee-management relations.

Developing positive public attitudes

Citizen groups, with leadership from the business community, can become a powerful force in promoting public interest in, and support for, community-based correctional programs for non-dangerous offenders.

An active and involved citizens group can:

Mobilize public and legislative support for diversified treatment services and alternatives to incarceration;

Stimulate the development of detoxification centers to divert alcoholic offenders out of the correctional system and into facilities with medical services;

Support the establishment of halfway houses and undertake a program to educate the community to the need for these facilities;

Organize volunteers to participate in tutoring programs for offenders;

Initiate a volunteer probation aid program to provide troubled youth with adult guidance and assistance with school work and finding jobs.*

Initiate a similar program to provide persons in institutions periodic contacts with people from the community who can listen to their problems, advise them, and even develop special programs to take institutionalized offenders into their homes and into the community on a well-organized basis.

Support surveys of correctional facilities and services in terms of personnel requirements, standards for the buildings, food, sanitary conditions, treatment of prisoners, rehabilitation services, etc.**

Support improvement and innovation in existing local correctional services. Recommendations of the National Institute of Law Enforcement and Criminal Justice, (the research and development branch of the Law Enforcement Assistance Administration) to improve the quality of treatment and service in local jails and correctional agencies include the following:

1. effective screening and diagnosis of inmates to determine medical treatment needs, and the improvement of medical services to meet those needs;

2. classification of probationers in differentiated caseloads to meet special offender needs;

3. use of volunteers, ex-offenders, and low income persons as probation and parole staff assistants.

4. redefinition of the role of the probation and parole officer as community organizer and advocate for the offender as well as a link to the community service agencies which satisfy the offenders needs.

Encourage other community groups to become involved in corrections reform and to support new correctional programs. The imperfections in our knowledge of the causes of criminal behavior and methods of correcting that behavior will inevitably lead to mistakes and setbacks in our search for new ways to reclaim offenders. The goal must always be to develop or restore in the offender the capacity for lawful productive behavior in the community—a goal for which punishment alone, in our complex, fast moving society, is clearly an inadequate prescription for success.

IN CONCLUSION

Meaningful jobs must be available to the ex-offender to assure his rehabilitation, or the correctional system will fail. *Equal employment opportunities should be extended to all citizens.*

Crime prevention and criminal rehabilitation are economically advantageous to the businessman who hires an ex-offender, as well as to the public, which does not have to pay the high cost of building and operating more prisons, and which benefits from a reduction in recidivism.

Business and community leaders have a responsibility to learn about new correctional methods and to endorse and actively support correctional reform at all levels, state

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*The National Research Center of Volunteers in Courts in Boulder, Colorado has given national leadership to such programs.

**The American Correctional Association has developed a self-evaluation procedure for use by correctional agency personnel and is in the final stages of implementing an accreditation plan—based on the Association's *Manual of Correctional Standards*—for institutions and services. The voluntary accreditation program will be governed by an autonomous accrediting body and will field survey teams to make outside objective evaluations to see if facilities meet correctional standards.

and Federal, as well as in their own community.

All citizens, and particularly business leaders, should work toward a correctional system that really corrects. Such an effort can only serve to help make our communities safer and better places in which to live and work.

GOLDEN ANNIVERSARY OF THE ORDER OF AHEPA

Mr. HRUSKA. Mr. President, July 26 is a date worthy of note for many Americans. It is the date when the Order of Ahepa celebrates its golden anniversary.

The Order of Ahepa is a secret fraternal organization which is both nonpolitical and nonsectarian. The word AHEPA stands for American Hellenic Educational Progressive Association.

In the past half-century, the Order of Ahepa has made many contributions to the betterment of American life. Its list of national and international charities is both long and impressive. It includes generous contributions to victims of natural disasters in this country and others, victims of war, and to religious and educational institutions.

I am particularly impressed by the first object in the charter of the Order. That is to promote and encourage loyalty to the United States of America.

If similar organizations fail to do little else in this day and age, that function alone is of great value to our country and our society. It is apparent, however, that the Order of Ahepa does much more.

I am proud to say that Nebraska has four chapters of the Order of Ahepa in Omaha, Lincoln, Grand Island, and Bridgeport.

Other members of the "AHEPA family" are as follows: The Daughters of Penelope, senior women's auxiliary; the Sons of Pericles, junior young men's auxiliary; and Maids of Athena, junior young women's auxiliary.

All of these young organizations work in harmony on a local, district, and national level to attain the declared objectives of their fine fraternal order.

We also have three Nebraskans who have served as past national officers of the Order—Nick Jamson, of Grand Island; Chris J. Kallos, of Hastings; and William G. Nicas, of Omaha.

Congratulations are in order for the Order of Ahepa for the fine work it has done in the past 50 years. I offer the organization my best wishes for continued service to our Nation and to mankind.

A SENSE OF THE FUTURE

Mr. HARTKE. Mr. President, every Member of Congress is cognizant of the upcoming 200th birthday of the Nation. However, it is not enough merely to reflect on our past; we must also look to the future. We must look to the future by continuing to strive for our societal goals within the framework of the timeless ideals for which this Nation stands.

The Chairman of the American Revolution Bicentennial Commission recently made some salient remarks both on our past and future at a meeting of the Congressional Medal of Honor Society.

Mr. President, I ask unanimous consent that the text of those remarks by Mr. David J. Mahoney, chairman of the board and president of Norton Simon Inc., be printed in the RECORD.

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

A SENSE OF THE FUTURE

Distinguished members of the Congressional Medal of Honor Society, ladies and gentlemen:

I accept this Patriot's Award in all humility . . . coming, as it does, from men who have proved their patriotism by laying their own lives on the line when the chips were down.

We're honored to have so many ladies with us tonight. There will be those who wonder why no women are included among the fifty Medal of Honor winners on the dais. I have been assured that this group does not discriminate . . . that the Society will welcome its first woman member as soon as the first woman wins the Medal of Honor.

Tonight I'd like to talk with you about an intangible. Something that goes beyond the five senses. It is nothing that you can see, or hear, or feel, or smell, or taste, but it is a sense that makes this nation what it is. I speak of a "sense of the future." Let me get at it this way. One of the great coincidences of American history happened on the fourth of July, when the nation was fifty years old.

John Adams, the nation's second President, a man from Massachusetts who may have done more than anyone to bring about the ratification of the Declaration of Independence by the thirteen colonies, was on his deathbed.

His final thoughts were about the man from Virginia who wrote the Declaration, and who succeeded him as President of the United States. The last words of Adams were, "Thomas Jefferson still lives."

John Adams did not know that a few hours earlier on that fourth of July, Thomas Jefferson's life ended as well. These two founding fathers . . . the guiding spirit, and the author of the Declaration . . . both died on the fiftieth anniversary of its signing.

And yet, in their deepest sense, the last words of Adams were true . . . true then as they are true today . . . Thomas Jefferson still lives.

Jefferson lives in the immortal words of the Declaration he wrote.

He lives as the inspiration to the young people today who attend the university he founded, the University of Virginia, and to young people everywhere who enjoy the right of qualified students to become educated to their fullest potential. And he lives in the character of the American people, who he said always preferred hope to the gloom of despair. At a gathering of the most courageous Americans alive today, it is fitting that we summon up the memory of the men who had a sense of the future . . . men with the courage to believe in the American Dream.

In the words of Winston Churchill, addressing the United States Congress in the last days of World War II, "we have not journeyed all this way across the centuries, across the mountains, across the prairies because we are made of sugar candy."

The new Americans of two centuries ago were not three million strong, but three million weak . . . weak militarily, weak economically.

I ask you to imagine the plain, old-fashioned guts it required back in July of 1776 in the British colony of Pennsylvania for a man to sign a document which immediately upon signing made him a wanted criminal, subject to hanging if apprehended, and which placed in the most serious jeopardy his home, his family and his means of livelihood.

Signing the Declaration of Independence could have meant signing their own death warrants.

Yet, sign it they did, and a new nation was born.

What was it which these people had nearly two centuries ago which enabled them to chart a course which has brought us to the position of the most powerful and most generous nation in the world?

They had the most important force, the most vital presence, that any people can ever have. Not just a consciousness of the past or even a concern for the present. But a sense of the future.

The leaders were young. On Independence Day, Washington was 44, Adams 40, John Hancock 39, Jefferson 33, Madison was only 25, Hamilton 20. The average age of the signers of the Declaration was 43.

Imbued with their sense of the future, they could say, as Jefferson did, that Americans were not "acting for ourselves alone, but for the whole human race." This was an astonishing presumption, yet it turned out to be true.

Imbued with that sense of the future, these men could set down on paper a constitution to secure the blessings of liberty . . . as they put it . . . "to ourselves and our posterity." This, too, was an astonishing presumption for a nation with a ragtag army and an untried economy . . . yet they produced what is now the oldest continuing constitution in the history of the world.

And imbued with their sense of the future, these men were able to compromise their differences and overcome their irritations with each other in a way that established their unity while protecting their diversity.

The nation they created is now entering its Bicentennial era. In just a little over four years' time, we shall celebrate our 200th anniversary.

The task of our Bicentennial Commission is not solely to arrange a big birthday celebration or to set up an exposition displaying our wares.

Fireworks and trade fairs are not in the Spirit of '76. The American Bicentennial must make us conscious of our purpose, aware of our mission, thoughtful about our ideals.

We must call forth the spirit of America, with its reverence for our heritage, its message of today for people everywhere and . . . most of all . . . America's sense of the future.

Let us never forget that the nation and the world we build today are the place where our children's children must live . . . and to the Americans of a century from now, we are the founding fathers.

Let us be remembered by our posterity in the same way we remember our own founding fathers . . . not as men and women whose primary concern was to make their own lives comfortable but as people whose mission in life was to build a better world for generations to come.

In order to do this, we have to stop confusing our goals with our ideals. The goals of America are practical, concerned with solving the problems of today; the ideals of America are timeless, concerned with the human condition for centuries ahead. One goal is to raise our standard of living so that no American lives in poverty.

Another goal is to restore and renew our environment so that we can breathe more freely and live healthier lives. Another goal is to root out the causes of crime and violence in this country so that nobody need walk in fear. Other goals are to close the gap that separates races and generations, to take good care of the handicapped and the helpless, to open the doors of education and job training.

To many Americans, these specific goals present a full plate. But I would suggest that, even after we achieve all these goals, after we clean the plate, there will still be a hunger in all of us, because the essence of America is more than we have; it is what we are.

The American experience over two centuries has been far more than turning plenty of land into a land of plenty. The greatness of this nation has been shown in the meaning we have given to our ideals. There is no mystery about what those ideals are. They are so obvious they are taken for granted: Peace, Freedom, Justice, Opportunity, Individuality.

But when they are considered with a sense of the future, those ideals come alive. Peace in the world of the future has become a genuine possibility for the first time in this century . . . thanks largely to the strength and the courage and the character of people like the brave Americans here in this room tonight.

Freedom in our daily lives, and freedom abroad as well, is on the upswing after a period of eclipse . . . thanks to the determination of the American people and the example they have shown the world.

Justice is a living, growing ideal in this nation, stronger now because we have willingly exposed the injustices of the past and have moved to rectify them.

Opportunity is opening now as it never has before, on a new basis of equality, and tomorrow's technology must be harnessed to expand that opportunity for every working man and woman.

Finally individuality . . . the ability to be your own person . . . is being newly recognized as vitally important to the quality of life, and our children will have even more control of their own destinies than we do today. As Jefferson knew, no man is given an automatic right to happiness . . . but he is endowed with the right to pursue happiness in his own way.

Our goals are important but our ideals are all important; if we forget the ideals on which our future depends in our rush to satisfy the appetites and goals of the present, we shall achieve less, and . . . worse . . . we shall become less.

This nation gained its independence for a reason. The reason was not because we hated our parent country or because we wanted to be alone in the world. The reason we took up the cause then known as "independency" was that we identified ourselves with the deepest longings of mankind, aspirations that could not then be met under any known form of government.

Against all odds, the experiment worked. It is working now. The American Revolution is still underway, just as vibrant and dynamic as ever. And my friends, as long as we have men of courage to rally round America's flag, that Revolution will never end.

Living with a sense of the future, we are adding in the most profound way to the Bill of Rights drawn up by our forefathers. The right to live in peace. The right to more personal freedom. The right to social justice. The right to wider and more equal opportunity. And the right to be your own man or woman.

These are the rights of the Americans of tomorrow, secured by the "Founding Fathers of Today" . . . all of us who live with a challenging, uplifting sense of the future.

One final word, especially appropriate to this audience: our country is described as "the land of the free and the home of the brave." At a time when we hear all too much of the gospel of defeatism and despair, we would do well to remember this. We shall remain the land of the free only as long as we stay the home of the brave. Thank you, and God bless you and God bless America.

THE 50TH ANNIVERSARY OF THE ORDER OF AHEPA—AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. BUCKLEY. Mr. President, for half a century, the Order of Ahepa has instilled patriotism and the responsibility of citizenship in its members while promoting a more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture through out this Nation and the world. This admirable fraternal organization has not relied on the resources of our Government, but independently has solicited the support of its members of voluntary and generous contributions toward relief funds for people here and abroad.

By providing for three auxiliary organizations—the Daughters of Penelope, senior women; the Sons of Pericles, junior young men; Maids of Athena, junior women—this group has established an "AHEPA Family" reinforcing the family unit as the backbone of our society. Education, a prime concern of the AHEPA, has been advanced through the awarding of scholarships and scholastic awards the establishment of schools and innovative programs, and the donation of Greek classics to libraries.

Vice President SPIRO AGNEW, an American citizen of Greek descent and a folk hero to millions, is a member of AHEPA, as are many other outstanding government leaders and men in all walks of life.

The Senate and the people of the Nation should take this opportunity, July 26, 1972, the 50th anniversary of the American Hellenic Educational Progressive Association, to congratulate this dedicated group on its outstanding accomplishments. New York State is proud to boast of the 36 chapters of the AHEPA which have been operating within its borders and contributing to the welfare of our citizens.

LATIN AMERICAN ECONOMIC INTEGRATION

Mr. JAVITS. Mr. President, I have just received a letter from Assistant Secretary of State Charles A. Meyer outlining the position of the administration in support of Latin American integration. This letter is in response to a speech that I made on May 16, entitled the "Crises Facing Regional Integration in the Americas" in which I criticized the lukewarm U.S. support for Latin American integration movements. I welcome Secretary Meyer's policy statement and recognize that with this policy the Department of State emphasizes our support for effective regional economic agencies in contrast with emphasizing strictly bilateral relations with selected Latin American countries to the neglect of policies which would help promote Latin American integration.

In light of events now taking place in the world with particular reference to the agreement signed between the European Economic Community countries and other European countries belonging to the European free trade area—EFTA—which will lead to an even broader industrial free trade zone in Europe, it would be my view that an accelerated integration movement in Latin America is now imperative if Latin America is to take its rightful position in the world. The success or failure of the Latin American integration movement will do much to determine whether Latin America truly will enter the mainstream of the world's future economic relations. In turn, it would be my hope that the administration through its bilateral and multilateral development assistance programs will give a renewed impetus to Latin American regional integration.

I ask unanimous consent that Assistant Secretary Meyer's letter of July 24 and the text of my speech of May 16 be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, D.C., July 24, 1972.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Recently you made a speech on Latin American economic integration which I found most interesting, and I would like to comment on it briefly. Let me say first of all that I am in full agreement with the main thrust of your speech and appreciate your calling attention to this topic; I would like in addition to comment on some of the specific points that you have made.

It is fair to say that for the past four or five years progress toward a continent-wide Latin American Common Market has not kept up with the goals set out at Punta del Este. Nevertheless, although target dates have been postponed and other slippages will doubtless occur, the older Latin American Free Trade Association continues to function and is making measured, if uneven, progress toward its objective of a regional free trade area. Generally this has been a period of increasing nationalism and self-assertion among Latin American nations. Nevertheless, President Nixon has reaffirmed U.S. support for Latin American economic integration in his policy address of October 31, 1969, as well as in his annual Foreign Policy Reports. Specifically, the Administration has continued to provide financial support to the Central American Bank for Economic Integration and the Caribbean Development Bank, and the United States has voted in favor of Inter-American Development Bank activities in this area. As the President pointed out in the policy address just mentioned, the decisions on the extent and pace of the integration movement are not ours to make, and our position has been that the United States is prepared to assist integration efforts if its help is requested and is needed.

Inasmuch as the most active aspect of Latin American economic integration in the current period is subregional integration, such as the Andean Group and the Central American Common Market, we offered them our support when they requested it. At present the Andean Group is the most dynamic Latin American integration movement. It has maintained its schedule of tariff reductions and other measures called for by the Treaty of Cartagena. As you may already know, following extensive discussions, negotiations concerning a loan to the Andean Development Corporation for subloans to private sector integration projects within the area are expected to begin soon.

With respect to the relationship between the Andean Group and other LAFTA countries, existing LAFTA and Andean arrangements provide a basis for cooperation between them short of adherence of new countries to the Andean Pact. As an example, agreements on industrial products requiring scales of inputs and outputs exceeding the capacity of the Andean subregion may be concluded in the form of LAFTA complementation agreements between LAFTA members adhering to the Andean Pact and other LAFTA members.

In conclusion, I wish to express my personal appreciation for your steadfast and

statesmanlike approach to U.S. aid and trade policy toward Latin America. Your assistance has been extremely helpful. I hope that perhaps in the not too distant future we could discuss further these and other aspects of our relationships with Latin America.

With best regards,

Sincerely,

CHARLES A. MEYER,
Assistant Secretary.

THE CRISIS FACING REGIONAL INTEGRATION IN THE AMERICAS

(Address by Senator JACOB K. JAVITS)

I welcome this opportunity the U.S. Chamber of Commerce has provided me to talk about Western Hemisphere affairs. While the attention of our policy makers and the press is directed towards the more vivid threats to world peace, to our constitutional processes and to our system of checks and balances—it is nevertheless likely that the future shape of world society may be influenced as much by what happens in Latin America over the next decade.

The topic of my address is: The Crisis Facing Regional Integration in the Americas. I am aware that continent-wide regional economic integration for Latin America is a subject that is not being pursued actively at this time either by major Latin American governments or by the United States. By economic integration of Latin America, I mean significantly closer economic cooperation between the countries of Latin America leading to the establishment of a Latin American Common Market, actually a customs union with relatively free movement of labor and capital.

While Canada's decision of last week to join the Inter-American Development Bank (IDB) is welcome, Canada continues to tiptoe around the edges of a significant involvement in matters of the hemisphere. One must note that this decision took years and also that Canada still is not a member of the Organization of American States (OAS). Canada is a productive nation—a mature democracy—and needs to play a more significant role in inter-American affairs. With British Commonwealth ties loosening as Britain joins the European Common Market, Canada could play a major and vital role in the affairs of the Western Hemisphere aside from joining the Inter-American Development Bank. A Canadian commitment to the Western Hemisphere is now needed; in bilateral U.S.-Canadian relations, revision of the safeguards in the Automotive Products Agreement and other steps to achieve a proper balance in trade agreements and monetary matters between the two countries are increasingly urgent.

As to Latin American integration, my concern is that a mood may be growing that regards the solemn commitment that the Presidents of the Americas entered into at Punte Del Este in April, 1967, "to create progressively, beginning in 1970, the Latin American Common Market, which shall be substantially in operation in a period of no more than fifteen years" as somewhat of a dead letter.

If this were to happen, it would be a most regrettable development. If this regional integration goal is not pursued at the very time that Western Europe is moving toward a strengthened Common Market and Japan into economic super power status, it is my view that Latin America will have relegated itself to an almost permanent position of economic and political weakness.

In my mind, arguments for Latin American integration remain valid. These include:

1. Integration would make Latin American industry more competitive in relation to the rest of the world, thereby strengthening the Latin American export base for semi-manufactured and manufactured goods where world demand will be buoyant in the years ahead;

2. Integration would justify certain infrastructure projects in Latin America that otherwise would not be justified;

3. Integration would cause import substitution to be looked at on a regional basis and could lead to efficient continentwide industrial planning which would give a considerable impulse to industrialization;

4. Integration would strengthen Latin America's bargaining power re the rest of the world;

5. Integration would permit working toward a multilateral payments union in Latin America; and

6. Integration's above mentioned economic benefits could give an impulse to job creation, political stability and social justice—problems that have plagued Latin America in the modern era.

And, of course, the summation of these preceding benefits—if successfully nurtured—could provide a giant step for Latin America in approaching its century old dream of someday achieving a Latin American political union.

For those of us interested in a broader scheme of Latin American economic integration, the evolution of the Andean Pact grouping to date, while causing some disquiet, also gives grounds for hope. I realize that in Latin America, as well as in the United States, the Andean Pact is controversial, particularly as it relates to the "code of behavior" for private foreign investment. The Andean Pact is also controversial in terms of the effect it will have on the possibility of the broader economic integration of Latin America.

Regarding this latter point, one school of thought strongly questions the economic compatability of this grouping and is concerned that as the Pact grows and strengthens, it will be increasingly difficult to work out smooth relations between the Andean Pact countries and the rest of Latin America. Concern is expressed that industries may be established that—while being optimal in terms of the economic needs of this specific regional grouping—clearly are not optimal in terms of a broader Latin American integration. In other words, it is argued that if the Andean Pact gets in the way of economies of scale, this could be a disastrous development for Latin America.

The optimists—and I include myself as one—are hopeful that Venezuela soon will accede to the Pact and that this act will soften some of the Pact's present rigidities. The accession of Venezuela could help trigger the application of Argentina. As the Pact strengthens, negotiations with the "giants" of the area—Mexico and Brazil—would become mutually desirable and mutually profitable as would negotiations with the Central American Common Market. The evolution of the Andean Pact thus could become the linchpin of a broader integration plan which would replace the relatively defunct Latin America Free Trade Area (LAFTA). This optimistic assessment is clouded by the immense political diversity of the countries making up the Andean grouping. It cannot be doubted that Chile is the present weak link.

The self-made economic problems of Chile are staggering, and the deterioration of the economic situation unfortunately does not seem to have run its course. This rapid economic deterioration is characterized by persistent production problems in both the agricultural and manufacturing sector; accelerating inflationary pressures, mounting product scarcities including essential food items, and a serious foreign exchange crisis aggravated by continuing labor difficulties fomented by the Marxist unions in the major Chilean copper mines. These are the kinds of problems that have political consequences.

I realize that the alleged inappropriate behavior of one major American corporation in Chile—behavior which was not supported by other American corporations in Chile or by the U.S. Government as the Anderson papers made clear—makes it all too easy for political leaders facing a difficult situation to point the finger at a foreign scapegoat. This is a favorite political tactic the world over. But, the tactic must not be allowed to obscure the root causes of the present Chilean economic, social and political problems.

Leaving aside the unique problems Chile is causing the Andean grouping, the whole question of the relationship of the Andean Pact countries to the LAFTA and the Central American Common Market—which is recovering nicely from the disastrous war between Honduras and El Salvador—is an open question. The shape of future relations first with Venezuela and then with Argentina, Mexico and Brazil is also relatively undefined. Beyond this is the question of the future of the relations of the Andean Pact countries and/or a broader economic unit with the other nations and major trading blocs of the world.

Regarding the present role of the United States, in Latin America under President Nixon's "low profile" policy, we can no longer be seen as the colossus of the North, and paradoxically, this now seems to be causing some resentment.

Over the short-term, I share the view that Dr. Joseph Grunwald puts forward in his perceptive new book, *Latin American Economic Integration and U.S. Policy*, that "the United States, because of the Vietnam war and the Congress' attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration." I would add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bilateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bilateral relations rather than more ambitious integration plans. It would be my hope that the larger nations of Latin America—Brazil, Mexico and Argentina—would take up the slack and make a more definite commitment to a broader Latin American integration along with Canada and that these relative giants would make the concessions that would be necessary to get a broader integration movement back on the tracks.

Any speech on Latin American integration would be remiss if it did not mention the role of private foreign investment. The fear of foreign domination has had a deterrent effect on the forward movement of regional integration schemes. In my order of priorities, I feel that the protection of U.S. business interest should be subordinate to the U.S. broader economic objectives which hopefully again will include the promotion of Latin American integration as a priority objective.

In viewing the future role of private foreign investment, I think that there are some points on which almost everyone can agree. The first of these areas of agreement is that the developing world will require the transfers of technology that are an inherent element of private foreign investment for a long time to come. Increasingly, I feel the developing world is regarding such transfers of technology as being more important than transfers of capital.

Equally acceptable I hope is the fact that the developing world will have to pay for the technology and capital they receive as these transfers will not descend on the developing world as "manna from heaven." In turn, it is incumbent on the developing world to make a better definition of the areas in which they want technological transfers—and capital transfers.

In viewing new private foreign investment, acceptance also seems to be growing that a joint venture or multinational venture ar-

rangement in many cases is preferable to a 100 percent ownership position. A joint venture immediately creates a vital interest by nationals of the country in the project. The idea of foreign ownership extending into perpetuity is also becoming a casualty of our age. I note that the ADELA and some U.S. corporations have adopted disinvestment policies. Also, it is clear that if takeover situations stir concern in Western Europe and Canada, this concern undoubtedly is heightened in the developing world including Latin America. The recent promulgation of Canadian policy concerning takeovers will not be lost on the nations of the developing world.

Heightened American business sensitivity on matters such as these could go a long way toward alleviating tension between the foreign investor and Latin American nations.

On the legislative front, I do not feel that the broad purposes of any group have been well served by Hickenlooper-type amendments—be they tacked on to our bilateral assistance or multilateral assistance programs.

In my view, just as the Hickenlooper amendment, which affects our bilateral aid has not been an effective policy instrument in our relations with Latin America, I cannot see why the Gonzales amendment affecting our multilateral lending programs should be any more effective.

Finally, in reviewing the foreign investment area, I remain concerned that there are still too many grey areas and a lack of definition continues to lead to unnecessary conflict and at times unnecessary legislation. There are intensive discussions going forward regarding the rules of the game as regards international trade and international monetary matters but, discussions of similar intensity are not going forward—and they should be—as regards private foreign investment with the exception of the Burke-Hartke bill, and this is solely a domestic battle which must be fought and won at home.

I reiterate the suggestion I made in Mexico City approximately one year ago that the United States and Latin America should convene a high-level meeting that would look toward the evolution of a continent-wide private foreign investment policy which would safeguard the sovereign rights of each country. Perhaps such a meeting could then commission a small group of men, representative of the Western Hemisphere, thoroughly to review this matter with a view toward defining the role of private foreign investment and foreign capital and technological and managerial inputs required by Latin America over the next decade. Review of the adequacy of present institutional structures in the private foreign investment area could also fall within their mandate.

It is my view that a multilateral mechanism—a GATT for private foreign investment—to set forth guidelines of behavior both as to obligations and rights by investor and host has never been more essential if the law of the jungle is not to take over in private foreign investment matters, with all the sad consequences this would entail for international and inter-American relations. I will continue working to promote these ideas.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time the time allotted for the transaction of routine morning business having expired, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The ACTING PRESIDENT pro tempore. In accordance with the previous order the Chair lays before the Senate H.R. 15495, the military procurement bill, which the clerk will state.

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

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, as floor manager of the bill I announce that we are ready to proceed on any amendments. We have finished opening statements on the bill. The Senator from Maine, the Senator from South Carolina, the Senator from Nevada, the Senator from New Hampshire, and I have spoken. We are ready to proceed with amendments. The parliamentary situation is that the mover has to call up his amendment. The manager of the bill, as an adverse step, could call up amendments, but I certainly would not consider anything like that now. I was hoping that the Senator from Iowa could be here and we could proceed to his amendment. I think I shall call him and suggest that.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I am sure that, having discussed this matter with the distinguished majority leader, the leadership joins the distinguished Senator from Mississippi in expressing the hope that Senators who have amendments will come to the floor and promptly call up their amendments and debate them so the Senate can act on them. We do have a busy day and a long day, and this is a difficult bill, and there are several amendments to it. In the interest of progress, I would hope that Senators may come to the floor and call up their amendments.

Mr. STENNIS. Mr. President, I appreciate the expression of sentiments on the part of the leadership. They certainly express the sentiments of those in management of the bill. We are not in the attitude of pressing anyone unduly, but this is the business of the Senate under special order. We are ready. These amendments are important and some of them involve complicated weaponry. So I hope that we can get into the weaponry part and the strictly military part of this bill before we take up matters that at least are semiextraneous. This bill has been under discussion for a year; that is, its broad outlines have been under extensive hearings since January 1 of this year and have received extensive consideration and reports and testimony. I hope we can settle the merits of the items that are in contest within the bill, and then we could go to any other matters that are semi-extraneous, like matters that concern general policy.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND LAYING BEFORE THE SENATE OF H.R. 15495

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Iowa (Mr. HUGHES), there be a period for the transaction of routine morning business for not to exceed 15 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, the military procurement bill, H.R. 15495.

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

ORDER TO CALL UP H.R. 13324, MARITIME BILL, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow it be in order, no later than 5 o'clock p.m., for the distinguished majority leader or his designee to be recognized to call up the maritime bill, H.R. 13324, making it the second track item, and that the unfinished business, H.R. 15495, the military procurement bill, be temporarily laid aside, and that it remain in a temporarily laid aside status until disposition of the maritime bill, H.R. 13324, or until the close of business tomorrow, whichever is the earlier.

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

LIMITATION OF STATEMENTS DURING MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The ACTING PRESIDENT pro tempore. Before calling the roll to ascertain the presence of a quorum, did the distinguished Senator from West Virginia desire to place a limitation on the length of Senators' speeches during morning business tomorrow?

Mr. ROBERT C. BYRD. Yes. I thank the Chair.

Mr. President, I ask unanimous consent that there be a 3-minute limitation on statements during morning business tomorrow.

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

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 310 Leg.]

Allen	Mansfield	Spong
Beall	Packwood	Stennis
Bellmon	Saxbe	
Byrd, Robert C.	Smith	

The ACTING PRESIDENT pro tempore. A quorum of the Senate is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Chair directs the Sergeant at Arms to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Fong	Mondale
Allott	Fulbright	Montoya
Anderson	Goldwater	Moss
Bayh	Gravel	Muskie
Bennett	Griffin	Nelson
Bentsen	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Harris	Proxmire
Brock	Hart	Randolph
Brooke	Hartke	Ribicoff
Buckley	Hatfield	Roth
Burdick	Hollings	Schweiker
Byrd, Harry F., Jr.	Hruska	Scott
	Hughes	Sparkman
Cannon	Humphrey	Stafford
Case	Inouye	Stevens
Chiles	Jackson	Stevenson
Church	Javits	Symington
Cook	Jordan, Idaho	Taft
Cooper	Kennedy	Talmadge
Cotton	Long	Thurmond
Cranston	Magnuson	Tower
Curtis	Mathias	Tunney
Dole	McClellan	Weicker
Dominick	McGee	Williams
Eastland	McIntyre	Young
Ervin	Metcalf	
Fannin	Miller	

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is present.

The pending business is H.R. 15495.

The bill is open to amendment.

What is the will of the Senate?

ORDER FOR DIVISION AND CONTROL OF TIME ON S. 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 5, a bill to promote the public welfare, is called up and made the pending business, there be 1 hour on the bill to be equally divided between the manager of the bill and the distinguished Senator from New York (Mr. JAVITS), 1 hour on any amendment, with one-half hour on any amendment to an amendment, debatable motion or appeal, the time on each to be equally divided between the mover of such and the manager of the bill.

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 second assistant legislative clerk proceeded to call the roll.

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

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

THE F–14 AND F–15

Mr. INOUYE. Mr. President, last fall, I spoke to the Senate, expressing my concern over the confusing and contradictory information pertaining to our new advance technology fighter aircraft, the Navy F–14. At that time, I stressed very strongly the great problem of concurrency that existed between development and production. I further stated that the Defense Department, through some of its secretaries, had also strongly expressed that concern. The Grumman Corp. had many times during congressional testimony made reference to the concurrency of development and production as a major problem and the chairman of the House Appropriations Committee has written to the Secretary of Defense with reference to the concurrency problem stating:

> This (the concurrency problem) has been admitted by the Navy and by the Deputy Secretary of Defense.

In concluding my remarks, I strongly suggested that no further procurement money be made available for additional F–14's until the research and development program was further advanced.

Since that time, I have had occasion to learn of some of the many problems that have plagued the development of the Air Force F–15. As many of you know, this is an entirely new airframe; a new engine, a complete new avionic system, all to be developed and produced simultaneously. Results are proving this to be a completely ridiculous attempt. Only three of the 34 manned fighter bomber weapons systems developed in this country since the Korean war that had similar simultaneous developments ever reached full production without very major and significant problems. The F–15 progress to date completely substantiates all of this.

I am advised that the wind tunnel testing, conducted by NASA, shows that the aircraft is spin prone. For further information, actual flight test data must be made available. There is a speed brake, a very large door that raises vertically immediately behind the cockpit, and creates airflow disturbances over both vertical fins. I am told that the very narrow main landing gear has crosswind problems, requiring test pilots to obtain special training in similar landing gear aircraft. This, I am also advised, is highly unusual. I am further advised that because of the positioning of the M–61 gun, its firing will produce radical yawing of the aircraft. As you may be aware, the F–15 has not yet been flown, but since its initial tests, the F–15 has had considerable difficulty with stability and flutter problems and it is expected these will require a great deal of time to resolve. I am not, as all of you well know, an aeronautical engineer, competent of judging the effects of some of these problems; but in seeking advice from those who do seem to have competence, I am advised that these are of serious concern.

The advance technology engine—which, by the way, is also scheduled for the F–14–B, the aircraft the Navy really wants—was originally planned for production last year and only a limited quantity of this original design will be built, and then only to permit early flight tests of the F–15 to proceed. It is common knowledge that these engines have serious deficiencies in thrust and fuel economy and have been plagued with an unusually high number of failures—at least five since March of this year. I understand that an alternate design is being tested and, if successful, will go into production for the F–15. I am advised, however, that, at the very earliest, this engine will not be ready for production release until late spring or midsummer of 1973. Quite obviously then, no further production of F–15 aircraft should be permitted until the early flight tests have been conducted, including sufficient engine testing of the production versions, with sufficient justification in both categories that warrant the procurement of production aircraft.

Although this F–15 information is no great secret in the Pentagon, and I am sure within this administration, I was unable to understand why very little of this appeared in testimony before the Congress; nor do we read or hear through the news media of any of the F–15 problems. I listened to our Secretary of Defense, Mr. Laird, on the Today program last Thursday, July 20, and only at that time began to realize the full impact of intrigue that existed with respect to the F–15. Secretary Laird stated, in effect, that his chief interest lay with the F–15, because it was the first major, new procurement contract entered into while he was Secretary. He stated he inherited the F–14, the C5–A, and the F–111 contracts from Defense Secretaries McNamara and Clifford and Presidents Johnson and Kennedy. He further stated he was quite anxious for the F–15 to go forward and that his Department had better cost estimates on the F–15; and that the project was moving forward very well. I cannot believe that the Secretary can be all that poorly informed and if I can assume this to be true, I hesitate then to accept the alternative. I realize in our system of a democratic form of government, some decisions must of necessity be weighted by political considerations, but

I would hope this would not be true when matters of such great importance as the ability of this country to defend itself are involved.

The F–14 is considerably behind schedule, has lost two aircraft during flight testing, and has yet to have our military evaluate the complex avionics and fire control system. Quite obviously, here again we need research and development, not production. Nevertheless, the Navy is asking for 48 additional aircraft in fiscal year 1973, even though 86 aircraft have, as of now, been ordered and will be delivered. With the problems now known to exist with the advance technology engine, for both F–15 and F–14–B, there is even further justification to prevent additional procurement "buys" until more satisfactory answers are available.

I am strongly recommending that in fiscal year 1973, no money be provided by the Congress for procurement of F–14 and F–15 aircraft. I do not believe this will impose any significant delay upon the programs since the production scheduling for each aircraft is known to be considerably below target.

In brief, I am strongly recommending that no money be provided for production purposes of aircraft whose value is still a question mark. I am hopeful that further research and development will prove both aircraft to be highly satisfactory; but until we have that information, I would propose that research and development be the only avenues where money may be well spent at the present time with respect to these two programs. I believe we can reduce the defense budget by approximately $1 billion through this action. We will in no way have harmed the defense position of our country since the delays have already been imposed by unforeseen problems in attempts to produce both aircraft.

AMENDMENT NO. 1337

Mr. HUGHES. Mr. President, I have an amendment at the desk on the pending legislation which I would like to ask to have the clerk report.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment (No. 1337) is as follows:

On page 23, after line 5 add the following new section:

SEC. 605. It is the sense of the Congress that the classification imposed on certain information reported to the Congress is unnecessary and that public disclosure thereof would not be harmful to the national defense or foreign relations of the United States. Accordingly, the President shall, within thirty days after the date of enactment of this Act, take such steps as may be necessary to remove the security classification from, and publicly disclose (1) the number of aerial attack sorties conducted each calendar month after December 31, 1964, through the end of the calendar month immediately prior to the month in which this Act is enacted by United States aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand, and (2) the tonnage of munitions expended in each such country in each such calendar month. Beginning on the tenth day of the calendar month following the month in which this Act is enacted, and not later than the tenth day of each calendar month thereafter, the President shall publicly disclose (1) the number of aerial attack sorties conducted by United States aircraft during the preceding calendar month in each of the countries named above, and (2) the tonnage of munitions expended in each such country in each such calendar month.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield.

Mr. ROBERT C. BYRD. Mr President, it is my understanding, after discussing the amendment with the distinguished mover thereof and the distinguished manager of the bill, that an agreement limiting time on this amendment to 1 hour would be agreeable.

I therefore ask unanimous consent that there be a time limitation on this amendment of 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. HUGHES) and the distinguished manager of the bill (Mr. STENNIS).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself such time as I need for an opening statement.

Mr. President, several weeks ago I introduced as a separate bill S. 3729, the Air War Disclosure Act. Since the pending defense authorization bill deals directly with the subject matter of this legislation, I believe that now is an appropriate time to consider what information about our military activities should be made available to the American people. Therefore, I am offering the substance of that bill as an amendment.

Now that the major U.S. military activity in Indochina is an air war, I believe that the American people deserve to be fully informed as to its nature and extent. Instead of incomplete dribbles of data, they need regular reports.

The old yardstick of U.S. troop strength in Vietnam is no longer meaningful, for there are now nearly twice as many Americans fighting the war from outside Vietnam as from inside. The number of Americans launching attacks from offshore has been more than doubled since January; the number of Americans in Thailand has increased by 50 percent, including some units transferred directly from bases in Vietnam.

Nor is the weekly death toll any longer an appropriate measure of the severity of the air war, despite the fact that during the past 3 months one American has been killed each day, on the average, and one more American has been added to the list of those missing in action.

A better measure of the air war is that, during the same period, one American has been captured every 3 days. And the estimated cost of the planes and helicopters lost is $539 million.

These indicators are useful and already available, but I believe that we need a new, regular, and consistent yardstick in order to measure how much the war is escalating or, if we ever reverse the trend, how much it is winding down.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases.

These figures are hardly adequate. According to the recent "Staff Report on Vietnam," prepared for the Foreign Relations Committee, only 8 percent of U.S. air sorties are now flown in South Vietnam. In other words, the bulk of the air war—92 percent—is conducted within the shrouds of secrecy.

The American people do not know how often or how heavily we are bombing Laos, Cambodia, and North Vietnam. These sortie and tonnage figures are provided to the Armed Services Committee, but are labeled "secret." And despite the passage of time and the revelations of documents on the Vietnam war, we still have not been told the sortie and tonnage figures, by country, for the early years of this conflict.

I find it inconsistent and beyond explanation that the Defense Department can declassify the total sortie figures by country for 1970 and 1971 and yet refuse my requests to declassify the monthly and yearly figures for previous years. Yet that is what happened with another staff report for the Foreign Relations Committee, this one on Thailand, Laos, and Cambodia.

When I pointed out this inconsistency and repeated my request for declassification, Assistant Secretary Doolin wrote back:

Unfortunately, there are no unclassified Department of Defense records of Southeast Asia tactical air sorties, other than those which were finally approved for publication in the Senate Foreign Relations Committee Report.

This was only the most recent exchange in a continuing effort I have made to get the facts about this war before the American people.

In hearings several months ago before the Armed Services Committee, I asked the Defense Department: Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

The enemy may be developing precise data concerning our air activity in SEA through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1972 certainly can have no bearing on enemy air defense planners now. And as for current data I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B–52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation. But after weeks of letters, questions, and phone calls from my staff, the Defense Department remains unmoved.

No issue of executive privilege is involved here, since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the significance of these figures and what they reveal.

Both the Congress and the people need to know by how much the war is escalating or winding down. Monthly figures are necessary if we are to measure, for example, this year's response to the dry season offensive compared with previous years. The figures are also useful if we are to check the level of bombing along the trails against the level of infiltration. Breakdowns by country are necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is an amendment declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. This measure would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by the U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand, as well as the tonnage of munitions expended in each country.

I include Thailand, Mr. President, so that we will not be guilty of an oversight—or kept in the dark about a new war—if the current insurgency in that nation should ever prompt combat air involvement by American forces.

In order to provide a time lag necessary to insure that no tactical benefit will accrue to our opponents, the law would provide that figures need not be released until 10 days following the end of each month.

I recognize, Mr. President, that the figures which would be required under this amendment would not tell us all we really want to know. They would not tell us whether some of the strikes are unauthorized, nor whether dams and dikes are actually being bombed, nor whether the targets struck are military rather than civilian.

But if we are to have a yardstick by which to measure this war, these figures must be open to public scrutiny and debate. Instead of partial leaks or unauthorized disclosures of such classified information, I believe that the Congress can legislate a determination that public disclosure of these facts is not harmful to—and on the contrary is necessary for—the American national interest and our involvement in Southeast Asia.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself such time as I may use in response to the remarks of the Senator from Iowa.

This amendment is based on the bill (S. 3729) introduced by the Senator from Iowa on June 20, 1972. We referred that bill to the Secretary of Defense and the Secretary of State for evaluation from their viewpoint, which is customarily one of the first steps we take, and we have not had a response from either of them yet.

Mr. President, this is an important matter. I have not made any final conclusion myself as to what should be done about the points the Senator has raised. I have not had a chance to go into his bill except through listening to his discussion here, and giving a little attention to the matter when it was filed as an amendment to the bill. It is highly important from this standpoint: There should be a report from time to time about these activities, and the committee does receive such reports for the benefit of the entire membership of Congress. The Senator's bill, however, goes further than that and makes it mandatory that we have periodic reports, which would considerably box in the Department of Defense and leave them little discretion within that field for making determinations as to what might be advantageous to the enemy.

That is a prerogative and a responsibility, of course, of the President of the United States, and I know that the Senator from Iowa wants to stay within bounds on that principle of government as well as the practical side, and everything that goes with it.

As I say, I have not reached any final conclusion of my own as to how much further we should go beyond the present situation, but I would like to see the matter explored further. We are dealing with matters now which are related in a degree, and a substantial degree, to the matter of these raids, and I think the development of those matters will shed additional light upon this subject. My idea would be that the best way to get at the matter is to see what additional light we may get from the related issues that the committee is now pursuing, and then, if the Senator from Iowa or the members of the committee thought that there should be further hearings to explore this question and how far we should go. As chairman of the committee I gladly state that we would provide such hearings within all reasonable bounds to further develop just what the facts are. It would be my purpose, then, for the committee to take those developed facts and try to make a sound judgment, whichever way it might go, which, of course, I do not know. Then we would have the whole matter developed for the information of the Senate.

I think that would be a better course. I think that would be the better course to pursue here to get to the real merits of the problem and offer better prospects for recommending sound legislation on the subject.

I know the Senator's great interest in the matter. Furthermore, he has made a great contribution in this field, and I commend him for it. I know him well enough to know he is going to pursue it further. I have stated my position as I see the matter, and would be glad to hear the Senator's reaction.

Mr. HUGHES. Mr. President, if the Senator will yield, I am happy to state that this particular amendment, as he has properly stated, is the essence of the bill, S. 3729, which, as the distinguished chairman of the Armed Services Committee indicated, I introduced on or about June 20.

I have been well aware of the burdens that the chairman, the committee, and its subcommittees have been undergoing, with hearings every day, still going on, in matters that it is essential to bring before the Senate as soon as possible.

In discussion with the chairman of the committee about this amendment, I indicated to him that my preference was to have hearings and have the matter considered as a bill, rather than take it up on the floor as an amendment to this particular piece of legislation. I agree that there are matters involved which should be heard clearly and fairly on both sides before any final conclusions are reached, and that the best way to make determination of the matter would be through the process of such hearings.

If the chairman of the Armed Services Committee is prepared to give me some assurance that as soon as it is reasonably possible to conduct such hearings—and I say reasonably possible because I have no intention of being unreasonable, with the schedule that I know the committee has ahead of it—then I would be willing to consider the possibility of withdrawing the amendment at this time, with those assurances.

Mr. STENNIS. The Senator is very reasonable, I think, in his position about this matter. I know he wants to get into it in depth and on the merits, which, I think, will certainly have to be done before the membership of the Senate could intelligently pass on the matter on the Senate floor.

I restate my intention, in connection with the matters now under consideration by the committee that do relate to the same general subject matter, with which the Senator is familiar, that when we get further along toward disposing of those, we will then move into this area of having such additional hearings on the subject matter he has in mind as may be considered desirable, reasonable, and necessary. Then the committee will have the facts and may proceed as it sees fit on prospective legislation.

I will go as far with that as I can, consistent with the circumstances the Senator has mentioned. I would not want to name a date now, but there will cer-

tainly be no dragging of the feet, as we use that term.

Mr. HUGHES. The Senator from Iowa, Mr. President, is not asking the distinguished chairman to name a date, and I am more than willing to accept, under the circumstances, his assurance that, as soon as it is reasonably feasible, this matter will be gone into; that is, the subject matter of S. 3729, which is still pending before the Committee on Armed Services.

I would like to point out, Mr. President, before withdrawing the amendment under these circumstances—and I am willing to withdraw it with these assurances of the chairman—that I do not believe this particular piece of legislation risks at all in any way the security of the United States of America; but these matters will be brought out fully in hearings before the committee, and those who oppose the legislation will then have the opportunity to state why in full hearings, as well as those who support it, and the reasons for it.

So, Mr. President, under those circumstances, I ask unanimous consent to withdraw the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment is withdrawn.

Mr. STENNIS. Mr. President, if I may say one additional word, I think the Senator has adopted the better course and the wiser course here with reference to this problem and this matter of legislation. I wanted to mention further that our committee does have briefings every Tuesday morning by competent military authorities with reference to the developments in the war during the preceding week.

Since we returned from the recess, we have had hearings each day, as the Senator pointed out, including Tuesday of last week and today, Tuesday of this week. But we will resume the weekly hearings next Tuesday morning, in the regular committee room. That is for the information of the Senator or anyone else who is interested.

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

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, I state again the attitude of those who are handling the bill. We are ready to take amendments as they come. We urge Senators—and I state this for the RECORD—to get at the amendments now that go to the merits of the major items that are already in the bill and to defer extraneous matters to a later date. I am thinking in terms that perhaps we are going to get into some of these major matters—one tomorrow and one the next day, although there have been no final agreements so far. We are ready to consider any additional amendments, and I would appreciate a chance to confer with any Senator who wishes to bring up one.

The PRESIDING OFFICER. The Chair also is ready for additional amendments. Otherwise, we will go to third reading.

Mr. STENNIS. The time will come when we will have to ask for third reading, unless there is more willingness to present amendments.

With reference to the two major amendments I have mentioned, I asked that one of them be put off until tomorrow, anyway, and on the second one I have been negotiating for something on Thursday.

I appreciate the Senator from Iowa coming here and giving such complete attention to this amendment this morning. It helped the situation considerably.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

HIGHWAY EMERGENCY RELIEF

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 15950, that the bill be read a first and second time and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The Chair has not received the bill from the House of Representatives.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. I was under the misunderstanding that the bill was at the desk.

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

Mr. STENNIS. Mr. President, would the Senator withdraw that?

Mr. ROBERT C. BYRD. Mr. President, I withdraw my suggestion of the absence of a quorum.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, may I inquire of the Presiding Officer if S. 2945 has been reported back from the House with an amendment thereto?

The PRESIDING OFFICER. The Senator is correct. The bill is at the desk.

Mr. STENNIS. Mr. President, I state to the leadership that that is a small bill. It is a Senate bill which went to the House and was amended. The amendment seems entirely satisfactory. The matter has been cleared with the leadership. If we take that measure up we might pass it.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

APPOINTMENT OF CERTAIN PERSONS TO THE SERVICE ACADEMIES

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2945.

The PRESIDING OFFICER (Mr. BENTSEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 2945) to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies which was to strike out all after the enacting clause, and insert:

That title 10 of the United States Code is amended as follows:

(1) Section 4342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(2) Section 6954(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

(3) Section 9342(a)(1) is amended by striking out "40" and inserting in place thereof "65" and by striking out "service." at the end of the first sentence and by inserting in place thereof "service, sons of members who are in a 'missing status' as defined in section 551(2) of title 37, and sons of civilian employees who are in 'missing status' as defined in section 5561(5) of title 5."

Mr. STENNIS. Mr. President, on July 17, the House of Representatives passed the bill S. 2945, to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies, with an amendment in the nature of a substitute. The bill as originally passed by the Senate made eligible for competitive Presidential appointment to the three service academies the sons of members of the Armed Forces who are prisoners of war in Vietnam or who are otherwise in a missing status as presently defined by law. The amendment of the House includes for the purpose of the legislation, sons of civilian employees of the Federal Government who are in a missing status or prisoners of war.

For the information of the Senate, at the present time there are 10 full-time civilian employees of the Federal Government who are prisoners of war or who are otherwise in a missing status. I see no objection to their inclusion in this bill, and I have conferred with Senator SMITH, the ranking minority member, on this matter. The Department of Defense supports the purposes of the bill as amended.

I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat

vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT AGREEMENT TO LIMIT TIME ON SAXBE AMENDMENT 1336 AND FOR THE AMENDMENT TO BE MADE THE PENDING QUESTION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as amendment No. 1336, to be proposed by Mr. SAXBE to H.R. 15495, is made the pending question before the Senate, there be a time limitation on that amendment of 5 hours, to be equally divided between the distinguished mover of the amendment (Mr. SAXBE), and the distinguished manager of the bill (Mr. STENNIS).

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

Mr. ROBERT C. BYRD. Mr. President, I wish to inquire of the distinguished manager of the bill and the distinguished mover of the amendment with respect to time on any amendment to the amendment. Would they be agreeable to limiting time on such to 30 minutes, to be divided between the mover and the author of the basic amendment?

Mr. STENNIS. Suppose we make that 1 hour.

Mr. ROBERT C. BYRD. Is that agreeable to the Senator from Ohio?

Mr. SAXBE. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the amendment by Mr. SAXBE, debatable motion, or appeal in relation thereto be limited to 1 hour, to be divided between the mover of such and the distinguished author of the amendment, unless the author of the amendment is in favor of such, in which event the time be under the control of Mr. STENNIS.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, amendment No. 1336 by Mr. SAXBE be made the pending question.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, reserving the right to object, will the Senator withhold his request?

Mr. ROBERT C. BYRD. Mr. President, I withhold my request.

Mr. STENNIS. I was interrupted. As I understand under the unanimous-consent request 2½ hours was the time allotted to each side. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. On the amendment he gave by number.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. STENNIS. I thank the Senator. I thank the Senator from Ohio, if I may express thanks to the Senator from Ohio, for his fine attitude and his cooperation in getting ready and speeding along this bill.

Mr. ROBERT C. BYRD. I thank the able Senator from Mississippi and the able Senator from Ohio.

UNANIMOUS-CONSENT AGREEMENT ON H.R. 15690, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with reference to the time agreement previously entered on the bill H.R. 15690, a bill making appropriations for the Department of Agriculture, the time on the bill be divided between and controlled by the distinguished Senator from Wyoming (Mr. MCGEE), manager of the bill, and the distinguished ranking Republican member on the Subcommittee on Department of Agriculture Appropriations (Mr. HRUSKA); that time on any amendment be equally divided between the mover of such and Mr. MCGEE; that time on any amendment to an amendment be divided between the mover of such and the author of the basic amendment, except in instances in which the author of the amendment favors it, in which case time in opposition thereto be in control of the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any debatable motion or appeal in relation to the bill be divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1 o'clock p.m. today.

The motion was agreed to; and at 12:39 p.m. the Senate took a recess until 1 p.m.

Whereupon, at 1 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. BENTSON).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill in which the concurrence of the Senate is requested:

H.R. 13366. An act to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates after extensive inventories containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.R. 15950. An act to amend section 125 of title 23, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters; and

H.R. 15951. An act to authorize the Secretary of the Army to undertake a national program of inspection of dams.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 13366) to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates after extensive inventories containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ORDER FOR LIMITATION AND CONTROL OF TIME ON AMENDMENT NO. 1348

Mr. ROBERT C. BYRD. Mr. President, at such time as amendment No. 1348, to be proposed by the distinguished Senator from Texas (Mr. BENTSEN) to the unfinished business H.R. 15495, is called up and made the pending question before the Senate, I ask unanimous consent that

time thereon be limited to 7 hours, to be equally divided between and controlled by the distinguished mover of the amendment (Mr. BENTSEN) and the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS); provided further that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished author of the amendment in the first degree, the Senator from Texas (Mr. BENTSEN), except in any instance in which the Senator from Texas would favor such, in which case the time in opposition thereto be under the control of the distinguished manager of the bill; provided further, that time on any debatable motion or appeal in relation thereto be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the distinguished manager of the bill.

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

ORDER TO LAY BEFORE THE SENATE ON THURSDAY NEXT THE UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday next, at the conclusion of routine morning business, the Chair lay before the Senate the unfinished business, S. 15495.

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

ORDER TO LAY BEFORE THE SENATE ON THURSDAY AMENDMENT 1348 BY THE SENATOR FROM TEXAS, MR. BENTSEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, at the conclusion of morning business, when the unfinished business H.R. 15495 is laid before the Senate, the amendment by the Senator from Texas (Mr. BENTSEN) No. 1348 be laid before the Senate and made the pending question.

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

Mr. STENNIS. Mr. President, I want to commend and thank the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for working on matters here and getting agreements with reference to votes today.

I have already referred to the distinguished Senator from Ohio who cooperated splendidly with us in discussions and debate and voting for Wednesday.

Now I want to express thanks to the distinguished Senator from Texas (Mr. BENTSEN) for his fine attitude and cooperation and pushing himself to get ready for his part in this debate. I do not welcome him as an adversary, but I do welcome him as a man to work with on matters here both in committee and in this Chamber. The same goes for the distinguished Senator from Ohio. They are both valuable members of the Armed Services Committee.

We are making real progress here, due to the work and efforts of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) and the willingness of those who have these major amendments to come in and engage in debate thereon.

Mr. ROBERT C. BYRD. Mr. President, I share the expressions of appreciation of the distinguished Senator from Mississippi (Mr. STENNIS) regarding the distinguished Senator from Texas (Mr. BENTSEN).

I also wish to express appreciation to the distinguished Senator from Missouri (Mr. SYMINGTON), the distinguished Senator from California (Mr. CRANSTON), and other Senators, for the splendid cooperation they are rendering with respect to reaching agreements on these difficult amendments.

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 second assistant legislative clerk proceeded to call the roll.

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

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

ORDER TO LAY PENDING BUSINESS TEMPORARILY ASIDE AND TO PROCEED TO THE CONSIDERATION OF FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 2 o'clock the pending business be laid aside temporarily and that during that time the Senate turn to the consideration of Calendar No. 827, S. 5, a bill to promote the general welfare.

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

ORDER FOR CONSIDERATION OF MARINE MAMMAL PROTECTION ACT OF 1972 TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of S. 5, the Senate then turn to the consideration of Calendar No. 824, S. 2871, a bill to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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 COMMITTEE ON VETERANS' AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORT ON S. 2161

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs have until midnight tonight to file its report on S. 2161, the Veterans' Education and Training Assistance Act.

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.

AUTHORIZATION FOR ADDITIONAL APPROPRIATIONS NECESSARY AS A RESULT OF RECENT FLOODS AND DISASTERS

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from West Virginia (Mr. RANDOLPH), and having cleared the request with the other side of the aisle, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 15950, that the Senate proceed to first and second readings of the bill, and that the Senate then proceed to the immediate consideration and final passage thereof.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 15950, which will be read the first time by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 15950) to amend section 125 of title XXIII, United States Code, relating to highway emergency relief to authorize additional appropriations necessary as a result of recent floods and other disasters.

The PRESIDING OFFICER. The Clerk will read the bill a second time by title.

The bill was read the second time by title.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15950) was ordered to a third reading, was read the third time, and passed.

AUTHORIZATION FOR SECRETARY OF THE ARMY TO UNDERTAKE A NATIONAL PROGRAM OF INSPECTION OF DAMS

Mr. ROBERT C. BYRD. Mr. President, at the request of my distinguished senior colleague from West Virginia (Mr. RANDOLPH), and having cleared the matter with the leadership on the other side of the aisle, I ask that the Chair lay before

the Senate a message from the House of Representatives on H.R. 15951, that the Senate proceed to second and third readings of the bill, and that the Senate then proceed to the immediate consideration and final passage thereof.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 19591, which will be read a first time by title.

The legislative clerk read as follows:

A bill (H.R. 15951) to authorize the Secretary of the Army to undertake a national program of inspection of dams.

The PRESIDING OFFICER. The clerk will read the bill a second time by title.

The bill was read the second time by title.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15951) was ordered to a third reading, was read the third time, and passed.

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

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

MILITARY PROCUREMENT AUTHORIZATION, 1973

AMENDMENT NO. 1349

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add a new section as follows:

SEC. — (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than October 1, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after an agreement for (1) a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

Mr. CRANSTON. Mr. President, this amendment embodies the language of the original Mansfield language in the military assistance bill, with the exception that the date has been changed to October 1, 1972.

The Senator from Montana has provided great leadership to this body and to the country in seeking to legislate an end to the Vietnam war, and I am delighted to place before the Senate the exact language he originally submitted, with that one change.

Last night it became apparent that, in response to the tragedy of Vietnam, the demands of our people, and the need for peace, a strong majority of the Senate feels that the time has come for Congress to act to seek to end this war. There were some confusing aspects to some of the rollcall votes, but as many as 63 Senators voted at one point for an amendment relating to ending the war. It is evident that 49 or 50 were very solid in their views on this matter.

The whole matter fell by the wayside in another series of confusing votes when I think some Senators were not exactly aware of what would be the consequences of certain votes; and the final vote was taken after many Senators had left the Chamber, not knowing that there would be one more vote on this vital matter.

My submission of this amendment, in effect, reconstitutes the situation as it existed before and gives us now an opportunity, on the pending bill, once again, to work our will in seeking to use the authority vested in us by the Constitution to exercise a responsibility which I feel that we, as Senators, must exercise to seek to bring an end to this war.

We do not know who will be the President of the United States next year. One of the men seeking the Presidency states that he will end the war and will stop the bombing the day of inauguration and have all our troops out and our prisoners of war home within 90 days thereafter. The other man seeking the Presidency again offers an open-ended situation, one that leaves open the question as to when, if ever, the war will end.

I yield to the Senator from Massachusetts.

AMENDMENT NO. 1347, AS MODIFIED

Mr. BROOKE. Mr. President, I send to the desk an amendment and offer it as a substitute amendment to the Cranston amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

In lieu of the language proposed to be inserted by the amendment of the Senator from California (Mr. CRANSTON) No. 1349, insert the following:

"SEC. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this Act: *Provided*, That there is a release within the four month period of all American prisoners of war held by the Government of North Vietnam and all forces allied with such Government."

Mr. BROOKE. I thank the distinguished Senator from California.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I should like 2 or 3 minutes before 2 o'clock. I understand that this bill will be temporarily laid aside and that we will go to another bill at 2 p.m. The Senator from California has the floor, and I should like him to save me about 2 minutes.

Mr. CRANSTON. I yield to the Senator whatever time he wishes.

Mr. STENNIS. I thank the Senator.

Mr. President, I do not have any special response now to these amendments. We launched on a good program here this morning, of trying to get before the Senate the military contents of this military weapons procurement and research and development bill. That is primarily what the bill it. It represents the effort of 6 to 8 months on the part of the committee. There is a tremendous amount of interest in the bill among Senators, and I think there is tremendous interest in this bill throughout the country, with respect to it being passed in some form we can agree upon and getting it to conference and back, so that the Nation's defenses can move forward.

I welcome debate on any phase of the bill. I hope the major contents of the bill can be disposed of first. I think that would be best for all parties and for the soundness of the bill. After that has been done, I would be willing for any Senator—of course, I could not be other than willing, but I actually am willing—to bring up any amendments that are partly extraneous matter, and we will have debates and pass on them. But I do continue my plea that we move forward now and dispose of the contested part of the bill.

We already have an agreement for a vote on the carrier tomorrow and for a vote Thursday on what is now known as the Trident. We are looking forward to that. I do not see why we cannot finish the military contents of this bill this week. Then we could go into this amendment, if it is agreeable with the Members, and other amendments on related matters next week. We will be prepared as best we can when this comes up.

I thank the Senator for yielding.

Mr. CRANSTON. I thank the Senator for his comments. I should like to ask the Senator one question:

We did debate this entire matter at great length. We debated the exact content of what is now before the Senate, both in the form in which I submitted an amendment just now and in the form in which a substitute has been presented by the Senator from Massachusetts. So that every Senator knows the substance. Every argument that could be thought of yesterday was stated at least once; some arguments were stated many times.

It seems to me that it might be well to

have a vote on this matter as soon as possible, while memories are fresh and while we know exactly what we are doing. If possible, I would like to see if we could work out an agreement to bring up this amendment, and I would be delighted with a time limit before all the other amendments that relate to military weapons, and so forth, have been brought up and considered. Would the Senator be willing to work out such an agreement?

Mr. STENNIS. I am always willing to consult with the Senator from California or anyone else on the business of the Senate. I have outlined briefly what to me seems to be the better course. But those things rest with the Senate, and I will confer about them. I believe that we can finish the military part this week and will have a better chance to debate the other part next week.

The Senator from California already has referred to the confusion here yesterday, to apparent inconsistencies in the shifting of the votes. Maybe we had better let the dust settle a little and get a chance to reconsider. I think we need some reconsideration of some of those votes. So, anyway, we will get at it and see what can be worked out.

I thank the Senator very much.

Mr. CRANSTON. I thank the Senator from Mississippi. We tried to get consideration last week and reconsideration last night and failed on a tabling motion.

FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER (Mr. STAFFORD). The hour of 2 p.m. having arrived, under the previous order, the Senate will now proceed to the consideration of Calendar No. 827, S. 5, which the clerk will state.

The second assistant legislative clerk read as follows:

S. 5, to promote the public welfare.

The PRESIDING OFFICER. Under the agreement, there is a time limitation on this bill of 1 hour. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant 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 ask unanimous consent that the time consumed under the quorum call just ended be charged against the time on the bill allotted to the distinguished Senator from Minnesota (Mr. MONDALE) rather than against both sides.

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

Who yields time?

Mr. MONDALE. Mr. President, I yield myself such time as I may require in making an opening statement on the pending measure.

Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Texas (Mr. BENTSEN) be added as a cosponsor of the pending measure.

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

Mr. MONDALE. Mr. President, this bill was reported from the Committee on Labor and Public Welfare on June 15, 1972. I am proud to state that it has 24 cosponsors from both sides of the aisle. The Senator from New York (Mr. JAVITS), who is the principal cosponsor of the bill, has contributed very significantly to the bill, including the sponsorship of a most important amendment to it. This amendment appears as title II of the bill.

A predecessor bill was extensively considered by the Subcommittee on Government Research of the Government Operations Committee during the 90th Congress under the distinguished leadership of the Senator from Oklahoma (Mr. HARRIS). An identical bill was considered and passed by the Senate in the second session of the 90th Congress. We have now accumulated five volumes of hearings on this bill and a consensus in support of it has been growing throughout the Nation.

Testimony in support of the bill has been heard from a number of former Cabinet members and White House aides. Former HEW Secretaries John Gardner and Wilbur Cohen and former Treasury Secretary Barr have testified for the bill. Former Labor Secretary Wirtz has spoken publicly in favor of it. A number of thoughtful spokesmen in the field of public affairs have supported the bill. The late Whitney Young was among them. A special study for the National Academy of Science's National Research Council included a recommendation for enactment of this bill. The report of the Commission on Violence, headed by Dr. Milton Eisenhower, also recommended enactment.

Few objections have been raised to enactment of this measure and those have dealt principally with the organizational aspect. It has been claimed that existing elements in the Executive Office of the President can do the job. However, I would like to point out that former Budget Director Zwick and former Special Assistant to the President Califano have testified in support of the bill. They now agree that the development of an annual social report and of a social indicators system would make an important contribution to dealing effectively with social problems. A Council of Social Advisers in the Executive Office would assist the President in stimulating and guiding these developments and in preparing an annual social report to be submitted by the President to the Congress.

The bill is patterned generally after the Employment Act of 1946 which, for the first time, established as a national goal the achievement of maximum employment, production, and purchasing power. To assist in achieving that goal, the Employment Act established the Council of Economic Advisers, provided for the annual economic report of the President, and established a Joint Economic Committee in the Congress.

It is our belief that this legislation will accomplish for the broad range of social policies what the Employment Act has done so well in the economic sector. By declaring a new national objective and increasing the quantity, quality, and visibility of information needed to pursue that objective, we should markedly advance our prospects for effective social action.

Mr. President, by now we have had a series of studies by prestigious commissions which have told us about the gap which remains in our society between the promise of full opportunity and the realities of deprivation, powerlessness, and poor fortune into which millions of our citizens are born. The increasing affluence of great segments of our society has merely sharpened the division between them and those who have not yet benefited from the phenomenal growth in our economy, in our technological and scientific base, and in our educational systems.

As a result, the demands of the deprived for their fair share in the benefits of our society and the responsiveness of our political institutions have both increased dramatically. At the same time, however, we have also become acutely aware of the fundamental inadequacy of the information upon which social policies and programs are based.

We have seen this phenomenon pressed upon us repeatedly and often tragically. One result of our information gaps is that national problems go nearly unnoticed until they are forced upon us by some significant and shocking event. Suddenly, we learn of widespread hunger in America, of the rapid deterioration of our environment, of dangerous tensions and unrest in our great urban centers, of the shocking conditions under which migrant farmworkers live, and of the absence of decent medical care for tens of millions of our citizens.

We desperately need ways to monitor such problems before they destroy or seriously damage our society.

Another tremendously expensive consequence of our lack of adequate information is that we devise and operate programs based on myth and ignorance or guess and supposition. Congress is now groping with the problem of welfare reform, but it is painfully evident that we lack some of the basic information which we need in order to design a system in which we could all have confidence. Similar problems are presented with respect to urban renewal, mass transportation, air and water pollution, and health delivery systems. In practically every major social problem in this country, it is not only a question of resources; it is not only a question of will; often it is simply a question of the unavailability of the information we need with which to deal effectively with the problem.

After years of experimenting with such techniques as program planning and evaluation systems, we still are quite ill-equipped to measure what our existing programs do accomplish. And we have no adequate means to compare the costs and effectiveness of alternative programs.

A Council of Social Advisers, dedicated to developing indicators of our social problems and progress, could well be a source of enormous savings to the taxpayer as well as of more effective solutions to the problems we face. Such a council, taking full advantage of the latest developments in planning, programing, and budgeting systems, in computerized data collection and statistical methodology, in systems analysis and social accounting, could unlock the enormous potential of the social sciences to assist the Congress and the Executive in developing and administering public policy.

A Council of Social Advisers would not itself, be a new decisionmaking forum. Rather, as a social monitoring, data gathering, and program evaluation agency, it would provide the President and his staff agencies with much of the information needed to make policy and program judgments. The President has available the broad range of economic information now furnished by the Council of Economic Advisers. The Council of Social Advisers would fill a significant gap in the information system which is needed to buttress the policymaking apparatus under the President.

While title I of the bill, with its new Council of Social Advisers and its new social report, should greatly augment the capacity of the Congress to make intelligent policy decisions, title II of the bill is even more significant with respect to strengthening the Congress. I was delighted to cosponsor the amendment to the bill which was offered by the Senator from New York (Mr. JAVITS) to create a new congressional staff office of goals and priorities analysis.

Mr. President, the proposal embodied in title II, offered by the distinguished Senator from New York, (Mr. JAVITS) comes at a very propitious time. We now know, based upon studies of the Brookings Institution and upon other sources, that in terms of general resources generated under the existing tax rate, we are in the middle of one of the deepest budget deficits in history, and the deficit is back-to-back with another budget deficit — with predictions next year of a budget deficit up to $40 million.

Mr. President, the predictions based on economic growth and the existing tax rate show a budget thinly balanced for the first time only 3 years from now. So, whatever may have been the case in the past, this Congress and this Government must judge more wisely than we ever have before. This applies to social fields, as well as to other aspects of the budget.

We can no longer rely, as we have in the past, on good will alone. We need far more information—and far better analysis—and far better strategies for dealing with the human problems which face America than we have ever had before, if there is any hope of success in those fields.

That is what this bill is all about. One of our experts said that the Federal Government has been pursuing increasingly a strategy of suboptimization which he defined to be a strategy of doing better and better with little things and worse and worse with important things.

We lack a strategic approach to the solution of human problems. We have a tactical approach, a great deal of data, and a great deal of minute detail in small areas and a failure to develop a proper overall approach to dealing with our problems. Much of this stems from ignorance about basic facts which is found at the funding level.

Mr. President, I have now served in the Senate nearly 8 years. Along with many of my colleagues, I spend most of my time dealing with the human problems with which the average American is confronted.

I never cease to be amazed by the abundance of evidence concerning how little we seem to know at the Federal level about what is really going on.

Thus, something as elementary as decent nutrition—something so essential to a sound body and a sound mind—was something about which the Federal Government was almost totally ignorant in 1967. We knew how many soybeans were grown. We knew how much money was being spent on the direct commodity distribution program, the food program, and so on. But no one had the slightest idea whether there was widespread hunger and, if there was, where it was to be found and why, what the cost of feeding the hungry was, what the cost of not feeding them was, what the cost of the program was, or any of the other fundamental questions directly related to the issue of the most basic necessity of American life itself. The same was true with respect to decent housing.

In 1967, even though we should have been warned earlier, the major American cities began to explode in our faces. Newark, Detroit, and one community after another literally blew up in an astonishing and cataclysmic explosion causing the widespread loss of human life, and human injury, and millions of dollars in property damage, and an emotional and cultural shock to Americans which we are still in the throes of. None of this was anticipated by the Government.

When hearings were started, this Nation was thrashing around; Congress and the Senate were thrashing around; members of the Cabinet and leading members of the executive branch were thrashing around, all trying to find out what was causing such a fundamental occurrence as this outrageous, heartbreaking phenomenon in American life.

We could go from this example to other examples. We lack an institution which takes not a tactical approach but a strategic approach to human problems which this society faces. We need to chart the social health of this country and seek to go forward; not, as John Gardner said, stumbling into the future. Instead, we must try to come up with the analysis, facts, and figures, and, as someone said, the "hot data" to help us understand our society and what we must do to make it more effective than it is in meeting this Nation's human problems.

One of our most impressive witnesses was Mr. Joseph Califano who formerly served as adviser on domestic programs to President Johnson. More than any other man he was in the Nation's hot seat trying to develop a program to advise the righest official in the land on domestic programs.

He recounted several instances of the phenomena to which I have made reference. For example, on one occasion, the Secretary of Health, Education, and Welfare was in conference with Mr. Califano. He was asked how many people were on welfare, who they were, and all the rest. Since we are spending several billions of dollars one would have thought that information would be immediately available.

The Secretary thought the information would be available to him as soon as he returned to his office. He said that he would send it right back. As a matter of fact, it took HEW almost a year and a half to find out who was on welfare. Mr. Califano said this was a common experience with basic and fundamental human problems, to find that not even the President would have available to him the basic data necessary to make the choices upon which our very civilization depends.

He commented in this way about the issue of hunger:

> The even more shocking element to me is that no one in the federal government in 1965 knew how many people were hungry, where they were located geographically, and who they were. No one knew whether they were children, elderly Americans, pregnant mothers, black, white, or Indian.

Then Mr. Califano concluded with this statement:

> The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system. When one recognizes how many and how costly are the honest mistakes that have been made in the Defense Department despite its sophisticated information systems, it becomes frightening to think of the mistakes which might be made on the domestic side of our Government because of lack of adequate data.

Mr. President, for 5 years the Congress has been considering its need for additional information about social programs so that it can properly discharge its obligations to the public. The "power of the purse" has little meaning if we do not have the data and analyses to exercise that power meaningfully. The present and last administrations have agreed that we need this kind of information. However, they have insisted that it could be provided without any organizational change. By now, it is clear that this is not so. We must have a governmental agency charged by law with developing a system of social indicators or we will never have such a system.

Mr. President, for that reason I am hopeful the Senate will approve the pending measure, that it will soon be adopted by the House and sent to the President for signature.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. I yield such time to the Senator from New York as he needs.

The PRESIDING OFFICER. The Senator from New York has his own time.

Mr. TAFT. Mr. President, if the Senator will yield, I would like to clarify something.

Mr. JAVITS. Mr. President, as I shall favor the bill, I would like to draw 10 minutes from the time of the Senator from Minnesota because I intend to yield as much time in opposition as is necessary to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York. The Senator from Minnesota has but 6 minutes remaining.

Mr. JAVITS. If the Senator will yield to me 5 minutes that is all right.

Mr. MONDALE. I yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 6 minutes.

Mr. JAVITS. Mr. President, as has been said I authorized title II of this bill. Before I go into that I would like to say I support strongly title I. As the ranking minority member of the Committee on Labor and Public Welfare and the ranking minority Senator of the Joint Economic Committee I have seen very clearly where the Council of Economic Advisers falls short. The fact is they are magnificent on the whole. We have had much fine experience with them on the country's economy but they tie into the country's social responsibilities only insofar as it bears on the economy. It does not always do that.

We need quite clearly to have a similar focus on the crucial matter of our social needs.

The same is true in the housing field where the matter of Government guarantees becomes more important than utilization of Government money. The same is true in the regulatory field where regulation of construction of atomic plants or transmission of natural gas becomes a critically important matter in the overall planning of our Government for utilization of resources.

The Senator from Minnesota mentioned, for example, the oil import quotas, which bear on soil exploration, and tax indulgences for oil exploration.

All these things are important to the social future of the country and we are doing so much in the social field that I consider the Council of Social Advisers important to the Council of Economic Advisers. I hope the Senate goes along with that view.

The minority views of Senator TAFT and Senator DOMINICK, each Republican members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, describes this mechanism as "unnecessary."

They assert the administration's position that these functions are being carried out by the President's Domestic Council and the Office of Management and Budget and that the Council proposed in this bill "would certainly overlap and perhaps impede the mandate of the Domestic Council."

But in fact they are not. The Domestic Council remains principally concerned with the operation of the programs of the various agencies in an administrative sense, and cannot provide the kind of independent judgment and overview, questioning basic assumptions which the Council of Social Advisers could.

It cannot be expected to provide in the social field what the independent Council of Economic Advisers has offered in the economic field.

The administration is opposed to the title, but personally, it is my judgment that they are passing up a great opportunity to reach their own objectives by having a new suplementary source of information and perspective which could provide new input into the decisions of the Domestic Council, as well as the Office of Management and Budget, which are made in legion with administering agencies.

Title 2 represents an approach for Congress, and the effort is to give Congress an agency to deal with priorities and goals on its own; in other words, we wish to give it a total overview of the budgetary situation. In the first place, this is essential.

Mr. President, we learned that it is essential this morning from the new Secretary of the Treasury, George Shultz. That is only a confirmation of what we learned many times before. He testified before the Joint Economic Committee, so gracefully presided over by the Senator from Wisconsin (Mr. PROXMIRE). He said:

> You have to cut on spending; you are not going to increase taxes or run up productivity that quickly.

We said:

> What spending would we cut out?

He said:

> We do not have a mechanism to tell you but we think you ought to pass the appropriation figures at one time, give us a spending ceiling, and then the President will tell you how to apply that spending ceiling.

Then, I asked:

> Do you believe we should have our own office of goals and priorities analysis?

He said:

> Absolutely.

It was an interesting comment from the executive branch on this particular matter.

My colleagues have given much thought to this situation. My colleagues, the Senator from Ohio (Mr. TAFT) and the Senator from Colorado (Mr. DOMINICK), argue that this office is unnecessary but that the Comptroller's office could do the job. It seems to me this is irrefutably answered by the Comptroller himself. Last year the Comptroller himself said, and this seems to me to be absolutely incisive on this proposition:

> [T]he development of recommendations concerning spending priorities [is] a function for which the General Accounting Office does not have primary responsibility and one which it should not seek. In short, the General Accounting is an "after the fact" effort.

What I am saying in title II of the bill is "before the fact" control, and the Comptroller said he does not want it.

The chairman of the National Urban Coalition, Sol M. Linowitz, testifying on July 13, 1971, before the Subcommittee on Evaluation in support of S. 5, described the need for title II very accurately. He said:

> Enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, would, I submit, provide many of these resources and the capacity to use them efficiently.
>
> At present, the Congress is forced by its fragmented committee system to pursue what we have called a 'let's see what we gave them last year and give them a little more this year' approach; an approach that precludes major resource reallocations by the legislative branch. The Congressional Office or Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.
>
> Congress also lacks the ability to generate alternative Federal budgets of its own; a condition which engenders congressional dependence on the executive branch with respect to the major contours of the budget, and hence, the shape of our priorities. The establishment of an Office of Goals and Priorities with the mandate and capacity to produce a variety of budgets from which to choose, would end this unhealthy dependence.
>
> Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate a comprehensive public policy. The Council of Social Advisers and the annual social report of the President authorized in title I of the act, would, we believe, help to fill this information vacuum.
>
> In other words, if Congress is serious about employing its constitutional power over the purse to reorder the Nation's priorities, I think it could begin at no better place than with the passage of the Full Opportunity and National Goals and Priorities Act. (Emphasis added.)

It is nothing short of a national scandal that Congress spends over $300 billion in direct outlays, loans and tax subsidies without taking a systematic, comprehensive view at what it is doing. Actions in this fiscal area affect not only the substantive programs for which the outlays are being spent; they also affect the economy as a whole in terms of employment, inflation, interest rates, and even our competitiveness in international trade. At the recent hearings of the Joint Economic Committee on how to improve national productivity, almost every witness agreed that some sort of office in the Congress to analyze spending priorities was an essential step in rationalizing governmental spending decisions. Economists writing for the Joint Economic Committee study on subsidies, which attracted considerable attention from the press and the economic community, have regularly recommended that Congress strengthen its ability to plan and review in this area.

Mr. President, as we have become recently aware, this country faces a major budget crisis brought about by the fact that we in Congress have been voting to spend money at a rate faster than our ability to gather revenues at full employment. No reasonable person could deny that one of the chief contributing factors to this deplorable situation has been the absence of anybody in the Congress responsible for informing the Congress about the hard facts of priorities planning.

Mr. President, title II would meet these needs by establishing an Office of National Goals and Priorities Analysis which would be responsible for submitting an annual report to the Congress—

parallel to the social report to be undertaken by the council under title I—which would include: An analysis of the social report; an examination of resources available to the Nation and recommendations concerning spending priorities.

Additionally, the office would be authorized to provide further information, data, or analysis relevant to an informed determination of national goals and priorities.

I have worked up with the Senator from Wisconsin (Mr. PROXMIRE), chairman of the Joint Economic Committee——

Mr. MONDALE. Mr. President, will the Senator yield at that point? The testimony by the Senator from Illinois (Mr. PERCY) was very important.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JAVITS. Mr. President, will the Senate allow me to take 2 minutes, and, if necessary, I will put in an amendment so that he can take what time he needs?

Mr. TAFT. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. MONDALE. Mr. President, I do not have the exact phrasing of the point made by the Senator from Illinois (Mr. PERCY), but he pointed out that Congress has tragically denied itself the data, the computer technology, the capability to advise itself on complex and interrelated budgetary matters who could be met through the title II of the bill, which was offered by the Senator from New York.

Mr. JAVITS. Exactly.

Mr. MONDALE. I do not know why Congress inflicts upon itself this serious limitation this tremendous disadvantage that will continue unless we authorize something along the line the Senator suggests.

Mr. JAVITS. I am grateful to the Senator.

The Senator from Illinois (Mr. PERCY) said, on March 13, 1970, in testifying:

> Each bill and appropriation is handled separately with no real attention given as to how each piece of legislation fits into an overall framework of needs and resources available.

Other witnesses who testified were Mr. Zwick, former head of the Budget, Mr. Joseph Barr, former Secretary of the Treasury, and as I noted, Mr. Sol Linowitz, chairman of the Urban Coalition.

Mr. President, let me conclude by citing a situation in which both the council and the office proposed under this bill would have been useful. Since 1965, budget outlays on a unified basis have increased by $111 billion, approximately one-third of which can be characterized as "Great Society" programs. As a result, we are now in a budget crisis of major dimensions, wherein tax hikes or cutting back on established programs has to be seriously considered. Furthermore, many observers agree that the helter-skelter way in which these programs were enacted has vitiated their effectiveness. The authors of the recent Brookings study on national priorities have pointed out to us that some effective prior planning as to how we could best have spent this $111 billion would have prevented the budget crisis from occurring. That is what the office and the council could have done for us.

The Congress has the principal obligation with respect to the power of the purse and it is time that we reasserted that power, while giving the Executive its own vehicle, through passage of this bill.

Mr. President, as the principal joint sponsor, with Senator MONDALE of S. 5, I urge that the committee bill be adopted.

It is apparent that the American people—regardless of political persuasion—expect their Government to do better at establishing and reordering our national priorities.

Mr. PROXMIRE. Mr. President, will the Senator yield so I could call up my amendment, which would enable us to take time?

Mr. JAVITS. I yield for that purpose.

Mr. PROXMIRE. Mr. President, I call up my amendment, which is at the desk, and ask to have it read by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 13, strike lines 17 through 20 and insert in lieu thereof the following:
>
> "The Joint Economic Committee of the Congress shall review the operations of the Office periodically, and hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable. The Office shall, to the maximum extent consistent with the provisions of this title, accord priority to requests made by the Joint Economic Committee and furnish that committee such information as it may request with respect to the operations of the Office."

Mr. PROXMIRE. Mr. President, we have worked carefully with the Senator from New York and the Senator from Minnesota in developing this amendment. I have been concerned with the bill over the years. It was offered last year, as I recall, by the Senator from New York and the Senator from Minnesota, and at that time I was concerned with possible duplication of work now done by the Joint Economic Committee.

If one examines the bill, he finds, on page 11, for example, that it requires—

> An analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President.

Then it goes on and says:

> An examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs.

And so forth.

That is work that the Joint Economic Subcommittee on Priorities and Economy in Government tries to do. I am chairman of that subcommittee, as well as being chairman of the Joint Economic Committee.

The reason I favor the bill is that it provides exactly the kind of office we need to give us the information we must have if we are going to do this in an orderly, informed, and effective way.

I believe this amendment is desirable, because it is important that we have a clear delineation of the Federal responsibility and to know exactly which committee is responsible for these functions and how Congress is going to be able to use this information.

I am delighted to say that, with the work of the distinguished Senator from New York, who has been very concerned with our social priorities, and of the Senator from Minnesota, we have worked something out that is acceptable and will give us the congressional coordination we must have.

Mr. JAVITS. Mr. President, if the Senator will yield to me, I think the amendment is splendid. I think we have worked out an excellent solution to the problem. It resolves the concern of the Senator from Wisconsin (Mr. PROXMIRE) about the role of congressional oversight. It resolves my concern that no committee in the Congress can have the kind of staff and the kind of professional performance which an office like this needs if it is truly to serve us all effectively.

Incidentally, this was the Senator from Wisconsin's way of working it out. I accept it fully. I appreciate his putting himself out to the point of making it possible for him to support the bill, and therefore have the bill have a broader base of Senate support.

So, as far as I am concerned, if the manager of the bill is willing, I would like very much to see us accept the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield whatever time may be required to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair will say that the Senator from Minnesota has 30 minutes.

Mr. MONDALE Mr. President, I yield myself 2 minutes.

In my opinion, this is a good amendment. It seems to reconcile the differences that might have existed as between committees in the use of the work of this office, without giving absolute priority. In other words, all committees now have the possibility for getting its assistance, but it makes it clear hat some priority will, where feasible, be given to the Joint Economic Committee. Because this committee is now charged with making recommendations in this area, I think it is a good amendment and I would like to accept it.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Colorado for a parliamentary inquiry?

Mr. PROXMIRE. Mr. President, even though the Senator may oppose the amendment, I am pleased to yield him time.

Mr. DOMINICK. Mr. President, a parliamentary inquiry. In the event someone should oppose this amendment—then who has control of the time?

The PRESIDING OFFICER. Under the agreement previously entered into, the Chair will say to the Senator from Colorado the time is evenly divided between the mover of the amendment (Mr. PROXMIRE) and the manager of the bill (Mr. MONDALE).

Mr. DOMINICK. If the Senator from Minnesota is in favor of the amendment, who gets the time?

The PRESIDING OFFICER. The Chair will say to the Senator from Colorado that in the unanimous-consent agreement there is no provision for delegation of time.

Mr. DOMINICK. I will say for the benefit of my colleagues that this is part of the problem of trying to run this body under unanimous consent when we do not look at the situation carefully. This is the second time it has happened to me. If it continues, I am going to have to object to any unanimous-consent agreement from now on.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. MONDALE. I think these unanimous-consent agreements assume good faith and accommodation on the part of Senators. Under these circumstances, I intend to yield most or all of my time to the Senator from Colorado if he opposes the amendment proposed by the Senator from Wisconsin. That is the proper way to do that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I really feel this point is somewhat unjustified. I told the Senator from Ohio that I would yield all the time to him, just in the regularization of yielding it to the ranking minority member who was handling the bill, and that I would yield that time in opposition to the bill. I know the Senator from Minnesota's intention on this amendment.

I would like to say, without arguing the point, the Senator is not caught short at all. It was fully contemplated that those opposed would be given every minute in opposition, so whatever the Senator wishes, I am sure the Senator from Minnesota will yield all of his time in opposition to the amendment. I will do the same thing right now to the Senator from Ohio, and I told him I would.

Mr. DOMINICK. Mr. President, a parliamentary inquiry, then. From whom do I get time?

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 28 minutes remaining on this amendment.

Mr. MONDALE. Mr. President, I yield 28 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 28 minutes.

Mr. DOMINICK. The Senator from Colorado will take 5 minutes and reserve the remainder.

I want to say the Senator from Minnesota and the Senator from New York have always been most cooperative in this type of situation, but that does not stop the basic difficulty. The basic difficulty with the unanimous-consent situation is that the time is given to the one who is offering the amendment and the balance of the time is given to the manager of the bill. If he happens to be in favor of the amendment, there is no time for anyone who is against it except at their discretion. I want to say they have a pleasant disposition.

What I am trying to bring out about this amendment has not even been discussed. Let us take a look at the amendment. We will see that under title II, which is the Senator from New York's proposal originally, a commission is established under the control of Congress, something called the Office of Goals and Priorities Analysis.

Then you go over to page 13, section 205, which the amendment is concerned with, and as written now it simply says that the Joint Committee on Economics shall hold hearings on the national goals.

The Senator from Wisconsin (Mr. PROXMIRE) is striking that section, and his proposal says that the Joint Economic Committee shall review the operations of the office periodically, thereby giving the jurisdiction over this committee. This committee will hold hearings, which it is now doing, and to the maximum extent consistent with the provisions of this title, accord priorities to the requests made by the Joint Economic Committee, and furnish that committee such information as it may request with respect to the operations of the office.

So, to all intent and effect, Mr. President, what we are doing if this amendment is adopted is establishing a special office for the benefit of one committee, which I might add is not even a legislative committee. It would be exactly the same thing if we should establish the special Office of Small Business, and say that only to the Select Committee on Small Business will that one report, and it has to put them on a priority basis.

This reminds me—and I yield myself another 5 minutes, because I may not get through—of a newspaper man who came into my office one day and said, "Senator, do you know what is going on in Government?"

I said, "No. Do you?"

He said, "No."

I said, "I know what is going on in my committee, or I think I do, usually."

I might add that I did not know this amendment was coming up, so apparently I do not even know that.

He asked, "Do you think anyone in Government knows what is going on in Government?"

I said, "No."

He said, "Do you think the President does?"

I said, "No, not if you are dealing with an agency-by-agency responsibility in the day-to-day operations." I said. "There is no way; the Government is simply too big to be able to do that."

He said, "What you ought to do is establish as a congressional office a whole body of investigators who, on behalf of Congress, will then go down and study what the agencies are doing, and give you reports back and forth whenever you want them, and thereby you can follow what is going on in the agency."

My comment was, "Who is going to police the policemen?"

That is the same comment I would make here. What are we doing? We are creating another agency in Congress, for the specific benefit of the Joint Economic Committee under the able chairmanship of the Senator from Wisconsin. I believe the Senator from New York is the ranking Republican member.

I do not blame them for wanting to get another adjunct to help them out in their study, but if we are going to do that for one committee, why should we not do it for every committee? Why should we just put one committee in the position that we are establishing a special office for it. I do not know at how much expense this would entail. I have forgotten at this point, but it is going to be paid by the Secretary of the Senate, as far as the cost is concerned, on vouchers signed by the director or the acting director.

As I say, I do not see how much is the estimated cost but it does not make much difference. What we are saying here is that we would have another policeman to go over and determine not only what is going on, but what the policies and priorities ought to be insofar as they are concerned, and then to report the whole situation back insofar as the Joint Economic Committee is concerned.

What will happen to HEW? What will happen to the Committee on Labor and Public Welfare, on which I serve? What is going to happen if they suddenly say we should not have any help from Welfare, it all ought to be from Defense, that we do not have enough money to do both? What will happen then? The other committees do not get any reports, so I have got to go to the Joint Economic Committee.

I would say that this thing would be a mistake. What we are doing is setting a precedent from beginning to end, to say that one committee, on its own motion, shall have the right to have absolute priority on a group which is being established presumably for the benefit of all Senators.

Mr. CURTIS. Mr. President, will the Senator yield for a question or two?

Mr. DOMINICK. I am happy to yield.

Mr. CURTIS. If this measure is enacted, is it the Senator's opinion that this would be pretty largely a staff operation?

Mr. DOMINICK. I think it would be almost totally a staff operation. Certainly no Members of Congress are going to be on this committee. It is going to be a staff member and assistant staff members, I might say appointed by the majority leader of the Senate and the Speaker of the House of Representaitves. It does not even provide for minority representation in committee appointments.

Mr. CURTIS. It seems to me that would be the case. I know of no Senators who would have available time to operate this themselves.

I certainly would not want to downgrade the very efficient staffs that appear in many places in Congress. We have some devoted people.

On the other hand, I am thoroughly convinced that when we get too many layers of staff, too much staff and too many committees operating with large staffs, then we have to have more staff to read the staff reports, and pretty soon we have a government by staff that has never been elected by anyone, that is not

answerable to the American people, not answerable to those who are greatly interested in social priorities and objectives, and not answerable to our people as taxpayers; and I view every one of these proposals to add to committees, commissions, and so on, the work of which I know will be conducted by staffs, as a most unliberal, backword, and reactionary step in the whole area of free government.

I, for one, do not view this proposal as something that will bring government closer to the people or more in line with the objectives of the people of the country, and after all, they should be masters of their own government.

Mr. DOMINICK. Mr. President, I share the concern expressed by the Senator from Nebraska. It is a part of what I am talking about; it just does not seem to me to make much sense to put up a new office in which the director is going to be paid the same amount as the Comptroller General of the United States, and then have him largely responsible to one committee in Congress.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. TAFT. I would like to point out another thing in regard to this committee setup that seems to me very disturbing and troubling.

A year ago we enacted a Legislative Reform Act, attempting to reaffirm once more the questionable principle—I say questionable de facto, because my own experience with Congress indicates it is questionable—that committee staffs should be nonpartisan, in effect. I would like to call attention to the provisions of title II with regard to this question.

There are no safeguards under the Legislative Reorganization Act, as far as I can see, that would apply as to whether or not this shall be a partisan operation. It is true, and I recognize and am fully aware, that section 202, subsection (f), provides that persons shall be selected without regard to political affiliation, but that does not detract from the fact that they are appointed, and appointed solely by the Speaker of the House of Representatives and the majority leader of the Senate, and that they are solely responsible to the majority and may be removed at any time at the behest of the majority.

So, in effect, there is absolutely no safeguard whatsoever for representation on the part of the minority in the staff of this group that is to be set up.

This goes farther, even, than the problems of partisanship that sometimes exist with regard to allocations of committee staffs, both in the House and the Senate. To me this is a fatal defect, expecting to get out of such a group any really objective consideration of the problems that they seek to attack in this regard.

I have to concur strongly with the opposition of the Senator to title II and also to the amendment. To me, it establishes a priority for a particular joint committee over and above the standing committees. It is even more objectionable because of the fact that it can operate wholly in a partisan way, without any real safeguard in this connection.

Mr. DOMINICK. The Senator is correct, in my opinion. It is one of the more important points I am glad he brought up and emphasized.

I had never seen this amendment until just this moment. I did not know it was going to be offered. It is probably my fault. It probably has been circulated.

It seems to me to be wrong to go forward with a bill of this kind, establishing a new office, with a director appointed by the majority only, and then have him reporting largely to the Joint Economic Committee—one committee. It does not seem right.

Mr. COOK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Kentucky.

Mr. COOK. What amazes me about this—and I am delighted that the Senator from Minnesota has returned—is, what do we have the committee system in Congress for now? Is this an oversight committee for all the committees that are presently in existence? If, in fact, it operates on the basis that the distinguished Senator from Ohio has just laid out, then it is as much a degree of frustration for those of us who sit here under the committee system now.

Here we are in the Committee on Commerce, with 18 members, 10 from the majority side and eight from the minority side; and the staff of the Commerce Committee, in violation of the Reorganization Act, has 58 members for the majority and nine members for the minority.

Now we are saying, "Let us have a great, big oversight committee that is going to be not only more overpowering than that but complete."

If, in fact, we have a committee system that deals with all national goals and priorities in relation to where a respective bill ought to go, how much more staff and how much more committee operation do we really need around here?

We get our copy of our schedule in the morning. It shows that we are due at five committees or subcommittees, all at 10 o'clock in the morning. That is a remarkable thing to do, and it is a remarkable opportunity when one can really be at all five at the same time.

So we now are spread so thin, it is almost like protecting the majority side. We do not want to spread them any thinner, because we now find that with respect to major pieces of legislation, the hearings are conducted by one Member of the Senate because we cannot get anybody else there, because 17 subcommittees and three major committees are all meeting at the same time. And here we go again.

It is amazing to me that Congress today is so completely and thoroughly out of balance in its committee lineups as to be ludicrous. Then we come in with an operation of this magnitude.

I can only say to the Senator that I had the opportunity to vote against this matter before, and I will have the opportunity to vote against it again.

Mr. DOMINICK. I am happy to hear the Senator from Kentucky reflect many of the viewpoints I have stated already.

There are a great number of sponsors of this proposal, so I suspect that the Senator from Kentucky and I will vote against it but it probably will go through.

The principal thing at the moment is this amendment. For the life of me, I cannot understand why we should go along with this amendment, with all due respect to the Senator from Wisconsin. It looks to me like a personal effort to fix up the Joint Economic Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. PROXMIRE. I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I have no objection to how Senators feel about particular things, but I hope they will indulge me and give me their close attention on the facts. A number of mistakes of fact have been uttered, quite inadvertently, which nonetheless are very pertinent.

In the first place, this office is attributable to the fact that Congress, in relation to the executive, is very inadequately staffed. The executive has, in the Office of Management and Budget, an enormous number of employees, and in the various Government departments, where they spend hundreds of millions. What we are proposing is an agency of Congress for exactly the same reason—in the same way that we set up the Comptroller General to check back on the actions which were taken under law.

In addition, the executive department itself—I cited Secretary Shultz this morning—agrees that this is a highly desirable activity on the part of Congress. The fact is, as Senator COOK properly says—and I perhaps am one of the most well-known victims of it—that we are tremendously overworked. Precisely. Every committee has its own jurisdiction in a very specialized way. We simply have no time for overviewing the whole thing, not as to what was done, which is what the Comptroller does, but prospectively, as to what we ought to be doing. I gave the example of the administration saying, "Put on a ceiling and within that ceiling you will have to decide what are your priorities." That relates to all committees, not just any one of the committees of a Senator who opposes this amendment, or my committee, but every committee.

So the idea is to have a highly professional agency which will give us guidance on that particular subject. That is the whole purpose we are laying out to the Senate. It is very urgently needed, as is clear from the demands upon us and the fact that we are so diversified. Second, does the agency stand up? Third, what is the role of the Joint Economic Committee with respect to it?

This agency has been patterned on the office of the Comptroller General, which has worked for years. The Comptroller and Assistant Comptroller, here called directors, would be appointed in a similar way as regards missions by party participation as provided by this bill.

I should like to point out something which was not mentioned by any of the speakers: The office shall be under the control and supervision of the director. And how would the director be secured? He would be appointed jointly by the majority leader of the Senate and the Speaker of the House and confirmed by a majority vote of each House. I repeat; and confirmed by a majority vote of each House.

I ask my colleagues: What is the prerogative of a chairman of any committee in the Senate? Does he not appoint the top people who serve the committee in the way of staff?

Finally, it has been said—and I know inadvertently—that the director can be fired any time the majority wants him to be fired. That is not completely true. The bill especially says that the terms of the director and the assistant director subsequently appointed—that is, after January 1, 1973—shall expire on January 31 every 4 years thereafter. As does the Comptroller General, he has a stated term, and so has his assistant.

Now, about the committee: We put these agencies under the jurisdiction of some committee for oversight, and this seemed a very logical one, because it fits into its work with the Joint Economic Committee. Let me give an example.

The Government Operations Committee, on which I have the honor to serve, is charged with the duty of supervision over the Comptroller General's Office, and the Standing Rules of the Senate so provide. They say, with respect to the Government Operations Committee:

> Such committee shall have the duty of receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

That is a pretty impressive Office. It has been going on for a long time. I never heard a Senator criticize the fact that the Committee on Government Operations had legislative oversight over the Comptroller General.

The amendment would do nothing more than that with respect to the Joint Economic Committee. There is no exclusivity about it. It would serve the whole Congress, as does the Comptroller General, at the request of any Member of Congress, except that legislative oversight would be vested in the one committee which is uniquely adapted, because of its broad coverage, to give it legislative oversight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes to ask the Senator from New York some questions.

The Senator is a distinguished member of the Committee on Government Operations, and he has pointed out that the relationship between the Committee on Government Operations and the GAO is somewhat similar to the relationship the Joint Economic Committee would have with this new office.

Does the Senator from New York know of any instance in which any Member has charged that the Committee on Government Operations has a monopoly on the information from the General Accounting Office?

Mr. JAVITS. Not a single one.

Mr. PROXMIRE. Is it not true that any member of a congressional committee can rely on the GAO? Is it not true that the GAO has been tremendously useful because it is uninhibited by any restraints placed on it by the Government Operations Committee? It is tremendously useful also for other committees and for most Members of Congress.

Mr. JAVITS. I would answer that not only with an unqualified "Yes," and the Senator from Wisconsin is a prime example of it. He is not a member of the Government Operations Committee but I know of no one who has used that Office more or to greater effect than has the Senator from Wisconsin.

Mr. PROXMIRE. The point the Senator from New York makes is a good one, that when we create an office like this one, we have to have some relationship to some committee. We either give it to the Joint Economic Committee or we give it to the Appropriations Committee or to the Government Operations Committee. The Joint Economic Committee, with its weaknesses, not being a legislative committee, has established over the years an interest and some expertise and some staff capability and some membership capability in the area of priorities. It has worked hard on that. We have issued a number of reports on it and held many hearings. I would hope that, under those circumstances, my good friends in the Senate would recognize that this is a responsibility that we can discharge and would be happy to discharge and prevent what otherwise would be a duplication. If this is given to some other committee, then they have to establish a similar capability to what the Joint Economic Committee now has. Thus, this is the orderly, sensible, and logical way to handle congressional oversight with respect to that committee.

I can say, with respect to the office and to the chairman of this committee, that I will certainly have no interest in preventing any other committee from using the office being created. In fact, I would hope and urge Members of the Senate and Members of the House and the committees to use the office as much as they would like to. The more they use it, the more useful it will be.

Mr. JAVITS. I thoroughly agree with the Senator from Wisconsin. This is a bipartisan committee, representative of both House and Senate and, hence, uniquely adaptable as an instrument for precisely this legislative oversight.

Mr. PROXMIRE. I thank the Senator very much.

Mr. JAVITS. So I join the Senator in hoping that the Senate will approve this excellent amendment.

Mr. BROCK. Mr. President, will the Senator yield for some questions?

Mr. PROXMIRE. How much time remains to our two sides, Mr. President?

The PRESIDING OFFICER. The Senator from Wisconsin has 17 minutes remaining and the Senator from Colorado has 13 minutes remaining.

Mr. DOMINICK. I will be happy to yield 3 minutes to the Senator from Tennessee.

Mr. BROCK. I would like to inquire of the author of the amendment in particular——

Mr. DOMINICK. Mr. President, I yield 3 minutes to the Senator from Tennessee for questions.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. BROCK. Mr. President, the Senator from Wisconsin knows that I am a longtime advocate of this kind of approach. As a member of his committee, when I was in the other body, I strongly urged that the Joint Economic Committee be given the opportunity to work in the area of national priorities. The Congress has been woefully inadequate in meeting its responsibilities to the American people in the studying, analyzing, and allocation of resources according to the national priorities that we established. So I do not come to this debate as an unsympathetic person in this particular matter.

I do have a couple of questions, though. The way this legislation is drawn, it is almost as a counterbalance or an offset to the Office of Management and Budget, almost a competitive or defensive device, creating our own office of management and budget here. I therefore wonder whether that is what we really intend.

For example, priorities are not established just downtown, they are also established by every committee of Congress. Will this director evaluate the activities of the Committee on Education and Labor to see whether they meet the standards of national priorities, or will it say that the bill being presented here to the Senate is consistent with national priorities, or is the money excessive, or is the program working or not working?

I am very much interested in the human audit but I do not see that we gain anything by auditing it in exactly this way. I would like to urge the auditing of Congress and am concerned as to whether this director is going to be doing anything about the abuses of the public priorities by this body and by its committees.

Mr. PROXMIRE. In response to the question by the Senator from Tennessee, let me say that, in the first place, the Senator knows that this is a bill which has two sections to it. The first section——

The PRESIDING OFFICER (Mr. STAFFORD). The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes on my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. The first section, of course, sets up the Council of Social Advisers to the President, which is appointed by the President and which would work at the direction of the President to establish the kind of priorities which would be desirable to him.

The second section would establish an office which would be the congressional office—on page 10, line 14—where it is spelled out how the office is intended to operate:

Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

I think that the effort here—and it is a difficult thing to do—is not to intervene in any way, shape, or form with any committee. This is a staff office, not one made up of elected officials. The effort will be to establish priorities to work with the Appropriations Committee of the House and Senate, and to work with the various other committees, as requested, to try to respond to their requests for information on how priorities can be best coordinated among the various committees of the House and Senate. It is difficult. But this is going to be an office that will have to proceed and learn as it goes. The Congress will have to learn how to use it as it goes along. We should make a beginning, because unless we coordinate our efforts, we will be in great difficulty in the future.

Mr. BROCK. I do not disagree at all. I very much agree. What worries me is that by creating this at the outset we may not reach the ultimate objective we are seeking to achieve. I am wondering why the Senator from Wisconsin would not suggest that the Assistant Administrator be appointed by the minority.

Mr. PROXMIRE. May I yield to the Senator from Minnesota (Mr. MONDALE) who is the author of the bill on that. I am concerned with my own amendment, which would not bear on that.

I yield 2 minutes to the Senator from Minnesota. The question as I understand it, asked by the Senator from Tennessee (Mr. BROCK), is why the No. 2 man in the office should not be appointed by the minority in the House and Senate rather than by the majority?

Mr. MONDALE. Mr. President, I wish the Senator from Tennessee would withhold that question, because it deals with the provisions offered by the Senator from New York. I know there is no intention here to be partisan. I refer the Senator to page 10, subsection (f), in which we say:

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

So, with respect to that specific question, I wish the Senator from Tennessee would withhold it until the Senator from New York (Mr. JAVITS) is able to return to the Chamber.

Mr. TAFT. Mr. President, may I point out further, with reference to this, that even if the assistant director were appointed by the minority, he would still be subject to removal by the majority unless a further change remained to make the turnover of his office subject to a vote of the minority. I mean, there are all kinds of questions in here, with regard to the Reorganization Act particularly, which are simply unanswerable by the approach the pending bill is taking.

Mr. PROXMIRE. Let me say that the Senator from New York (Mr. JAVITS) tried to design this section to conform with the way the GAO works. This is a useful experience. We would like to pattern it after that.

Mr. BROCK. But Congress is a partisan office and the GAO is not. They do not have any members of a minority. The Members of the minority in Congress are woefully and inadequately staffed. There is a very great difficulty which Members of the minority have in trying to get adequate information. This is what distresses us in the continuation of this kind of enlargement of the staff role without the voice of the minority in it.

Mr. PROXMIRE. As the Senator from Minnesota has just pointed out, the Senator from New York (Mr. JAVITS), who is the author of this particular section, I am sure can respond more helpfully than I or the Senator from Minnesota or any other Member of the majority. I think it would be best to wait until the Senator from New York returns.

Mr. BROCK. Mr. President, I would be delighted to do so.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 10 minutes remaining, and the Senator from Wisconsin has 12 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself an additional 5 minutes to point out what I conceive as being some of the other problems. I call the attention of the Senator from Minnesota to some of the problems with this particular bill, without regard to the particular amendment we are considering.

For example, this office consists of a director and an assistant director with no limitation on the number of staff officers or staff members he might add. He is required to submit to Congress on March 1 a report, which I presume is their report, after some study and input of Members and agencies and people around the country, on national goals and priorities.

However, this also includes an analysis in terms of national goals and priorities of all programs submitted by the President, an analysis of the economic report of the President and an analysis of the social report of the President.

So what we are setting up here is a second-guessing organization. The President comes up with a budget which is already "yea" thick—and I am talking about 2 feet or more in terms of paperwork—and this group processes it in 15 days. The President does not have to submit his social report until February 15. It is a second guess on the social report and economic report and the annual budget report in terms of the national goals and priorities.

I ask the Senator whether this is what we want to send over to other outside agencies. Do we really want to say that these recommendations of the President, which are submitted to Congress in 15 days, are going to get a whiskbroom analysis by a group of people appointed by the majority party, with any number of staff members over whom we have little or no control. The Director would have control over them. They would give to us all of the papers they happen to think of concerning any particular President's budget or economic or social report.

I have always thought that if Senators had a reaction to a report of the President, it would be perfectly proper. And if a Member of the House did, it would be perfectly proper. But to have a group of people on the outside submit some facts and analysis—and obviously a critical analysis, because that is what it is supposed to be—of any President from now on as to the budget or economic or social reports and have that group paid by the Senate without having a right to oversee or supervise or determine what is in the report, to begin with, goes way beyond anything that I want to do.

It is my certain hope that we will not agree to this type of approach.

I understand the desire of the Senator from Wisconsin to have some more help on the very complicated problems of the Joint Economic Committee studies. However, it seems to me that if this is to be done, it ought to be done in a proper way, by having a legislative request for appropriations to have enough people for the Joint Economic Committee, rather than to set up a separate agency which is almost totally outside the scope of the ordinary legislative procedure.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Colorado has 5 minutes remaining. The Senator from Wisconsin has 12 minutes remaining.

Mr. MONDALE. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be taken from either side.

Mr. PASTORE. Mr. President, would the Senator withhold that request?

Mr. MONDALE. I would be glad to do so.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Rhode Island for a question.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, one thing that has bothered the Senator from Rhode Island for a long time—and I have been around here now for 22 years—is this lack of liaison between the legislative committee and the appropriation committee.

I think if we took everything authorized in the course of a year and funded it to the last dollar, we would have to double or even treble the taxes to be paid. There is no question about that in my mind.

It strikes me that there ought to be some coordination between the legislative process and the funding process.

I realize that any time a legislative committee meets, it considers in its own way the needs—and each committee, of course, acts independently of other committees—thus we find that there is a lack of coordination among all committees and a failure to give some thought to what we jointly do in the course of a

year. Then we get on the floor of the Senate and we begin to talk about housing for this and urging housing for that program. They are all very desirable and very appealing. We then vote. Then we pick up the newspaper and are told by Mr. Shultz or somebody else that what we have to do is to stop spending so much money.

We have a budget. It shapes up to $250 billion annually. So we appropriate $250 billion each year. And that is contained in 12 or 13 different bills. Each subcommittee has its own individual responsibility. The several amounts are seldom added up to see where we are until the end of the year.

Then we also get the supplementals. The first thing we know, we end up with a deficit of about $40 billion or $50 billion at the close of the year. Sometimes it is because the income is underestimated. Many times it is because we appropriate more than was estimated.

The question I would like to ask is whether the function of this committee is advisory.

Mr. MONDALE. Mr. President, there are two titles. The first title creates a Council of Social Advisers which is located in the President's office. Its status would be almost identical with the Council of Economic Advisers. This Council is to be composed of top social scientists who would advise the President on social problems in the same way that the Council of Economic Advisers advises the President on economic programs and policies.

Mr. PASTORE. Mr. President, before the Senator goes to title II, there again, their function is only advisory. The President can take it or leave it.

Mr. MONDALE. Mr. President, that is correct. They also have another function. They will help the President prepare an annual social report which comes to Congress, and we can consider it in evaluating the efficacy of social programs.

Mr. PASTORE. Mr. President, I ask the Senator this question: Whom do we mean by "we?"

Mr. MONDALE. Mr. President, the report goes to every appropriate committee. The report would go to the Committee on Labor and Public Welfare and to any other committee that would be interested in the report of the Council of Social Advisers.

Mr. PASTORE. So we would have an idea at the very beginning not only of what the priorities should be, but also what the priorities might cost. Is that correct?

Mr. MONDALE. No. The Council of Social Advisers would not deal principally with costs or priorities. That would be title II of the bill. The Council of Social Advisers would seek to analyze the various social programs to find out what is working in education, what is working in welfare, what is working in mental health, and how we are doing in welfare reform. It would try to analyze existing programs and make recommendations to the President for other programs. In the social report, it would help Congress determine what things we would have to do to help improve the conditions of human beings in this country.

It is purely advisory to the President, but with the social report being sent to the Congress for our consideration.

In title II, there is created an Office of Goals and Priorities in Congress, which I would like the Senator from New York to describe since this is his measure and one for which he has fought for so long.

Mr. PASTORE. My categorical question is this: What relation does this have to the budget request or the request made by the President of the United States? Would we end up with a conflict?

Mr. JAVITS. The Office simply advises Congress and all committees thereof of the three things set forth. I would like to ask the Senator to read them. I am only relating to the Senator the provisions of the bill which begin on page 11. The key functions are as follows:

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resources and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

In short, it is the overview or whole relationship between the executive branch and Congress. For example, I do not know whether the Senator was here when I said that Secretary of the Treasury George Shultz appeared before us this morning and said, "You should set in Congress a spending ceiling." He suggested $250 billion.

Then, he said that in that $250 billion ceiling you ought to determine your priorities, and "We will tell you what we think the priorities should be."

I said, "Is not Congress entitled to in some way take an overall view and say what it thinks should be done?" I said, "We have no machinery for that purpose. Would you agree we should have?" He said he thought we should.

Mr. PASTORE. I think the Senator has answered my question. We would know from the beginning what the priorities are within the gage of that money, which is something we do not know now.

Mr. JAVITS. The Senator is correct. The President's agency will tell us what it thinks. Secretary Shultz testified that we have to spend one-third of the $250 billion for defense. That is their view, but what will be our view?

But then they come along and say, "We have no room for any new program in the next year." Why? They assume the budget is so tight there is no money for it. That does not mean we have to do it that way.

But none of us here have the overall picture. This would porvide overall information for the Congress to proceed intelligently. The Executive has us outsmarted every time. They have the facts, the figures, and the expertise; and we simply cannot match it.

This is some effort to get abreast in terms of goals and priorities between Congress and the Executive.

Mr. PASTORE. I thank the Senator.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I listened carefully to the questions of the Senator from Rhode Island. I would like to comment on them.

Keep in mind that this proposal under title II provides for a Director and Assistant Director, both appointed by the majority leader and the Speaker of the House. There would be no minority input, regardless of who the minority might be. It has no limit on staff members. That group is paid at the level of the Comptroller General and the Assistant Comptroller General, and all expenses of operation are paid by voucher. There is no appropriation process at all.

So at least theoretically, if it is not an actual danger, this thing, this body we are creating could use up practically all the money there is in the Treasury and we have no limit on it. There is nothing about "such sums as may be necessary."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. The language on page 13, line 23, states:

All expenses and salaries of the office shall be paid by the Secretary of the Senate from funds appropriated for the office.

Mr. DOMINICK. I am corrected. I apologize. I did not see that. I just saw the voucher reference and that sent me through the wall.

Mr. JAVITS. If the Senator will allow me, I stand corrected on how the Comptroller General is appointed. Our provision is different from the Comptroller General. What I had in mind was the analogy, and the President is a party man and appoints him. Here it is the Speaker and the majority leader.

The analogy is there, but specifically the President rather than these congressional people appoint the Comptroller General. My thought was that this was really our agency and we would really have our hands on it.

Mr. DOMINICK. I thank the Senator for making that correction. He is correct and I apologize to him, but it did concern me. There is no limit on the staff. I believe I am correct on that.

Mr. JAVITS. Again, it will be the appropriation process and sometimes my friends sit on it and keep a very close eye on it.

Mr. DOMINICK. In answer to the other question with respect to pages 10 and 11 of the bill, the office is required to submit by March 1 of each year a national goals and priorities report which shall include an analysis of the program. The social report of the President does not have to be submitted. It could be but it does not have to be, by February 15, so this group has to take in an analysis of the whole budget, the economic report, and the social report and give it to us. There is obviously going to be a conflict there. This is one of the questions brought up. I guess this is why it was created, to give us a view separate and apart from the other body.

My question is: Who or how is that going to happen?

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

Mr. DOMINICK. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. DOMINICK. It is my understanding that the persons who were supposed to analyze this and deal with this are not from an outside agency but Members of the House and Senate itself. This is the problem I see in that section of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 1 additional minute.

Mr. JAVITS. It would be a question of how to get the earliest date to be of use to Congress in the appropriation process and the authorization process, consistent with amassing the information and doing the job. March 1 is my best extrapolation. If the Senator felt that was very difficult for him I would be willing to adjust it. It is just a matter of picking some date early enough to be useful and late enough to capture such information as may be necessary and desirable.

Mr. DOMINICK. I yield myself 1 additional minute to ask a question of the Senator from New York.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Is it entirely probable that any bill proposed by any Senator or Member of the House by virtue of this legislation would be subject to the analysis of this group to determine whether or not they are in favor of it?

Mr. JAVITS. Not at all. That is a matter for the committee and the executive department. All this group would do would be to give Congress the overall view on what should be the priorities. This office will not act in a volunteer way.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. PASTORE. Would it be within the function of this agency or estabment, whatever you want to call it——

Mr. JAVITS. Office.

Mr. PASTORE. Office?

Mr. JAVITS. We call it an office.

Mr. PASTORE. Would it be within its jurisdiction in a training program, for instance, to put people to work to follow it through to see if the money was being wisely spent?

Mr. JAVITS. That is the jurisdiction of the Comptroller General, but when it comes to evaluating a program for next year or the next 5 years, they could take the information which was developed as to how it works in their calculations in recommending to Congress what ought to be the priorities. For example, suppose they said, "It now appears it is going to take 2 years before you can really crank it up to use the kind of money you asked for. In the meantime, we have another priority which could intervene." That would be the proper function. That is their evaluation. The post-audit is not what they are in business for except as an item in evaluating what ought to be the priorities.

Mr. PASTORE. Does not the Senator think it would be a good idea if they were given the authority to follow through? The trouble here is that we are told by the administration, whether it be a Democratic or Republican administration, that we need a certain kind of program. It sounds very good and beautiful. Then we appropriate money for it. However, we do not know what happens to the money, whether the money has been wasted or wisely spent or used in a proper way. I wonder if there should not be a follow through, because we do not have a staff at the present time to follow through, once we have made an appropriation, to find out just how wisely that money has been spent.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. TAFT. Mr. President, I have a substitute amendment, which I offer at this time.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, in the nature of a substitute, as follows:

On page 13, line 17, strike all through line 20 and insert in lieu thereof the following:

SEC. 205. The Appropriate Committees of Congress shall review the operations of the Office periodically and hold hearings on the national goals and priorities report and on such other reports and duties of the Office as they deem advisable. The Office shall, to the maximum extent consistent with the provisions of this title, accord priority to requests made by Committees of Congress and furnish those Committees such information as they may request with respect to the operations of the Office.

The PRESIDING OFFICER. The Chair will inform the Senator from Ohio that, under the unanimous-consent agreement, there are 30 minutes on this amendment, to be equally divided between the mover of the amendment (Mr. TAFT) and the manager of the bill (Mr. MONDALE).

Mr. TAFT. I thank the Chair.

Mr. President, the purpose of this amendment, very frankly, is to remove the priority that the Proxmire amendment would establish for the Joint Economic Committee. I believe the point has been pretty well covered here already that such a priority should not exist; that all committees of Congress, if we set up this instrumentality, should have an equal call upon the services of such a group.

I happen to be opposed to title II in any event, but I think if we move in this direction it should be with a degree of safeguards.

It also goes back to something I talked about a few minutes ago. If we want to get down to cases, I am not hesitant to discuss a particular situation which would arise. It is true that the Senator from Wisconsin is chairman of the Joint Economic Committee, and I have considerable respect for his fairness. I have worked with him on the Banking, Housing, and Urban Affairs and other Committees and have known him for a long time, and I do not believe he would be unfair in this situation.

I think, however, in the very nature of the political structure we have, there is a nature of partisanship that will get into this operation that is dangerous.

I have great respect for the present chairman of the Banking Committee of the House of Representatives as an able legislator. I served with him several years, and the Senator from Tennessee did as well. I point out that under the Legislative Reorganization Act, under which the staff was supposed to be nonpartisan, there was a division of 44 to 3. We are talking about the kind of situation that is possible without any safeguards being put into this bill. I feel we have a major issue here before us.

The Senator from Rhode Island very ably asked a question, and I thought raised the point, that in effect this committee will make a recommendation as to the expenditures or nature of the expenditures in contravention of the budget of the President, in all probability. Whether it will be a partisan one or not, I do not know, but I take it that where we would have a partisanship setup, in the appointment and professional staff of a committee, the proposal under title II involved here is very serious. I think it could paralyze the legislative process, and we could have the Appropriations Committee, which happily has tried to get away from partisan considerations in its staff makeup in its present tendencies, going in that direction. It could turn in the direction of partisanship again because they would have the right to refer to the recommendations made when, under circumstances as we presently have in the Senate, a majority of one party in the Senate and the House of Representatives and the Presidency in the hands of the other party, automatically we would have a built-in partisan political structure.

In any event, to give priority to one committee of Congress, that is not even a legislative committee, that the Proxmire amendment would give to no other committee is, in my opinion, not wise.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. PROXMIRE. I think the Senator from Ohio raises a good point. It was not the intention of the Senator from Wisconsin to provide that a committee of which he is chairman should be given priority. I think the precedent we have to work with is with respect to the GAO. Certainly the committee having responsibility in a particular field should have a free and open call on that service.

It would be perfectly acceptable to the Senator from Wisconsin to take out the express priority for the Joint Economic Committee, but leave in the fact that the Joint Economic Committee is the committee that will hold oversight hearings on the office. Otherwise we will have 16 committees in the Senate, and I do not know how many in the House, all of which have some kind of oversight, but none of which will have a focus. The Economic Committee is a joint committee with both House and Senate Members. It can be the logical focus.

Mr. TAFT. My question is, Under the jurisdictional rules we have in the Senate and the House, whether it would be

appropriate in any event to give priorities to one committee for hearings in this field, the Joint Economic Committee. It seems to me the other committees, the Rules Committees, and possibly other organizational committees, as well as other committees, have authority under the rules of the respective bodies and have priority over certain jurisdiction.

Mr. PROXMIRE. Of course, but the Joint Economic Committee holds hearings on the economic report, because we are the committee which is designated and responsible to do that work. I suppose the Joint Economic Committee might have an implied priority as the one committee which has hearings on the economic report, but this seems to be a cleaner, crisper, and more orderly way—to give it to one committee. Perhaps for this new office it ought to be to the Appropriations Committee, or some other committee. But the Economic Committee is a joint committee that already has priorities experience. Going back to the bill's original language would be a compromise that would be acceptable to me so that we would delete priority reference to the committee.

Mr. TAFT. I think we have already done that. The language of the substitute starts out with the words, "appropriate committee of Congress." The appropriate committee would determine it, within the appropriate rules of Congress. To the extent that the Joint Economic Committee has authority to do it and has jurisdiction over particular matters, it would continue to have jurisdiction. Other committees would continue to have jurisdiction they presently have to review the operations of this committee to that extent. I am not saying what committee necessarily, under the ruling the Parliamentarian would make, would have jurisdiction over this particular committee setup. Perhaps it would be the Joint Economic Committee. I do not think so.

But I think the other committees of Congress certainly should not be brushed aside by this amendment, insofar as the concern for their overview of the operation of this particular office is concerned.

Mr. PROXMIRE. Mr. President, let me ask the Senator, suppose I withdraw my amendment, would the Senator from Ohio then withdraw his amendment, and go back to the original language in the bill? Let me read the original language. It is only a few words. It says:

> The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

There is no priority expressed. Just that.

Mr. TAFT. I would say to the Senator from Wisconsin, in all honesty, I believe that would leave the situation in exactly the same status as if the amendment were passed, so I do not believe it really matters. If the Senator is willing to withdraw his amendment, I have no objection.

Mr. PROXMIRE. That is fine. Mr. President, I do not know what the parliamentary situation is. I would like to withdraw my amendment, although there is an amendment to it pending. Can I simply ask unanimous consent to withdraw my amendment?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that he be permitted to withdraw his amendment?

Mr. PROXMIRE. Yes. I ask unanimous consent that I may be permitted to withdraw my pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Reserving the right to object, would my amendment remain pending under those circumstances, or would it die, if the unanimous-consent request were granted?

The PRESIDING OFFICER. If the Senator from Wisconsin withdraws his amendment, the amendment of the Senator from Ohio would go with it, but the Senator from Ohio could then offer his amendment in his own right.

Mr. PROXMIRE. May I say to the Senator from Ohio, the reason I would withdraw my amendment is with the understanding with the Senator from Ohio that he would withdraw his. He said there would not be any substantial difference, anyway, and would accept that.

Mr. TAFT. Mr. President, I am not trying to play games in this situation. I understand that my amendment would fail with the unanimous-consent request being granted.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Senator from Wisconsin has a right to withdraw his amendment; that if he does so the amendment of the Senator from Ohio is withdrawn with it, but the Senator from Ohio then has the right to offer his amendment as a separate piece of legislation.

Mr. TAFT. I will say I have no intention of doing so, for the reasons just stated. I withdraw the objection.

The PRESIDING OFFICER. Then the amendment of the Senator from Wisconsin is withdrawn.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 8, strike line 24 and all that follows through "House" on page 9 line 3, and insert in lieu thereof: "who shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House, and an Assistant Director of Goals and Priorities Analysis (hereinafter referred to as the 'Assistant Director') who shall be appointed jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives and confirmed by a majority vote of each House."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BROCK. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as I understand it, though I have not gone to the desk to read it, that is exactly what we now have in the bill, except that the Assistant Director would then be appointed by the minority leaders of the House of Representatives and the Senate, and similarly confirmed by a majority vote of each House.

Mr. BROCK. The Senator is correct.

Mr. JAVITS. I think that is an excellent amendment. We have discussed it, and as far as I am concerned, subject to one minute to look at it to be sure it strikes the right thing, it is entirely satisfactory to me.

Mr. BROCK. Mr. President, who has the time?

The PRESIDING OFFICER. The Senator from Minnesota has 15 minutes.

Mr. MONDALE. Mr. President, I yield myself 5 minutes.

While the Senator from New York is examining the amendment, let me say that I think this would strengthen the bill. I do not think that this office can function unless it is bipartisan, or nonpartisan. If it acts in the role of advocate, its function is completely destroyed. To function properly, it must be established under the leadership of highly professional, highly skilled persons, who can give it the same kind of leadership and the same sort of distinction as the General Accounting Office. That is the quality and caliber of leadership we would hope would result in the effective functioning of the office, but also in receiving the bipartisan respect it must have.

Our objective here is to equip Congress, on a bipartisan basis, with the kind of skills and talents in analysis, statistics, and computer technology that I think we need to be able to meet the enormous distortions of the executive branch, no matter what party is in control. I have been involved in many legislative struggles here, and where I have been on the side of the Executive—and this has been true under both administrations since I came to Washington—I get all the computer printouts, data, and knowledge I could possibly want. But, strangely, when one finds himself in opposition to the Executive, under either political party, suddenly the computers go dead, they run backwards, the data they give you are somehow incomplete. Why Congress should voluntarily deny itself the information and data it needs to make intelligent choices under these circumstances, I do not know.

I think the amendment offered by the Senator from Tennessee will strengthen this office.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

I would say very sincerely that I am deeply grateful for the support of the Senator from New York and the Senator from Minnesota. We share a common objective in seeking to strengthen the legislative branch, and not only strengthen it in a bipartisan sense.

No partisanship is intended in this measure, and I think this amendment will assure that that situation will obtain, and will maintain itself.

I am somewhat amused by the state-

ment of the Senator from Minnesota, because I have felt the inadequacy of computer printouts and such things for my 10 years in Congress, and I am glad that it is recognized by others.

Mr. MONDALE. Yes. Sometimes I think we have a new axiom, that he who controls the computers wins the debate.

Mr. JAVITS. Mr. President, I have examined the amendment and I find it satisfactory.

Mr. BROCK. I yield back the remainder of my time.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STAFFORD). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time?

Mr. TAFT. Mr. President, I yield myself 8 minutes on the bill.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. TAFT. I yield.

Mr. ROBERT C. BYRD. May I ask the distinguished Senator from Tennessee or the distinguished manager of the bill whether it is the intention of either to ask for the yeas and nays on the bill? If it is, there are enough Senators now present to show a sufficient second.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I would say at this time to the distinguished acting majority leader that it is possible that at the conclusion of my remarks I shall offer another amendment, on which I may or may not ask for the yeas and nays.

Mr. President, I oppose the enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, for several reasons.

I share a deep concern for the problems and the goals mentioned by the sponsor of the bill, the distinguished Senator from Minnesota. It is an appealing bill in many ways. It puts one on the side of the angels, backed by many well-meaning groups, I am sure.

Let me say very emphatically that I believe that the formulation of national goals and priorities must be an integral part of policymaking in both the executive and legislative branches of Government, and I do not consider that we have done an adequate job in that regard in either branch of the Government, in recent years, at least. In my judgment, however, this bill will hamper rather than assist in achieving this objective. S. 5 creates unnecessary bureaucratic mechanisms which will duplicate existing efforts, with no provision for coordination with related structures already operative in both the executive and legislative branches of Government.

Title I of this bill establishes a Council of Social Advisers in the Executive Office of the President and requires an annual social report by the President to the Congress. The administration opposes the grafting of an additional bureaucratic layer onto the Executive Office, and I believe they are correct in taking that position. Two years ago, the President, through executive reorganization, established the Domestic Council to assist him in the coordination and overview of domestic policy. Department secretaries and heads of agencies in the domestic areas are members of the Domestic Council—giving it the advantage of meaningful inputs and suggestions from these very able people. Certainly, the President is in the best position to determine whether he needs an additional Council to assist him in establishing social goals and priorities. The Council which is proposed in this bill would overlap and perhaps impede the mandate of the Domestic Council.

It seems to me, and I think my colleagues will agree, that before concerning ourselves with the creation of additional councils and other administrative structures, this Congress would be better advised to spend its time and energy on the enactment of the many needed domestic reforms already proposed by the President and others. These include welfare reform, manpower training, the reform of our system of health care, revenue sharing, and the reorganization of the Federal Government.

Recognizing the need for more research in the development of reliable social indicators—there is a great need for this, and if we need give attention to this field by additional legislation, I think our attention ought to be directed in the area of research and development of reliable social indicators—the Office of Management and Budget has been working in this area for some time, compiling an extensive publication on social indicators. The Office of Statistical Policy in OMB has indicated to me that it hopes to publish its work on social indicators early in 1973. Drafts of most chapters are currently under review. The performance measurement system is now in the process of being applied in several areas, including drug abuse. The National Science Foundation has awarded grants to the University of Michigan Survey Research Center, the National Planning Association and the Urban Institute for study in this area. A progress report should be available shortly after January 1, 1973.

Before superimposing upon the President a staff to interpret social indicators leading to policy recommendations, much more research is needed in developing and refining such measures and in determining the relationship between social and economic indicators. During the committee hearings which were held on this bill in July of 1971, there seemed to be a consensus among the witnesses that meaningful social data is difficult to obtain, and perhaps in a premature stage of development. Dr. Raymond Bauer, professor of business administration at the Harvard Graduate School of Business Administration testified that:

> One of the biggest objections that wasn't raised here this morning to the council of social advisors but which has circulated in the science community, has been that sociology, anthropology, and similar disciplines aren't as far advanced as the economics were in 1945.

I suggest, Mr. President, that much more research is needed before the enactment of a bill such as S. 5. I believe the discussions we already have had on the floor this afternoon have indicated this very patently.

Title II of the bill establishes within Congress an Office of Goals and Priorities Analysis. This new Office would be required to submit to the Congress an annual report setting forth goals and priorities. This objective is commendable. I question, however, whether the addition of an office and staff, completely separated from all legislative and appropriations committees, would or could accomplish this purpose. In my judgment such an isolated office would be a tremendous waste of time, money, and staff. The distinguished Senator from Wisconsin, Mr. PROXMIRE, who testified on S. 5 in July 1971, in my opinion, was justified in opposing this measure "because it undertakes to establish an Office of Goals and Priorities on a basis that would separate it completely from the general economic analysis and formulation of economic policy in the Congress."

For these reasons, I urge my colleagues to join with me in opposing the passage of this unnecessary and ill-structured measure.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COOK). Who yields time?

Mr. MONDALE. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. TAFT. I yield 5 minutes to the Senator.

Mr. MONDALE. I inquire from the Senator from Ohio whether he plans to offer an amendment.

Mr. TAFT. I do plan to offer an amendment very shortly. My amendment, I advise the Senator, will have the effect of striking title I only, leaving title II.

Mr. MONDALE. I do not wish to prejudice the course which the Senator from Ohio wishes to take, but it might be appropriate at this point, if he wishes, to offer his amendment, and we could go to the debate on it.

Mr. TAFT. I would be glad to do so, if there are no other requests for time.

Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

> On page 1, line 5, strike all through line 24 on page 7.

The PRESIDING OFFICER. There is a time limitation on the amendment of 30 minutes per side. The Senator from Ohio has 30 minutes, and the manager of the bill has 30 minutes. Who yields time?

Mr. TAFT. I yield myself such time as I may use.

Mr. President, I offer this amendment because I think the issues involved between title I and title II are quite different.

As I have indicated in my remarks on the bill, I feel that there is a very definite need in the legislative area, after adequate study, for setting up additional staff assistance, especially for the minority, in studying and analyzing various

legislative proposals and getting an overview and overall concept of the national problems and priorities as we ought to see them in Congress.

I think the cause of Congress could benefit from having a body such as this to call upon. I do not think the bill as presently drafted, even with the improvements that have been suggested—and they are considerable improvements—and in at least one case adopted with regard to the selection of the director and the assistant director, completely correct this.

I do not want to give the impression that I am in favor of title II or that I expect to vote for the bill because of the present form of title II. I merely say that I feel that there is a real place in the future, both for the House of Representatives and the Senate, to have a body on which they may call for suggestions as to the specific priorities that might be undertaken to provide a little more cross reference, perhaps, on the specific problems considered by a particular committee, so that we can better establish the national priorities.

I do not think we can substitute the judgment of any such body or the recommendations of any such body for the determination ultimately of national priorities as determined by Congress. At the same time, I recognize that Congress could and well might benefit from having additional staff assistance and additional information and suggestions in this regard, aside and apart from the Executive. But for the reasons I have already indicated in my talk on the bill generally, I do not believe that this is true of the executive branch. How we can expect to impose an independent body of this sort upon the executive branch at this time, when we already have ongoing the current efforts of OMB to do just exactly this within the Office of the President, is hard for me to understand. It seems to me that an independent body is bound to run into conflict with the already existing structure and that, indeed, rather than helping or speeding up or clarifying an analysis of the national needs and priorities that would come from the staff of the President and the OMB and the various departments of the Government, this would only add another layer which would add to the complication of the overall picture involved.

For that reason, I oppose title I. I feel that the Senate ought to have a separate opportunity to vote for the elimination of title I before it undertakes to make a judgment on the question of title II, which seems to me to be an entirely separate question, and that is the only purpose for which I have offered the amendment at this time.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, the present proposal embodied in title I, which is now before us, would create a Council of Social Advisers, composed of three members selected by the President. It would assist him in preparing an annual social report, which the President would send to the Congress. In it, the Council would seek to evaluate ongoing social programs and make recommendations to Congress and the public as to what we need and what they would recommend that we do, or do better, to improve conditions in the lives of all Americans.

This bill arose out of a feeling I had, which was shared by almost everyone in Congress—and, as I went about my State and the country, which was shared by almost everyone in the country; namely, that there is something that has gone wrong with the way in which we make our choices and our judgments when we deal with human problems. Somehow, we back into the future; we guess, we have hunches, we operate on those hunches and those guesses and sometimes develop programs which are counterproductive. Sometimes we spend millions of dollars on programs that do not work at all. Sometimes we spend vasts amounts of money on programs which do very little good, and sometimes we fail to give resources to other programs which are helpful but which are not so successful as they could be because we simply are not acting on the best information that could be developed.

We have seen several examples, to which I have already referred, in which the Federal Government appears to be the last to know about profound human problems—problems as essential and elementary as basic nutrition, problems like the exploding American cities in the late 1960's, questions about welfare—who is on welfare, why are they there, what can we do to reduce, in a sensible and humane way, the cost of the welfare burden on how can we educate our children best.

For 2½ years, the Senator from New York and I, and many others, have been engaged in a deep and probing effort to determine how we can establish systems which will lead to equality of educational opportunity in this country.

What could be more basic, what could be more fundamental to the American creed than pursuing strategies on education which will permit every child in this country to have an opportunity? Yet I am sure that the distinguished Senator from New York will agree with me, that the value of the literature and the statistics in the field of education is appalling; it is abysmal. We spent months trying to find answers to elementary questions in the field of education alone, on which we spend, I think, about $50 million a year. It is enough to shatter anyone's confidence in the wisdom and ability with which this country conducts its public affairs, particularly in the field of human problems.

Mr. TAFT. If the Senator will yield, I should like to recall to the Senator, and I agree with him, that so far as research is concerned, I have emphasized that particularly, but especially with regard to the field of education, I thought it was pointed up in the President's message on education of 2 years ago and by his adviser at that time in this area, that this field was in dire need of assistance. Congress responded in part, but, in my opinion, not adequately.

Mr. MONDALE. I thank the Senator, but one of the things that has profoundly plagued progress in social fields has been that each agency has its own pet project and it is not about to put out information or data which casts doubt upon its programs.

If it is Headstart, they say what this Nation needs is Headstart. If they have any bad reports, they burn them at midnight, so that no one ever hears about those problems. Every department and agency and every suboffice puts out only one kind of information—and that is favorable information. Each looks at its own restricted field without looking, as much as it should, at the total field.

What the Council of Social Advisers seeks to do is to take a total look at human programs, because they are related. A human being is not a series of categories—health, education, and nutrition. A human being is a total product of humanity.

We should take the same kind of encompassing view, a critical view, an overall view, of social problems. That is what the Council of Social Advisers would do.

It is an agency that would be capable of being critical and skeptical of all programs. I do not know how many times during the course of a Representative's or a Senator's career, he has heard an agency come before the Congress to criticize itself. I have served here 8 years, and I have not heard it yet.

What we need to do in the social field is to get a high level, highly professional, highly skilled staff in the Council of Social Advisers, with the best minds we can find in the country, to start analyzing these programs and developing, at arm's length, so to speak, social data so that we can begin to look courageously and forthrightly at our social problems. This we do not do today. That is why I think this kind of agency is needed.

I agree that we already spend millions of dollars on data and on reports now, but so many of them are self-serving and limited. Many of them do not ask the right questions—deliberately. The result is what one statistician called "cold facts"—the kind of information that does not do us any good. They can tell us how many bricks are in some school building but if we want to know what the requirements are in order to learn anything, they do not have the slightest idea. They will tell us how many soybeans we planted last year, but when we ask how many people are hungry, they do not have the slightest idea.

We have to start getting answers to the "hot" facts of American life. Congress will have to face the future and develop strategies for progress in the human field, or we will see lots more of what we are already seeing today, a greater sense of depression and cynicism about the capacity of the American Government to deal with the problems of the people of this Nation.

I do not say that the Council of Social Advisers will answer all those questions, but I do say that it would be an important new asset in philosophy and direction. It will be the first time that we have tried to deal in a comprehensive, sophisticated, and strategic way with the human problems that face the people of this country today. I do not believe Congress can continue to back into the future the way it has been doing.

Mr. JAVITS. Mr. President, my backing for Senator MONDALE's idea contained in title I—and I think Senators have finally grasped the difference between the two responsibilities—is that we have at last focused debate where it needs to be focused in respect of this particular matter. But I would like my colleague from Ohio to understand my own experience which dictated the support of this particular title. It is related to the fact that I have served on the Joint Economic Committee for a long time and I have seen over the years the growing relationship between the economic and the social problems of the country, and the disparity in the amount of expertise which existed at the top level in determining that relationship and what it should be. This has been very marked to me, and it is today.

We had before us the three members of the Council of Economic Advisers only yesterday—Dr. Stein, Mrs. Whitman, and Mr. Solomon—very distinguished people, very able people, but economists and essentially able to give us the basic policy that our country should pursue respecting its economics at home and abroad.

But in humanistic terms, there was no expertise, at all, for example.

President Eisenhower was very proud of his Commission on National Goals that he established which was headed by a former president of Brown University. And we were very much taken, for example, with the work of the Haley Commission on the resources of the country and when those resources would be used up.

Many of us are deeply concerned now with the energy use in this country. Many of us are concerned with spot problems in the country, such as drug addiction, venereal disease, and all of the social trends having subsequent consequences which pipe into what we ought to be doing in terms of the Nation's society.

However, there is no group in the Nation such as a Council on Social Advisers which ties it together.

The fact is that the gifted idea of the Senator from Minnesota (Mr. MONDALE) to this bill represents an addition to the new world, call it the new politics, the new development needs, or the new development conscience which is perhaps best characterized by the environmentalists and population control people.

These are new problems which have hit us in life. Simply put, the Council would keep us abreast of the facts and remind us that our practices are no longer adequate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I do not know of any person in the Senate who deals with more human problems than does the Senator from New York. He is the ranking member of the Committee on Labor and Public Welfare. He serves on the subcommittees on Labor, Education, Health, and Employment, Manpower, and Poverty. Perhaps there are several that I have forgotten.

During the Senator's career in the Senate, he has spent several man-years listening to human problems—the Senator can name the problem, whatever it is, and he has dealt with it.

What would the Senator say after his experience over the years of the condition of the data and information that is available to assist us in dealing with these problems?

Mr. JAVITS. It is woefully inadequate in how it relates to the future. How does hunger relate to education? How does venereal disease relate to school dropouts? How does drug addiction relate to the ability or desire to hold a job and the degree of antagonism and the ability to be rehabilitated so as to be able to hold a job?

Mr. MONDALE. Mr. President, does the Senator recall the hearings we held—and these are typical—on the question of the Job Corps?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I yield the Senator from New York an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. MONDALE. Mr. President, the Senator will recall that we asked appropriate agencies to provide data to tell us which manpower program delivered the highest return in terms of the number of enrollees who found employment afterward; how many received a better opportunity to develop after than before; what was the dropout rate; what was the cost per enrollee; what in their opinion, based on the data, were the best manpower programs per dollar spent. These, it seems to me, would be commonplace and elementary questions, the kind of questions that any businessman must ask and answer if he has any hope of survival.

Can the Senator recall the questions and answers? They said: "Yes, we will submit a tabulation telling you those things." I still remember the tabulation. Footnote 2 said "not available." The tabulation was full of ditto marks for footnote 2. That was not something peculiar to this administration. It has been true of all previous administrations. We simply do not have the basic information to make a proper judgment.

Mr. JAVITS. The Senator is absolutely correct. It goes to demonstrate what I said a moment ago. The Employment Act was passed in 1946. That is a small matter. It was 26 years ago. It developed a human kind of consciousness on the part of our country, and the problems and the interest of our country have simply outrun it.

How do we modernize it and bring it up to date? We argued the question whether we should merge the Social Adviser group into the Council of Economic Advisers.

The Senator from Minnesota convinced me and convinced a majority of the committee that, considering our history, it could not be done as effectively there as by another body.

Mr. President, there was no other way considering the history of the Employment Act of 1946. I am convinced of that. And every aspect of my experience bears it out. I hope very much that the Senate will keep the integrity of this bill an important function for the executive department and an important resource for Congress.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I thank my very distinguished friend, the Senator from Ohio.

Mr. President, the thing that concerns me with title I of the bill—and before this we have been talking about title II—is that if we look at section 102, page 2 of the bill, it provides for a review by the President of the State, local, and private efforts designed to create the conditions expressed in section 101. The conditions specified in section 101 cover the whole range of social efforts.

So I would presume that under this the President would be required to deal with the Boy Scouts, the Red Cross, the Visiting Nurses Association, the Kennedy Center, the Arts and Humanities, and every single type of third group organization which we are unique for in this country where private people are trying to do something on their own.

We then have to fit that, or the President has to, into his so-called social report, not to speak of the number of efforts being made in local communities all over this country to try to upgrade their own conditions.

Then the President is required under this to ascertain the overall progress and effectiveness of Federal efforts designed to carry out the policies in section 102.

I recall that the President in his state of the Union message said that the categorical grant program had—and I am not quoting him but am paraphrasing him—resulted in an enormous increase of bureaucracy with very little increase in the solution of the problems which the categorical grants were designed to deal with and that we had not changed this in a long period of time. As a matter of fact, it had proliferated and resulted in a growth in both the problems and the bureaucracy.

He, therefore, suggested revenue sharing as a method of doing it.

This is an assessment of national goals and priorities. Yet in the 2 years since he announced this, we have yet to get a revenue sharing bill through Congress. We are holding hearings in the Senate now. However, the bill has gone nowhere in this Congress. So, although the President has done this and has suggested what some of the efforts might be, nothing has been forthcoming from Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TAFT. Mr. President, I yield the Senator from Colorado 2 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 additional minutes.

Mr. DOMINICK. Mr. President, this is what he has to transmit again. And I

would presume that he could make almost the same budget speech or state of the Union message next year, assuming that he gets reelected. And if we have the same makeup in Congress, we will get nowhere. As I said before, I hope that we can change the makeup of Congress, but whether we can or not depends upon what happens this fall.

Mr. President, you can go down through title I of the bill. It imposes on the President a lot of work, part of which he is going to do in his state of the Union message, in the budget, and in connection with proposals on legislation. But then it creates within the White House, without his consent, a Council of Social Advisers, and they will be appointed by the President, but with advice of the Senate. That is improvement, at least, over what we had in other proposals. Presumably this is a group to be of assistance to the President but he already has his Council of Economic Advisers, and he already has his White House staff. Now, to add another one, it seems to me to be adding a large number of personnel at a great deal of expense without really accomplishing any objective which is different from that of the groups already established. For example, it is supposedly the duty and function of the Council to assist the President in the preparation of a social report. Well, that is just like the group he already has there.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DOMINICK. I support the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield myself such time as I may consume.

I think the Senator from Colorado made the point very well in support of the amendment. I advise the Senate at this time I do not expect to ask for the yeas and nays on this amendment because it seems to me to express the very essence of the bill itself and Senators can vote one way or the other on the amendment and on the bill.

However, it seems to me that the Senator from Colorado made the real point that is involved here. I was interested to hear the Senator from New York discuss sound business administration, because that is what we are talking about here. It seems to me that the group that is going to have to determine in any industry what the national priorities are and how the various programs are working is the President, his Cabinet, and his staff, the people directly responsible to the President. They are the ones to make the assessment and that is the only way an effective administration can operate or that the Government can operate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MONDALE. Does the Senator make the same statement with respect to the Council of Economic Advisers.

Mr. TAFT. I think the Council of Economic Advisers is basically responsible to the President.

Mr. MONDALE. That is an institution that is identical.

Mr. TAFT. I do not feel it is because they are dealing in a specialized field. Here they are dealing with the life of the Nation and the running of the Government. They are dealing with the Department of HEW and Labor, and an entire area of Government and setting up a conflicting report and a conflicting examining body which will report to the President, presumably, and presumably do his bidding, but I think it only adds confusion to a confusing situation already in Government today.

It would perpetuate the problems we have and it would add another layer of bureaucracy on top of these areas. It is unsound in concept and I believe that it should be defeated.

Mr. President, at this time I have no further requests for time. I am ready to yield back such time as I have on the amendment and on the bill.

Mr. MONDALE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was rejected.

Mr. HUMPHREY. Mr. President, I congratulate my colleague from Minnesota (Mr. MONDALE) on what I think is a valuable and important piece of legislation. I am honored to be a cosponsor of this program and have long urged its adoption.

The Full Opportunity and National Goals and Priorities Act of 1972 fills a critical policymaking void at the highest levels of our Government. This legislation establishes the opportunity for all Americans to live in decency and dignity as a national goal, and provides the mechanisms necessary for advancing this social goal.

Just as we have an Economic Report of the President on the economic condition of our Nation, this legislation would require the President and his newly created Council of Social Advisers to prepare and submit to the Congress a social report of the President. Such a report would add immeasurably to the debate over human progress, sketch the alternatives and sacrifices we as a nation must make if we are to achieve social justice for all our people, and provide a sound policy input of social factors into decisions over our national priorities and the allocation of our national resources. This council provides the vital information on a timely basis, needed for sound economic and social decisions.

This legislation also establishes in the Congress an Office of Goals and Priorities Analysis—to evaluate the data, the information, and the choices submitted by the President's Council of Social Advisers, and to independently analyze the direction and thrust of the social priorities of our Nation.

Mr. President, I am proud to have been a cosponsor of this legislation. I am proud to stand before the Senate today and speak on its behalf. And, I am proud to cast a vote for its enactment.

I have long thought that the truly great tragedies of our Federal Government are the lack of planning, and more specifically, the too often lack of any reliable social indicator and analysis into policy decisionmaking.

Mr. President, the social sciences of this Nation have made tremendous advances in recent years. New forms of data collection, new techniques of analysis, and new methods of inquiry have placed many of these sciences on a first foundation. I think that we in the Government must make the effort to bring this kind of knowledge into our policy thinking on a regularized basis.

I am the first to admit that social engineering is difficult and fraught with danger. Yet, I also state that to proceed from ignorance, to close out an important sector of our national knowledge is also fraught with danger.

That is why I have cosponsored and supported this bill, Mr. President. And, that is why I believe the Senate would do well to pass it today.

Mr. DOMINICK. Mr. President, I oppose the bill before the Senate, S. 5. Title I provides as a goal that all Americans live in decency and dignity and further defines this goal to be a continuing responsibility of the Federal Government. The goal is described as including such vast areas as educational and vocational opportunities, access to housing and health care and provisions for special assistance to the handicapped and other less fortunate members of society. To accomplish these goals a Council of Social Advisers in the Executive Office of the President is established and the President is required to submit an annual social report to the Congress. Salary expenditures for this Council are authorized and are not to exceed $900,000 annually.

Title II declares that Congress needs more information upon which to base decisions affecting national priorities and expenditures in these fields of social endeavor. Accordingly, a new Office of Goals and Priorities Analysis is created for the Congress. Reports from this office are to be submitted to various committees in Congress.

Mr. President, it is obvious that no Member of the Congress or any citizen would find the broad goals stated in this act to be objectionable. However, this bill is not the proper means to effectively accomplish the desired result, namely, to cure the social ills in our country. The bill sets up another council that would duplicate the functions of the Domestic Council which was established in the Executive Office of the President in July 1970. The Domestic Council assesses national needs and coordinates the establishment of national priorities concerning domestic issues and also maintains a continuous review of ongoing programs.

The Council of Social Advisors created by this bill was not requested by the President and is not necessary to achieve the stated objectives contained in the bill. The same bill was before the Senate in 1970. I spoke against the bill on September 10, 1970, for identical reasons.

We not only create a council in the executive branch which oversees and overlaps existing programs but we also create a new office in the Congress. Both the Council and congressional office are required to submit social reports. Rather

than coordinate and simplify our communications with the White House, departments and agencies, I predict that all this bill will accomplish is to further confuse, duplicate and disrupt existing channels of communication. The various committees of the Congress are quite capable of assimilating the information and data that is required. The committee report which contains the minority views of Senator TAFT and myself states that we need more information concerning the great problems facing our Nation today, such as welfare, housing and urban renewal. We do need such information; however, we first need to develop more fully reliable social indicators in order to obtain accurate information. Why does the Senate continue to create new offices and increase bureaucratic confusion rather than coordinating these new offices or new programs within existing departments thereby saving some funds for the taxpayers of the country and assuring the orderly growth of government. Mr. President, I oppose the bill. It is another example of using money for administrative purposes instead of using it to assist those persons who are truly deserving.

Mr. KENNEDY. Mr. President, I want to express my strong support for S. 5, the Full Opportunity and National Goals and Priorities Act, which I was proud to cosponsor. This landmark bill recognizes the enormous changes in American society since World War II, and the need to accord the same national attention to social indicators that we do to economic indicators.

The bill is modeled on the Full Employment Act of 1946, which enunciated the national goal of full employment and which established the Joint Economic Committee, the Council of Economic Advisers, and the annual Economic Report of the President.

This bill attempts to provide similar mechanisms for gathering data on social indicators and for assessing their significance with respect to national policy on a host of social issues in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and providing special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal.

To carry out these goals, the bill establishes a Council of Economic Advisers in the Executive Office of the President, and a requirement for an annual social report by the President to the Congress. Title II of the bill establishes within the Congress an Office of Goals and Priorities Analysis. This office would review the annual social report submitted by the President; and drawing on that and other sources, would prepare an annual report to the Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness.

Mr. President, one of the criticisms which has been raised against the bill is that our knowledge of social indicators is not advanced enough to gather the relevant social information and analyze it effectively. It is pointed out that it is a lot simpler to measure the cost of living or the gross national product than it is to measure the Nation's accomplishments with respect to social issues. For example, how do we assess progress in meeting civil rights goals? By counting the number of minority group members in various kinds of employment? By counting the number of such people living in suburban communities? These are useful indicators, but they clearly are not adequate to indicate the full range of social values which must be taken into account to measure national progress in meeting these important goals.

Yet the fact that our knowledge and techniques for measuring social progress are not perfect does not constitute an argument for inaction in dealing with these problems. As imperfect as our information may be with respect to social factors, we need every bit of information we can collect, and all the skill we can muster to analyze this information and assess its impact with respect to national policies.

The very fact that we establish a Council of Social Advisers in the executive branch and an Office of Goals and Priorities Analysis in the Congress will serve to focus national talent and resources on improving our capability to study these problems. Thus, this bill is an essential step in providing for a continuing assessment of national progress on social issues. The President and the Congress need the information and policy analysis which this bill would provide. The better informed policies which would result would benefit all our people.

I urge each Senator to vote for this landmark legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The Senator from Ohio has 16 minutes remaining on the bill. Does the Senator yield back his time?

Mr. TAFT. I yield back the remainder of my time.

Mr. MONDALE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on passage of the bill as amended. 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 Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. McGOVERN).

If present and voting, the Senator from Georgia would vote "nay" and the Senator from South Dakota would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 51, nays 40, as follows:

[No. 311 Leg.]

YEAS—51

Anderson	Hart	Montoya
Bayh	Hartke	Moss
Bentsen	Hatfield	Muskie
Bible	Hollings	Nelson
Brock	Hughes	Pastore
Brooke	Humphrey	Pearson
Burdick	Inouye	Proxmire
Byrd, Robert C.	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Schweiker
Chiles	Magnuson	Spong
Church	Mansfield	Stafford
Cranston	Mathias	Stevens
Fong	McGee	Stevenson
Fulbright	McIntyre	Symington
Gravel	Metcalf	Tunney
Harris	Mondale	Williams

NAYS—40

Aiken	Dole	Packwood
Allen	Dominick	Roth
Allott	Eastland	Saxbe
Beall	Ervin	Scott
Bellmon	Fannin	Smith
Bennett	Goldwater	Sparkman
Boggs	Griffin	Stennis
Buckley	Gurney	Taft
Byrd, Harry F., Jr.	Hansen	Talmadge
	Hruska	Thurmond
Cook	Jordan, Idaho	Tower
Cooper	Long	Weicker
Cotton	McClellan	Young
Curtis	Miller	

NOT VOTING—9

Baker	Gambrell	Mundt
Eagleton	Jordan, N.C.	Pell
Ellender	McGovern	Percy

So the bill (S. 5) was passed, as follows:

S. 5

An act to promote the public welfare

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 "Full Opportunity and National Goals and Priorities Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

SEC. 101. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 102. (a) The President shall transmit to the Congress not later than February 15 of each year a report to be known as the social report, setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 101 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local, and private efforts designed

to create the conditions specified in section 101; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; and (4) programs and policies for carrying out the policy declared in section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 101.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committees on Education and Labor and Interstate and Foreign Commerce of the House of Representatives. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives with respect to any matter within the jurisdiction of any such committee.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 103. (a) There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 101, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for level II of such schedule.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 101, both current and prospective, and to develop a series of social indicators to analyze and interpret such information and data in the light of the policy declared in section 101 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 101 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 101 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 101 as the President may request.

(6) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation as the President may request in appraising long-range aspects of social policy and programing consistent with the policy declared in section 101.

(d) Recognizing the predominance of State and local governments in the social area, the President shall, when appropriate, provide for the dissemination to such States and localities of information or data developed by the Council pursuant to subsection (c) of this section.

(e) The Council shall make an annual report to the President in January of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the direct participation in the Council's planning of such interested parties;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of Federal, State, and local government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) the Council shall, to the fullest extent possible, insure that the individual's right to privacy is not infringed by its activities; and

(4)(A) the Council may enter into essential contractual relationships with educational institutions, private research organizations, and other organizations as needed; and

(B) any reports, studies, or analyses resulting from such contractual relationships shall be made available to any person for purposes of study.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $900,000 in the aggregate for each fiscal year.

TITLE II—NATIONAL GOALS AND PRIORITIES

DECLARATION OF PURPOSES

SEC. 201. The Congress finds and declares that there is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an office within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

ESTABLISHMENT

SEC. 202. (a) There is established an Office of Goals and Priorities Analysis (hereafter referred to as the "Office") which shall be within the Congress.

(b) There shall be in the Office a Director of Goals and Priorities Analysis (hereafter referred to as the "Director") who shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House, and an Assistant Director of Goals and Priorities Analysis (hereinafter referred to as the "Assistant Director") who shall be appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives and confirmed by a majority vote of each House. The Office shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director. The Director shall designate an employee of the Office to act as Director during the absence or incapacity of the Director and the Assistant Director, or during a vacancy in both of such offices.

(c) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United States.

(d) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1973. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (e), a Director or Assistant Director may serve until his successor is appointed.

(e) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(f) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret public policies and programs.

FUNCTIONS

SEC. 203. (a) The Office shall make such studies as it deems necessary to carry out the purposes of section 201. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Office shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) an analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available

to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resources and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Office submits to the Congress, the Office shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWERS OF THE OFFICE

SEC. 204. (a) In the performance of its functions under this title, the Office is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Office;

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Office, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Office.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system or any other law.

(c) Section 2107 of title 5, United States Code, is amended by—

(1) striking out the "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(9) the Director, Assistant Director, and employees of the Office of Goals and Priorities and Analysis.".

JOINT ECONOMIC COMMITTEE HEARINGS

SEC. 205. The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Office as it deems advisable.

PAYMENT OF EXPENSES

SEC. 206. All expenses and salaries of the Office shall be paid by the Secretary of the Senate from funds appropriated for the Office upon vouchers signed by the Director or, in the event of a vacancy in that Office, the Acting Director.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MARINE MAMMAL PROTECTION ACT OF 1972

The PRESIDING OFFICER (Mr. STAFFORD). The Chair, pursuant to the previous order, lays before the Senate S. 2871, a bill to protect marine mammals, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Marine Mammal Protection Act of 1972".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further, measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to achieve an optimum sustainable population keeping in mind the optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "depletion" or "depleted" means any case in which the number of individuals within a species or population stock—

(i) is at such a level that, in the determination of the Secretary, such species or stock is threatened with extinction,

(ii) has declined to a significant degree over a period of years, and the Secretary determines that such decline is continuing or is likely to resume, and that as a result such species or stock is likely to become threatened with extinction within the foreseeable future.

(2) The term "district court of the United States" includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.

(3) The term "humane" in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

(5) The term "marine mammal product" means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.

(6) The term "optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(7) The term "optimum carrying capacity" means the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function.

(8) The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(9) The term "population stock" or "stock" means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(10) The term "Secretary" means—

(A) the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(B) the Secretary of the Interior as to all responsibility, authority, and duties under this Act with respect to all other marine mammals covered by the Act.

(11) The term "moratorium" means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this Act.

(12) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(13) The term "United States" includes the several States, the District of Columbia,

the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(14) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091–1094).

(15) The terms "management" and "conservation" mean the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. They include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

MORATORIUM

SEC. 101. (a) There shall be a fifteen-year moratorium on the taking and importation of marine mammals and marine mammal products, commencing on the effective date of this Act, during which time no permit may be issued for the taking of any marine mammal and no marine mammal or marine mammal product may be imported into the United States except in the following cases:

(1) Permits may be issued by the Secretary for taking and importation for purposes of scientific research and for public display if—

(A) the taking proposed in the application for any such permit, or

(B) the importation proposed to be made, is first reviewed by the Marine Mammal Commission established under title II of this Act. The Commission and Committee shall recommend any proposed taking or importation which is consistent with the purposes and policies of section 2 of this Act. The Secretary shall, if he grants approval for importation, issue to the importer concerned a certificate to that effect which shall be in such form as the Secretary of the Treasury prescribes and such importation may be made upon presentation of the certificate to the customs officer concerned.

(2) During the twenty-four calendar months initially following the effective date of this Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted, and shall not be subject to the provisions of sections 103 and 104 of this Act: *Provided,* That such taking conforms to such regulations as the Secretary is authorized and directed to impose pursuant to section 111 hereof to insure that those techniques and equipment are used which will produce the lowest feasible fatalities to marine mammals in such commercial fishing operations. Subsequent to such twenty-four months, marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued therefor pursuant to section 104 of this Act, subject to regulations prescribed by the Secretary in accordance with section 103 hereof.

(3)(A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammals Commission, is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine in accordance with the procedures in section 103 (d) of this Act when, to what extent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammals, or any marine mammal product, and then to adopt suitable regulations issue permits and make determinations in accordance with sections 102, 103, 104, and 110 of this Act permitting and governing such taking and importing, in accordance with such determinations: *Provided, however,* That the Secretary, in making such determinations, must be assured that the taking of such marine mammals is in accord with sound principles of resource protection and conservation as provided in the purpose and policies of this Act: *Provided further, however,* That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this Act. Products of nations not so certified may not be imported into the United States for any purpose, including processing for exportation.

(B) Except for scientific research purposes as provided in paragraph (1) of this subsection, during the moratorium no permit may be issued for the taking of any marine mammal which is classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 (16 U.S.C. sec. 668aa to 668cc–6) or has been designated by the Secretary as depleted, and no importation may be made of any such mammal.

(b) The provisions of this Act shall not apply with respect to the taking of any marine mammal (other than a marine mammal, the taking of which has been prohibited as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by any Indian, Aleut, or Eskimo who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking—

(1) is for subsistence purposes by Alaskan natives who reside in Alaska, or

(2) is done for purposes of creating and selling authentic native articles of handcrafts and clothing: *Provided,* That only authentic native articles of handicrafts and clothing may be sold in interstate commerce; And *provided further,* That any edible portion of marine mammals may be sold in native villages and towns in Alaska or for native consumption. For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting; and

(3) in each case, is not accomplished in a wasteful manner.

Notwithstanding the preceding provisions of this subsection, when, under this Act. the Secretary determines any species or stock of marine mammal subject to taking by Indians, Aleuts, or Eskimos to be depleted, he may prescribe regulations upon the taking of such marine mammals by any Indian, Aleut, or Eskimo described in this subsection. Such regulations may be established with reference to species or stocks, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the purposes of this Act. Such regulations shall be prescribed after notice and hearing required by section 104 of this Act and shall be removed as soon as the Secretary determines that the need for their imposition has disappeared.

(c) In order to minimize undue economic hardship to persons subject to this Act, other than those engaged in commercial fishing operations referred to in section 101(a)(2), the Secretary, upon any such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may exempt such person or class of persons from provisions of this Act for no more than one year from the effective date of this Act, as he determines to be appropriate.

PROHIBITIONS

SEC. 102. (a) Except as provided in sections 101, 103, 104, 111, and 113 of this Act, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or in any statute implementing any such agreement;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with the taking or importation of marine mammals or marine mammal products; and

(4) for any person, with respect to any marine mammal taken in violation of this title—

(A) to possess any such mammal; or

(B) to transport, sell, or offer for sale any such mammal or any marine mammal product made from any such mammal; and

(5) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.

(b) Except pursuant to a permit for scientific research issued under section 104(c) of this Act, it is unlawful to import into the United States any marine mammal if such mammal was—

(1) pregnant at the time of taking;

(2) nursing at the time of taking, or less than eight months old, whichever occurs later;

(3) taken from a species or population stock which the Secretary has, by regulation published in the Federal Register, designated as a depleted species or stock or which has been listed as an endangered species under the Endangered Species Conservation Act of 1969; or

(4) taken in a manner deemed inhumane by the Secretary.

(c) It is unlawful to import into the United States any of the following:

(1) Any marine mammal which was—

(A) taken in violation of this title; or

(B) taken in another country in violation of the law of that country.

(2) Any marine mammal product if—

(A) the importation into the United States of the marine mammal from which such product is made is unlawful under paragraph (1) of this subsection;

(B) the sale in commerce of such product in the country of origin of the product is illegal;

(3) Any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

(d) Subsections (b) and (c) of this section shall not apply—

(1) with respect to any marine mammal or marine mammal product imported into the United States before the effective date of this title;

(2) in the case of marine mammals or marine mammal products, as the case may be, to which subsection (b)(3) of this section applies, to such items imported into the United States before the date on which the Secretary publishes notice in the Federal Register of his proposed rulemaking with respect to the designation of the species or stock concerned as depleted or endangered; or

(3) in the case of marine mammals or marine mammal products to which subsection (c)(1)(B) or (c)(2)(B) of this section applies, to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

(e) This Act does not affect any marine mammal or marine mammal product taken prior to the effective date of this Act.

REGULATIONS ON TAKING OF MARINE MAMMALS

SEC. 103. (a) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, shall prescribe such regulations with respect to the taking and importing of animals from each species of marine mammal (including regulations on the taking and importing of individuals within population stocks) as he deems necessary and appropriate to insure that such taking will be consistent with the purposes and policies set forth in section 2 of this Act.

(b) In prescribing such regulations, the Secretary shall give full consideration to all factors which may affect the extent to which such animals may be taken or imported, including but not limited to the effect of such regulations on—

(1) existing and future levels of marine mammal species and population stocks;

(2) existing international treaty and agreement obligations of the United States;

(3) the marine ecosystem and related environmental considerations;

(4) the conservation, development, and utilization of fishery resources; and

(5) the economic and technological feasibility of implementation.

(c) The regulations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions with respect to—

(1) the number of animals which may be taken or imported in any calendar year pursuant to permits issued under section 104 of this Act;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken or imported, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken or imported;

(4) the manner and locations in which animals may be taken or imported; and

(5) fishing techniques which have been found to cause undue fatalities to any species of marine mammal in a fishery.

(d) Regulations prescribed to carry out this section must be made on the record after opportunity for an agency hearing, except that, in addition to any other requirements imposed by law with respect to agency rulemaking, the Secretary shall publish and make available to the public either before or concurrent with the publication of notice in the Federal Register of his intention to prescribe regulations under this section—

(1) a statement of the estimated existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock;

(3) a statement describing the scientific evidence before the Secretary upon which he proposes to base such regulations; and

(4) any studies made by or for the Secretary or any recommendations made by or for the Secretary or the Marine Mammal Commission which relate to the establishment of such regulations.

(e) Within six months from the effective date of this Act and every twelve months thereafter, the Secretary shall report to the public through publication in the Federal Register and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this Act to assure the well-being of such marine mammals.

PERMITS

SEC. 104. (a) The Secretary may issue permits which authorize the taking or importation of any marine mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this Act, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of display or scientific research shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to and after such taking or importation. Any person authorized to take or import a marine mammal for purposes of display or scientific research shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(d)(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this Act.

(4) Upon written request of any interested party, if such request is filed within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection, the Secretary may grant a hearing with respect to the application. If granted, such hearing shall be commenced within thirty days.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the plaintiff resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e)(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this Act, or

(B) in any case in which a violation of the terms and conditions of the permit is found.

(2) whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) Consistent with the regulations prescribed pursuant to section 103 of this Act and to the requirements of section 101 of this Act, the Secretary may issue, to persons who are members of a class found by the Secretary to have common needs requiring them to take marine mammals, general permits for the taking of such marine mammals, together with regulations to cover the use of such general permits.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title or of any permit or regulation issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

CARGO FORFEITURE

SEC. 106. Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 107. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States districts courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals and marine mammal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e)(1) Whenever any cargo or marine mammal or marine mammal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 105 (a) or (b) of this Act. All marine mammals or marine mammal products or other cargo so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such marine mammal or marine mammal product or other cargo so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) The Secretary may, with respect to any proceeding under section 105 (a) or (b) of this Act, in lieu of holding any marine, mammal or marine mammal product or other cargo, permit the person concerned to post or other surety satisfactory to the Secretary pending the disposition of such proceeding.

(3)(A) Upon the assessment of a penalty pursuant to section 105(a) of this Act, all marine mammals and marine mammal products or other cargo seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(B) Upon conviction for violation of section 105(b) of this Act, all marine mammals and marine mammal products seized in connection therewith shall be forfeited to the Secretary for disposition by him in such manner as he deems appropriate. Any other property or item so seized may, at the discretion of the court, be forfeited to the United States or otherwise disposed of.

(4) If with respect to any marine mammal or marine mammal product or other cargo so seized—

(A) a civil penalty is assessed under section 105(a) of this Act and no judicial action is commenced to obtain the forfeiture of such mammal or product within thirty days after such assessment, such marine mammal or marine mammal product or other cargo shall be immediately returned to the owner or the consignee; or

(B) no conviction results from an alleged violation of section 105(b) of this Act, such marine mammal or marine mammal product or other cargo shall immediately be returned to the owner or consignee if the Secretary does not, within thirty days after the final disposition of the case involving such alleged violation, commence proceedings for the assessment of a civil penalty under section 105(a) of this Act.

INTERNATIONAL PROGRAM

SEC. 108. (a) The Secretary, through the Secretary of State, shall—

(1) immediately initiate negotiations for entering into of bilateral or multilateral agreements with other nations for the protection and conservation of all marine mammals covered by this Act;

(2) immediately initiate negotiations with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which are found by the Secretary to be unduly harmful to any species of marine mammal, for the purpose of entering into bilateral and multilateral treaties with such countries to protect marine mammals. The Secretary of State shall prepare a draft agenda relating to this matter for discussion at appropriate international meetings and forums;

(3) encourage such other agreements to promote the purposes of this Act with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of marine mammals;

(4) initiate the amendment of any existing international treaty for the protection and conservation of any species of marine mammal to which the United States is a party in order to make such treaty consistent with the purposes and policies of this Act;

(5) seek the convening of an international ministerial meeting on marine mammals before July 1, 1973, for the purposes of (A) the negotiation of a binding international convention for the protection and conservation of all marine mammals, and (B) the implementation of paragraph (3) of this section; and

(6) provide to the Congress by not later than one year after the date of the enactment of this Act a full report on the results of his efforts under this section.

(b) In addition to the foregoing, the Secretary shall, in consultation with the Marine Mammal Commission defined in section 201 of this Act, initiate a study of the North Pacific fur seals to determine whether herds of such seals subject to the jurisdiction of the United States are presently at their optimum sustainable population and what population trends are evident. If the Secretary finds that such herds are below their optimum sustainable population and are not trending upward toward such level, or have reached their optimum sustainable population but are commencing a downward trend, and believes the herds to be in danger of depletion, he shall, through the Secretary of State, immediately initiate negotiations for the modification of the North Pacific Fur Seal Convention, signed on February 9, 1957, as extended, to reduce or halt the taking of seals to the extent required to assure that such herds attain and remain at their optimum sustainable population. Should such modification be deemed unnecessary or negotiations to achieve the same be unsuccessful, the Secretary shall, through the Secretary of State, take such steps as may be necessary to continue the existing North Pacific Fur Seal Convention beyond its present termination date so as to continue to protect and conserve the North Pacific fur seals and to prevent a return to pelagic sealing.

FEDERAL COOPERATION WITH STATES

SEC. 109. (a) Except as provided in this section, no State may adopt any law or regulation relating to the taking of marine mammals within its jurisdiction or attempt to enforce any State law or regulation relating to such taking: Provided, That (1) any State may adopt or enforce any law or regulation relating to the taking of marine mammals if such law or regulation is consistent with this Act or any rules or regulations issued hereunder; or (2), if, upon review, the Secretary determines that the laws and regulations of a State relating to a species of marine mammal are consistent with the policies and purposes of this Act, the provisions of this Act then relating to such marine mammals which are subject to such State's jurisdiction shall not apply except for this section, section 101, section 110, and section 111(b)(2)–(8): Provided further, however, Notwithstanding the provisions of subsections (a) and (c) of this section, the Secretary shall continue to monitor and review the laws and programs of the States which have assumed responsibility for marine mammals under this Act. Whenever the Secretary finds that a State is not in substantial compliance with either subsections (a) or (c),

as the case may be, he may resume responsibilities under this Act for the marine mammals within such State's jurisdictions superseding such State laws to the extent which, after notice and opportunity for hearing, he deems necessary.

(b) The Secretary is authorized to make grants to each State whose laws and regulations relating to protection and management of marine mammals which primarily inhabit waters or lands within the boundaries of that State are found to be consistent with the purposes and policies of this Act. The purpose of such grants shall be to assist such States in developing and implementing State programs for the protection and management of such marine mammals. Such grants shall not exceed 50 per centum of the costs of a particular program's development and implementation. To be eligible for such grants, State programs shall include planning and such specific activities, including but not limited, to research, censusing, habitat acquisition and improvement, or law enforcement as the Secretary finds contribute to the purposes and policies of this Act. The Secretary may also, as a condition of any such grant, provide that State agencies report at regular intervals on the status of species and populations which are the subject of such grants.

(c) The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this Act: *Provided,* That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

MARINE MAMMAL RESEARCH GRANTS

SEC. 110. (a) The Secretary is authorized to make grants, or to provide financial assistance in such other form as he deems appropriate, to any Federal or State agency, public or private institution, or other person for the purpose of assisting such agency, institution, or person to undertake research in subjects which are relevant to the protection and conservation of marine mammals.

(b) Any grant or other financial assistance provided by the Secretary pursuant to this section shall be subject to such terms and conditions as the Secretary deems necessary to protect the interests of the United States and shall be made after review by the Marine Mammal Commission.

(c) There are authorized to be appropriated for the fiscal year in which this section takes effect and for the next four fiscal years such sums as may be necessary to carry out this section, but the sums appropriated for any such year shall not exceed $3,000,000, one-third of such sum to be available to the Secretary of the Interior and two-thirds of such sum to be made available to the Administrator of the National Oceanic and Atmospheric Administration.

COMMERCIAL FISHERIES GEAR DEVELOPMENT AND FINANCIAL ASSISTANCE

SEC. 111. (a) (1) The Administrator of the National Oceanic and Atmospheric Administration is hereby authorized and directed to immediately undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. At the end of the full twenty-four calendar month period following the effective date of the Act, said Administrator shall deliver his report in writing to the Congress with respect to the results of such research and development. For the purposes of this subsection, there is hereby authorized to be appropriated the sum of $1,000,000 for the fiscal year ending June 30, 1973, and the same amount for the next fiscal year. Funds appropriated for this section shall remain available until expended.

(2) The Administrator, after consultation with the Marine Mammal Commission, is authorized and directed to issue, as soon as practicable, such regulations, covering the twenty-four-month period referred to in section 101(a)(2) of this Act, as he deems necessary or advisable, to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. Such regulations shall be adopted pursuant to section 553 of title 5, United States Code. In issuing such regulations, the Administrator shall take into account the results of any scientific research under section 111(a)(1) and, in each case, shall provide a reasonable time not exceeding four months for the persons affected to implement such regulations.

(3) Additionally, the Administrator and Secretary of State are directed to commence negotiations within the Inter-American Tropical Tuna Commission in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the maximum extent feasible the incidental taking of marine mammals by vessels involved in the tuna fishery. The Administrator and Secretary of State are further directed to request the Director of Investigations of the Inter-American Tropical Tuna Commission to make recommendations to all member nations of the Commission as soon as is practicable as to the utilization of said methods and gear.

(4) Furthermore, after timely notice and during the period of research provided in this section, duly authorized agents of the Administrator are hereby empowered to board and to accompany any commercial fishing vessel documented under the laws of the United States, there being space available, on a regular fishing trip for the purpose of conducting research or observing operations in regard to the development of improved fishing methods and gear as authorized by this subsection. Such research and observation shall be carried out in such manner as to minimize interference with fishing operations. The Administrator shall provide for the cost of quartering and maintaining such agents. No master, operator, or owner of such a vessel shall impair or in any way interfere with the research or observation being carried out by agents of the Administrator pursuant to this subsection.

(b)(1) The Administrator is hereby authorized under such rules and regulations and upon such terms and conditions as he may prescribe to guarantee loans made to private borrowers by private lending institutions for the cost of equipping, altering, modifying, or improving commercial fishing vessels in order to comply with any requirements imposed by this Act or any rules, regulations, limitations, or permits issued by the Administrator thereunder with respect to the reduction or elimination of the taking of marine mammals incidental to commercial fishing.

(2) Any loan guarantees made under the provisions hereof shall be on such terms, conditions, and criteria as the Administrator determines, subject, however, to the following minimum restrictions and limitations:

(A) Loans shall bear interest (exclusive of premium charges and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Administrator determines to be reasonable, taking into account the range of interest rates prevailing in the private credit markets.

(B) Loans shall mature in not more than ten years.

(C) The Administrator and the lender may require appropriate security or other reasonable assurance of repayment.

(D) No commitment to guarantee a loan shall be made by the Administrator unless he finds at or prior to the time such commitment is made, that the project with respect to which the loan is executed will be in his opinion (i) economically sound, and (ii) consistent with the efficient and wise use of the fishery resources.

(E) The Administrator is authorized to fix a premium charge for the guaranteeing of loans under this subsection. Such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of the loan outstanding. Premium payments shall be made when moneys are first advanced under the loan and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Administrator under such regulations as he may prescribe.

(F) The Administrator shall charge and collect such amounts as he may deem reasonable for the investigation of applications for guarantees, for appraisal of properties for which a loan is requested, for the issuance of commitments, and for inspection of properties during the performance of any activities described in paragraph (1) of this subsection: *Provided,* That such charges shall not be more than one-half of 1 per centum of the original principal amount of the loan to be guaranteed. Unless otherwise agreed, the charge for such services shall be paid by the borrower.

(G) An applicant for a loan guarantee relating to a fishing vessel must be a citizen or national of the United States as defined in section 742 of title 16, United States Code.

(H) The Administrator must be satisfied that the applicant possess the ability, experience, resources, and other qualifications necessary to enable him to operate and maintain the fishing vessel for which he is applying for a loan and that the lender is responsible and able to service the loan properly.

(3) There is hereby created a Loan Guarantee Fund which shall be used by the Administrator as a revolving fund for the purpose of carrying out the provisions of this subsection. All moneys received under the provisions of paragraph (2) of this subsection shall be deposited in the fund. There is authorized to be appropriated for the Loan Guarantee Fund not to exceed $1,000,000 for the fiscal year ending June 30, 1973, and the next fiscal year.

(4) The full faith and credit of the United States is solemnly pledged to the payment of all guarantees made under this subsection with respect to both principal and interest.

(5) The Administrator shall upon payment of the guarantee to the lender be entitled to take on assignment from the lender any collateral or security given by the borrower or others in connection with the loan.

(6) Any amount paid by the Administrator pursuant to a loan guarantee authorized by this subsection shall be paid in cash. If at any time the money in the Loan Guarantee Fund authorized herein is not sufficient to pay any amount the Administrator is required to pay pursuant to a loan guarantee authorized by this subsection, the Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury which shall be not more than the higher of (1) 2½ per centum per annum, (2) the average annual interest rate on all interest-bearing obligations of the United States when forming a part of the public debt as computed at the end of the fiscal year preceding the issuance by the Administrator and adjusted to the nearest one-eighth of 1 per cen-

tum. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Administrator to be issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(7) The aggregate unpaid principal amount of the loans guaranteed under this subsection and outstanding at any one time shall not exceed $20,000,000.

(8) There is hereby authorized to be appropriated for administrative expenses such sums as may be necessary to carry out the provisions of this subsection.

REGULATIONS AND ADMINISTRATION

SEC. 112. (a) The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall forthwith submit to Congress his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

APPLICATION TO OTHER TREATIES AND CONVENTIONS; REPEAL

SEC. 113. (a) The provisions of this title shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this title in order to effect essential compliance with the regulatory provisions of this Act so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 105 of this Act may not apply to such persons.

(b) The proviso to the Act entitled "An Act to repeal certain laws providing for the protection of sea lions in Alaska waters", approved June 16, 1934 (16 U.S.C. 659), is repealed.

AUTHORIZATIONS

SEC. 114. (a) There are authorized to be appropriated not to exceed $2,000,000 for the fiscal year ending June 30, 1973, and the four next following fiscal years to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this title.

(b) There are authorized to be appropriated not to exceed $700,000 for the fiscal year ending June 30, 1973, and not to exceed $525,000 for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) (1) The Commission shall be composed of five members who shall be appointed by the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration and the heads of the National Science Foundation and the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States except as a retired officer or retired civilian employee of the United States.

(2) The term of office for each member shall be five years; except that of the members initially appointed to the Commission, the term of one member shall be for one year, the term of one member shall be for two years, the term of one member shall be for three years, the term of one member shall be for four years, and the term of one member shall be for five years. No member is eligible for reappointment; except that any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed (A) shall be appointed for the remainder of such term, and (B) is eligible for reappointment for one full term. A member may serve after the expiration of his term until his successor has taken office.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this Act, and of all applications made pursuant to section 103 of this Act for permits for scientific research;

(3) review studies made or in progress and recommend to be undertaken such other studies as it deems necessary or desirable in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5, United States Code.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISERS ON MARINE MAMMALS

SEC. 203. (a) The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisers on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in aspects of the marine sciences and the commercial fishing industry with particular emphasis on marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Director of the National Science Foundation, the Chairman of the National Academy of Sciences, and the Secretary of the Smithsonian Institution, and the Chairman of the Council on Environmental Quality.

(b) Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties vested in the Committee.

Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this Act, and on all applications made pursuant to section 103 of this Act for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to the appropriate committees of Congress with a detailed explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by and to the Commission pursuant to section 202 of this Act, together with the responses made to these recommendations.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private;

(4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5, United States Code (but at rates for individuals not to exceed $100 per diem); and

(5) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next four fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such years shall not exceed $500,000.

EFFECTIVE DATE

SEC. 208. The provisions of this Act are to take effect upon the expiration of the sixty-day period following the date of its enactment.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, time for debate on this bill is limited to 1 hour, to be equally divided between and controlled by the manager of the bill (Mr. HOLLINGS) and the minority leader or his designee.

Time for debate on any amendment, debatable motion, or appeal, is limited to 1 hour, and time for debate on any amendment to an amendment, debatable motion, or appeal is limited to one-half hour.

Who yields time?

Mr. HOLLINGS. Mr. President, I ask unanimous consent that John Hussey and Mary Jo Manning of my staff and Len Bickwit and Lee Tyner of the staff of the Committee on Commerce be accorded the privilege of the floor during the debate on this measure.

Mr. GRAVEL. Mr. President, I ask unanimous consent to add the names of Doug Jones and Ray Paddock of my staff.

Mr. HARRIS. I ask unanimous consent that Alan Buckley and Bill Maynes of my staff be granted the privilege of the floor.

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

Mr. ROBERT C. BYRD. Mr. President, I ask that there be order in the Senate.

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats.

Mr. GRIFFIN. Mr. President, in view of the fact that under the unanimous-consent agreement, half of the time is allocated to the minority leader or his designee, I allocate that time to the distinguished Senator from Alaska (Mr. STEVENS).

Mr. HARRIS. Mr. President, reserving the right to object, which time is this, the time in opposition to the bill?

The PRESIDING OFFICER. The Chair would say to the Senator from Oklahoma that there is no unanimous-consent request pending. Under the previous unanimous-consent agreement, the minority leader or his designee has the right to control half of the time, and the minority leader has made that designation.

Mr. HARRIS. Well, Mr. President, reserving the right to object to the request, it appears that that is a very unusual procedure, if time on both sides is to be handled by Senators in favor of the bill, rather than Senators opposed to it.

Mr. HOLLINGS. Mr. President, I would concur in the sentiments of the Senator from Oklahoma. I do not think we will have any great difference on this measure. There are amendments where my colleague from Alaska and I will be on opposite sides, but I would think that the time on the bill for those opposing should be on the opposite side. I would concur in that procedure.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, that is already the order.

Mr. HARRIS. Mr. President, reserving the right to object, that is already taken care of on amendments. Obviously, each side would have equal time. But I think either I or the distinguished Senator from New Jersey (Mr. WILLIAMS) or others opposed to this bill ought to have control of half the time. If I may have the attention of the distinguished majority whip, it was my understanding that that would be done, as is usually the case. I wonder if, on consultation with the others involved here, that might not be made the order, if it is not, indeed, now the order.

The PRESIDING OFFICER. The Chair is faced with a unanimous-consent agreement as the Senate agreed to it, and it is up to Senators to work out something else.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that this time not be charged to either side.

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

Mr. ROBERT C. BYRD. This is a matter that can be worked out amicably, I am sure. The Senator from Michigan is prepared to yield time in opposition to the bill to a Senator on his side who is in opposition to the bill.

Mr. HARRIS. But, reserving the right to object, who on my side of the aisle would yield me time in opposition? Mr. President, I do not question that the Senator from Michigan would be fair, but my right to present my case should not depend on his indulgence.

Mr. ROBERT C. BYRD. Mr. President, ordinarily time on a bill is divided between the manager of the bill and the ranking minority member of the committee, whether or not both are for the bill. In this instance, it was thought that the manager was naturally going to be for the bill, and that the Republican leader would designate someone on the other side of the aisle who would oppose the bill, possibly the ranking minority member, or, if he was not in opposition, then his designee. It seems to me, this has been done.

Mr. GRIFFIN. In this case that is exactly what has been done. We have allocated the time to a Senator on this side who is opposed to the bill, the Senator from Alaska (Mr. STEVENS). The junior Senator from Michigan favors the bill.

Mr. HARRIS. That was my understanding. Reserving the right to object——

The PRESIDING OFFICER. There is nothing to object to.

Mr. HARRIS. I shall not object, because I can protect myself by making the necessary motions or offering amendments, if necessary.

Mr. GRIFFFIN. I also received the assurance of the Senator from Alaska (Mr. STEVENS) that he would be very reasonable in yielding time. I do not think there will be any difficulty.

Mr. HOLLINGS. Mr. President, I only hope we can protect the marine mammals as zealously as we have protected the political mammals here.

Today I call up for Senate consideration S. 2871, the bill to protect, conserve, and preserve the marine mammals of the world, specifically those under the jurisdiction of the United States as well as those which are now being taken by the citizens of other nations in international and territorial waters.

Public concern has led us to where we are today. Marine mammals for centuries were virtually undisturbed by man. Most of these animals lived in remote areas, and even through the great century of American whaling, only a slight impact was made upon the population of the great whales. During the

past 100 years, however, that has broadened. Sealing, whaling, and the demands of the world fur and leather markets combined to put tremendous pressure on marine mammals. True conservationists, wildlife managers, marine scientists, and public officials share a deep feeling of concern about the future of these animals.

All of the great whales are now on the U.S. endangered species list.

Some of the huge seal are now believed extinct and several others have been reduced to small populations.

The 100,000 walruses left in the Bering Sea between Alaska and Russia seem to be holding their own.

And the porpoises, seldom ever utilized for commercial purposes, have now become hunted for human consumption as well as killed incidentally in tuna fishing operations in some areas of the Pacific.

Species such as manatees and sea lions are threatened by marine pollution and the inability to compete with man in their marine habitats.

On the other hand, species under careful wildlife management, such as the North Pacific fur seal and the sea otter have made dramatic comebacks from endangerment.

The debate faced by the Committee on Commerce did not concern itself with whether there should be legislation. Instead the question was what kind of legislation is needed. The committee was forced to make difficult decisions in the midst of emotional and sometimes unyielding pressure. The pressures on one side cried out for scientific management of living resources. The pressures on the other side were for total protection. On one side were the scientists and specialists who understand that man and animals must live together in the environment and that man's dealings with marine mammals must be based upon man's look at the whole of the environment rather than simply its parts or elements. On the other side were those who believed that the United States should create an immediate ban on the taking of any and all marine mammals and that products should be banned henceforth from the U.S. market.

In an attempt to create wise, rational legislation, the committee has reported out S. 2871, as amended. This bill, we believe, creates the best approach to solving the problems of marine mammals and at the same time recognizes that man cannot simply turn his back upon environmental conditions of his own creation.

Our bill establishes a 15-year moratorium on the taking and importation of marine mammals. This moratorium will state in simple and unequivocal terms the policy of the United States is that marine mammals should be protected and managed on a worldwide basis in the best interests of the animals and not simply for commercial purposes.

In creating this moratorium the committee recognized that we lack adequate scientific knowledge of many species. On the other hand, we cannot eliminate thousands of American jobs and millions of dollars worth of industrial investment by acting irrationally on the basis of emotional misinformation from persons who seek to paint over a complex issue with one broad sweep of the brush.

The legislation before the Senate today is virtually without precedent. The Endangered Species Conservation Act of 1969 grants authority to the Secretary of the Interior to place certain animals on the endangered species list so that, henceforth, such animals may not be killed by U.S. citizens or imported into the United States. The Marine Mammal Protection Act of 1972 goes much farther than this. It establishes that U.S. policy is protection and conservation of certain animals well before they are endangered or threatened with endangerment. This is a bold step and puts the United States well into the lead in wildlife conservation. The legislation directs not only that the United States shall protect and conserve marine mammals but requires international negotiations to extend this concept to the citizens of other nations as well.

It establishes standards which all concerned can look to with pride.

The bill as reported has several major provisions which will restrict the commercial taking of marine mammals. First and foremost, it creates a multimillion dollar, 2-year research program to help develop methods which will eliminate or reduce to the lowest practicable level the injuries and fatalities to porpoises and other marine mammals in commercial fishing operations. At present literally millions of porpoises inhabit the oceans of the world, but in the Southwest Pacific Ocean, off the coast of South America, there are three species of porpoises which share a unique relationship with the much-prized yellowfin tuna. Fishermen of 12 nations are now using purse-seine nets to catch the tuna. These fishermen set their nets around schools of porpoises to entrap the tuna which swim beneath the schools. This has resulted in hundreds of thousands of porpoises being drowned over the past decade.

The American tuna industry today is providing the leadership in developing, on its own, new methods of fishing to eliminate porpoise mortality. This legislation will greatly expand these efforts through federal funding of research and mandatory application of new methods.

At the same time, in a most commendable act, the Secretary of Commerce, Peter G. Peterson, on June 19, announced an immediate $250,000 program to protect porpoises. It was an excellent demonstration that the Department of Commerce and the National Oceanic and Atmospheric Administration are committed to end the accidental killing of porpoises during commercial fishing operations. At this point, I ask unanimous consent to insert the Department announcement in its entirety in the RECORD.

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

COMMERCE DEPARTMENT INCREASES EFFORTS TO SAVE PORPOISES, JUNE 19, 1972

Secretary of Commerce Peter G. Peterson today announced new steps that the Commerce Department is taking to protect porpoises from being accidentally destroyed during tuna fishing operations.

"The National Oceanic and Atmospheric Administration's National Marine Fisheries Service is launching an immediate $250,000 research program to augment existing efforts directed at ending the accidental killing of porpoises during commercial fishing operations," the Secretary said.

"We are greatly increasing our efforts to conserve and protect the marine environment from future abuse," he added. "Porpoises are among the highest forms of life in this ecosystem, and I view their preservation as absolutely necessary.

"Studies by NOAA show that improved fishing techniques and far more extensive knowledge of the habits of this remarkable sea mammal are needed for its protection."

Schools of porpoise and tuna feed together in certain ocean areas, Peterson said, and when tuna nets are hauled in, porpoises often become entangled in the nets and drown. "The tuna fishing industry in cooperation with the National Marine Fisheries Service, has developed modified purse seine nets that allow porpoises to escape. This represents progress. But we still need to develop techniques less dependent upon the skills of vessel captains, and we need to obtain much more knowledge of the feeding and travel habits of porpoises to guarantee their safe passage in the seas."

Peterson added: "The best course for us is to develop porpoise-saving techniques, urge their use on all U.S. tuna boats, and take all international action possible to encourage other tuna-fishing nations to adopt these techniques."

The action was the second taken recently by Secretary Peterson to conserve and protect marine mammals.

On June 7, the Secretary announced that the United States will press vigorously in the International North Pacific Fur Seal Commission for an experimental ban on all fur seal harvesting on St. George, one of the two main Pribilof Islands in the Bering Sea.

Mr. HOLLINGS. It is the goal of this legislation—and it should be the goal of this Nation as well as the goal of all nations—to reduce and eventually totally eliminate the taking of porpoises in tuna fishing. We recognize that tuna is now a worldwide commodity. Acting alone, the United States cannot control other nations. We have determined that the better course is to work with the American tuna industry, utilizing their vessels as our labs, applying the best of American technology to solve this problem. We have also empowered our Government to induce other nations to use these methods through import restrictions. We believe this is the way to protect porpoises. By placing an unrealistic deadline on the U.S. tuna fleet, we shall be participating still further in chasing away from our shores the remnants of the once great American fishing industry. Already America imports more than 70 percent of all fish products consumed in the United States. The jobs which were once American are now performed by the Japanese, Koreans, Russians, Norwegians, Latin Americans, and other seamen. Today, the U.S. tuna fishing industry is the most modern of its kind in the world, contributing millions of dollars, annually to our economy and providing thousands of jobs—we cannot participate in its collapse with vindictive legislation.

Unfortunately, there are some well-meaning zealots who would seek to impose such impossible restrictions on the industry that it would be forced to leave the United States. This would be a victory for these groups—but it would be

a hollow one. I find it hard to believe that these groups could participate in closing down a viable industry, smugly believing they will "save the porpoise," when in reality such action will contribute to further killing of dolphins. It would be senseless to pass such legislation, then blindly turn our backs while fishermen continue killing porpoises while netting tuna to sell on the world market.

The committee considered the need for scientific wildlife management and determined that the Secretary of the Interior and Administrator of NOAA must have authority to act during the moratorium—but only in cases where it would best serve the interest of the animals involved. The report of our committee notes that "15 years is a long time and certainly there will be instances when the Secretary will find it necessary, even helpful, to issue permits for taking or importation" of marine animals. What is at issue here, Mr. President, is our intent to create a structure of legislation which will allow man to protect the animals within their ecosystem—but complete protection alone is certainly no cure-all.

Further, we will allow permits to be issued for scientific purposes and for display of marine mammals in approved federally regulated oceanriums. And finally,we have carefully and considerately exempted from the act the Alaskan Eskimos, Aleuts, and Indians who rely upon the marine mammals for food and clothing as well as their small limited cash economy. I shall defer to my colleague from Alaska, Senator STEVENS, for further elaboration on this point.

The Committee on Commerce was much impressed by the case made by the various States in behalf of their wildlife management programs. In fact, the committee is quite sure that some of the States possess far more expertise in dealing with marine mammals than does any specific agency of the Federal Government. The role of wildlife and game management has traditionally been borne by the States, often with Federal assistance. This legislation makes a deliberate attempt to preserve this cooperation and coordination between the States and Federal agencies. Authority is granted to the Secretary to determine if State laws are consistent with the bill. If so, then States could be delegated responsibilities to carry out marine mammal protection and conservation within their territorial waters. Florida is a good example of this in its laws on porpoises and manatees. Alaska, of course, has the most wide-ranging marine mammal program in the Nation.

The committee has examined very closely the situation regarding the treaty on the conservation of the North Pacific fur seal. The fur seal at the turn of the century had dwindled down to no more than 200,000 animals—only a vestige of the once great herd. In 1911, the nations which had been involved in the sealing which had practically destroyed the herd signed a treaty. This treaty ended open-ocean sealing, and set up a strict schedule of wildlife management of fur seals. Over the years, mistakes have been made. For example, in one experiment, a number of female seals were killed, probably too many. However, today, this treaty between the United States, Russia, Canada, and Japan is considered the world's most outstanding model of wildlife management. The herd now numbers about 1.5 million animals, and seems to be increasing. Because this herd is covered by an international treaty, and because it is successful, the committee has determined that the moratorium and permit system will not apply. The concept of the moratorium and permit system is to protect animals. The fur seal is already protected. The legislation, however, does call for a more extensive examination of the optimum population of the herd. And on this note, we were pleased that Secretary Petersen on June 7 announced plans to try to set aside St. George Island as a sanctuary.

I ask unanimous consent to have printed in the RECORD a news release from the U.S. Department of Commerce dated June 7, 1972, entitled "Secretary of Commerce Urges Pribilof Fur Seal Research Reserve."

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

SECRETARY OF COMMERCE URGES PRIBILOF FUR SEAL RESEARCH RESERVE

The United States will press vigorously for an experimental ban of all fur seal harvesting on St. George, one of the two main Pribilof Islands, Secretary of Commerce Peter G. Peterson announced today.

Secretary Peterson stated that such a ban would be a key element of a major research effort by the Department's National Oceanic and Atmospheric Administration (NOAA) to identify the principal factors governing the seal population level. During the research period, fur seal harvesting would continue from the rookeries of St. Paul, the other main Pribilof Island.

Comparisons of changes in the seal population of the harvested and unharvested rookeries should give a much better picture of the extent to which various factors—harvesting, the Bering Sea ecosystem, commercial fishing and possible marine contaminants—affect the seal population. The experiment should also afford data as to whether seal harvesting has any important impact on the level of fish stocks available for commercial fishing.

"The Pribilof fur seal operation has been widely recognized by governmental and conservation organizations as a conservation success story," the Secretary said. "Prior to the treaty in 1911, international hunting for fur seals in the open ocean substantially contributed to the decimation of the herds. Under Federal management, the population level has been raised well over fivefold—from a dangerously low 200,000 around the turn of the century to well over a million animals today.

"Nevertheless, we believe it is vital to obtain more information on what effect the cessation of harvesting will have, not only on the fur seal population, but also on the total ecosystem. We believe such knowledge is basic to achievement of the best possible conservation program, and we do not wish to settle for less.

"There will, of course, be some economic effects and, in particular, some employment effects on St. George Island. To keep any such effects to a minimum, I have instructed NOAA to take immediate and comprehensive steps to find other employment for any St. George residents affected by the decision. Thus, I believe we will achieve an appropriate balance between minimizing any economic dislocations while at the same time maximizing our understanding of the ecological implications, so that we will be able to make better, more balanced long-term decisions.

"The details of the proposed NOAA research program will be given to the International North Pacific Fur Seal Commission this year. This is ample time for complete discussions and action at its next scheduled meeting in March 1973. Indeed, the Commission may wish to call a special meeting earlier to consider the proposal," the Secretary said.

Agreement in the Commission is required for action in reducing the harvest and in establishing the research control area.

The proposal would not require changes in the Interim Convention on Conservation of the North Pacific Fur Seal Treaty, whose signatories are the United States, the USSR, Canada and Japan. Under the Convention's terms, the United States manages the herds on St. George and St. Paul, and the Soviet Union manages those on Robben and Commander Islands. Canada and Japan each receive 15 percent of the harvest from the U.S.-managed and Russian-managed operations.

"There is a great danger in making decisions in an area such as this one, where both ecological and economic considerations are involved," the Secretary added. "The danger is that we will know much too little about the total or systems effects of various alternatives, and will react emotionally on half truths, and thereby have unnecessarily large and often unintended ecological or economic effects. One way out of this dilemma is to set up research experiments that help us assess both ecological and economic effects so that our final decisions will be more rational and more balanced. This experiment is in the spirit of encouraging that kind of approach to the new ecological/economic decisions that we will be increasingly required to make."

Mr. HOLLINGS. Finally, we have created a Marine Mammal Commission to oversee Federal-State efforts and to assist in solving problems confronting marine mammal populations of the world.

The committee believes that this Commission will serve as a very valuable functioning element in our goal of preserving these animals. We know the pressure to act on the basis of emotion is strong. Many people are philosophically against the killing of any animal. There are persons who have suggested that all hunting in the United States be outlawed, and that if populations of animals get too large because natural predators have been removed, select teams of shooters be dispatched to cull out those surplus animals. However, I defend the right of any American citizen to participate in regulated sport and subsistence hunting. I think that if the Congress establishes precedents in this leglislation which will undermine the rights of hunters, then we will have taken a dangerous step in the wrong direction. I am equally distressed that certain organizations have portrayed this legislation as "weak," implying that something must be wrong with it because it has the support of certain other organizations.

I ask unanimous consent to insert in the RECORD at this time a list of distinguished conservation organizations which support the concepts of scientific wildlife management in this bill and a status report from them on various marine mammals.

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

LIST OF DISTINGUISHED ORGANIZATIONS TO SUPPORT WILDLIFE MANAGEMENT

American Committee for International Wild Life Protection, Harold J. Coolidge, Honorary Chairman.

American Fisheries Society, Robert F. Hutton, Secretary.

American Forestry Association, William E. Towell, Executive Vice President.

Boone and Crockett Club, Frederick C. Pullman, President.

Citizens Committee on Natural Resources, Spencer M. Smith, Jr., Secretary.

International Association of Game, Fish and Conservation Commissioners, Chester F. Phelps, President.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director.

National Wildlife Federation, Thomas L. Kimball, Executive Director.

North American Wildlife Foundation, C. R. Gutermuth, Secretary.

Sport Fishing Institute, Richard H. Stroud, Executive Vice President.

Trout Unlimited, Ray A. Kotrla, Washington Representative.

Wildlife Management Institute, Daniel A. Poole, President.

The Wildlife Society, Fred G. Evenden, Executive Director.

World Wildlife Fund, Ira N. Gabrielson, President.

Mr. HOLLINGS. The motives of some of the finest and most honored conservationists and environmentalists in the United States have been questioned—men and women who were in the forefront of this movement many, many years before it became popular. I, for one, am convinced that it would be a terrible disservice to the world's marine mammals if we were to abandon the sound principles of wildlife management. This is a profession whose members hold masters or doctorate degrees and who work many years to achieve expertise in their fields.

Man has complicated and disrupted the habitats of all marine mammals. What were once pristine wilderness conditions in the Bering Sea, for example, are now heavily fished by the Koreans, Japanese, Russians and others. Since the balance of nature has been shifted, simple protection of wildlife will no longer suffice. It is necessary to help keep wildlife populations at a level which can be supported by adequate food supplies and living and breeding spaces.

As one expert explained it:

Recovery to a normal balanced population following a starvation die-off is a slow, inhumane and unnecessary process. The methods employed in removing surplus population should be left to regulation by professional wildlife management experts to be carried out in the most humane manner.

There are several examples of this kind of situation, not only among land-based animals, but for seals as well.

The most pitiful example among marine mammals is the condition of the grey seals of the Farne Islands off the coast of England. For a number of years this important herd has been given complete protection. The National Trust of Great Britain has purchased the islands as a seal sanctuary. Unfortunately, complete protection has been an utter failure for the seals. They have overpopulated their natural habitat to the point where both young and adult animals are sick, starving, or dead. The mortality rate among infant seals has risen to more than 21 percent—or more than one in five of all calves born. Because of overcrowding, mothers are losing contact with their young or simply abandoning them to die.

There are numerous cases where observers have seen starving calves attempting to nurse inanimate objects, or suffering wounds inflicted by other female seals, which refuse to nurse any pup other than their own. The animal lovers of Britain are just as strident, if not more so, than those in the United States. But even they have had to concede the error of total protection. My staff has been in recent contact with officials of the British Home Office and has been informed that the Government will have to grant permits to kill off large numbers of the seal population to return it to a balance with nature, and that a scientific management program must be started as soon as possible to maintain a healthy seal population.

Another expert, Dr. G. Carleton Ray one of the world's leading authorities on marine mammals, made this observation:

A total moratorium on the taking of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD three letters received by the Department of State from the Governments of Japan and Norway pertaining to this issue.

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

EMBASSY OF JAPAN,
Washington, D.C., May 17, 1972.

The Embassy of Japan presents its compliments to the Department of State and has the honor to refer to H.R. 10420 which the House of Representatives of the United States passed on March 9, 1972 and has further the honor, under instructions from the home Government, to state as follows:

1. Section 2(6) of the said bill stipulates: "it is the sense of Congress that they (marine mammals) should be protected and encouraged to develop to the greatest possible extent commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem".

In view of the fact that the marine ecosystem referred to has never been the subject of truly comprehensive and scientific study, the Government of Japan must first of all, raise serious doubts as to the availability of adequate scientific data on the basis of which this proposed legislation is to be implemented.

2. Section 101 (b) and (c) of the said bill prohibits the importation of certain marine mammals, products thereof and fishes.

While fully respecting the humanitarian and conservatory purposes of the said provisions, it is the view of the Government of Japan, nevertheless, that the import prohibitions contained therein should be the subject of international agreement and not be determined by an unilateral governmental action. The latter course of action, it is respectfully submitted, would be both a detriment to the universal search for less encumbered world trade and a barrier to the desire of many nations, including Japan, for international cooperation in adopting effective and practical procedures for protecting the life of the seas.

3. Furthermore, the enormous impact of section 101 (b) and (c) is much more open to objection in that the prohibitions contained in the said section would be based on a finding by the Secretary that a marine mammal in question came from a species or population stock which the Secretary designated as a depleted or endangered species or stock, or which the Secretary deemed taken in an inhumane manner.

Based upon its experience in the case of the Secretary of the Interior's determination regarding the endangered species list, the Government of Japan cannot but be concerned that the determination called for in section 101 (b) and (c) might fall substantially short of universal acceptance by other interested nations.

4. Section 103 (g) (2) of the said bill prohibits the importation of any mammal products during the five-year moratorium period, except for purposes of display or scientific research, regardless of the provisions in Section 101 (b) and (c).

The Government of Japan regrets that it would be forced to regard this provision as a serious and unfortunate trade barrier. The Government of Japan further believes there is neither justification nor need for the total import restrictions called for in this section of the bill.

5. Section 103 (g) (2) (c) of the said bill urges the Secretary of Commerce to take such action as may be necessary to obtain the agreement of the parties to the Interim Convention on the Conservation of the North Pacific Fur Seals to stop or reduce the taking of fur seals under the Convention during a five year moratorium period.

In the view of the Government of Japan, this legislative recommendation may have the unfortunate consequence of directing the respected North Pacific Fur Seal Commission into a course where the sound scientific conservation program now in force under the terms of the Convention is replaced by an arbitrary limitation on the taking of fur seals without the benefit of supporting scientific findings.

6. As the Department of State is aware, the Governments of Japan and the United States on February 9, 1972, declared it to be their joint intention to undertake to initiate and actively support multilateral and comprehensive negotiations within the framework of GATT with a view to accelerating the expansion and liberalization of world trade, and improving the conduct of commercial relations in the international framework, as well as the standard of living of the people of the world. However, if the said bill is enacted in its present form, it is the position of the Government of Japan that the United States Government will appear to have deviated from a full participation in such a concerted international effort to liberalize world trade.

7. For all of these reasons the Government of Japan earnestly requests that the Government of the United States exert its utmost effort to avoid the enactment of the said bill, the coming into law of which would present a substantial set back to the progress that is currently being made toward better international cooperation with respect to both the conservation of sea mammals and the removal of trade barriers.

ROYAL NORWEGIAN EMBASSY,
Washington, D.C., May 31, 1972.

AIDE MÉMOIRE

Recent developments in the United States in the direction of legislative measures for

the protection of certain species of marine mammals—particularly the adoption by the House of Representatives of H.R. 10420—have been studied with close attention in Norway. It has been noted that the bill just mentioned proposes a total ban on the importation of any marine mammal which at the time of taking was less than 8 months old, and of any product derived from such a mammal.

The Norwegian Government welcomes the increasing international awareness of the need for effective protection of the living resources of the sea. It takes an active part—both on the national and on the international level—in efforts which are aimed at preservation of these resources and the protection of the marine environment as a whole. It is, however, the considered view of the Norwegian authorities that a specific ban on the taking of seal pups less than 8 months old would not be a meaningful measure. A rational policy of seal conservation should on the contrary concentrate on the protection of adult specimens, especially females. On this point of the opinion of Norweigian experts is in harmony with international scientific opinion.

In conformity with the conservation approach mentioned above, Norwegian sealing is to a considerable extent based on the taking of seal pups. It would in the view of the Norwegian Government be unfortunate if this policy, as a result of legislative measures out of tune with prevailing scientific opinion, would have to be changed.

In this connection it is recalled that for a number of years the conservation of marine mammal species have been the object of international collaboration, particularly within the International Commission for Northwest Atlantic Fisheries. The Governments of Norway and Canada have, in conjunction with ICNAF efforts, entered into a special agreement establishing a separate Norwegian-Canadian joint commission for the regulation of sealing in the Northwest Atlantic Area. Similarly, a joint commission established by Norway and the Union of Soviet Socialist Republics has functioned for a number of years, and has given practical results regarding sealing in Northeastern Areas. Most recently, a convention on Antarctic sealing was concluded in London on the 11th of February last.

Furthermore, it should be noted that pup sealing as practiced by Norwegian sealers conforms fully to humane requirements. Norway has promulgated precise regulations in respect of the slaughter of seals, and the regulations are strictly enforced. Norwegian authorities have collaborated closely with Norwegian humane societies and with the International Society for the Protection of Animals, which has been given opportunities for studying at close quarter the methods and procedures employed in pup sealing. The reports of this organisation clearly show that Norwegian techniques for pup sealing are regarded as humane, and that the slaughter procedure is rapid and effective.

Mr. HOLLINGS. I believe we can negotiate with these governments as S. 2871 is presently drafted. But with a total ban, without room for management decisions on taking and imports, these governments will not be interested in bargaining with us to protect marine mammals. A further case in point is the recent vote at the Stockholm Conference. A panel on whales headed by Dr. Robert M. White, Administrator of NOAA, produced a document proposing a 10-year moratorium on commercial whaling. It received a 53-to-0 vote, and Dr. White was given a standing ovation by the delegates present. This not only proves that other nations are willing to begin talking with us, if we are reasonable, but it shows the dedication of NOAA and its Administrator toward working to protect ocean mammals under that agency's jurisdiction.

During the committee consideration of the bill, some concern was expressed over the division of authority between the Department of the Interior and the National Oceanic and Atmospheric Administration in the Department of Commerce. The distinguished Senator from Michigan (Mr. HART) recommended that the complete authority for administering the bill be lodged with the Department of the Interior. After considerable study the committee rejected this suggestion and retained the existing division of authority under the Fish and Wildlife Act of 1956 as allocated by Reorganization Plan No. 4 of 1970.

To place the complete authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals; namely, seals, sea lions and, cetaceans, other than walruses—from the agency possessing the necessary expertise, facilities, and personnel. This would result in inefficiencies in administration of the bill and would, in the long run, be harmful to the marine mammals we are trying to protect. There are five principal reasons for retaining NOAA as one of the two agencies responsible for the administration of the bill:

First, only NOAA has the necessary facilities and technical expertise to carry out the substantial programs of research which are either mandated by the bill or will be required to support the effective administration of the regulation and permit system which the bill envisions. Identification of "depleted" marine mammal population stocks, determination of the factors adversely affecting these stocks and development of effective countermeasures to conserve the animals will all require the extensive scientific capabilities which NOAA possesses;

Second, NOAA has the management capability to effectively administer a program for the conservation and protection of marine mammals within its jurisdiction;

Third, NOAA has an experienced cadre of international experts and negotiators—including individuals occupying key positions on international fisheries commissions. Such personnel are vital to the successful conservation of marine animals, since their habitat in almost every case crosses international boundaries or lies in the high seas;

Fourth, NOAA has an existing capability to enforce conservation regulations established to protect marines mammals under its jurisdiction; and

Fifth, finally, NOAA is strongly oriented toward the conservation and protection of marines mammals under its jurisdiction.

Dr. White, administrator of NOAA, and new Secretary of Commerce Peter G. Petersen, are compiling an admirable record on conservation. They head up a team of men who are dedicated to wildlife conservation, not commercial exploitation. Even the Washington Post has taken notice. These men include David Wallace, associate administrator of NOAA for Living Marine Resources, and formerly a conservation administrator for the State of New York; Dr. William Aaron, director, NOAA Office of Ecology, formerly a marine scientist at the Smithsonian; Dr. Roland Smith, formerly director of research, Bureau of Commercial Fisheries, Department of the Interior; Dr. Robert Edwards, director, Northeast Fisheries Research Center, National Marine Fisheries Service, NOAA; Dr. George Harry, director of marine mammal program, NOAA, and formerly with the Department of the Interior; and Dr. Dale Rice, staff scientist and marine biologist. This team is advised by a group of the Nation's outstanding marine mammalogists and scientists. In addition, Mr. Phillip M. Roedel, head of the National Marine Fisheries Service, spent more than 25 years with the California Department of Fish and Game as a fisheries scientist, as a conservationist—and he has no connection with commercial interests. His deputies include Dr. William Royce, formerly a professor at the University of Washington, and Walter Kirkness, the former author of "Year of the Whale" and "Year of the Seal"; Dr. Kenneth Norris, department of zoology, University of California at Los Angeles; Dr. G. Carlton Ray of the Smithsonian's marine mammal program and of Johns Hopkins University; and Dr. K. J. McHugh, professor of marine science at the University of New York at Stonybrook.

Even those who suggest that NOAA should not participate in administration of the bill must admit to NOAA's competence in the first four categories. Their principal argument is that NOAA may be too commercially oriented to administer the bill. Therefore, I will discuss this point first.

There are ample indications of the dedication of this new organization to the protection and conservation of ocean mammals. For example, the recent action of NOAA's Administrator, Dr. White, in proposing to the Stockholm Conference a 10-year moratorium on the taking of whales illustrates his personal concern for the future of these magnificent creatures. Prior to the conference, Dr. White personally strongly espoused this action within the councils of government. Similarly, NOAA's proposals for a moratorium on the taking of seals on the Pribilof Island of Saint George demonstrates its concern that the Pribilof fur seal conservation program be continuously evaluated and revised in the light of changing conditions in the Bering Sea ecosystem so as to promote the fur seal population. This action is consistent with the principle that conservation programs should be flexible and responsible to changing ecological conditions.

This vigorous spirit of conservation has also been evident in other areas of NOAA's activities. Thus, at the last two international meetings under the aegis of the International Commission for the Northwest Atlantic Fisheries, NOAA's personnel, representing the United States, have vigorously sought and obtained country by country annual catch limitations on 14 species of fish. This is a land-

mark on the road to successful conservation of our fisheries. It is the first time that such quotas have ever been developed under this Commission.

Those who oppose inclusion of NOAA in the bill point to NOAA's interest in promoting our fishery resources, presumably implying a conflict of interest with regard to conservation of marine mammals. This point is particularly ill-founded. To begin with, most marine mammals are not the subject of commercial exploitation. In the two instances where they are commercially exploited, namely the seals and the whales, NOAA has proven itself to be a vigorous supporter of conservation. For example, the North Pacific Seal Program has been eminently successful in retrieving a threatened species from extinction and, as I indicated before, NOAA is continuing to press for better conservation methods for these animals. In the case of the whales, NOAA not only urged the banning of all further taking of whales by American citizens but has also been instrumental in developing and urging the adoption of a whale moratorium at the Stockholm Conference.

With respect to the taking of porpoises incidental to the tuna fishery, which is the one situation in which marine mammals significantly interact with commercial fishing operations, NOAA has clearly demonstrated its concern and has actively taken such steps as it can under its current authority to attack this problem. Though numerous industry meetings it has pressed for industry cooperation and assistance in developing gear and methods to eliminate porpoise kills and has sought and obtained permission to accompany tuna boats on their expeditions so as to obtain scientific data. More recently it has been announced by Dr. White that NOAA is substantially increasing its own budget for ocean mammal research without waiting for the passage of this bill. However, until this bill is adopted, the Federal Government will be without authority to require specific measures to be taken by the tuna industry or others to reduce mammal mortality.

NOAA, under the Fish and Wildlife Act, already has responsibility for conservation and protection of certain marine mammals. The suggestion that NOAA should not continue to participate in the conservation of marine mammals because it also protects and conserves our fisheries is just as baseless as a suggestion that Interior should not remain in charge of its land-oriented conservation programs because it also administers the Predator Control Act designed to promulgate the best methods to erradicate and control wolves, mountain lions, and other animals, or because it obtains substantial revenues through the sale of fishing tackle and duck stamps and thus has an economic interest in killing these forms of wildlife.

With respect to NOAA's scientific and technical expertise, its capabilities are impressive. Presently it has 17 laboratories, 13 ships over 100 feet in length and approximately 900 personnel engaged in research on fish and marine mammals. The laboratory network covers the east, west, and gulf coasts, as well as Alaska and Hawaii. The scientific work carried on spans an immense range of subjects from shellfish to mammals.

In addition, NOAA has recently initiated two new projects of fundamental importance—MARMAP and MESA. MARMAP—Morris Resources Monitoring, Assessment, and Prediction—commenced in fiscal year 1970 and, to my knowledge, is the only program of its kind and scope in existence anywhere. It provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures, together with an analysis of the factors controlling such distribution and abundance. This program will assist NOAA to identify depleted marine mammal species and to determine the cause for their decline. It will pinpoint mammal breeding areas and food supplies. It will also provide an indispensable data base for international negotiations aimed at conserving such species.

The MESA program—Marine Ecosystem Analysis—is a more specialized program, designed specifically to gather ecological baseline data on the marine organisms in the ecological chain of estuarine and nearshore waters and to determine the effects of such organisms of all forms of manmade and natural pollution. The obvious relevance of such a program to nearshore marine mammals needs no comment.

NOAA personnel have had considerable experience in applying management and conservation techniques to a variety of fish and marine mammal species, the North Pacific Fur Seal Program being an outstanding example.

As I have mentioned, NOAA proposes a reevaluation of the seal stocks on a scientific basis to ascertain what improvements in the conservation in the Pribilofs can be made.

Management experience of the foregoing kind is essential to devising adequate and enforceable programs to protect marine mammal species. Each category of species presents its own unique problems of management. Among all the Federal agencies, NOAA, alone, has developed this kind of expertise with respect to the species under its jurisdiction.

In order to provide for real protection to marine mammals found on the high seas and therefore subject to taking by citizens of any nation, international agreements providing for the protection of such species will be necessary. Reorganization Plan No. 4 transferred to NOAA most of the Government's personnel outside the Department of State who have had experience in the negotiation of international fishery agreements. Pursuant to the Fish and Wildlife Act, they often advise the Secretary of State on marine mammals, and in many instances serve on international commissions.

This international expertise is particularly significant because it has become obvious to the committee that the only way to protect and conserve marine mammals which spend any portion of their lives outside the territorial waters of the United States is to do so by international arrangement, involving all nations whose citizens have an impact on the particular stock.

In addition to its general international expertise, NOAA has immediate access to many international fisheries conservation groups through its own representatives and can more efficiently insure that policies aimed at protecting mammals which are affected by fishing will be carried out. Here again, Dr. White's initiative concerning the whales is an excellent example of the necessity for international cooperation in the protection of species on the high seas.

The National Marine Fisheries has a long history of effective enforcement of various international fisheries conventions and laws implementing these conventions.

This NOAA cadre can well be used to enforce marine mammal regulations. In addition to their direct responsibilities, they can, when backed by the scientific expertise of the NOAA researchers, significantly augment the enforcement activities of other arms of the Federal Government, such as Customs and the Coast Guard.

Placing this NOAA force at the disposal of Interior is unnecessary and inefficient, since the men should be kept in close contact with the NOAA scientific experts, and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior can only lead to unnecessary complications.

Mr. President, our marine mammals must be conserved. The Department of the Interior and NOAA acting in concern have the ability to administer a scientifically sound program for the protection and conservation of all marine mammals. If we give them the legal tools, they have assured me that they can and will cooperate to get the job done.

Mr. President, the bill calls for a 15-year moratorium on the taking and importation of marine mammals. There are five exceptions. We have tried to approach this matter from a total moratorium aspect, and put in, in turn, realistic exceptions that all conservationists and those interested in the optimum sustainable population of the particular marine animals involved would help maintain.

The five exceptions are, one, for the Alaskan Fur Seal Treaty, which is deemed to be the best conservation and protection measure that we have for any animal. We have the overall discretion given to the Secretaries of the Interior and of Commerce, through the Office of NOAA, to make rational wildlife management decisions which would be in the interest of the animals involved. In other words, he would have to consult with the Marine Mammal Commission and promulgate regulations. After public hearings pursuant to those regulations, he could issue permits, which in and of themselves would also require hearings.

The third exception is for scientific research and public display. The fourth is for the tuna and salmon fishing industry which involves some 10,000 employees some 350 to 400 vessels, and amounts to an investment of more than $350 million—America's most modern fishing fleet.

In one of the very first amendments, we are going to get into the incidental taking of porpoises in the tuna fishing

process, and this is as much opposed by the fishermen as by any conservationist or preservationist. The fact is that the dolphins or porpoises act very much like bird dogs to a hunter.

They are not in any way trying to destroy the dolphins, but are trying to save the mammals which get caught and inadvertently drown in the nets. We allow for a 2-year exception to the 15-year moratorium, wherein the Secretary, in consultation with the Marine Mammal Commission would, under the amounts authorized, launch a research program and promulgate improved methods to protect the porpoises.

Last, of course, we have the Aleuts themselves, or the Eskimos, Indians and Aleuts of Alaska, and the Fur Seal Treaty. After all, humans are a part of our ecology, and some 600 individual Aleuts are involved. These families have been living on the Pribilof Islands for 200 years and have been sustaining themselves there. We put in the exception for the Indians, the Aleuts, and the Eskimo and for fulfilling fur seal treaty obligations and for the making and selling of handicrafts.

We have in support of the bill many conservation and wildlife groups. Some of those which support the wildlife management concept included in this bill, although not each and every provision of the act, include the Wildlife Management Institute, the Sierra Club, the World Wildlife Fund, the American Humane Association, the Citizens Committee on Natural Resources, International Association of Game, Fish, and Conservation Commissioners, the Izaak Walton League of America, North American Wildlife Foundation, Sport Fishing Institute, Wildlife Society, Trout Unlimited, National Wildlife Federation, American Committee for International Wild Life Protection, and American Fisheries Society.

With those opening remarks, Mr. President, I think we would do better to proceed by calling up the various amendments at this time, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, S. 2871, the Ocean Mammal Protection Act, is a most important piece of legislation. It provides comprehensive protection and regulation for numerous species of ocean-dwelling mammals which reside off American shores. Some of these mammals are already in danger and others may become so if some protection is not provided to them. This is a worthy aim and one that is recognized by all of us.

This problem has caused considerable concern. Groups representing diverse points of view have been heard in extensive hearings, first by the House Merchant Marine and Fisheries Committee, and then by the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee. They contributed a great deal of useful information. The Senate Commerce Committee has struggled with this bill for months in attempting to find a fair and rational solution to the problem. We have sought a solution that would protect the mammals, yet not wipe out the Eskimo culture and several important native handicraft activities in the process.

Numerous professional biologists and conservationists appeared before the committee and helped in the drafting of this legislation. State governments and several interstate commissions have been of assistance. Representatives of Alaskan Native groups have also been most active on this bill. Industry representatives have similarily sought to assist in drafting a good piece of legislation. To all of these groups we are most indebted. They have all provided a valuable service to this country and also to these animals.

Many of my colleagues in the Senate have been of great assistance. The chairman of the Subcommittee on Oceans and Atmosphere, Senator HOLLINGS of South Carolina, has provided wise leadership and has assumed a difficult role in attempting to reconcile often divergent points of view. Senator MAGNUSON, the chairman of the Commerce Committee, has also been most helpful. The distinguished ranking minority member, Senator COTTON, and other Republican members on the Commerce Committee have also been most interested. The committee's staff has worked long and hard on this bill and a great deal of credit goes to them. Mr. John Hussey of the Subcommittee on Oceans and Atmosphere and Mr. Dave Clanton of the minority committee staff deserve special credit.

As many of my colleagues already know, this bill is designed in recognition of the fact that certain species of ocean mammals are or may be near extinction or depletion. This bill is enacted to prevent these species from diminishing below their optimum sustainable population. They must be managed to achieve an optimum sustainable population keeping in mind the optimum carrying capacity of their habitat as well as the health and stability of the marine ecosystem.

Several provisions are of particular concern to me. The first is the concept "optimum sustainable population." This is defined in section 3(6) to mean with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem in which they form a constituent element. In turn, the term "optimum carrying capacity" is defined in section 3(7) to mean the ability of a given habitat to support the optimum sustainable population of a species or population stock in a healthy state without diminishing the ability of the habitat to continue that function. The well-being of the entire ecosystem must therefore be kept in mind. It also requires a judgment, not only on the maximum population of the species, but on the maximum total productivity of the environment including all constituent elements.

This concept embodies a continuing conservation effort. Measures should be taken for these animals to replenish themselves. Rookeries and mating grounds must be protected. Steps should be taken to reach international agreements for research and conservation of all marine mammals.

These animals affect the balance of the marine ecosystem. Many mammal products also move the interstate commerce.

The bill further provides for a rational management of ocean mammals. Not only does it impose a moratorium, but it also recognizes that the moratorium so imposed may not always be in the best interest of individual species or population. In fact, in some cases a moratorium may not only be unnecessary, but may also actually harm these animals by creating overpopulation beyond the ability of the environment to support. In such cases, the Secretary of Commerce or the Interior, may on the basis of the best scientific evidence available, in consultation with the Marine Mammal Commission, and after consideration of the needs of these animals, waive the moratorium and permit the taking or importation of marine mammals if he believes this to be in their best interest.

The bill further provides that Alaskan Indians, Aleuts, and Eskimos dwelling on the coasts of the North Pacific or Arctic Oceans are exempt from the act if they take these mammals for subsistence purposes or for the purpose of creating and selling authentic Native articles of handicrafts and clothing or for food sale to other villages or other Natives. In either case such taking cannot be accomplished in a wasteful manner. If the Secretary finds that the animals are depleted, he may limit their taking by Alaska Natives.

Mr. President, I believe that passing this bill without this exception would disastrously affect the Alaskan Natives. If this exception were not included, Alaskan Natives would lose their traditional way of life, the way they have lived for centuries, dependent upon seals, walruses, and whales. This way of life has not adversely affected the numbers of any of ocean mammals. As one Eskimo told me during Senate Commerce Committee hearings in Alaska last May our taking away the Natives' right to hunt these animals would be similar to taking away "beef from the non-native people." If we deprived non-native people of beef, pork, and chicken, this would be doing just what we would do to the Eskimos if we deprived them of seal, walrus, and whale.

In the back of the Senate Chamber today is an exhibit loaned by the University of Alaska and shipped from Nome, Alaska, where it was on display, depicting Native utilization of these animals. I recommend it to my colleagues and suggest that they step to the back of the Chamber for a moment to look at the exhibit. My staff is on hand and will be pleased to answer their questions. It is an exhibit that is well worth examining. Not only does it accurately portray the dependence of my people on these animals, but more importantly, it indicates to all of us the extent of their civilization and their present needs.

Mr. President, as you know, the problems of the Alaska Natives are great. I have spoken to this body at different times on Native housing, health, education, and Native claims. I have also many times spoken of their dependence of fishing and mammal hunting. From time to time I will continue to address myself to their particular problems.

Native Alaskans are proud. They do

not ask for special treatment from the Federal Government. But, nonetheless, they, too, have the right to be let alone, to follow their traditional way of life. It is this way of life I seek to protect in this bill.

For many of the Alaska Natives, the selling of their handicrafts, fashioned painstakingly and with great skill from ocean mammals is the sole basis of their cash economy. These include the carving of ivory, the sewing of fur parkas and mukluks, and the sale of mammal food to other Natives.

Mr. President, marine mammals have been the foundation of the Native Indian, Eskimo, and Aleut cultures and economy for as long as these people have occupied the northern and western coasts of Alaska. Even if their economic dependence on ocean mammals is removed, their cultural roots in them will remain and should be given protection.

Today, Americans are interested in conservation. The word "conservation" means to preserve and not to waste or destroy. We must conserve the Native culture, just as we must conserve the ocean mammals.

Alaskan Natives have been mindful of conservation for centuries. Hunting for sea mammals in the open sea is a highly skilled and dangerous occupation. Hunting on the ice pack is equally dangerous, but it is the only way that Native Alaskans have been able to survive. Taking away the Native Alaskans' livelihood will have the same effect as the innumerable cultural depredations of the American Indians by the white man in the lower 48.

If the Native people of my State are denied the right to carve, saw, and fully utilize the entire animal carcass, the after effects will be disastrous. Native Alaskan artifacts will be imported from other areas like Japan. The already marginal cash flow of the Alaska Natives would cease.

What will happen to all the Alaska Natives who have spent a lifetime learning how to carve and the native women who sew skins to support their children? As one elderly gentleman testified before me in Nome, this would be like taking away people's union cards, or their high school diplomas. This would be the same as disbarring lawyers, or cashiering officers in the armed services.

Enacting this bill without the protection of section 101(b) will exile 10,000 Alaskans from their homelands. It will force them to relocate or go on welfare. It will take away their pride as well as their livelihood.

Alaskan arts and crafts are an artistic and social heritage. This skill, handed down from generation to generation, reveals as much of their history as paintings Rembrandt and other famous European artists reveals of the white man's past history. Removing the privilege of passing this cultural legacy to future generations will sever children as yet unborn from the past. It will create a cultural diaspora.

Mr. President, Americans today are concerned about their health. Non-natives take vitamins and minerals to protect their health. Eskimos, Aleuts, and Indians obtain 50 percent of their protein from these marine mammals. Depriving them of this source will thus work a severe health hardship upon them. Extensive coastal bartering and sale of mammal foods takes place. Eskimos in the interior of Alaska and in coastal areas with lean harvests are as dependent upon these animals as are their more fortunate neighbors. Moreover, Natives who have moved to the cities of Alaska and elsewhere, still retain a craving for mammal foods. A small but vital marine food industry has been created in the Native community. Section 101(b) will also protect this.

If this provision is not inserted, many Alaskan Natives will be forced to rely on public assistance. This presents a particular problem because they are a proud people. It will destroy their spirit as well as their livelihood if they must be put on the public dole.

One further point deserves clarification. Because only authentic native articles of handicrafts and clothing may be sold in interstate commerce, native groups may find it desirable to affix tags or seals to these objects or to identify them in some other way. Identification of these items as authentic native Alaskan handicrafts or clothing will serve two purposes. First, it will indicate compliance with this act. Second, it will identify these objects to customers and the public generally. Both goals are worthy. The State of Alaska has permitted tagging under State law since 1961. See AS45.65010. An extensive tagging operation is presently being encouraged by the State of Alaska in conjunction with native cooperative associations such as the Alaska Native Arts and Crafts Cooperative Association—ANAC.

I fully support such procedures. They will undoubtedly assist in enforcing this provision of the act. They will also prove of great economic benefit to the native community. At this point I ask unanimous consent to have printed in the RECORD an article from the June 27, 1972, Anchorage Daily Times, page 5, describing the Alaska tagging operation.

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

TO BEGIN PROGRAM TO SELL ARTIFACTS

A program to aid in the marketing of Alaska native hand-crafted artifacts is being launched jointly by the state of Alaska and the federal government, with the cornerstone of the program being a symbol which will be affixed to all genuine hand-crafted Alaska native items.

The symbol, a drawing of a hand on a metallic silver background with the words "Authentic Native Hanidcraft from Alaska," will be affixed by the artisan himself or the retailer who sells the articles.

The effort of the program is to help establish the authenticity of Alaskan handiwork as a basis for commanding higher prices than the inexpensive copies which are imported from other states and nations.

Items which are merely "finished" by Alaskans do not qualify, nor do items produced within the state by non-natives.

Lynn Chambers, coordinator for the program in the Economic Development Department, said a public educational program is planned to help introduce the seal. She said the effort came in part from a study conducted last year which showed that a strong identification program from Alaskan native arts and crafts would eventually become self-supporting, due to the higher prices which genuine Alaskan-made items would command.

"These items are a major source of income, in some cases virtually the only source, for many of Alaska's native people," she said.

Mr. STEVENS. Mr. President, I ask unanimous consent that my remarks of March 15, as reprinted in the RECORD of that date and as germane to this discussion, be printed in the RECORD.

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

REMARKS

Mr. STEVENS. Mr. President, the Senate Subcommittee on Oceans and Atmosphere is presently holding hearings on ocean mammal legislation.

Many bills are being considered by the subcommittee as they attempt to find various solutions to the problem. Several of the bills, however, such as those introduced by the distinguished Senator from Oklahoma (Mr. HARRIS), take the approach that an outright ban on all ocean mammal harvesting is absolutely necessary.

This approach has caused me considerable concern. These bills will protect the ocean mammals, but in doing so will exterminate the culture and economy of the Alaskan Eskimos.

Many Alaska Natives, particularly Eskimos along the coast, depend upon ocean mammals for their existence. What little cash they are able to obtain in order to have even a marginal existence they are able to earn only through the sale of native crafts, clothing, and art works. These activities are vital for the social and economic welfare of the Alaska Native people.

Mr. President, the way of life of the Alaskan Native is threatened by the proposed legislation. If Congress enacts provisions outlawing all but subsistence hunting by Alaskan Natives, not only will this proud group of Americans have their economic livelihood stripped from them, but they will face the certain fate of cultural extinction.

The Alaska Native people of the coastal regions are the Eskimos. These people have achieved a unique pact with nature. They alone, of all mankind, have been able to survive in the harshest possible climatic conditions. Snow and ice cover the ground much of the year. Thus, travel across the ice is a necessity. Wood is scarce. Boats must be light and built with the materials at hand

Even with such limitations, the Eskimos have been able to invent the kayak and the umiak. These unique vessels utilize skin and bone rather than bark and wood. The single-seat kayak and the multi-seat umiak are sturdy enough to travel hundreds of miles across open water. Kayaks will right themselves if overturned in storms, while keeping the lower half of the occupant completely dry in the meantime. Single Eskimo hunters, riding kayaks and armed only with harpoons have, for centuries, successfully harvested whales, the mightest creatures on earth.

This is but a single example of the high level of culture reached by the Eskimos in the cruelest environment on the face of the earth. Anthropologists and scholars agree that there is much in the Eskimo culture that will greatly benefit white civilization. For example, the clothing worn by Eskimos out-of-doors and fashioned from ocean mammals is both cold-resistant and waterproof. It effectively seals the wearer from the elements, yet permits him freedom of movement. It is far superior to anything the white man has invented. Our copies are but poor imitations.

It is a well-known fact that the major market for such genuine Eskimo clothing—parkas, pants, and mukluks—native fur boots—is not the tourist, nor the exporter,

but other Alaskans. We, white people, in Alaska appreciate these Eskimo improvements and depend upon them, especially in the far northern part of the State. We know that when we must travel to his part of the State, we cannot improve upon the artifacts it has taken the Eskimo centuries to perfect.

To deny the Eskimo the right to manufacture and sell these items will not only create a hardship upon him, but also upon the white people who must live and work in an equally cruel and hostile environment.

Because the land in the far north is frozen much of the year, agriculture is very limited. For this reason, the coastal Natives are very dependent upon sea mammals for much of their food. In fact, many of those Eskimos who now live in the cities have retained their taste for many of these foods. Thus, there is a small but thriving business of canning and preserving sea mammal meat for transshipment to natives throughout Alaska and the "lower 48."

But most Eskimos have not moved to the cities. They still live on the North Pacific and Arctic coastlines. They continue to live basically the same way they have lived for centuries. They have maintained a cherished tradition, a link with the past—a way of life, proud and unbent in the face of modern civilization.

Mr. President, the Alaskan Eskimos for many years prior to the coming of the airplane remained largely isolated from civilization as we know it. Only in the 20th century, particularly in the last several decades, have these people come into contact with modern civilization. To many of them English is still a second language.

But they are rapidly moving into the 20th century. Snowmobiles have largely replaced dog sleds. Air travel is used for long trips. Short-wave radios are now the primary communication link between villages. Canned goods, manufactured household items, and clothing are readily available. Education is available, as is better health care. Even housing is improving.

But to take advantage of all these modern conveniences, the Alaska Native needs cash. If he is to have the choice to live where his people have dwelt for centuries, he must be permitted to make a living there. He must have the right, not only to hunt for his native food, but to buy a balanced diet including milk and vegetables; clothing; medicine; and building materials for his house. It is, of course, true that eventually the benefits from the Alaska Native Claims Settlement Act (Public Law 92-203) will yield to each Native a certain amount of cash plus some land. However, the land and cash will not be enough to compensate him for the loss of his occupation; nor are they intended to do so. Neither will they give most Natives jobs; nor return to them their lost sense of dignity. Most importantly, any direct payments to individuals will be over 2 years in coming, due to the time it will take to complete the enrollment procedures.

The only industry that the Alaska Native can count on to support himself and his family is one based upon full utilization of the ocean mammals—the same animals which have been the basis of existence for his people for centuries. This is an industry of Native manufacture, handicrafts and carving—wonderfully intricate hand-carved bones and tusks, decorated parkas and boats, completely waterproof and ideally suited for the rugged outdoor life lived in that far part of the world.

Mr. President, if the Native people of my State are denied the right to carve, sew, and utilize fully the entire animal carcass, the result will be truly disastrous. Even marginal cash flow will cease. Their only means of earning a living will be foreclosed to them. They will be forced to remain idle, go on welfare, or relocate. Their priceless cultural heritage will become extinct.

Therefore, even today, the dependence of the Alaska native people upon ocean mammals is a real and continuing one. They are indeed learning the ways of the rest of the world quickly and coming into their own. But during this period of adjustment, it is doubtly important that they be able to continue as they wish and make their own determination of the kind of life they wish to lead.

Mr. President, the Alaskan Eskimo asks for himself no more than any other group in this country. He asks only the right to determine for himself his own destiny.

For this reason, I urge the Senate to reach a reasonable solution to the problem and to take into account not only the biological aspect, but also the sociological and anthropological effects of this legislation. We must not destroy a civilization in the process.

Mr. President, for this reason, I am today introducing an amendment to S. 3161. The purpose of this amendment is to preserve the priceless cultural heritage of the native Alaskans by permitting them to continue to produce handmade native arts and crafts as well as clothing manufactured from sea mammals. I intend that the effect of this amendment will be to permit the total utilization of the mammals and the wise management of these wonderful and irreplaceable ocean creatures.

Mr. STEVENS. Mr. President, I ask unanimous consent that the testimony of George Miller, president of the Cook Inlet Regional Native Association in Alaska, be printed in the RECORD.

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

TESTIMONY OF GEORGE MILLER

Mr. Chairman and members of the Subcommittee, my name is George Miller. I am president of Cook Inlet Region, which is one of the twelve regions designated in the Alaska Native Claims Settlement Act to receive a portion of the land and monetary benefits provided in this legislation. In submitting this testimony, I am speaking in behalf of the six constituent villages of Cook Inlet and the Native population which has enrolled in our region pursuant to Sec. 5 of the settlement legislation.

At the outset, I should state that the Natives whom I represent are virtually unanimous in their opposition to any legislation which would impose a ban in the taking of marine mammals or otherwise alter the present laws and regulations respecting the taking of such mammals. There are several reasons for the position that we have taken, and I believe that it would be helpful for me to state them briefly at this time.

As the hearings which the Subcommittee held in Nome and Bethel showed, a substantial portion of Alaska's Native population, including many Natives who reside along the shores of Cook Inlet and other bodies of water near our region, rely very heavily on marine mammals for subsistence purposes and as a source of income. Thus, the Natives of Cook Inlet traditionally have used the hair seal, which is found in the waters of Cook Inlet and other offshore areas, for food and to make clothing and footwear.

The liver of the seal has proved to be an especially nutritious food source, and seal oil has been used as one of the main ingredients in Native cooking. Similarly, the Beluga whale has traditionally been an important source of meat and of oil for heating and cooking. In addition, the whale's natural tallow makes an excellent detergent which is almost pollution free.

Marine mammals are also an important source of income for Alaska Natives. Thus, many natives who reside in the Cook Inlet Region sell seal hides for use in making coats and other garments. These hides are sold for both domestic and foreign use. Because of their unique ability to withstand the rigors of an Arctic climate, many of the hides are sold to Alaskans for use in making parkas and other garments. Since many seal hides are processed in Alaska by the Native population, income is earned not only from harvesting but also from tanning.

In addition to the income derived from marine mammals harvested in Cook Inlet and nearby offshore areas, the Natives of our region also share in the monies derived from marine mammal harvesting by Natives living elsewhere in Alaska. This is so because ivory and skins from the North are shipped to Cook Inlet for carving and sewing, respectively. Thus, while ocean mammal harvesting by the Natives of Cook Inlet is not as extensive as that conducted by Natives living further north, we nevertheless share in the rich bounty which they take from the sea. In addition, it is important to note that some of our people travel north to participate directly in the seasonal ocean mammal harvesting which takes places in the North Pacific and Bering Sea.

A graphic example of the economic importance of marine mammal harvesting is Aleskind, which is one of the most promising retail outlets for Native handicrafts and artifacts in Alaska. This organization, which is located in the Cook Inlet Region, was formed to market the handicrafts of all three segments of Alaska's Native population—Aleuts, Eskimos and Indians. If a ban on ocean mammal harvesting were to be imposed, Aleskind would immediately lose its economic viability, and many Natives would lose their jobs.

Mr. Chairman, as you know, the unemployment rate among Alaska Natives is extremely high, much higher than in the population as a whole. For many Natives hunting and fishing for commercial purposes are the sole sources of income. Although the twentieth century has affected Alaska's Native population in many ways, it has not altered the fact that hunting and fishing are vital to the very survival of many Native families. When viewed in this contest, the deleterious consequences which would result from enactment of the pending Ocean Mammal bills becomes alarmingly clear.

Some have argued that the Alaska Native Claims Settlement Act, which was enacted into law on December 18, 1971, will provide sufficient income for Alaska Natives, thus, supplanting the need to engage in the harvesting of marine mammals. This is simply not true. For one thing, monetary distributions to villages and to individuals will not take place until after the enrollment process is completed in late 1973. In the meantime, only regional corporations established pursuant to the settlement legislation will receive monies from the Alaska Native Fund, and it is likely that the use of these monies will be limited by the Department of the Interior until enrollment is completed. Even after the enrollment process is finished distributions to individuals will probably be quite small and will terminate after the first five years. The distributions to regional corporations and, through them, to village corporations will be for many purposes; thus, such distributions cannot reasonably be expected to supplant or even satisfactorily supplement income lost as a result of any ban or moratorium on ocean mammal harvesting.

We believe that the stated purpose of the various ocean mammal protection bills now pending before the Subcommittee is a laudatory one. Every right thinking person wants to preserve the natural flora and fauna of our world for the benefit of ourselves and future generations. A ban or other change in the present system of laws and regulation respecting ocean mammal harvesting by Alaska Natives would have virtually no effect on the continuing viability of the various species of ocean mammals. Alaska Natives have traditionally been good conservationists, taking only what they need for

subsistance and reaonable commercial purposes in a manner which, by its very nature, could not result in the depletion of the marine mammal population. Rather, this depletion has been caused by foreign nationals using modern harvesting methods, such as the explosive harpoon. Only when this type of mass commercial harvesting is prohibited on a worldwide basis will ocean mammals increase in number. In the meantime, Alaska Natives should not be penalized for the actions of others.

An important ecological factor should be considered in connection with ocean mammal harvesting in Cook Inlet and adjacent waters. Three species of ocean mammals are found in some abundance in these areas: sea lions, hair seals, and Beluga whales. Each of these species preys on salmon, which is one of the staples of the Alaska Native diet and one of the most important components of the Alaskan economy as a whole. As an illustration of the dimensions of this problem, it is not uncommon for Beluga whales to eat twenty-five or more adult salmon during a single feeding. Sea lions pose a similar threat. Inhabiting such places in lower Cook Inlet as the Barren Islands, Pye Island, and Seal Rocks, the sea lion population, in the absence of harvesting, is growing at an alarming rate. If this growth is allowed to continue unchecked, the salmon population in the Inlet and adjacent waters will be seriously jeopardized. Thus, it can be seen that the continued harvesting of ocean mammals is necessary to preserve a proper balance between the various species of creatures which inhabit the marine areas of our region. In the absence of such harvesting, all those who depend on salmon and other fish as food or as a source of income will suffer.

Recognizing the nature of the ecosystems in Cook Inlet and other marine areas, many responsible conservation groups have opposed the imposition of a ban on ocean mammal harvesting. As one example, most knowledgeable conservation groups in the United States have opposed any change in the Pribiloff Island seal harvest, which is one of the best examples of scientific wild life management in the world. Under the administration of the Department of Commerce, the seal population on the Pribiloff has grown to an optimal level and is now in total balance with its environment. This could never have occurred without the harvesting of certain seals. Similarly, the limited type of harvesting conducted by Alaska Natives in lower Cook Inlet is necessary to preserve the health and vitality of the ocean mammals which inhabit this area and the fish which they eat.

Mr. Chairman, as time passes, we are evolving new ideas about the relationship between various cultures. We now recognize that it is harmful to both majority and minority cultures if the former tries to dominate or completely assimilate the latter. Rather, each has much to learn from the other. I believe that these hard learned principles are especially true in the relationships which exists between Natives and non-Natives. In recent times, it has been recognized that Natives should be able to choose freely between their traditional way of life and a non-Native life style or to pick elements of both. The enactment of any of the ocean mammal protection measures now pending before this Subcommittee would have the effect or potential effect of denying Alaska Natives this choice.

Perhaps, this could be tolerated if the circumstances were sufficiently compelling. However, as I have indicated in this testimony, there are no such circumstances. Rather, there are compelling reasons for permitting Alaska Natives to harvest ocean mammals for subsistence and commercial purposes as they have always done. This activity is so interwoven into the fabric of traditional Native life that it cannot be altered or terminated without seriously jeopardizing the culture of our people.

Given this fact and the other reasons for continuing to harvest ocean mammals which I have mentioned previously, we of the Cook Inlet Region are very hopeful that this Subcommittee will not recommend and the Congress will not enact legislation that impairs our traditional harvesting methods or compels us to seek a permit from the Federal Government to do something which we have done without interference for so many years.

In behalf of the Cook Inlet Region, I want to thank you for this opportunity to present our views on the legislation which you are now considering. We respectfully request that careful consideration be given to our position to the many similar expressions that you have received from Alaska Natives, many conservationists, and others familiar with this situation.

Mr. STEVENS. One animal of particular value to Alaskan Natives is the bowhead whale. Few of these animals are harvested, but each animal can feed an entire village for some time. Several experts testified before us on whales generally. When questioned concerning Natives taking of bowheads, they were nearly unanimous that the minor taking of these animals by Alaska Natives posed absolutely no danger to the species. Moreover, those experts on Native culture indicated the great dependence of a handful of Alaska villages on this. At this point I would like to insert in the CONGRESSIONAL RECORD an article entitled "Point Hope—A Workable Tradition," by Lael Morgan, an Alicia Patterson Fund Award winner and a writer for the Tundra Times in Fairbanks, Alaska. Excerpts from this article appeared in the Washington Post and have been inserted in the CONGRESSIONAL RECORD. However, the article itself is of such value that I ask unanimous consent to have it printed in its entirety.

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

POINT HOPE—A WORKABLE TRADITION

(By Lael Morgan)

(NOTE.—Mrs. Morgan is an Alicia Patterson Fund Award winner on leave from the Tundra Times in Fairbanks, Alaska. This article may be published with credit to Mrs. Morgan, the Tundra Times and the Alicia Patterson Fund.)

Agvik . . .!

The Eskimo word for "whale" is a harsh whisper on the restless ice of the Chukchi Sea off Point Hope.

A light whale boat, umiak, fashioned from sealskin covered driftwood, slips into the gray water of a fog-shrouded lead.

Six men, moving as one, paddle soundlessly, cross-current; evading the sweep of jagged, fast-moving ice blocks.

Suddenly, squarely in their course, a bowhead surfaces. Its black hulk is three times the length of the boat but the Eskimos move without hesitation to attack with a hand thrust of an ancient harpoon fixed to a black powder charge.

They strike but the mammouth takes only a glancing blow, sounds and surfaces well beyond range.

The lead narrows. South wind pushes forward a crushing front of ice and the men retreat before it, dragging their umiak on a flat wooden sled.

We women of the crew watch from older, more stable ice. We have packed the food and cooking pots and are ready to break camp as we have many times. Packing, striking the tent, are habit, even to me, and I am new on the ice this season.

But my fear of the shifting floe is fresh and it is shared by the most experienced whalers. We follow an Eskimo tradition of more than 1,000 years and requirements are still primitive. We must stake our lives for our groceries.

WORKABLE ADJUSTMENT

Point Hope is an Arctic village of 400 Eskimos who have made a remarkably workable adjustment to the 20th Century while retaining the full flavor of a rich heritage.

Theirs is probably one of the oldest continuously inhabited sites in America, set on a finger of land ideal for hunting.

"It seemed as if nature had planned carefully at Point Hope and worked out a system of spacing the succession of animals to be hunted," marvels Howard Rock, Eskimo editor of the Tundra Times, who was raised there. "Blessed with this bounty—whale, seal, polar bear and caribou—Point Hope is a successful and prosperous village."

At one time its population was over 2,000, according to archeologist John Bockstoce. About 900 A.D., Siberian Eskimos introduced the seal carcass float and the inhabitants, bankrolled by an increasing herd of caribou, began to develop techniques for hunting the abundance of whale that migrate annually past the point.

The village flourished on this successful whaling industry with virtually no intrusion until 1886 when the first Yankee whaling station was established there.

Eskimo Chief Attungowruk imposed a demarcation line between Point Hope and Jabbertown, a colony of many races that grew around the American whaling camp. The line kept whites from whaling in Eskimo waters, but didn't stop a lively traffic in alcohol and women that grew up between the two settlements.

In 1889 Lieut. Commander C. H. Stockton of a U.S. revenue cutter found Point Hopers "in a most degraded state, physically, mentally and spiritually" as the result of contact with the white man.

"Each visit of a whaling ship was followed by riot and drunkenness; the women were carried off to serve the lusts of the sailors and officers," Stockton reported to the mission division of the Episcopal Church. "Although under the flag of the United States, there was nothing but chaos and paganism."

In response, the Episcopalians dispatched The Rev. Dr. John Driggs to the rescue. The Point Hope people, still very much in control of their boundaries, refused to let the missionary land in the village and suggested he camp a couple of miles up the beach until they decided whether to kill him or keep him.

Luckily, Dr. Driggs was an excellent physician who put medicine and education ahead of proselytising. He managed to cure a member of the chief's family after the local witch doctor had given up and soon enticed villagers to English classes by offering snacks.

Driggs ministered to the people of Point Hope until 1908 when the church wrote him off as "eccentric." He had moved from a frame house (advocated by the church as a needed trapping of civilization) to a native sod house which was warmer, decreed that no young Eskimo man could attend school in good hunting weather (he offered make-up classes at night) and traveled widely by dog team with Eskimo hunters.

Missionaries who followed denounced Eskimo traditions, forbade dancing, the hunting of whales on Sunday and carving of effigies, but the natives gave only token attention. They developed respect for higher education and became fervent church goers, but they clung stubbornly to the best of their old culture.

In 1932 the church helped the community experiment in self government and in 1940 Point Hope incorporated.

During World War II, some Point Hope men got jobs in defense construction and, in the 50s, on the Distant Early Warning System. (In 1951 Point Hopers brought home $30,000 from a single defense contract and last year, according to a man who helped figure income tax there, at least 10 families reported incomes of $18,000.)

Because of their job experience many Point Hope workers are union members, which has enabled them to solve the problems of job hunting that stymies natives in other isolated areas.

And, although gains from outside employment pour into Point Hope, the Eskimos continue to maintain themselves by subsistence hunting. A good hunter is still the most respected of men and, besides, wild, native food is preferred to white man's fare.

As a result, the skill of Point Hope's young hunters is as polished as that of their fathers and forefathers at a like age. In addition, these young people are bilingual and fit easily into the white culture, while retaining great pride in being Eskimo.

CONGRESS COULD DESTROY A LIFESTYLE

Currently Congress is considering legislation that could destroy the unique balance of cultures that Point Hope enjoys. The Sea Mammal Protection Act, which has already passed the U.S. House, would put a five to 15 year moratorium on hunting of sea mammals on which the village depends.

While the bill allows for subsistence hunting, it precludes the taking of endangered species and some scientists believe the bowhead whale, a mainstay of the village diet, should be included. Trading and interstate commerce in sea mammal products would not be allowed, either, which would be a serious blow to the economy.

To discover the impact of this legislation, I have been living with a Point Hope Eskimo family and serving as assistant cook and dishwasher on their whaling crew.

SUBURBIA MISPLACED

The village looks like a modest suburbia misplaced on the tundra some 140 miles north of the Arctic Circle. All the homes, with the exception of one sod dwelling, are frame construction, and even the sod house is wired with electricity.

There is a large school with a stout arsenal of progressive teaching aids including film clips of "Sesame Street." A modern cooperative store has just been built and there is a movie theater which shows a fairly good run of films.

There is no sewer or water system but plans are being made to move the village to an erosion free site and build a model city that would include plumbing. The Point Hope Council is far-sighted and progressive and has been unusually successful in securing government grants to meet the needs of the community.

Come whaling season, however, Point Hope reverts to its past.

THE HARD WAY TO CATCH A WHALE

The first water opened April 12 and the village became tense with the excitement of getting out there.

One week earlier the women had sewed new skin covers of oogruk, the bearded seal, over the boat frames. Now the preacher arrived by snow machine to bless our craft. The crew knelt for a prayer in terse Eskimo and we were away with "Amen." Two dog teams went first, followed by snow machines pulling our boat and grub box.

The ice is a harsh, ever changing world, bounded by towering pressure ridges of frozen blocks the size of deepfreezes. Our first lead was a narrow span of black water that spun off dark mists shot with sun.

The men quickly anchored the guy ropes of our tent to hefty ice blocks. Three plywood planks were laid as flooring over the "Windex" blue of our frozen perch and a stove, fashioned from an oil drum puffed smoke through a pipe bedded with a shield in the canvas roof.

Outside, a sharp wind tore from the northwest, adding sting to the sub-zero temperature. Inside, secure with a large dishpan of seal blubber chunks to feed the stove, we drank tea and waited for the wind to drop.

My captain, Bernard Nash, waited with apparent calm but he is tightly wound. This is his second year as a captain and he has yet to get his whale. He's an excellent hunter and was harpoon man on the crew that killed Point Hope's record whale, a 65 footer. But last year he left his crew part way through the season to take a construction job outside the village. This year's hunt has been outfitted at a cost of nearly $700 from his income tax refund, unemployment checks and food stamps. It's important that we score.

Our crew includes Gus Kowunna Sr., an ice expert of extraordinary toughness and excellent good humor; Sam Nash, the captain's son who is bookish but a fine oarsman; and Earl Kingik, veteran of Vietnam who is the son of a famous hunter and a credit to the tradition.

Isaac Killigvuk, Norman Omnik and Morris Oviok have also thrown in their lot with Nash for a second year. They have all lived outside Alaska but returned home to hunt. They are young, savvy and have been trained to the ice from childhood.

A 20th Century touch is our own "live-in" archaeologist, John Bockstoce, who claims to be along just for the fun of it. I tend to believe him because this is his second year as a crew member. He's a former Olympic rower and he really enjoys the life on the ice.

And there is our "boy", Gussy Kowunna Jr., 13, who has the hardest lot. He fetches and carries, stays up all night to tend the stove, does all the dirty work. Yet, in reality, he is an apprentice whaler and will get a man-sized share of the kill. And he dares hope that next year he will take his place at a paddle.

His sister, Esther Kingik Bosta, wrote a note to his teacher that read simply, "Gussy is excused to go whaling." He will be on the ice six weeks.

Esther is head cook; well traveled, educated and currently a city dweller. But she came home for whaling because she likes the excitement of the hunt and is sought after as a cook.

On both sides of us white tents are strung out along the lead. They are headquarters for 11 more crews, all of similar composition.

THE MARK OF A MAN

Among Point Hopers it's the mark of a man to go without sleep for three days, and, even at the beginning of the season when the weather is savagely cold, the hunters shun the comfort of the tent to keep watch at the water's edge.

When the whales come through en masse, the men will not stop to eat and may spend five straight hours at their paddles. They return to us crusted with frozen brine and send the boy to the tent to exchange frozen gloves for dry.

Whales can appear just about any time there's open water. Sometimes they surface in a lead so small you wouldn't expect a duck to land there. Sometimes they steam past in the dark and sometimes in a blanket of fog when floating ice is unpredictable and dangerous.

The bowheads can travel about 50 miles an hour, Kowunna estimates. A boat will go 12 miles an hour or maybe faster if the crew is good.

"When you see a whale you gotta work, work, work. Work like hell to catch him . . . work until you sweat," he says.

You must strike from behind or directly in front, for a whale's eyes are on the sides and if he sees you, he'll move out. Our harpoon and darting guns with black powder bombs were patented in the 1800s and they are modest weapons. The crew needs the advantage of surprise.

Women's lot is less exciting than the men's, but we are an important support team. Cooking on the oil drum stove and a Coleman burner, we turn out endless meals of caribou stew, boiled polar bear, muktuk (edible skin of the whale which is delicious with mustard) and eider duck.

These meals are usually served only with pilot bread (a thick bland cracker) and yeast doughnuts which we make by the gross in a dishpan, fashioning them with our fingers without the aid of a cutter.

I'm a little leery of the native foods but find I like most of them. Despite the fact I have eaten only three helpings of vegetables in a month (none of them fresh) I never felt healthier.

I'm clumsy. My doughnuts come out lopsided. But Ruth, the captain's wife, and Esther are patient. Soon I'm skinning eider ducks.

It is also our job to cut blubber for the stove, babysit the dog teams and carry meals down to our men on watch. Often we walk five to 15 miles over rough ice. After a day like that we can sleep anywhere, and when the whales run thick, we sleep on the ice.

We were there for the first whale, watched the men go out and followed them with our eyes until they vanished on the horizon. For two hours we waited into darkness and finally, far off, we heard the echoing cheers of our crew and five others.

We cheered and yelled back; laughed and cried and hugged one another. The boys did a weird, happy combination of Eskimo and square dance, swinging each other around and singing.

The tension was gone at last. It was the first time in two weary weeks on the ice that the woman had really laughed. We knew now we would eat.

It was not our whale but we had helped. We got a share. Then we went back to our watch.

The wind shifted, threatened to push our camp to Siberia. An automatic vacation—and I used the time in the village to interview the old-timers.

EVEN AFTER ALL THESE YEARS

Nanny Ooyahtuonah, last resident of a sod house, can remember when women wore trading beads strung through the base of the nose and Dr. Driggs was still teaching.

Her long entry tunnel is shored up with mold greened whale ribs and filled with the flipper of a 57 foot whale killed by her son-in-law. She likes whale meat best, even after all these years, she tells me as she sits straight legged on the floor sewing waterproof boots from seal skin.

And there is Jimmy Killigivuk, 81, who still is captain of a whale boat although a stiff leg keeps him off the ice in bad weather. He's hunting with some of the whaling gear he bought second hand back in 1909.

Jimmy tells of the time he and three teenage girls went out and harpooned a whale and it's true. Just as Robert Tuckfield got one of his 23 whales almost single handed and Sammy's grandfather nearly drowned in the whaling accident that killed Sam's great-grandfather.

The whole village is whale happy. The children practice throwing broomstick harpoons into snowbanks. Conversations are all on the catch and near misses. Visitors who come to the village on business give up and go visit the ice camps. We're all back out there as soon as the south wind stops. There is little open water and it starts to freeze. Laboriously our men smash the ice away with their paddles but it defeats them, freezes thick enough in two days to support skilled walkers, and they move out cautiously to open water a mile beyond our tent.

One day we took food to them only to evacuate in mid-meal and watch our picnic

site become open water. Two of our crew fell in, hauled themselves out, changed clothes and went back to hunt.

And we scored. A 38 foot bowhead shouldered in close to a neighboring crew who harpooned it from the ice. We got our harpoon in, too. Rope was fetched to secure the animal but it revived despite the fact it had taken six bombs, spouted blood all over Gus Kowunna Sr. who was standing on it and sounded to die alone.

We searched for it. Three days later it surfaced, a "stinker." The meat was fit only for dogs but the muktuk was good and we helped with the long, foul job of butchering. With nearly 70 men working it took over 12 hours. A whale weighs a ton a foot and is hard to handle, although the Japanese factory-type ships can butcher a whale an hour.

The weather turned warm. We took breakfast to the men one morning to find our boat out. Ruth, Esther and I waited by the lead, enjoying the sun and excitement as 20 bowheads and dozens of kittenish little beluga whales cruised by.

Our men came home happy, despite the fact it was late afternoon and they'd fasted 14 hours. They'd helped land three whales—one a 57 footer.

But the South wind came in while we were butchering, pushed in tons of ice that buried the big whale before we got to it. The crews escaped with no time to spare.

We regrouped, waited out the weather and went back to find old landmarks missing and our leads frozen. We busied ourselves shooting eider ducks and now the water is open again and we hope our luck will be better.

HOW MUCH IS IT WORTH?

"How much is a whale worth to you in groceries?" I asked the captain.

"Why, 30 to 60 tons," he said. "And we will use every bit of it, too. Everything but the liver and lungs which will go to the dogs."

"It is our tradition," Morris Oviok said. "The tradition of our forefathers." That's why he came back from school in California to hunt.

"We've got a lot of boys down on the ice," admitted Gussy's teacher. "Sure they miss a lot of classes, but really, I think they're better off than the kids who don't go and sit here thinking about it. A 'boy' learns a lot on the ice. It's a real education."

"Our very lives revolve around the migration cycle of oceanic mammals," Davis Stone testified for the Point Hope council at a Congressional hearing on the Sea Mammal Protection Act, last week.

"There are virtually no jobs available in Point Hope. The 1970 Manpower survey showed 64 percent of our people have an average income under $3,000.

"The cost of living at Point Hope is double that of Seattle. Obviously it is virtually impossible to meet the cost of oil, rent, lights and food without any monetary supply. Any money that can be gained from our limited use of the sea mammal products is sorely needed."

Although Point Hope is the second largest whaling community in Alaska, Stone said the native store purchased only 2,000 pounds of muktuk for resale last season. This averages $23.53 gain per person, less than the cost of a barrel of stove oil. He added that they utilize the whole animal except for the skull which they sink by tradition.

"We have always hunted only for our need. We have been wise enough not to overkill. Is it fair to destroy our cultural heritage and our lifestyle by stopping all utilization of these mammals?" he asked.

But it is summed up best, perhaps, by Thomas Robinson, the principal teacher at Point Hope.

"If you feel the need of being a Savior, this is not the place to come," he began cryptically. "This village takes care of its own problems. . . .

"I don't know what a village does when it doesn't have something as important as whaling."

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Floyd E. Durham of the Department of Biological Sciences of the University of California. Dr. Durham is a research associate of the Natural History Museum of Los Angeles County and is one of the foremost recognized authorities on the bowhead whale and native whaling. While the particular program suggested by him may pose specific difficulties in enactment, I believe the record, to be complete, should reflect his point of view.

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

UNIVERSITY OF SO. CALIFORNIA,
Los Angeles, Calif., June 26, 1972.

Senator TED STEVENS,
Old Senate Office Building,
Washington, D.C.

DEAR CONGRESSMAN: On the recommendation of Mr. Arthur Davidson, I am writing you relative to legislation being considered for the Bowhead Whale. Mr. Davidson, Alaskan Representative of Friends of the Earth, and also of the John Muir Institute for Environmental Studies (Anchorage), has just published an excellent 37-page booklet on Eskimo Hunting of Bowhead Whales. I was one of several cetologists who were privileged to express our opinions in the section (pp. 25–36) on "Toward a Meaningful Policy for Eskimo Whaling." This booklet should be made available through the Congressional Records.

With only snatches of news coming through from Washington and Stockholm, I am poorly informed relative to pending American and International rulings on whaling. It appears that the world (except for Japan and Russia) is in favor of a 10-year moratorium on the taking of great whales. This is probably the *biggest* conservation movement that has ever been considered. I am enthusiastic about it—with only slight reservations: i.e., relative to native whaling.

On native whaling I write with some confidence, since I speak from an intimate 11-year familiarity with the Bowhead Whales (*Balaena mysticetus*) and with the Eskimos of the Alaskan Arctic. In the course of having spent more time and written more pages on the Bowhead than all other combined authors of the last 100 years, I have been an acceptable, and lately a welcome, "intruder" into the Eskimo whaling program at Pt. Barrow. Very early in my research program I was given the name "Ahvik" (Eskimo for the Black Whale, synonymous with Bowhead), and have narrowly escaped becoming a "medicine man." I also have good relations with Eskimos in every coastal village from Bering Strait to Barter Island. And in the light of these experiences:

1. I think that any attempt to outlaw native whaling is doomed to fail. The Troopers attempted to stop the Eskimo at Pt. Barrow from shooting Eider Ducks in 1961, when I was there. The Eskimo response was the biggest "sit-in" ever proposed. The whole 2,000 Barrow Eskimos offered to go to jail for shooting ducks "illegally." Obviously, the Troopers "bowed out" and the Eider Duck hunting was resumed. I think that no law and no police force can stop the Alaskan Eskimo from hunting Bowhead Whales.

2. To shut down native whaling in Alaska would eliminate our last chance for obtaining additional scientific specimens of Bowheads and Gray Whales. Our opportunities for collecting the latter disappeared with the closing of Caito's Del Monte Fishing Company at Richmond, California, last December. I have made good use of my whaling opportunities at Barrow and have supplied the Museum of Natural History of Los Angeles County with hundreds of specimens and tons of Bowhead parts, so that this collection is greater than all other American collections combined and is perhaps the equivalent of all the Bowhead collections in all Europe. To shut down the native Alaskan whaling would be to destroy my (our) last opportunity to collect Bowhead specimens. The universal cry is for scientific information about this whale in order to form a sound management policy. Cutting off this source of scientific collecting is not the solution to saving the whale. If the Eskimo is allowed to hunt whales and is treated courteously, our friendly, cooperative relations should continue indefinitely; with the Eskimo getting whale meat and science getting specimens.

3. For years I have talked "bag limit" of Bowheads for each village to retard the tendency of Eskimos to "overkill." They are not in favor of *any* restrictions on their hunting; but I think that they would arbitrate the point rather than run the chances of "poaching" whales during a 10-year moratorium.

4. I have voiced my objections against the futility of firing on the Bowhead and Gray Whales with small caliber rifles, which is cruel harassment; and against the use of submachine guns, which is deadly to whales but which, to my knowledge, has never resulted in a single retrieved whale.

5. I think that the only deterrent which could be enforced would be to cut off the supply of bombs to all the merchants in the coastal villages. Such a "blockade" of Eskimo effort might be a blessing in disguise, in that the natives might of necessity return to prehistoric techniques. In times past they hunted whale effectively with only harpoons and lances.

6. Should it prove impossible for the Eskimo to return to his old ways of hunting, then I suggest that an honest effort be made to find a better way of taking Bowheads, with particular emphasis on retrieving a majority of whales mortally wounded.

7. The Bowhead stock has sufficiently recovered from the Yankee decimation of the late 19th Century to allow a reasonable "bag limit per village." This type of hunting would not hurt the whale but would supply a lot of needed human food for the natives. Furthermore, this seems to be part of the much needed welfare reform, and should tend to keep Eskimos "off" the relief program rather than putting more of them "on."

Many of the criticisms directed against the Eskimo whaler are true. He tends to overkill, as did white man with the buffalo and the pelagic whaling fleets in Antarctica. He wounds a lot of whales which are never retrieved, or are found as "stinkers" from which only 10% of the whale is usable. He is furthermore wasteful of "fresh" whale flesh—specifically blubber, for which he is losing his taste and which is almost completely discarded because he has few or no dogs to feed it to.

It is well known that the Bowhead is "a big prize easily taken." In spite of its "countless numbers" and circumpolar distribution in the early years, it was reduced to near extinction in 300 years (1610 to 1910) of open-boat commercial whaling. It is so timid and so slow that the remaining population in the western Arctic would last no more than three seasons if it were out in the open and exposed to modern commercial whaling techniques.

Because the western Arctic Bowhead stock

is gradually recovering, and because the Eskimos take mostly young, non-breeding whales, it is assumed that the Eskimo hunting is no great deterrent to the Bowheads. However, needless loss of wounded animals and needless waste of whale blubber should be remedied. I continue my efforts, along with Sea Grant and Institute of Arctic Biology, to find a better way to kill Bowheads and to find acceptable uses for the whale fat. All this, plus continued scientific collecting, can be attained under the current system of native whaling. However, I do recommend the beginning of sound management; e.g., establishing a seasonal bag limit for each whaling village (i.e., Pt. Hope, Wainright, and Pt. Barrow) based on average catches for the 1960s, and for a limit on the number of bombs supplied to the local merchants. A "merit system" for the whaling captains, of rationing a higher percentage of bombs to the most efficient hunters, might improve whaling.

It is regrettable that the well-meaning public and political leaders are currently forced to make decisions on the Bowhead in lieu of sufficient data. I hope you can obtain a copy of Mr. Davidson's booklet. I am nearing completion on several manuscripts which are pertinent to the subject at hand, and hope that they can be published in time to be of use to you. They are:

The Catch of Bowhead Whales by Eskimos in the Western Arctic;

Eskimo Effort in Bowhead Whaling; and

Ancient and Modern Methods of Taking Bowhead Whales by Eskimos and Early Commercial Whalers.

I will be pleased if this information proves helpful to you.

Sincerely,

FLOYD E. DURHAM, Ph. D.,
Arctic Research, Dept. of Biol. Sci., University of Southern California.

P.S.—Dr. Floyd E. Durham is a Research Associate of the Natural History Museum of Los Angeles County and has been one of the big contributors to our collection of marine mammals. His extensive field operations in the Arctic and his scientific collecting of cetaceans are in line with our policies and with intelligent conservation, protection of endangered species, and consideration of the vanishing native whaling culture of Alaska.

DONALD R. PATTEN, Ph. D.,
LON LESTER,
Curator, and Curatorial Assistant, Mammalogy Section, Natural History Museum of Los Angeles County.

Mr. STEVENS. Mr. President, the bill sets forth in section 102 certain enumerated prohibitions. These include, with certain exceptions, taking mammals on the high seas by persons under the jurisdiction of the United States, taking mammals in waters and lands under American jurisdiction, or using any port, harbor or other area under the jurisdiction of the United States for the taking or importation of such animals. Strict fines and other penalties are prescribed for those persons violating the Act.

Section 108(b) concerns the Pribilof Islands. It is important to note that as a result of a committee amendment, the Secretary must believe the herds to be in danger of depletion as well as perceive an adverse population trend before he must immediately initiate negotiations to modify the North Pacific Fur Seal Convention.

Section 109, Federal cooperation with the State, has caused me considerable concern. This section is of great interest to many of the coastal States. They have great expertise in this field. A number of highly qualified biologists employed by the States have spent literally their entire professional lives studying a single marine mammal or several species. I believe that the States have the greatest expertise in the management of animals within their jurisdiction.

The committee has strengthened this section to insure the States' continued participation in this field. However, several sections continue to apply. Among them is section 101, the moratorium section. This could well hamstring the States in this field. It is most important, however, that Federal review processes and special requirements for prior Federal actions not circumscribe state authority or cripple the flexibility necessary to operate effectively to protect and manage these animals.

One additional area of particular concern is the relationship of these animals to our fish resources. Ocean mammals, Mr. President, eat vast quantities of fish. They are in direct competition with humans for the fish resources. Not only are they in competition with the ultimate consumers but also with fishermen who must depend upon the sea for a living. They compete for the fish themselves and they often destroy fishing gear.

Mr. President, I have had extensive correspondence on section 109 generally and specifically on the interrelationship of marine mammals and fish. I ask unanimous consent to have several items printed in the RECORD.

The first is a letter under date July 10 from Mr. John P. Harville, executive director of the Pacific Marine Fisheries Commission, the multistate advisory commission of the Western States on our fisheries. This sets forth the Commission's views on S. 2871, specifically section 109. Next are several letters from concerned Alaskans on the fishing situation. The first is by Mr. Lawrence Dalton, president of the Southeastern Alaska Gillnetters Association. The second is from Mrs. Diann Smith, executive secretary of the Cordova District Fisheries Union. The third is from Mr. Terry Gardiner, a commercial fisherman of Ketchikan, Alaska. Next is a statement by Mr. Philip Daniel, Secretary-Treasurer, of the United Fishermen of Alaska. This details Beluga whale depredation of the sockeye salmon.

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

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., July 10, 1972.

HON. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: As you know the Pacific Marine Fisheries Commission has strongly advocated an approach to national protection and management of marine mammals which will accord full recognition to States' rights and responsibilities for management of marine resources within the three-mile limits of State jurisdiction. We have cited as precedent the Submerged Lands Act of 1953, which confirmed State ownership of natural resources within State waters. We have stressed existing heavy State commitments to programs of research and protection for marine mammals, and have urged that these major investments in scientific manpower, local knowledge and material not be undermined by unnecessary federal pre-emption of jurisdiction.

Senator Ted Stevens of Alaska has championed States' jurisdiction throughout the extensive deliberations of the Senate Subcommittee on Oceans and Atmosphere. That Subcommittee, under Senator Ernest F. Hollings' astute and rational leadership, has developed compromise language which recognizes State jurisdiction over State waters, yet reserves to Federal authority final approval of State regulations on the basis of their consistency with the policies and purposes of the Marine Mammal Protection Act. The Senate Commerce Committee reported this bill on June 15 (S. 2871 as amended).

Since S. 2871 as amended appears to offer the best compromise achievable among the diverse interests concerned, the Pacific Marine Fisheries Commission requests your support of this measure. We recognize the difficulties facing the Senate in developing strong Federal management machinery which will not needlessly usurp and thus destroy already successful State protection and management programs. An even more difficult task is production of a marine mammal bill which will satisfy public insistence upon increased protection for these interesting animals, yet at the same time will permit their intelligent stewardship under a rational program of scientific management.

Despite our general support of S. 2871, as amended, we must stress two continuing concerns with this legislation. First, we accept the premise that State management programs should be consistent with the policies and purposes of the Act as expressed in the Findings and Declaration of Policy in Section 2. However, strict interpretation of the language in Section 109(a)(1) suggests that Federal review processes and special requirements for prior Federal actions may so circumscribe State authority as to cripple the flexibility necessary for operationally effective protection and management programs. Of particular concern, excepting the Moratorium (Section 101) from the provisions of Section 109 appears to place in jeopardy major ongoing State fisheries programs where these interface with marine mammal problems. It would appear that in any problem involving the moratorium, prior Federal action would be required in each specific instance as prerequisite for State actions.

If these restrictive interpretations of the present language are correct, we respectfully request consideration of possible clarifying language, preferably in the Act itself, and certainly in the Committee Report, which will assure that the Act does not unnecessarily infringe upon State jurisdiction over marine resources within the three-mile limit of State waters. It is particularly vital that strong ongoing scientific management programs not be hamstrung by complex Federal review procedures, or by requirements for highly specific prior Federal action.

Our second major concern is that the critically important rationale of Section 101(a)(3)(A) must be retained as an integral component of the Marine Mammal Protection Act. This section authorizes the Secretary, in consultation with the Marine Mammal Commission, to waive the moratorium when justified by the best scientific evidence available (consistent with the purposes and policies of the Act). This provision appears to be the sole mechanism whereby the Secretary and the States can be responsive to rational ecological information and judgment in applying the imposed moratorium. Should total protectionist interest achieve removal or serious weakening of this provision through amendment, we see no alternative but total rejection of the Act as unworkable, irrational, and not in the best interest of either the American people or of the animals the people seek to protect.

In summary, we believe that S. 2871, as amended, merits your support as the best

achievable compromise toward effective protection and management of marine mammals. We respectfully request incorporation of language which will more unequivocally delegate to the States jurisdiction over marine mammal management within State waters. Particularly we urge a no-compromise insistence upon retention of the intent spelled out in Section 101(a)(3)(A) that responsible authorities may waive the moratorium when the best scientific evidence available indicates this best serves the interests of the marine resources concerned.

Yours sincerely,

JOHN P. HARVILLE,
Executive Director.

SOUTHEASTERN ALASKA GILLNETTERS ASSOCIATION,
Ketchikan, Alaska, May 11, 1972.

DEAR MR. HANSEN: We gillnetters, and most of the trollers that we have talked to, are very much opposed to the bill on sea mammals.

We know that seals and sea lions are detrimental to the fishing industry. By this, we mean they tear up our gear and take our fish, and on the trollers side, the same problem exists. The trollers have to leave an area because sea lions.

We, as Alaskans, believe that we have a right to protect our property and our means of livelihood. And being more realistic, this law would be almost impossible or at the best, too costly to enforce. The way the regulation is set up now, they are protected with the exception the fishermen are allowed to kill seals and sea lions to protect their property. As stated before, the enforcement of this law is questionable. Most of the fishermen in the state would be arrested.

Fishing is a major industry in Alaska and competition with foreign countries for fish along our shores is bad enough without adding more problems for our Alaskan fishermen to contend with. What is more important a livelihood for fishermen or a bill preventing us from protecting our property? We believe it should be the other way around—some kind of controls of seals and sea lions because they are a menace to the fishing industry.

We think the people behind his bill do not know all the facts about sea mammals in Alaska, and by trying to put this bill through shows it.

We believe laws made in our own legislature are sufficient to the problems and well being of our state. It would be as foolish as say, our Congressmen and Senators in Washington D.C. to try and force a bill through regulating and restricting farming in Indiana, something they know little about.

We hope common sense will prevail and the senators and congressmen will not overreact as they are trying to do on ecology problems etc. because they weren't on the ball in the lower states for years. Now they are trying to make all kinds of laws etc. and Alaska will end up a great big Wilderness Area.

LARRY DALTON,
President.

CORDOVA DISTRICT FISHERIES UNION,
Cordova, Alaska, May 11, 1972.

Mr. HAROLD Z. HANSEN,
Director, International Fisheries Commission, Office of the Governor, Pouch A, Juneau, Alaska

DEAR HAROLD: The CDFU would like you to present this letter and material at the hearings to be held on Senate Bills 1315 and 2579 concerning restrictions on the taking of marine mammals.

This organization is opposed to both of the forementioned bills for a number of reasons. Foremost, of course for a fisheries organization, is the fact that in this area the hair seal and sea lion, two of the marine mammals to be protected, are predators of the salmon which is the mainstay of the local economy. The Alaska Department of Fish and Game allows fishermen to kill "nuisance" seal and sea lion which have become fouled in nets, etc. Seals and sea lions eat thousands of salmon a year. When the herds get too large, it is a very necessary measure to decrease the herds to preserve the salmon fishery. These bills would upset the normal ratio of the hair seal and sea lion populations to the salmon populations. The sea and sea lions would endanger the entire commercial fishery in this area and the livelihoods of hundreds of people. In previous years, it was even necessary to bomb seals to stabilize the size of the herds and protect the salmon industry.

At present, there are approximately 60,000 seal from Yakutat to the Barren Islands. Observers have seen huge rookeries of sea lion scattered over Prince William Sound. It is hard to understand why these mammals should be considered endangered species. Obviously what little "nuisance" killing and commercial hunting has been done has not threatened them with extinction.

Another reason the CDFU is opposed to this federal restriction is that the State of Alaska is already controlling seal and sea lion hunting and doing a good job. We feel that our state's Game Department is well qualified to handle any problems that might arise in the conservation of our marine mammals. Seasons are established, limits are set, and permits and licenses are provided Federal intervention in this matter in this state is needless.

We are also opposed to the passage of these bills on the grounds that the procuring and sale of marine mammal furs are a part of our economy. Many of our fishermen members supplement their income by trapping and hunting in the winter. It is a small but vital part of many people's livelihoods.

Conservation in our state, as you know, is a way of life for all of us. Conservation of the normal ecology of our area is necessary to the maintenance of the area's economy and life style. We need no further restrictions to preserve the marine mammals involved in this issue.

We respectfully request your help toward the defeat of these bills, or at least an exemption for Alaska.

Sincerely,

DIANN SMITH,
Executive Secretary.

KETCHIKAN, ALASKA,
May 10, 1972.

Hon. TED STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: I am a commercial fisherman and attempt to make my living at it. Seals and Sea Lions are one of the competing forces in the salmon fishery.

Seals and sea lions are intelligent enough to know that a gillnet or a trolling line is an easy place to get meals. In fact, seals and sea lions have a wasteful habit of biting only the soft underbellies of the salmon caught in a fisherman's net. These sea mammals are also very destructive to a fisherman's net.

Presently, fishermen are allowed to kill seals or sea lions if they are harassing them. Fishermen do not abuse this right. In fact, we usually try to scare the seals or sea lions away. There are plenty of fish in the sea besides the ones in our nets.

If sea mammals were protected "carte blanche", a fisherman would have to sit idly by while the seals and sea lions destroyed his fishing gear and ate or mutilated his catch. It is very unreasonable and unrealistic to expect a fisherman to calmly accept this. Blanket protection of sea mammals would probably be unenforceable with regard to commercial fishermen.

Like many fishermen, I recognize the importance of ecology because I'm physically close to it while fishing. Sea mammals may need protection in some instances, but not to such an extent that a fisherman's income is severely injured. A blanket protection policy, as now proposed, is unrealistic, unenforceable and fails to consider the economic impact on Alaska's commercial fishermen.

Sincerely,

TERRY GARDINER.

BELUGA WHALE PREDATION ON THE SOCKEYE SALMON

My name is Philip Daniel. I am secretary-treasurer of the United Fishermen of Alaska. I would like briefly to offer a critique of the available information on the predator/prey relationship of the beluga whale and sockeye salmon. In view of pending federal legislation that would preclude harvest and or control of all sea mammals this topic seems pertinent.

Unfortunately there is a severe dearth of information on the subject. Studies of the beluga were initiated in Alaska in 1954. The most striking information pertaining to the topic was gained from research carried out by James W. Brooks in 1954 and 1955 in Bristol Bay. (1955 Annual Report, Alaska Department of Fisheries)

Brooks examined the stomach contents of 30 beluga taken during the annual out migration of sockeye fingerlings on the Kvichak River. Smolt consumption averaged 685 per beluga. He further estimated that approximately 150 beluga entered the Kvichak per day during the study. He concluded on the basis of his data that 2,928,375 fingerlings were consumed in the course of a season. Brooks reasoned further that if five percent of these fish had returned as adults, 150,000 additional fish or more than half of the 1955 Kvichak escapement would have returned as adults had they not fallen prey to beluga predation.

Brooks concludes:

"Beluga predation on young red salmon migrating seaward in the Kvichak River is believed to be a serious mortality factor that is costly to the fishery while appreciably retarding the restoration of these depleted salmon stocks." (1955 Annual Report Alaska Department of Fisheries)

Brooks conclusion, albeit impressive, warrants examination. He used five percent as the estimated return rate for outmigrating fingerlings. The primary mortality for sockeye is considered to take place during the fresh water phase of its life cycle. An outmigrating fingerling has already survived from one to two years in fresh water when it enters the rivers in transit to the sea. The point is that the survival potential of the outmigrants may be much higher than that indicated.

Rounsefell in his investigation of Karluk River sockeye states that,

"Extensive marking experiments have shown that survival during their sojourn at sea, which may vary from less than 1 to 4 years, approaches 20 percent. Survival is higher for the older and slightly larger 4 year smolts than for the 3 year smolts." (Rounsefell 1958)

The Canadian fisheries magazine "Salmon, the Living Resource" indicates a similar finding:

"Constant danger is the rule of life for salmon. Attack by myriads of enemies is relentless and the death toll is staggering. Of the 3,000 eggs deposited by a sockeye, about 100 will become fingerlings and travel to the sea. Of these, 20 percent will return as adults under the best conditions. If ocean survival rates are poor, as few as two or three percent will return." (Salmon, the Living Resource, p. 14)

If, as indicated by these sources, the return rate is possibly 20 percent rather than

the five percent stipulated by Brooks, beluga predation may play a much more significant role than previously anticipated. When we plug the 20 percent figure into Brooks formula, the results indicate that 600,000 adult sockeye might have returned to the Kvichak but for beluga predation. This return would have been 200 percent of the 1955 escapement.

Additional caution is warranted in that Brooks used rather gross means of estimating the numbers of beluga present in the river per day. His estimates were based on visual counts and may be in error, if the error were on the conservative side, he may have underestimated the predatory effect. Also Brooks did not address himself to the predation role of the beluga in salt water. If the outmigrating smolt travel in tight schools after they enter salt water, it is highly likely that significant additional mortality occurs. At the very least, more extensive studies should be conducted on this subject. Brooks correctly notes the increased significance of beluga predation especially during years when numbers of outmigrating sockeye are small.

Evaluation of losses of adult sockeye to beluga were less significant. Using essentially the same methods outlined above Brooks estimated an annual loss of 82,320 sockeye adults to beluga in the Kavichak.

We believe that the combined predation of beluga on adult and juvenile sockeye warrants attention. There are, of course, various methods of controlling beluga predation.

The Alaska Department of Fish and Game has enjoyed some success in efforts to frighten beluga out of rivers through the use of killer whale noises transmittted into water. (Vania 1968) While such a program may significantly lessen the effect of beluga as a predator, since the sockeye are more vulnerable in the rivers; it does not solve the problem so well as would a combination of programs. If the beluga whale population were reduced within reasonable bounds through harvest while at the same time harassment techniques such as sounding devices were used in the rivers, the combined effect could be much more successful than either alternative used singularly.

The federal legislation pertaining to sea mammals seems capable of being criticized in light of the above evidence. The UFA does not wish to see sea mammals go the way of the buffalo, nor do we wish to place ourselves or our biologist within the restraints of a general law that fails to acknowledge proper logical quantifiers. It is quite correct to offer the proposition that *some* sea mammals need protection; it is quite another matter to argue that *all* sea mammals need protection. There simply is no evidence that beluga are threatened, while there is evidence that indicates that the beluga is a significant sockeye predator. If and when it is demonstrated that the beluga is threatened the UFA will, I am sure, be willing to joint the efforts of those who wish to preserve the species.

Currently the beluga enjoys the protection of neglect. There is the occasional harvest of the Indian and the Eskimo for subsistence purposes. If a predator control program were initiated, it could likely be paid for out of receipts for the sale of the animal for food. We are informed that beluga meat brings a price comparable to that of beef in the northern villages.

We have addressed ourselves specifically to the predator/prey relationship of beluga and sockeye. It is likely, however, that some of the points raised in this paper pertain to other sea mammals as well. We strongly suspect that knowledge is generally lacking on the predator role of seal and sea lion. Again, let us say we are not opposed to the protection endangered species; we favor and strongly support such programs; but we await the evidence that this is, in fact, the case with beluga.

Thank you very much.

Mr. STEVENS. In closing, I ask unanimous consent to have printed in the RECORD a letter I recently received from L. Keith Miller, associate professor of zoophysiology at the University of Alaska. This letter well indicates the views of many State biologists on Section 109.

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

UNIVERSITY OF ALASKA,
College, Alaska, June 30, 1972.

Senator ERNEST F. HOLLINGS,
Senate Commerce Committee,
Washington, D.C.

DEAR SENATOR HOLLINGS: I understand that you are still soliciting last minute comments from marine mammalogists and people concerned with the future of marine mammals with respect to S. 2871.

I have been actively engaged in research on harbor seals, and more recently the beluga whale, in northern waters and have been involved in a number of field studies with marine mammals over the past ten years.

The proposed Marine Mammal Protection Act, although undoubtedly designed and promoted by well meaning individuals, represents to me a great lack of understanding concerning the overall status of marine mammal populations and their biology (including ecological relationships).

The coastal waters of Alaska and contiguous waters of the north Pacific, Bering Sea and Arctic Oceans support, as you well know, some of the world's largest populations of marine mammals. The Eskimos have successfully utilized a number of species of hair seals, the walrus, and a few polar bears and whales for many centuries without effecting the populations involved.

The over-exploitation of the sea otter, the fur seal and some of the great whales in the nineteenth and early twentieth centuries was a deplorable manifestation of greed and ignorance. However, the proposed total moratorium on the *use* of marine mammals is a prime example of emotional over-reaction and "overkill". It is unnecessary and will, in fact, undoubtedly be eventually harmful to the marine mammals themselves and also to the animals they feed upon. To use a popular phrase, the complete moratorium could drastically effect the ecosystem.

This situation obtains because man, on the one hand, is taking larger and larger quantities of major food sources of the marine mammals, i.e, salmon, herring, etc. (where is the badly needed international control of northern fisheries?), while, if the moratorium goes into effect, he will not be controlling the seal populations.

Certainly we need a moratorium on the taking of many species of great whales, and in fact this is sadly overdue, but to throw all of the marine mammals into the same bill and treat those species that are plentiful with the few that are endangered makes no sense. We have a number of knowledgable, intelligent, concerned people in the field of marine wildlife management at both the federal and state levels who have many lifetimes of accumulated experience in the *management* of the marine mammal resource, and in the past decade these people have done an excellent job.

The sea otter has made a terrific comeback in Alaskan waters, to the point where some areas might already be considered overpopulated from the standpoint of the available food supply. The polar bear, especially with recently increased efforts to cut down on illegal hunting and the (probably unnecessary) elimination of the airplane in any portion of the hunt, is doing fine. Our seal and walrus populations are all excellent, although international regulation of take should be instigated where not present.

Why the need to eliminate all *management* (which obviously must involve controlled hunting) of this *renewable* resource? A 15 year moratorium is so long that most of the people currently involved in state marine mammal management will either be dead or retired by the time the moratorium ends. In fact many will suddenly find their years of accumulated wisdom in marine mammal management suddenly useless if the moratorium becames a reality.

There is no need to remove the coastal marine mammals, notably the sea otter, fur seal, sea lions, harbor seal, etc. from the sphere of state management where these species have been very well cared for. Just the opposite is true—where they can be used as a valuable resource, whether it be for fur or meat, this *managed* utilization plays a valuable role in maintaining these species at proper levels, so that they do not become a danger to themselves or to the animals they prey upon. Let us keep the marine mammals in balanced perspective utilizing, *through proper management*, those species which are abundant, and protecting those species that have become truly endangered *due to lack of management*, but only until they have again increased their numbers to the point where they require control.

I urge that S. 2871 not be passed in its present form and that a substitute bill be proposed that will allow state management of coastal species and national or international *management* of all species.

Sincerely,

L. KEITH MILLER,
Associate Professor of Zoophysiology.

Mr. STEVENS. Mr. President, I have opposed sections of this bill which do not grant complete exemptions to Alaska Natives and which override State laws within State jurisdictions. It is most important that State fish and game laws govern fish and game resources within State jurisdiction unless the Federal Government makes an affirmative finding on a rational basis that a particular species is endangered.

Mr. President, I opposed this bill primarily because of two portions of it.

In the first instance, it deals with the Alaskan Native people who are the primary beneficiaries of the present system that does permit the harvesting of ocean mammals in our State.

As to those Natives, I should state that they seek a complete exemption from the act. The act does have a qualified exemption which has been worked out through the cooperation of the Senator from South Carolina (Mr. HOLLINGS), and we are grateful to him for his consideration in that regard.

The second provision I opposed is section 109 which deals with the area of State law and the protection of State law within the jurisdiction of the States. This deals primarily with the same subject that was covered by S. 1232, a bill introduced in the last Congress by a number of distinguished Senators, and was passed by the Senate. Basically, this proposal is that the States must have the right to regulate and manage the fish and wildlife resources within their borders. That means to us out to the 3-mile limit, not just to the shores of the land. I have an amendment to offer in that regard which would eliminate my opposition to the bill with regard to State laws, if it is adopted.

Basically, I think the Senate should keep in mind that with regard to this bill we are primarily dealing with the

State of Alaska. There are ocean mammals in other portions of the United States, off our shores, but Alaska has 65 percent of the Outer Continental Shelf and almost 50 percent of the coastline of the United States. I would venture to say that at least 70 percent of the ocean mammals that are covered by this bill are within the waters off our State.

Alaskans have a strong history of conservation of our ocean mammals. It is a good one. Contrary to the articles we have read and the television programs we have seen, Alaska does not kill baby seals. Alaska has a very fine Department of Fish and Game. To refresh the memory of those who were here at the time Alaska received statehood, Congress provided that the State of Alaska could not have jurisdiction over its fish and wildlife resources until the Secretary of the Interior had certified that the State had established such a department and was capable of managing these resources.

That certification was made in 1960, and since that time we have restored our salmon runs and we have restored the otter to the American scene. That species of animal is now restored in Alaska waters to the extent that we are now exporting otters to other portions of the country. We have a very fine management program, based upon scientific principles, conducted by men who have spent their lifetimes in the study of the scientific habitat and the scientific aspects of ocean mammals.

I feel that in the consideration of this bill we should keep in mind the fact that ocean mammals are just part of the ocean ecosystem. We now have in the North Pacific the largest fishery in the world. Last year, for example, foreign fishermen took a billion pounds of one species of fish alone out of our waters.

This bill, if amended as suggested by some of our Members, would completely stop any scientific attempts at the management of ocean mammals is concerned, at a time when the fisheries resources are being reduced, and, to some extent, depleted. We want a total management of the marine ecosystem on a scientific basis. That is the principle for which we will argue here today.

Mr. President, I reserve the remainder of my time, unless my colleague or the Senator from Oklahoma (Mr. HARRIS) would like to make a statement at this time.

Mr. HARRIS. Mr. President, will the Senator yield me 5 minutes?

Mr. STEVENS. I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I believe that this bill, as reported by the committee, despite some attractive features and the diligent effort by the committee which went into its development, is fatally deficient in several respects.

I think it is fatally deficient in that it allows the continued incidental killing of dolphins even after the initial 2-year transition period. It is fatally deficient in that it does not provide for a firm, 5-year moratorium on the killing of other ocean mammals. I will offer an amendment, cosponsored by a number of Senators, in regard to porpoises or dolphins.

I will join the distinguished Senator from New Jersey (Mr. WILLIAMS) who will offer an amendment to correct the deficiency in regard to a firm, 5-year moratorium on other ocean mammals.

The bill is also totally deficient in that it provides for the continuation of subsidization of a private company, the Fouke Fur Co., of South Carolina, for the killing of seals in the Pribilof Islands, a killing that ought to be stopped.

Finally, the bill is fatally deficient, I believe, in that it provides for administration by the Secretary of Commerce rather than by the Secretary of the Interior. An amendment will be offered principally by the distinguished Senator from Michigan (Mr. HART) in regard to that.

I hope, Mr. President, that we may further improve this bill and protect these great ocean mammals, and this will be the aim of my efforts here and the efforts of other Senators in offering amendments.

Mr. COTTON. Mr. President, as the ranking Republican member on our Committee on Commerce, I should like to make a few brief observations concerning the bill, S. 2871—the proposed Marine Mammal Protection Act of 1972.

On the other side of the aisle this bill is being managed by the able and distinguished Senator from South Carolina (Mr. HOLLINGS) who is the chairman of our Subcommittee on Oceans and Atmosphere; and on this side of the aisle by the distinguished Senator from Alaska (Mr. STEVENS), who is the senior Republican member of that subcommittee.

Mr. President, both the distinguished Senator from South Carolina (Mr. HOLLINGS) and the able Senator from Alaska (Mr. STEVENS) have put in long and arduous hours in developing the legislative product, S. 2871, now before this body for its consideration. Their subcommittee conducted very extensive hearings on S. 2871, and similar legislative proposals, including the House-passed bill, H.R. 10420. Not only did they conduct several days of hearings here in Washington, D.C., but at the expense of much time and effort this subcommittee held hearings in Nome and Bethel, Alaska, in order to ascertain first hand the probable impact of this legislation on those of our citizens who have perhaps the most immediate and vital interest in any such legislative measure, the Alaskan Natives. I, therefore, would like, Mr. President, to publicly commend the distinguished Senator from South Carolina (Mr. HOLLINGS) and the able Senator from Alaska (Mr. STEVENS) for their diligence and their dedication in bringing S. 2871 before this body for its consideration.

Now, Mr. President, I am well aware of the fact there are many both within and without this Chamber who are not wholly satisfied with this bill, S. 2871. As a matter of fact, I, myself, filed supplemental views in the committee report—(No. 92-863)—accompanying this bill in which I indicated that I shared the concern of my colleague from Alaska (Mr. STEVENS) that the bill does not do justice to the State fish and wildlife agencies which will be called upon to carry out the bulk of protection and management activities. Perhaps, Mr. President, the dissatisfaction registered by all of the various parties on this controversial—and yes, even at times, emotional—issue, is simply evidence of the merits of the final legislative product now before the Senate.

As a matter of fact, Mr. President, the controversy surrounding this legislation became so bitter at one point that the distinguished senior Republican member of the House Interior and Insular Affairs Committee, JOHN P. SAYLOR, characterized it as being "smothered by a type of gutter-sniping journalism," prompting him to insert in the CONGRESSIONAL RECORD under date of June 7 certain materials in an attempt to restore some degree of rationality to its consideration. I, too, would hope, Mr. President, that rational consideration not emotionalism will be afforded the consideration of S. 2871.

Mr. President, the heart of the issue at hand is well stated in the following manner in the committee report:

> The basic issue before the Committee was whether to ban outright the killing of any marine mammal under the jurisdiction of the United States, or whether the government should continue to allow supervised and restricted taking of certain mammals. No doubt, a sizeable segment of public opinion in the United States opposes the indiscriminate slaughter of marine mammals. But a strong body of evidence was presented to the committee that total and complete protection without scientific management is not necessarily the best answer to solving the problems of marine mammals. *The committee has determined that the best answer to questions on the conservation of marine mammals must be the application of scientific principles and knowledge separately for each species of marine mammals.*" (Emphasis supplied.) (Senate Report No. 92-863, page 5.)

Mr. President, along the same line of thought I would like to note the following from a letter of August 4, 1971, from Lee M. Talbot, senior scientist on the Council on Environmental Quality to the President of the Wildlife Management Institute:

> As an ecologist, I am particularly concerned over the principle of substituting protection for scientific management. Scientific management of a species may require protection at some time as one of its methods, but it also must rely on various other types of actions.

Again, Dr. G. Carleton Ray, program director of the Marine Mammal Council, which directs the U.S. International Biological Programs' Marine Mammal Program through financial support from the National Science Foundation, made the following observation concerning those who would urge a total moratorium on the taking of marine mammals:

> A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future.

Mr. President, in conclusion I would simply urge my colleagues in the Senate to be mindful of the danger inherent in substituting protection or a total mora-

torium for the more rational approach through scientific management of species as they may require protection. Otherwise, I deeply and sincerely fear, Mr. President, that we may be throwing the proverbial baby out with the bath water.

I, therefore, respectfully commend to the favorable consideration of my colleagues in the Senate the bill, S. 2871, as reported by our Committee on Commerce, and urge its favorable consideration.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes. I do not expect to use it all. I want to open with brief introductory remarks. There is no question that we need some control of marine mammals in this country and throughout the world. We must husband our resources so that they can be useful to us for a long time. Unfortunately, there has been an injustice which has occurred. It seems that many times when we want to change the water, we wind up throwing out the baby. That is what has occurred as a result of our lack of knowledge in this area. I am happy to see that money is being authorized to study this problem so that we can acquire some knowledge with respect to sea mammals.

However, some of the actions which have occurred and their impact on Alaska can or could be disastrous.

I would hope that my colleagues here, who certainly are aware of the problems as they affect their own States, would listen with an open ear to the problems as they affect Alaska. It is not the intent of anyone to place mammals above human beings but this could actually be the fact of what would result with legislation entered into with the best of intentions, where the impact would be deleterious to the people themselves. We can always come back with the knowledge acquired from the studies made and legislate precisely and more intelligently.

I oppose aspects of this bill because I believe we are putting the cart before the horse. We must equip ourselves so that we can legislate more precisely and intelligently on this matter.

Mr. President, I believe I have used just about 2 minutes and I reserve the remainder of my time so that I may address myself more pointedly to specific amendments that will be coming before the Senate.

Mr. INOUYE. Mr. President, will the manager of the bill yield for a question?

Mr. HOLLINGS. I am glad to yield to the Senator from Hawaii.

Mr. INOUYE. I should like to know if the laws of the State of Alaska permit the killing of baby seals. I have seen pictures in Life magazine and documentaries on television.

Mr. HOLLINGS. No. That is not permitted under the laws of Alaska. What the Senator was seeing is the harp or hair seal being taken by Canadians and Norwegians on the Gulf of St. Lawrence. The Senator from Alaska (Mr. STEVENS) can answer that better than I can.

Mr. STEVENS. The Senator is correct. The killing of seals on the Pribilof Islands is governed by international treaty. Those seals have been harvested for years in compliance with that treaty. They are 3-year-old males. We do not kill females. We do not kill baby seals. The young males are killed when they return to the islands. This maintains the balance. Almost all scientists today say that the fur seal herd is in good shape—in very good condition.

Mr. GRAVEL. May I ask my colleague from Alaska, does he have any new figures on that? At the turn of the century, the herd was around 100,000 and today I believe the herd is over 1,250,000. So that the management of this resource has been very productive from the point of view of the seal herd.

Mr. INOUYE. Am I correct, then, that the impression given by these pictures was false regarding the baby seals? They were not being killed in Alaska?

Mr. HOLLINGS. Exactly right. Those were the harp or hair seals. To remove any doubt of the controversy, in this bill, S. 2871, on page 34, we have a prohibiting section which absolutely bans the taking of any seal which is pregnant near term at the time of taking, or less than 8 months old, whichever occurs later.

Those pictures refer to the harp or hair seal. We had quite a flurry of objections received from businesses in New York regarding the total ban and embargo on that, that it would put them out of business. I do not want to mislead anyone. This is a complete prohibition against the killing of baby seals.

I have seen the pictures in Life magazine and in the newspapers.

Mr. INOUYE. Will the Senator yield for another question?

Mr. HOLLINGS. I yield.

Mr. INOUYE. I have seen pictures in magazines. In fact, I have viewed a documentary where men in aircraft were shown killing polar bears. Do the laws of Alaska permit the killing of polar bears from airplanes?

Mr. HOLLINGS. No, sir. The laws of Alaska prohibit that. There has been a prohibition for some time. It came out during the hearing record on that particular movie. I think I have seen that movie. It was staged. NBC made it appear that a routine tagging operation, wherein the female bear was drugged, actually was a shooting. It was completely staged. The Senator from Alaska can give you his view.

Mr. GRAVEL. It is against the law.

Mr. INOUYE. Is the Senator trying to advise the Senate, then, that that documentary was a fraud?

Mr. HOLLINGS. Yes, on that particular scene.

Mr. CRANSTON. Mr. President, I urge support for a series of amendments to be offered to the Marine Mammal Protection Act of 1972, S. 2871. I am convinced that only by strengthening certain key provisions in the bill can we effectively protect our marine mammals, many of which are in danger of being extinguished as creatures of the earth. Because I feel that the committee bill can—in the interests of all concerned—be strengthened, I am a cosponsor of five printed amendments. I understand that there is serious disagreement over several of these amendments and that others are in the process of being modified in order to eliminate the opposition to them. My interest is now, as it has been, in supporting reasonable strengthening amendments, and I hope that wherever possible, agreements can be reached that will satisfy opponents without compromising on the overall purpose of the bill: To protect marine mammals.

For too long we have exploited the creatures of the sea as though they were an unlimited resource. We have exploited them cruelly and relentlessly. I have been dismayed over the annual harrassment of the fur seals, and the brutality of the procedures used in the hunts in the St. Lawrence River and the Pribilof Islands. White-coated harp seal pups as little as 3 weeks old are brutally clubbed to death for their soft, supple skins. In 1970, it is estimated that 245,000 of the 300,000 harp sea pups born in the Lawrentian Island were slaughtered. How long can this practice continue before the harp seal joins the ranks of those irreplaceable wildlife species in danger of extinction? And the United States is one of the major importers of harp seal skins.

Three species of dolphins are now threatened with extinction, largely because of methods used by fishermen of the yellowfin tuna. Dolphins swim with the tuna because of the close biological affinity between the species. Only the dolphins, being air-breathing mammals, of necessity swim closer to the surface. This is a great help to the tuna fishermen and has been responsible for significantly increasing their harvest. When a tuna vessel sights a school of dolphins, it will follow them closely in order to ascertain whether a school of tuna is swimming with them. If so, the nets are spread and the harvest begins. Unfortunately, the dolphins are often taken inadvertently in the nets along with the tuna, where they are trapped and drowned. It is estimated that 250,000 dolphins are thus killed each year by U.S. fishermen.

In addition, most species of whales, the polar bear, and the manatee are also close to extinction. Mr. President, no advanced technology can ever replace an extinct species. These unique, intelligent, highly-evolved mammals form an important link in the chain of life, the intricacies of which we are only beginning to understand and appreciate.

The survival of man himself may ultimately depend on the survival of a diversity of flora and fauna. Realizing the multiplicity of ways in which species are interconnected with other life forms in the ecosystem leads to the conclusion that we may be risking a great deal if we permit a single species to disappear. Each species, in the words of one scientist, is an "irreplaceable genetic reservoir." If we fail to maintain our fish and wildlife as viable life forms, then we will close the door on the possibility of restoring the natural and complex ecosystems which future knowledge may dictate as essential for human survival.

The legislation before us today represents what may well be the last chance for adequate protection of our marine mammals; a last chance to legally halt the slaughter, suffering, and eventual extinction of these marvelous creatures of the sea. When we wait for a species to

become so depleted as to qualify it for the endangered list before we take legislative action to protect it, it is simply too late. The marine mammal population is, by and large, rapidly decreasing. The time to afford protection is now. We must act unselfishly and with foresight; after all, marine mammals are held in trust by all peoples of the world. Protection of them benefits all of mankind and assures the retention of a vital link in the total world ecosystem.

As a Senator from the greatest tuna-fishing State in the Union, I would like to comment briefly on some misunderstandings that have arisen with respect to certain of the amendments being offered today. And I want to establish for the record, Mr. President, that neither this legislation nor the amendments being offered are intended to in any way harass the domestic tuna fishing industry. The tuna fishing industry is to be commended for the vital part it has been playing and is continuing to play in developing new techniques of harvesting tuna—techniques that will dramatically reduce the "incidental kill" of dolphins. One such device is the "medina" escape hatch which can reduce mortality to around 10 percent. It is expected that further research and development will lead to new techniques to reduce the mortality level even further. I am glad that S. 2871 provides Government funding and assistance for this further research and development. It is only fair that the Government do everything possible to assist the tuna industry in complying with the requirements of S. 2871.

One of the amendments which I cosponsored with Senators WILLIAMS and HARRIS would increase the penalty provision to include vessel seizure as well as forfeiture of the cargo. I have received numerous calls and telegrams protesting this amendment on the grounds that no bank will finance the construction of new tuna boats—which cost somewhere in the neighborhood of $2 million per boat—when the boat may at any time be seized for alleged violation of this proposed new law. This is a complete misunderstanding. The amendment and the legislative history of this bill makes it absolutely clear that a vessel will be forfeited only in the event of a conviction. Until that time, title remains with the owner.

I want to make it clear that the amendment providing for vessel forfeiture, which I am cosponsoring, does not, in any way, mandate that the vessel shall be seized even when a conviction is reached. The amendment merely raises the penalties for violation of the act—penalties which would be imposed by a judge based, presumably, on the individual case. Surely, a judge would not suggest vessel forfeiture for a first offense, and certainly not for a tuna fisherman who has inadvertently taken too many dolphins in a tuna net.

The way I read this amendment when I decided to cosponsor it, was that it provided a stricter penalty for violations of the act which could deter certain semilegitimate operators from continuing to take marine mammals for profit. Seen in this way, I am convinced that such an amendment will not be harmful to the domestic tuna industry.

I would also like to point out that the so-called reward provision included in one of these amendments has been modified to make it clear that the reward will be granted only for information which leads to a conviction. This is an important clarification and should help to ease the fears of the tuna industry that they might have been subject to constant harassment by individuals seeking the reward. That kind of harassment is completely at odds with the intent of this bill—which is protecting ocean mammals.

As an example of the great need for the adoption of these amendments and congressional enaction of strong ocean mammal protective legislation, let us consider the plight of the whales.

The decade of the 1970's may see the end of the world's whales and with it the industry which brought them to the brink of extinction. There is no mystery associated with the whale's demise: man is solely and totally responsible.

Our conquest of whales probably began with the bone and horn weapons of Stone Age savages. An Eskimo whale hunting settlement has been dated back to the second century A.D. European records begin with whaling enterprises in Norway and Flanders during the ninth century. At its height, the whaling industry annually slaughtered tens of thousands of these largest of all animals.

As the whales most susceptible to capture by the older techniques declined, newer methods such as the harpoon gun and the steam whaling ship made easier prey of the larger and faster whales. Today's helicopters, sonar devices, and factory ships have perfected the deadly efficiency of the whaler of the 1970's. So it is that man's technology has brought him to the zenith of whale-hunting perfection, only to find that the world has run out of whales. We are about to close another sad chapter of man's continuing folly of treating a limited resource as if it were unlimited.

The last decade tells the story. In the Antarctic summer of 1958–59, 20 factory ships and 235 catcher ships took 15,300 blue whale units. Ten years later in the summer of 1968–69, there were but six factory ships with 85 catchers taking 2,469 blue whale units. Where once all the seafaring nations of the world pursued the whale on the high seas, today only Japan and the Soviet Union still maintain the 12 remaining factory ships, each nation with three in the Antarctic and three in the North Pacific. Norway has one combined catcher-factory vessel.

The various right whales, once the prize of whaling enterprises, have been commercially extinct for decades. In more recent years the blue whale, the largest animal our world has ever produced, and the humpback whale have been practically exterminated. The Pacific grey whale, which annually migrates along the shores of California, has in recent years rallied in its fight for survival, but only because it is now protected.

Today the whaling nations who are members or supporters of the International Commission on Whaling have generally agreed to take only three whales commercially. Two are baleens, the fin and the sei, and on both the I.C.W. has promulgated annual quotas. The other whale being taken today is the sperm whale, and on it there is no present quota.

Dr. J. L. McHugh, the U.S. Commissioner on the International Commission on Whaling, in 1970 estimated the population of fin whales at 100,000, sei whales at 115,000 and sperm whales at 500,000. If other estimates differ, it is because of the exotic mathematics of cetacean demography. Various formulae have been developed using such factors as estimated natural mortality, estimated rates of reproduction, relationship of catch to unit of effort, number of sightings, and the ratio of males to females.

Another complication is that the traditional method of determining a whale's age has recently been found to be in error. A baleen whale's age is determined by the layers of wax in his ears. It has been assumed that two layers were laid down in the whale's earplug each year. Thus the whale's age could be determined by counting the earplug lamination and dividing by two.

A program of whale tagging during the last decade led whale demographers to question the two lamination per year rule. Discrepancies appeared between the number of laminations and the period of years between marking and recovery. In 1967 a new study indicated that one lamination, not two, was laid down each year.

Thus, a whale was approximately twice as old as scientists had previously advised us.

Consequently, all of the previously collected data about baleen whale population dynamics is in the process of reanalysis.

The end result of these complex mathematics is the sustainable yield, in other words, the number of whales which can be killed "safely," without endangering the total whale population.

But all the formulae and all the intensive theorizing have not saved the whales.

Whalers now hunt only the fin, the sei, and the sperm, not because it is "safe" for the whales, but because they are all that is left. To continue present methods of whaling among these three remaining species is surely to doom them, no matter how scientifically sophisticated are the estimates of sustainable yield.

Marine mammal survival is a difficult problem. We know too little about marine mammals and marine mammal ecology. We know too little about the oceans' total ecosystem. We know too little about the effects our pollution of air and water will have on the ocean and on all its living denizens. We need to know more and to be doing more.

In November of 1970, former Secretary of the Interior Walter J. Hickel stated:

> It is the clear intent of the Endangered Species Conservation Act, which took effect June 3, 1970, that we prevent conditions that lead to extinction.

Speaking directly to the problem of whales, Secretary Hickel went on to say:

It is also clear that if the present rate of commercial exploitation continues unchecked, these three species [the fin, sei and sperm] will become as rare as the other five. We are not going to wait until all these species are on the brink of extinction before we take positive action.

Secretary Hickel then announced a ban on the importation of products from these whales.

I am firmly convinced, Mr. President, that it is time for the Senate to take positive action. We must protect our ocean mammals by strengthening certain key provisions of the bill before us today. It is only by doing so that we may prevent conditions leading to the extinction of these unique animal species.

Mr. HARRIS. Mr. President, there are times when an individual organization and person can make a difference. The reason the Senate is discussing this bill today is that a small number of people understood what we were doing to our national environment and set about to educate the Nation.

Foremost among these organizations was the Committee for Humane Legislation. Alice Harrington and Milton M. Kaufmann for many months have been extremely effective in convincing a large number of congressional offices that this was a piece of legislation which deserved their attention. I would like, therefore, to pay a tribute to their solid, impressive work over the past months.

Tax-exempt organizations which have not lobbied for stronger legislation but which have expressed public support for the strengthening amendments which a number of Senators are introducing today include:

Friends of Animals;
Sierra Club;
Fund for Animals;
National Audubon Society;
Humane Society of the United States; and
World Federation for the Protection of Animals.

I would also like to take the time today to express my appreciation for their expressions of support. These organizations have helped to alert the country to the consequences of man's foolish actions against his own environment.

Mr. TUNNEY. Mr. President, legislation to protect marine mammals is both badly needed and long overdue. I concur with the findings and intent of the legislation before us and will enthusiastically vote for S. 2871, the Marine Mammal Protection Act of 1972.

Unquestionably, legislation is needed to protect marine mammals. Man has for years exploited these animals in his quest for food, for pelts, and for sport. But we have at last realized that, in order for man to survive, he must be willing to modify his behavior to accommodate other species of life which are vital to a smooth continuity of the life cycle of his environment. The ocean mammals are no exception to this basic principle of maintaining an ecological equilibrium and since we have not voluntarily protected them, we must now legislate that protection.

It has already been established that porpoises, dolphins, and whales have highly developed and intricate nervous systems. In some cases their brains are more complex than humans. The sonar capability of the dolphin is considered by scientists to be more sophisticated than the Navy's most advanced systems. The point that needs to be made here, however, is that more research is needed in the fields of zoology, physiology, medicine, public health, and ecology, in order to better understand the importance of these ocean mammals. The alternative is a dangerous ignorance which can lead only to further senseless destruction.

There is also a need for comprehensive studies of the effectiveness of our mammal "management" policies. Years of ill-considered and poorly-coordinated policy actions have had a devastating effect on the marine mammal population; I am pleased that this legislation addresses this important question squarely.

There is an equal need to exert strict control over the marginal "roadside display shows" which exploit the creatures they purport to exhibit. The type of cruelty and carelessness which the Committee has documented is inexcusable, and the restrictions placed on these kinds of operations are both overdue and welcome. Although a number of very reputable and humane oceanaria, including Sea-World and Marineland of the Pacific in California, have expressed reservations regarding some language in the bill, I am assured by the committee staff that these difficulties are being resolved. On the basis of the excellent records of these institutions in the care and handling of their animals, I anticipate little difficulty arising as a result of this bill. Clarification of the term "class" as defined in the bill, along with elaboration on the permit procedure and judicial review system in the conference report and by the Secretary will presumably lay to rest some of the fears that have been articulated by representatives of these organizations.

For the reasons I have outlined, and because I consider this legislation to be a landmark in Congressional recognition of its responsibilities in the field of conservation, I will vote for passage of S. 2871, although, I would now like to address myself separately to the amendments which have been offered.

My staff and I have studied and considered the important amendments to this bill for some weeks. Obviously, the goal to which we are all committed, and which these amendments seek to guarantee, is preservation of all ocean mammals currently threatened by man, which is to say, all ocean mammals. We have been in contact with literally dozens of individuals and organizations concerned with this legislation, including representatives of environmental groups, commercial fishing companies, labor unions, and oceanaria. From the mass of data which has been collected I have attempted to determine the most effective and equitable course to achieve the goal of the legislation as introduced. After long hours of conferences and thought on this issue, I have come to the conclusion that the intent and provisions of the committee version of the bill can be significantly strengthened by adopting several of the excellent amendments which have been submitted by the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), my senior Senator from California (Mr. CRANSTON), and other distinguished colleagues.

Amendment 1276, which will prohibit importation of fish products which have been caught in such a way as to kill ocean mammals, is a reasonable provision since it is designed to protect the domestic fishing industry from unfair foreign competition which might otherwise result from passage of this strict bill. At the same time, the amendment sets a goal of "approaching zero mortality and serious injury" to marine mammals as the result of commercial fishing operations as the national policy in this regard.

There is an obvious and pressing need for an effective penalty to deal with violators of the act; if the goal of the legislation is ever to be realized, tough Federal enforcement provisions will be essential. The so-called cargo forfeiture provision in the committee version of the bill seems to me to be the most equitable means of guaranteeing this. The penalty is commensurate with the offenses itemized in the bill and at the same time provides a strong stimulus to the commercial fishing industry to continue their research in the field of mammal safety and escape. This provision should keep strong pressure on the industry to continue its efforts to develop technology which will allow safer fishing, consistent with the goals of the legislation. This formula seems to me to be tough enough to guarantee the goals, but fair and equitable in light of limitations on existing technology. If, in the future, industry efforts to comply prove unsatisfactory, stronger sanctions might then be appropriate. At present, however, I support the committee version of the bill with respect to penalties, and oppose amendment 1277.

Amendment 1278 provides an absolute ban on the taking of the American portion of the Pribilof seals allocated under the International Convention on the Conservation of North Pacific Fur Seals. In light of testimony gathered by the committee and reports that have received great public notoriety in recent months, I feel that this is an appropriate and humane measure; I will support this amendment.

Amendment 1302 is necessary to insure sane administrative management of the provisions of the bill. I believe it is logical that the policy decisions with regard to ocean mammal population management should be made by the Secretary of the Interior, to whom the Nation has traditionally entrusted the protection of its wildlife, and I will support this amendment.

AMENDMENT NO. 1276

Mr. HARRIS. Mr. President, I call up my amendment No. 1276 now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with; and, without objection, it will be printed in the RECORD.

The text of the amendment is as follows:

On page 29, line 19, immediately after the period, add the following: "In any event the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee of Scientific Advisories on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-calendar-month period. The Secretary shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

Mr. HARRIS. Mr. President, this amendment has to do with the killing of porpoises. I want the Record to show that in addition to myself the amendment is cosponsored by Senators WILLIAMS, CASE, PERCY, STEVENSON, CRANSTON, STAFFORD, TAFT, CHURCH, NELSON, PELL, MCINTYRE, RIBICOFF, BAYH, and HUGHES.

I invite the attention of the Senate to an editorial which was published this very morning in the New York Times entitled "Dolphin Slaughter." It brings to the attention of the Senate very strongly the terrible nature of the unnecessary slaughter going on of thousands and thousands of dolphins which are annually entrapped by tuna fishnets and drowned.

Mr. President I ask unanimous consent to have this editorial printed in the RECORD.

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

[From the New York Times, July 25, 1972]

DOLPHIN SLAUGHTER

The Senate is expected to begin consideration today of a marine mammal protection bill which falls far short of what is required if dolphins and other ocean mammals are to receive the timely help they urgently need. As reported from the Senate Commerce Committee, the bill is weaker than the already unsatisfactory bill passed by the House.

The House approved a five-year moratorium on the commercial killing of marine mammals by United States citizens and on the import of marine mammal products, thus reducing the economic incentive for other countries to kill these animals. Although the House bill contained some exemptions from this moratorium, the Senate version goes even further in permitting exceptions. Far too much discretion is granted to the Commerce and Interior Departments to issue permits and waive restrictions.

The huge nets used by the tuna fishing industry annually entrap tens of thousands of dolphins. Instead of bringing this slaughter gradually to an end, the bill explicitly permits the continued killing of "marine mammals taken incidental to the course of commercial fishing operations."

A bipartisan bloc of eight Senators has prepared five amendments which would strengthen the bill in important ways. Senator Hart of Michigan also seeks to concentrate all authority under the bill in the more conservation-minded Interior Department rather than leaving much of the power with the Commerce Department. The passage of these amendments is essential if the Marine Mammal Protection Act is to be worthy of its name.

Mr. HARRIS. Mr. President, Jacques Cousteau has stated that, during the period of his life-long study of marine life, marine life has declined perhaps 40 percent because of pollution and other man-caused activities.

Mr. President, we all know that the dolphin is one of the most intelligent creatures in the sea. There is no commercial use for dolphins. But they are killed because, oddly enough, they are helpful to tuna fishermen.

It used to be that tuna were caught by long lines and then jerked out of the depths of the ocean. Then in the late fifties the American tuna industry developed what is called a purse seine net.

Mr. President, the fishermen look for schools of dolphins because where the dolphins are found, tuna are also often found. Then, with fast boats, they encircle the dolphins with the purse seine net; dolphins are rapidly carried into the ring of the net. There they become frightened, dive to the bottom, become entangled in the net, and drown.

Not only is that a strange way to repay dolphins for leading tuna fishermen to the tuna, but that kind of continued slaughter of these wonderful sea mammals in the long run will prove to be detrimental to the tuna industry.

What the bill does is to say that for 2 years we can pretty much go along the way we are and then during that time we will be doing research, trying to see if we cannot come up with better ways of catching tuna without this terrible killing of the dolphins.

This is not a satisfactory response.

Mr. President, what amendment 1276 would do is to add a provision on page 29 at the end of line 19. It would say in effect that at the end of the 2-year grace period allowed in the present bill, it is our purpose and the official policy of the Government, as expressed in this bill if the amendment is agreed to, that in any event the incidental killing and the incidental serious injury of marine mammals permitted through commercial fishing operations shall be reduced to an insignificant level approaching zero mortality and serious injury.

That is the goal and the purpose.

Mr. HOLLINGS. Mr. President, if the Senator will yield, I think that the Senator from Oklahoma and I both have the same purpose in mind. I am sure that our staffs have discussed the matter.

In the Senator's amendment No. 1345, he states that "it shall be the immediate goal" and I thought that was language that would make it practical and realistic in stating both the purpose and the goal of the Senator and the committee's purpose and goal. Whether or not it can be done is another question.

In discussing with the Senator and his staff amendment No. 1276, we were concerned about the purpose. One amendment said that in 2 years the take must be reduced to insignificant levels approaching zero mortality. The committee was not willing to accept that. However, I appreciate the goal of the Senator.

Mr. HARRIS. Mr. President, we think that is what we are saying in any event in the pending amendment. I think amendment No. 1276 is already flexible enough when it says "approaching a zero mortality and serious injury rate."

In any event, there is a 2-year period there and if the technology is not developed in that period to reach zero mortality, then the Secretary is not going to be able to carry it out. And Congress will have plenty of time to continue its oversight over this matter.

I would hope that the distinguished manager of the bill might be able to accept the language in the pending amendment, because I believe it provides the kind of flexibility which he desires.

Mr. HOLLINGS. Mr. President, the Senator's amendment No. 1345 is word for word with his amendment No. 1276 save an exception where the Senator states what he has said on the floor. He says that in the amendment. He says in amendment No. 1345, "In any event it shall be the immediate goal." However, the Senator's goal and our goal are the same. However, the lawyers tell us as to whether it can be obtained or not, that in the Commerce and Interior Departments that would be a total ban.

I think we have the same intent. I would be almost prepared to accept the Senator's amendment No. 1345. He says that both amendments have the same purpose.

Mr. HARRIS. Mr. President, I am reassured by what the Senator has said—particularly because the Senator has stated—as manager of the bill—that this will now be a part of the legislative history on this amendment.

Mr. HOLLINGS. The Senator is correct.

Mr. HARRIS. It would be the Senator's interpretation, as I take it, that if we said that it is our immediate goal to do so, that it would be binding upon the Secretary of Commerce to use every effort he could for the development of the technology and also by enforcement power and so forth so as to move us as rapidly as possible toward approaching a zero mortality rate and serious injury rate.

Mr. HOLLINGS. Mr. President, that is exactly the intent. We differ with the New York Times editorial. We think the Senate bill is far superior. We tie and bind him as to how he can do it. With regard to the Marine Mammal Commission, we provide that he must have consultation with a scientific board, the National Science Foundation, and all the rest.

We had hearings with the public informed and everything else. And if we knew how to legislate it so that there

would be no taking of porpoises, we would legislate it. But we know that the porpoises are out in the South Pacific off the South American coast where the yellow fin tuna is caught and where 75 percent of the tuna is caught by the American fleet.

If we put the total in, they would go in there and all the good work and everything done by the Inter-American Tuna Fishing Association would go down the drain. These fellows take the fish and the vessels, make sure of that. There is no other way of enforcing this. We have real stringent enforcement measures. We did not want to give the Secretary too much elbow room. We want to make sure that he is conservation minded. We know that one minute he might be doing this and the next minute he might be collecting funds for the campaign for President. We want to tie him down.

Mr. HARRIS. I want to end his campaign funding activities too. However, I do not think we can make that germane to the bill. The balance of the amendment is equally important, if the Senator can accept it and I take it he can. First of all, there is a requirement in the amendment calling for detailed estimates to be prepared on the numbers of dolphins taken with existing and new technology. The Secretary would prepare these for public dissemination.

As the Senator knows, we are not as well informed on this as we ought to be, at least not with respect to the killings or injuries.

Mr. HOLLINGS. Mr. President, we would be prepared to accept the Senator's language on that.

Mr. HARRIS. Mr. President, I appreciate that. Second, with regard to the ban on the importation of fishing products which do not meet our standards, we ought not to allow fisheries or fishermen of other countries to take advantage of their weather restrictions in this regard.

I believe this is a very important part of this amendment, if the Secretary can say to other countries that if they do not abide at least by our standards, we will not allow them to bring these products into our country. And they will have to show affirmatively that they are abiding by standards that are at least as strict as ours.

Can the Senator accept that portion of the amendment as well?

Mr. HOLLINGS. We can accept that portion of the amendment.

Mr. HARRIS. Mr. President, I ask that the pending amendment be withdrawn and that in its place there be substituted Amendment No. 1345, which is in line with the colloquy just had.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator has the right to make that request. The clerk will report the amendment.

The legislative clerk read as follows:

On page 29, line 19, immediately after the period, add the following: "In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations goal shall be reduced to insignificant levels approaching a zero mortality and serious injury rate. The Secretary shall request the Committee on Scientific Advisories on Marine Mammals to prepare for public dissemination detailed estimates of the numbers of mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required subsequent to such twenty-four-calendar-month period. The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing technology which results in the incidental kill or incidental serious injury of ocean mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the commercial fishing technology in use for products exported by such nation to the United States.".

Mr. HARRIS. Mr. President, I thank the distinguished manager of the bill for his statements and for his willingness to accept the amendment not only in its letter but also in its spirit as has been confirmed here on the floor today.

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

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as manager of the bill and after consultation with the Senator from Alaska (Mr. STEVENS), who has worked diligently with this particular provision—and I understand that the overall objection comes from Alaska and we have tried to guide this thing along and make it a realistic provision—we are willing to accept the amendment.

Mr. STEVENS. The Senator is correct. We are willing to accept the amendment.

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

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1345 of the Senator from Oklahoma. [Putting the question.]

The amendment was agreed to.

Mr. MATHIAS. Mr. President, it is a somber reflection of the estranged soul of man that it is necessary for this Government to enact a law prohibiting the cruel, unwarranted slaughter of any of God's creatures. Yet, we approach that duty today because we see that citizens of this Nation continue to condone, and even encourage, the mass destruction of ocean mammals. In its most blatant form, this conscious act of extermination continues because certain entrepreneurs know that there is money to be made in the selling of seal skins to persons who enjoy wearing expensive ornamental accoutrements. To supply this mercantile market, as many as 2,500 seals may be clubbed and skinned in a single day's outing on the northern Pacific Pribiloff Islands. At the same time the delicate ecological balance among the species has been seriously impaired. The harbor seal population has declined by four-fifths of its number, the blue whale by one-hundredth of its number, and the polar bear is almost extinct.

The brutality that is currently perpetrated against the mammals of the ocean is a rank violation of the covenant of preservation which exists between man and his surrounding world, his total environment. We have lately rediscovered that covenant because it has become apparent that, through our careless abrogation of this law of nature, we have allowed our land, our water, and our air to be poisoned. It is quite possible that had we been more aware of this natural responsibility in the past, we would not be so endangered at present by pervasive pollution.

That covenant and natural responsibility, however, exists fundamentally upon a moral basis, and it extends to all things and all living creatures. We step beyond our natural bounds if we kill for any other reason than to protect ourselves and to provide our sustenance.

This bill presents a challenge to all of us to preserve an essential part of our environment, a segment of the animal kingdom that is steadily disappearing. I urge Senators to act promptly and favorably in support of this legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS. Mr. President, I call up amendment No. 1274.

The PRESIDING OFFICER. The clerk will report amendment No. 1274.

The legislative clerk proceeded to state the amendment.

Mr. WILLIAMS. 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 the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 29, beginning with line 20, strike out all through line 23 and insert in lieu thereof the following:

"(3)(A)(i) On the date of expiration of the five-calendar-year period following the effective date of this Act, and at the end of each subsequent twenty-four-calendar-month period following such date of expiration, the Secretary is authorized and directed, on the basis of the best scientific evidence available and public recommendations from the Marine Mammal Commission, and having due regard to the dis-".

On page 30, line 1, immediately after "determine" insert a comma and the following: "subject to the provisions of subparagraph (ii) of this paragraph,".

On page 30, between lines 21 and 22, insert the following:

"(ii) Each determination by the Secretary pursuant to subparagraph (i) of this paragraph to waive the requirements of this section shall be published in the Federal Register and transmitted to the Congress. Such determination shall become effective upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date of such publication and transmittal, unless during such period there is passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve such waiver, in which case such waiver shall be considered void and of no effect. For the purposes of this subparagraph, in the computation of the ninety-day period, there shall be excluded the days on which either the Senate or House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.".

Mr. WILLIAMS. Mr. President, I have called up amendment No. 1274 on behalf of myself and Senators CHURCH, NELSON, MCINTYRE, RIBICOFF, BAYH and HUGHES, as cosponsors of the amendment.

The PRESIDING OFFICER. The time

on the amendment is 30 minutes to each side.

Mr. WILLIAMS. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. WILLIAMS. Mr. President, let me say at the outset how deeply appreciative I am to the distinguished floor manager of the bill for his efforts in expediting consideration of this important legislation.

The Senator from South Carolina (Mr. HOLLINGS) has taken upon himself a most difficult task in a most controversial area of national concern.

He has held indepth hearings on the many complex aspects inherent in this legislation and I know that he has an abiding interest in assuring that our ocean mammals are well protected.

While we may disagree in our approach we are in complete agreement in our objective.

As reported by the Commerce Committee, S. 2871 purports to contain a 15-year moratorium on the taking and importation of marine mammals.

However, one exception to the moratorium would permit the Secretary of the Interior or the Administrator of the National Oceanic and Atmospheric Administration to waive the requirements of the moratorium, and to issue permits for the taking and importation of marine mammals.

This exception could completely nullify the moratorium.

In S. 2871, as originally introduced, it was my intention to protect ocean mammals for a period of 10 years with a moratorium which would enable them to rebuild population stocks and to permit the scientific community to gain a greater understanding of their characteristics for the purpose of maintaining a maximum variety and optimum number of ocean mammals.

After this moratorium of 10 years, it was my view that scientific wildlife management techniques could then be applied and those responsible for running the program would be authorized, based on a solid foundation of scientific knowledge, to issue permits for the taking of marine mammals after notice and opportunity for public hearings.

The committee report recognized the need to place a moratorium on the taking of marine mammals.

Based on its own extensive hearings the committee agreed to provide for a 15-year moratorium on the taking of marine mammals for commercial purposes.

The committee report recommended a moratorium for the following reasons: I quote excerpts from the report:

> Many of the great whales . . . have dwindled to extinction;
>
> As many as 100,000 to 300,000 porpoises may have been killed in U.S. tuna fishing operations (last year);
>
> The Canadian Committee on Seals and Sealing concluded that between 1950 and 1970 the stock of harp seals has been cut in half and that the trend toward decrease is continuing and recommended a moratorium;
>
> Attempts have been made to begin sport hunting of walrus;
>
> (Polar bears) are . . . considered closest to endangerment . . .;
>
> Southern sea otter faces definite threat to its health and safety from pollutants and increasing small craft traffic . . .;
>
> No more than 1,000 (manatee) in U.S. . . . jeopardized by development, pollution, and watercraft . . .;
>
> The U.S. needs increased knowledge of the distribution range, numbers and biology of marine mammals in low abundance . . .

These definitive and shocking findings which demand the immediate enactment of a moratorium are inconsistent with the bill as reported by the committee.

The bill provides for permits to be issued within 30 days of the signing of this legislation into law.

Recognizing the urgent need for marine mammal protection, it is inconceivable how we could provide for a permit program without a strong moratorium on most mammal killing and importing. Although the committee's version creates seemingly extensive procedures before a permit could be granted, we all know that commercial interests have a propensity to easily maneuver through the bureaucracy, and we know that the redtape can be cut if the program administrators wish.

Amendment No. 1274 will in effect restore the moratorium by assuring that during the first 5 years following enactment, permits may be issued only in the following cases:

First. For the importation or taking for purposes of scientific research and public display;

Second. The taking of marine mammals for 2 years incidental to the commercial fishing operations;

Third. Taking by Indians, Aleuts, and Eskimos for specific Native purposes.

Subsequent to the initial 5-year period and at the end of each 24-month period thereafter, the Secretary, in consultation with the Marine Mammal Commission and based upon the best scientific evidence available, may waive these requirements and issue permits for taking and importation.

However, each such determination must be published in the Federal Register and transmitted to the Congress and will become effective only upon the expiration of a period of 90 calendar days of continuous session of Congress unless either the Senate or House of Representatives passes a resolution disapproving the waiver. In this case the waiver would become void.

I believe that this amendment provides a sound approach to the scientific management of all species of marine mammals while at the same time providing maximum protection.

Although the committee's version of S. 2871 calls for a 15-year moratorium on the killing of ocean mammals, that moratorium is meaningless if a permit for killing certain marine mammals can be issued within 30 days of enactment.

Additionally, the judicial review called for in the bill would create an unreasonable burden for environmentalists who have legitimate reasons for objections to specific permits.

Litigation before the district court is expensive, time-consuming and the burden of proof in these cases would fall upon the environmentalist rather than the permit applicant seeking to slaughter the mammals.

Furthermore, because Congress intends to provide time for an accumulation of research on ocean mammals and an opportunity for the unhampered development of ocean mammal breeding stocks, it is inappropriate to provide for a permit program regulation taking until after the expiration of a reasonable moratorium period.

The Commerce Department has a less than responsive record on environmental protection at the expense of large private industry. The Department of Commerce sponsored "research" programs on whales, later placed on the endangered species list, was performed aboard the factory ships of a commercial whaling company.

Several hundred endangered whales were killed and "studied" in this way before being made into cat food and certain other products.

It seems foolhardy to permit this Department to issue permits under a moratorium which they oppose in the first place.

Mr. President, in recent years, millions of Americans have become more aware of the degradation of our environment and the potential for disaster to man and other mammals.

Industrial society has fouled the aid and stagnated large areas of our seas.

Extensive industrial agricultural land runoffs have poisoned rural streams and we are becoming increasingly aware of the havoc that man is reaping on his environment and the animals who inhabit the earth.

In response to public demands the Congress has taken major steps to improve the human environment in many areas.

We are attempting to control ocean dumping and other discharges into natural waters and the atmosphere.

We seek to have automobiles and other equipment of our industrial society designed for the goal of zero emissions.

The American people are recycling bottles and cans and paper and other products.

Some resources are renewable and can be recycled for the use of man to raise his standard of living and the quality of his life.

Some animals, in fact, can be bred for harvest and the most desirable characteristics of the species preserved and enhanced. Shellfish and fish such as trout and bass are easily reproduced under artificial, controlled environmental conditions for the replenishment of man's food supply.

Many questions can be answered if the different mammals remain in a stable population, enabled to propagate.

Mr. President, it was reported in June of this year to the American Society of Mammalogists that—

> Research programs on life history in general, life habits and behavior, population dynamics, abundance, seasonal distribution, and the effect of environmental pollution and disturbance on marine mammals are less than adequate . . .

Let us buy time with a 5-year moratorium on the commercial exploitation of ocean mammals before we completely

and irreparably eliminate them from our evironment.

Funding for research and study of these mammals has been inadequate to complete our understanding of their function and role in the ecosystem.

Weather conditions hamper study of marine mammals, and seriously depleted stocks of mammals lengthen the time needed for honest scientific investigation.

For the sake of environmental protection, Congress should enable the scientist to observe the polar bear before it becomes the trophy of a hunter and the whale before it is processed into cat food.

Whales are being shot, bombed, harpooned, netted, and polluted to extinction by man. Eight species of whales are on our endangered species list and the list threatens to grow before we understand the place of the whale in the ecosystem.

In a November 1970 letter to former Secretary of the Interior Hickel, then Secretary of Commerce Stans said:

> Information available to us indicates that while certain species of whales may be classified as "endangered" the fin, sei, and sperm whales are not among them.
>
> Scientists presented figures to the International Whaling Commission (IWC) meeting in June 1970 which indicate that regulations established through the IWC in both the North Pacific and Antarctic Maintain catches of fin and sei whales at or below the level of maximum sustainable yield.
>
> They should, therefore, check any further decline in the size of fin and sei whale stocks.

I have referred to this important letter to indicate the inherent dangers of authorizing the bureaucracy to issue permits for the taking of scarce animals.

Despite evidence indicating a serious depletion of fin, sei, and sperm whales, Secretary Stans and the Commerce Department did not see a threat to their existence because so many were being caught and killed "at or below the level of maximum sustainable yield."

Shortly after receiving this letter and in a unique conservation gesture for this administration, Secretary Hickel placed eight species of whales including the fin, sei and sperm whales on the endangered species list and forbade import of all whale products into the United States.

As a U.S. delegate to the recent U.N. Environmental Conference in Stockholm, I was pleased by the nearly unanimous support for the U.S. proposal for a 10-year international moratorium on the killing of whales, and I deplore the decision by the International Whaling Commission not to accept this recommendation.

Let us not wait until other mammals are as gravely threatened with extinction as the great whales.

Let us enact a meaningful moratorium on their killing and on importation by American citizens.

Other ocean mammals are also in danger. They might all be placed on an endangered species list 5 or 10 years from now. How long must we wait before we ban the import of products derived from these mammals?

The mammals are killed because they get in the way of commercial fishing operations, motor boat operators, and land developers.

Such is the case of the manatee which inhabits marshland breeding areas and who now number only a thousand.

Although the numbers of porpoises are impossible to estimate, some say between 250,000 and 1,000,000 in each species are killed in U.S. tuna fishing operations alone each year.

With the exception of being a food source for the Japanese, their bodies are of no commercial value to our industrial society except as living cohabitants with man in the ecosystem.

The white-coated harp seal, victim of the gory and brutal Canadian kill, has also been diminishing in population.

According to the Commerce Committee's report on S. 2871, the Canadian Committee on Seals and Sealing concluded that between 1950 and 1970, the stock of harp seals has been cut in half and the trend toward declining population is continuing.

The Canadian Committee on Seals and Sealing, according to the report, has recommended a moratorium on the taking of the harp seal.

Only 100,000 walrus remain and attempts have been made according to the committee report to begin sport hunting of walrus.

And let us pay particular attention to the status of the polar bear.

It has been pointed out that approximately 5,000 to 20,000 polar bear remain in existence and that between 900 and 1,300 are killed annually.

In the United States alone, 300 permits were issued to American sportsmen to kill this beautiful species.

The bears taken in recent years are younger and smaller than those killed in previous times.

The trend is continuing year to year with the age of the bear declining.

It is my understanding that the nature of polar bear populations is self-regulatory as their density increases, their survival chances decrease.

Polar bears have an abundant natural food supply and would, in no way, be threatened with overpopulation by this amendment for a 5-year moratorium on their take.

Continuation of nonresident hunting threatens a dynamically stable population level.

Nonresident hunting of polar bears must be stopped to preserve the breeding stock and prevent possible disequilibria of age levels.

The sea otter is also imperiled.

Southern sea otters face almost insurmountable threats to their health and safety from pollutants and increasing small craft traffic off the coast of California.

Although, according to testimony before the Commerce Committee, the sea otter can improve our marine resources by reducing sea urchin populations, thereby enhancing kelp growth, which in turn supports rockfish nurseries, hundreds are killed each year by abalone fishermen.

The manatee, once a common mammal off our southeastern coast, is jeopardized by land development, pollution, and water craft.

The Congress should supplement the law of the State of Florida by prohibiting their wanton destruction for a least a 5-year period.

It is obvious that our marine mammals are being exterminated faster and in larger numbers than they are reproducing.

Senator HOLLINGS' subcommittee recognizes this hard fact.

The House of Representatives overwhelmingly passed a 5-year moratorium similar to the one being considered here.

That body recognized the plight of marine mammals in our environment.

Thousands of petitioners to the administration, Congress and the State legislatures, backed by highly motivated and reputable environmental protection and conservation organizations most rationally and articulately demand our action now.

Mr. President, America must provide immediate protection for ocean mammals.

They have served the needs of man well for centuries and now they are jeopardized.

Mr. President, S. 2871 as reported out of committee is full of loopholes.

It is contrary to the intent of a moratorium.

Former Secretary of the Interior Udall has said so eloquently:

> The demise of the great whales is virtually at hand, and evidence of the swift diminution of other sea mammals is grimly persuasive.
>
> Granting that more research is needed, the only sane policy is to halt the commercial killing until we know what we are doing.
>
> If we wait until all the facts are in, we will have achieved knowledge at the expense of life.

In the absence of adequate knowledge regarding ocean mammals, we must have the time to learn more.

We must establish our nation as a world leader in conservation and environmental protection.

We must let these precious creatures of the sea flourish once again.

We must pass this amendment.

Mr. HARRIS. Mr. President, will the Senator yield me 10 minutes?

Mr. WILLIAMS. I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. HARRIS. Mr. President, I think this may be the most important amendment. It certainly goes to the heart of the question.

I am very pleased to be one of the cosponsors of this amendment, and I heartily endorse the strong statement in support of the amendment just made by the distinguished Senator from New Jersey.

There has rarely been a question which has so aroused the American people as the issue does which is now posed to us by the pending amendment. Twenty-six Members of the Senate and 100 Congressmen cosponsored the original Harris-Preyer bill which called for the total ban on killing of ocean mammals. In our office alone we have re-

ceived over 15,000 pieces of mail in favor of such a ban.

With that kind of popular response, I do not believe that the Senate can lightly pass the bill before us without at least a clear, firm, 5-year moratorium on the unnecessary killing, which is what the pending amendment would provide.

The waiver provision that is in the committee bill—that is, allowing the Government to issue waivers to the moratorium—in effect makes it very uncertain whether we will not see the moratorium invalidated the day after the President signs this bill into law, since commercial concerns are going to come in looking for waivers.

I would not have very much of a feeling that we had done our duty on this issue if we simply delegated this issue to the Executive. I think what we must do is tie down the moratorium.

Look at the record of management in this field. Since 1930 blue whales, the largest and most intelligent mammals ever to inhabit the earth other than man, have decreased by a factor of about 99 percent. Finback whales have gone from 400,000 to 100,000. Gray whales are down to 100,000 and the worldwide total of right and bowhead whales is probably between 20 and 250 each. Polar bears are in imminent danger of extinction.

May I say, in regard to the colloquy we had on whether we could hunt polar bears from airplanes, that I think we ought not to hunt polar bears at all. Why should we use airplanes to hunt them? There is some question as to whether they are even being born in this hemisphere. They may be coming from Siberia or other parts of the Soviet Union. Why should we permit hunting of polar bears with all this modern equipment and sights in order to allow killing of the bears for a trophy? That is wrong. We ought to stop it.

The Alaskan fur seal is down to 1.2 million, or substantially below the 1.5 to 1.8 million level the Department of Commerce considers optimum, and only a small percentage of the 5 million seals, many outside experts believe, were inhabiting the coasts of Alaska at the end of World War II.

There is some disagreement about these figures. I take issue with the 1.5 million figure given by the manager of the bill in his opening statement. I believe I can support with the weight of authority, that the present number of seals on the Pribilof Island is around 12 million, not 1.5 million.

The harp seal over the past 25 years has been reduced about 80 percent. Man has limited the walrus down to the point where less than 100,000 are left, although the feeding habits of the walrus cause the Bering Sea to be one of the richest fisheries in the world. The Manatee is in danger of extinction despite a wise State law in Florida.

That is the record of managing, as it is called, these wonderful ocean mammals.

We need the moratorium because we need a breathing space, time to allow our scientists to determine what is really going on. For example, what is the impact of pollution on the sea? Scientists have found that large numbers of aborted California sea lions had two to eight times as much DDT in their organs as those that had not aborted. The jack mackerel fishery in southern California had to be condemned in 1969 because of high DDT levels. Islanders in Alaska have been unable to eat ocean mammals because of DDT and other poisons.

The distinguished Senator from Florida (Mr. CHILES) has pointed out that since 1900 an average of one species per year has become extinct.

I read not long ago a statement which I found to be awesome, and that is that, if a species of animal passes from existence on this earth, we will never see that species again unless there is another new creation of the universe. It is gone forever.

We do not need products of ocean mammals. Uses cover furs of luxury market; meat primarily as food for mink and cats; some food for native populations; products from the sperm whale, now banned in the United States, and the killing done for "sport." Of these uses, only the necessary taking for subsistence by the Native population should be provided for and continued, as this bill does.

The committee report itself concludes that our knowledge of marine mammals is "not nearly great enough for either proper conservation or commercial utilization as we have known it in the past."

Therefore, I think what we need is the kind of strict moratorium provided by the pending amendment, without all the loopholes and waivers which the present bill provides. We need breathing space, a span of time to get more knowledge. Hopefully we will not continue with our record of one species passing out of existence every year as has happened since 1900.

Mr. STEVENS. Mr. President, will the Senator yield me 10 minutes?

Mr. HOLLINGS. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, amendment No. 1274 would permit the Secretary to exercise the waiver authority under section 103(a)(3)(A), thereby allowing the taking of marine mammals during the moratorium period, only after 5 calendar years have elapsed following enactment, and thereafter only at the end of each subsequent 24-month calendar period. The bill as previously drafted authorizes the Secretary to exercise this waiver of authority acting on the behalf of the best scientific evidence available, and in consultation with the Marine Mammal Commission. The bill requires the Secretary to have due regard to the disposition, abundance, breeding habits, and times and lines of the migratory movements of such marine mammals, and further permits waiver of the ban on taking only where it is compatible with the act. The bill as drafted provides adequate safeguards to assure that any waiver granted will not be detrimental to the marine mammal species involved. I cannot predict when situations justifying the waiver would arise. Therefore, I would oppose the proposed amendment which would curtail the times at which the secretarial waiver could be exercised by providing arbitrary time periods, not reasonably related to the necessity of protecting the marine mammals, during which waivers could be granted.

There are two reasons why a blanket moratorium of any length would have grave and unreconcilable consequences if imposed in this legislation.

First of all, it would defeat the purposes of protecting our valuable marine mammal resources which this body seeks to do. Such a policy would turn back the clock more than 50 years by shackling the arms of science and resource professionals who have struggled to free marine mammals from the bonds of abusive exploitation so prevalent at the turn of the century. It would hinder the restoration of various populations and species to their optimum levels.

This type of moratorium is opposed by most of the conservation organizations in this country concerned with the protection of marine mammals. Time and again the most knowledgeable marine mammal experts in the world have voiced their opposition to this approach and recommended that moratoria be administratively imposed by knowledgeable professionals.

These experts have testified that a legislatively imposed blanket moratorium on the taking of marine mammals would not truly protect them and could, in fact, be detrimental. Broad and all-encompassing statements in support of a blanket legislative moratorium do not stand up to close scrutiny.

In order to make a rational decision on this point we must take a much closer look and see exactly how such a moratorium would effect marine mammals.

SEA OTTERS

The sea otter is already under a complete moratorium against taking in all areas of the United States except at Amchitka Island in Alaska. At Amchitka, there is ample biological evidence of an over-abundance of these animals to the point where the animals themselves are being deleteriously effected and the habitat is being degraded which will cause even further population reductions if the excess animals are not harvested. In California, Oregon, and Washington, State law forbids the taking of any of these animals. State wildlife agencies and conservation groups as well as Federal agencies have been cooperating for several years in restoring this species to its original habitat along the North Pacific coastline.

It should be kept in mind that a management program is an absolute necessity for any species of animal that is in conflict with commercial interests. Sea otters feed on abalone and other items sometimes much in demand by the public and the commercial fishing industry. In the absence of the protection made possible only by management programs, the commercial fishermen will destroy the animals.

BELUGA WHALES

The beluga whale is another marine mammal in this category. A legislative moratorium against taking will not stop commercial fishermen from destroying

the animal at every opportunity. Beluga feed on downstream migrating salmon. A specific management program which looks after the interest of both the beluga and the commercial fishermen can reduce this waste.

GREAT WHALES

Any blanket legislative moratorium on the part of the United States would have no effect whatsoever upon the take of the great whales. We already have an administrative moratorium which totally forbids any taking of this group of animals by any U.S. national. This moratorium includes the import of any products from these animals into the United States. It is interesting to note that many of the countries who still take whales lack the preservation interest of certain of our citizens, and the United States will lose considerable power at the bargaining table if it has to enter negotiations with other nations from a previously committed and unscientific position. These countries believe in resource use and while there is expected to be interest in rebuilding populations of the great whale species on an international basis, chances for cooperation will be lessened if the program is advanced on the basis of a total and irrevocable moratorium.

The attitude of other nations regarding oceans resources was vividly portrayed recently as the United States attempted to gain a complete 10-year moratorium on the taking of whale species within the International Whaling Commission. The move was soundly rejected and will be rejected in the future simply because the nations involved depend upon the resources from the oceans, including the great whales, to provide food for their people. The only practical solution to solving the problems of our whale populations is to enter into sensible scientific management programs whereby whale populations can be restored to optimum levels.

Ambassador Donald L. McKernan, Special Assistant to the Secretary of State for Fish and Wildlife, told the Senate subcommittee hearing that a "moratorium would reduce the Department of State's effectiveness in negotiating international programs." This, of course, would apply equally with respect to all marine mammals, not solely whales.

SEALS

The fur seal, of course, is exempt within this bill and is protected and managed under international treaty. Under scientific management the number of these animals have increased dramatically and are extending their range to the Northern Pacific from which they have been absent for more than 60 years. Other seals in this country including the ribbon, ringed, bearded, and harvest seals, all either have stable populations or are increasing. There is limited taking of these species by natives and for such limited commercial purposes as native arts and crafts. These animals are protected in Alaskan waters under the laws and regulations of the State. The Hawaiian Monk Seal, regarded as endangered, already has most of its habitat protected within the Hawaiian Islands National Wildlife Refuge. The taking of this animal is not permitted. In fact, the protection is extended to the point where visitors are not allowed to intrude upon the habitat to view the animal.

SEA LIONS

The California sea lion is protected by law in California, Oregon, and Washington. Recent evidence shows that their numbers are increasing steadily. In California limited taking of this species is allowed to prevent conflict with commercial fishermen in certain areas. Limited taking is also allowed in Alaska but is regulated on a day-to-day basis. These animals are totally protected in Oregon and Washington. The Steller sea lion is totally protected in all the States.

WALRUS

Walrus populations in the United States are slowly increasing. There is no commercial harvest of these animals and taking by native peoples is dwindling.

POLAR BEAR

The number of polar bears have not declined as many reports have indicated. There are problems with this species in that illegal hunting in violation of State law has lowered the average age of the polar bear. There are more younger and fewer older animals. The State of Alaska, however, is now processing regulations to help remedy this situation. The ultimate solution of course is to provide adequate personnel to enforce the law.

MANATEES

Manatees are and have been for many years completely protected under the laws of the State of Florida.

The scientific community urges Congress not to impose a blanket, legislative moratorium on the taking of marine mammals. It does not believe that Congress should put itself in the position of biological managers. The management of any living species is a highly technical undertaking. The scientific community urges Congress to give the Secretary adequate authority to impose—and lift—moratoria on a selective basis. In this way, total protection can be provided to a species or a population unit of that species, whenever it may be necessary.

Section 103(a)(3)(A) adopts the approach of the Migratory Bird Treaty Act of 1918. Subject to the purposes and policies set forth in the Marine Mammal Protection Act, however, the Secretary would be authorized to permit limited taxing. Although a moratorium would be in force, exceptions could be made based upon scientific evidence and recommendations from qualified resource professionals. The use of moratoria would continue to be used as a tool to benefit marine mammals instead of to ignore them.

This management system has worked well with migratory birds. Its adaptation to marine mammals also could provide the administrative leeway necessary to protect and enhance the public values of that important resource.

I would like to insert in the RECORD a portion of the statement of Dr. G. Carleton Ray, one of this country's foremost marine mammal experts, and Program Director of the Marine Mammal Council, at the hearing held by the House committee in September 1971. Dr. Ray was accompanied by Mr. William E. Schevill, long associated with Harvard University and the Woods Hole Oceanographic Institution, and Dr. Kenneth S. Norris, professor at the University of California and chief scientist, Marine Mammal Division of the Oceanic Institute of Hawaii. The Marine Mammal Council directs the U.S. international biological program's marine mammal program. It is financed through the National Science Foundation and is officed at the National Museum of Natural History in Washington.

In addition, the acceptance of a blanket moratorium instead of a more practical and flexible administrative moratorium, would be a direct and devastating invasion into the welfare of many citizens of Alaska. There are many people in our State who are solely dependent upon our abundant marine mammal resouces as their sole source of subsistence. Most of these people are Alaska Natives whose interests have been given special consideration in preparing this legislation. There are many others, however, who are not natives by strict definition, who also depend completely upon marine mammals for their livelihood. The welfare of these people is infringed upon by the practical and proven moratorium concept embodied in S. 2871, as reported by the committee. If, however, a blanket legislative moratorium were to be installed, these people would be without any means at all to survive in the traditional way to which they have become accustomed. They would be utterly without redress, and the animals themselves would, in many cases, overpopulate and starve themselves to death.

Mr. President, I oppose amendment No. 1274, and I do so on the basis of information that has been provided to us by highly respected conservation organizations throughout the country. The Senator from South Carolina and I have worked with a great many of these. The concepts that are involved in the bill before us represent the ideas of these highly respected conservation organizations. If any Senator so desires, we will be happy to put a list of them in the RECORD. But the basic problem with the amendment that is before us is that it provides a moratorium that is unrealistic.

To me the answer to the approach in this amendment is contained in a statement by Dr. G. Carlton Ray, one of this country's foremost marine mammal experts, and Program Director of the Marine Mammal Council of the Smithsonian, at the hearing held by the House committee in September 1971.

I ask unanimous consent that that statement be printed at this point in the RECORD.

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

MARINE MAMMALS HEARINGS

Dr. G. Carleton Ray, Program Director, Marine Mammal Council, on subject of legislative moratorium on taking (page 401).

"The marine mammals are the Cetacea (whales, dolphins, and porpoises), the Pinnipedia (seals, sea lions, and walruses), the Sirenia (dugongs and manatees), the sea otter (a member of the weasel family, Mustelidae), and the polar bear (which is considered a marine mammal only because of its sea-ice habitat, not because of any ana-

tomical adaptation to live in the sea). This is a diverse group, for which no sweeping statements can be made in terms of abundance, habits, or conservation. Together, they represent perhaps the least-known of the large mammals. As they represent several hundred thousand tons annual production, they assume vital resource importance. It is not true that most are in danger of extinction; two marine mammals have become extinct at the hand of man, some are now, seriously depleted, and some are in good condition. Many are already protected by international treaty, to the limits of the power of international law. Notably excepted are the small Cetacea. One, the fur seal of the North Pacific, is being managed in exemplary fashion; in fact, the treaty covering the fur seal represents exactly what is needed in international law of the high seas, namely, limitation of entry into a "fishery." A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

Mr. STEVENS. Mr. President, let us not kid ourselves. This amendment is a total moratorium. It would not provide for the management that is necessary in circumstances where it is required to protect the mammals if there is to be a controlled harvest.

The Senator from South Carolina and I wrote a letter to the Star in response to a very derogatory article, which I ask unanimous consent be printed in the RECORD.

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

EDITOR,
The Evening Star and Daily News.

DEAR ———: The debate over the Marine Mammal Protection Act of 1972 is underway in the Senate. We earnestly hope that our colleagues will consider this issue rationally and on its merits, not on the basis of the falsehoods, innuendoes and half-truths sprinkled so liberally throughout the article by Mr. Lewis Regenstein in the Sunday Star and Daily News of July 16 entitled "Deciding Fate of Sea Animals".

To put the article in proper perspective it is important to look at the credentials of the man who has so harshly criticized the mammal legislation and who has made such broad general statements as "practically all of the remaining species of ocean mammals are seriously depleted and some are threatened with extinction." Mr. Regenstein is the employed representative and publicist of Fund for Animals, a group established in 1967. Part of the creed of this organization is its opposition to hunting in the United States. It has refused to recognize any circumstances under which the killing of wild animals should be permitted. Mr. Regenstein is not a trained wildlife expert, professional biologist, zoologist or mammologist.

The members of the Senate Commerce Committee in extensive hearings, heard many opinions, then decided to follow the advice of trained scientists, wildlife management experts with years of field experience, and representatives of agencies, state and federal, who work year-round with wildlife on a professional basis. The present bill, S. 2871, reflects the very best legislative effort to apply scientific knowledge to this complex and emotional problem.

What are the facts?

1. It is charged by Mr. Regenstein that practically all species of marine mammals are seriously depleted and many face extinction. This is false. The truth, according to Dr. Karl W. Kenyon, Chairman of the Marine Mammal Committee of the American Society of Mammalogists, is that "most marine mammal populations that this proposed legislation would affect are in better condition today than they have been since the turn of the century and perhaps for many years before that when they were more heavily exploited than they are today." Only two species—the Hawaiian Monk Seal and the Florida Manatee—are endangered.

2. Mr. Regenstein charges that sea otters are harvested by the state of Alaska, just as the animals are beginning to make a comeback. The truth is that the sea otter, almost extinct in Alaska at one time, has already made a miraculous recovery under scientific management by the State of Alaska. They are now a totally restored population of Alaska coasts, so much so in fact that in certain parts of the Aleutian Chain, they threaten to overbreed their environment if they are not limited. Additionally, it is against California law for abalone fisherman to shoot sea otters.

3. Contrary to Mr. Regenstein's implication, no whales are harvested by the United States, and products from whales on the endangered species list are banned from the U.S. market. In Japan, the leading whaling nation, whale meat provides 10 percent of the animal protein consumed. Although this country supports the moratorium on whaling, Americans must recognize that many other nations, notably Japan and Russia, do not at this time agree with us, and will be swayed only by scientific evidence, not emotion.

4. Mr. Regenstein states that the Alaska fur seal herd "appears to be in serious trouble." This, too, is false. The herd is healthy and growing. In fact, the wildlife management program on the Pribilof Islands and the international treaty to conserve the fur seal are viewed by scientists throughout the world as the best in existence. The fur seal herd has recovered from a population of about 200,000 in 1911 to one in excess of 1.3 million today. Studies are continuing to determine if the herd can be enlarged within the available food supply and the size of the rookeries.

5. Polar bear populations, contrary to the Regenstein article, and popular opinion, are in good condition and are neither endangered nor depleted. Alaska has adopted tough regulations against illegal hunting from aircraft, and has been vigorously prosecuting violators. The legal hunt does not bring into Alaska "hundreds of thousands of dollars," as alleged. The major problem in curbing illegal polar bear hunting is in obtaining sufficient funds to provide adequate law enforcement. S. 2871 will make additional funds available for this purpose.

6. It is charged that seal herds of the northern hemisphere are depleted and because of this, sealers now look to the Antarctic. With the exception of portions of the Harp seal population and the hooded seal, other northern hemispheric seals are plentiful. These include the ribbon seal, ringed seal, bearded seal and harbor seal, as well as the fur seals.

7. The article inaccurately characterizes S. 2871 as a "killing" bill rather than a "protection" bill. This is grossly inaccurate. The whole concept of the bill is to provide international leadership in the preservation of marine mammals. "Management" is specifically defined in the bill as the collection and application of scientific information to increase and maintain animal populations—not to exploit them for profit or sport. The definition includes, where appropriate, complete protection as well as regulated taking.

8. The bill is not riddled with exemptions, as the article alleges. Under S. 2871 all marine mammals are protected. The exception to the moratorium permits continued operation of the Alaska fur seal management program, since the herd is under intense international scientific protection. The Commerce Department has undertaken a management moratorium program under which all seals on Saint George Island will be scientifically observed, with NO harvest, to determine if the herd will multiply under natural conditions. A second exception grants the U.S. tuna industry two years during which research will be conducted and new regulations adopted to reduce the killing of porpoises.

The bill clearly states that officials shall immediately impose restrictions upon tuna fishermen based upon presently available technology. Additionally, scientists are permitted to capture or take marine mammals for research, and for display in public oceanariums under strict regulation. Finally, the taking of marine mammals is permitted to continue for native Alaskan Indians, Eskimos and Aleuts.

There are many more inaccurate statements made by Mr. Regenstein—but as is always the case, it takes more space to refute an allegation than it does to make one.

The bill does allow states to have stronger laws consistent with federal policy. State expertise in this area is great. Coastal states' departments of fish and game enforce tough laws protecting ocean mammals. They expend a good deal of money and manpower, in many states far more than the federal government could afford to. Divesting the states of responsibility would destroy literally decades of scientific game management and strip from many animal species their major source of protection. The moratorium *may not* be lifted by any bureaucrat, but only through a tedious hearing and review process subject to judicial scrutiny. Hair seal products are effectively banned by language outlawing imports of seals or products made from seals below the age of eight months. No female seals are killed under the Alaska Pribilof fur seal program.

Lobbying on this legislation has indeed been intense, but it has all been highly ethical, above-board and strictly legal. Those seeking to protect their own interests, including the fur industry, have never resorted to false statements about draftors of the legislation in order to sway opinion to their cause. Intense public opinion has been generated. Persuasive arguments have been made by many groups. Moral, political, and logical pressures have naturally formed. But despite pressures the committee members have sought at all times to be fair and to enact legislation which has as its first consideration the conservation of the animals.

Mr. Regenstein also implied there was something sinister in the changes made in a series of staff working drafts. It has always been policy of our subcommittee to release staff working drafts to the public in the spirit of free access to information, rather than keeping them confidential. We believe that this provides the greatest possible input of ideas and is an example of committee operation at its best in our Democratic system.

The taking of marine mammals is not "big business" either in Alaska or in South Carolina. Ninety-five percent of the world's marine mammal products commercially taken are consumed in Japan, Russia, Western Europe and Canada. All money earned by NOAA from the sale of Alaska fur seals after payment to Fouke Fur Co. of Greenville, South Carolina, for processing, is spent on the Pribilof Islands for the benefit of the seal herds and the native Aleuts, who receive health care, housing and jobs.

It is important to recognize that the concept of rational wildlife management with the goal of benefiting animals, as embodied in this legislation, has widespread support from highly-respected conservation organiza-

tions. Those which support this concept include the Wildlife Management Institute, the Sierra Club, the World Wildlife Fund, the American Humane Association, the Citizens Committee on Natural Resources, International Association of Game, Fish and Conservation Commissioners, the Izaak Walton League of America, North American Wildlife Foundation, Sport Fishing Institute, Wildlife Society, Trout Unlimited, National Wildlife Federation, American Committee for International Wild Life Protection and American Fisheries Society.

Complete protection for all marine mammals, without considering the conditions of the individual species, can actually be highly detrimental to the animals themselves and to their entire marine ecosystems, which is always in delicate balance. A case in point is the pitiful condition of the grey seals of the Farne Islands of England. The animals have been completely protected for several years, and have multiplied to the point where numerous pups and adults are sick or starving to death. The natural habitat of these creatures has its breaking point with tragic results. The National Trust in England has been forced to make the decision, despite the opinion of the "protectionists," that the seal herd must be reduced in size and placed on a management program "if a healthy stock of seals is to be maintained."

So that there is no misunderstanding, we would like to point out that one of the authors of this letter, Senator Stevens, opposed this bill because it does not grant a complete exception to Alaska Natives and because it overrides State laws within the area of State jurisdiction. He asserted in Committee and will on the Senate floor support of the proposition that State fish and game laws should govern State fish and game resources unless there is a determination *on a national basis*, that a particular species is endangered.

We in the Senate recognize that an increasingly urban population in America has lost awareness of much of the reality involved in the killing of animals, either wild or domestic. A trip to a slaughterhouse is not pleasant for anyone. And yet this necessity to harvest animals for food does exist. It has become firm United States policy to protect wild animals, but we must not lose sight of the fact that man already is very much a part of the world ecosystem. The animals of our ecosystem, in fact all of the life of our planet, must be managed wisely to preserve our ecosystem for all generations.

ERNEST F. HOLLINGS, U.S. SENATOR,
Chairman, Subcommittee on Oceans and Atmosphere.
TED STEVENS, U.S. SENATOR,
Ranking Republican, Subcommittee Oceans and Atmosphere.

Mr. STEVENS. What we are talking about is a management program under this bill. Dr. Ray stated:

A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

I can only point out to the Senator from Oklahoma that I am sorry that he is, in my opinion, misinformed concerning the status of the Pribilof fur seal.

I have here a book entitled "Animals and Man, Past, Present, and Future," by Richard G. Van Gelder of the American Museum of Natural History——

Mr. HARRIS. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. HARRIS. Will the Senator state how the pending amendment applies to the Pribilof situation? Is it because of the necessity for the Fouke Fur Co. to seek waivers in order to continue importing seal hides from South Africa. Otherwise, how does this amendment apply to the Pribilof situation?

Mr. STEVENS. I understood the Senator from Oklahoma to state the Pribilof situation as an example of the necessity to support this amendment. Certainly that is not is not my opinion, and I would be pleased to inform the Senate of the actual facts concerning the Pribilof fur seal herd, which is managed under the ideal circumstance of an international agreement which, as Mr. Van Gelder pointed out, has used the idea of a maximum sustainable yield from the fur seals with much success.

Mr. GRAVEL. Mr. President, will my colleague permit me to join in the colloquy in response to the questions of the Senator from Oklahoma?

Mr. STEVENS. Let me finish my statement, unless the Senator from Oklahoma wishes to persist in his question. I understood him to use the statement concerning the fur seal herd as the justification for this amendment, and if that is true it is certainly off base.

Mr. HARRIS. Mr. President, I think this is important. It has to do with this whole business.

I ask the Senator if it is not true that the present moratorium amendment does not directly deal with the Pribilof seal kill. Rather, this is dealt with in a separate section of the bill. Or—and this is my question—does it in this regard: I have heard reports, Mr. President, that the Fouke Fur Co. would not be able to stay in business on the basis of the Pribilof kill alone, that it would and did intend to come in immediately and get waivers for South African seals to be imported—assuming the present waiver provision is left in the bill—and that this loophole is very important to the Fouke Fur Company. Is that correct, so far as the Senator knows? Is that why he is arguing the Pribilof matter?

Mr. STEVENS. Mr. President, I have no knowledge of the Fouke Fur Co.

Mr. GRAVEL. Mr. President, I can help the Senator.

That probably would be the case. I do not know the precise areas of the world, but the impact of the moratorium would be that the Fouke Fur Co. could process skins taken from the Pribilof Islands for certain members of the treaty and not for others. It would discriminate against American business, and not against foreign countries, and I cannot understand doing that. If we believe that certain techniques should be honored under the American flag, they should be honored under other flags. But the significance of the amendment also would be to discriminate against the ability of this American company to buy pelts from South Africa, Russia, or any other place. It is a guarantee that they can only receive those pelts if they follow the same rules and regulations that an American concern would use.

A further impact of the moratorium could be to completely stop the harvesting of pelts from the Pribilofs, because since 80 percent of Fouke's business comes from elsewhere than the Pribilofs, they would obviously have to go where their major economic interest would be, which would mean they would have to move to a foreign country. Then they would come into a vise with the Buy American Act, and would not be able to process the pelts. So what we would be doing is taking a legitimate American business, chasing them out of the country, and then they would not be able to do business here again.

That, to my mind, is the problem with imposing a moratorium where we do not understand the total economic impact, much less the environmental impact, because what we are doing is saying "We are stopping everything now, and going to go study something," with the moratorium. The continuing moratorium becomes an immediate obstruction, because we do not know what the effects of it are.

Mr. STEVENS. Mr. President, let me finish with my time; then I am sure the Senator from South Carolina will yield from his.

The statement is made, "We have to stop the needless killing." No one wants ocean mammals killed needlessly. I think all Americans would join the Senator in opposing needless killing. But I wish the Senator from Oklahoma would detail what he is talking about.

Mr. HARRIS. Will the Senator yield?

Mr. STEVENS. I am sure the Senator from Oklahoma has his time. Let me finish my statement here; then I will be happy to yield on the Senator's time.

Mr. HARRIS. I do not have any time. The Senator used my name, and asked me to detail what I mean.

Mr. STEVENS. The Senator has time; I will be happy to let him respond to it. The point is that we have management programs in California, Hawaii, Washington, and Alaska—all of the areas where there are ocean mammals where there is any taking permitted, and it is very limited taking that is permitted in any area. There are management programs that are on a scientific basis. The bill before us now is a bill drafted by the most knowledgeable conservationists in the field, to deal with the question of when a permit should be issued, if any should be issued, during the moratorium period. I think it is one that makes sense, and that the adoption of this amendment would inject upon this concept of scientific management an unworkable program, a totally unworkable program in terms of management of the resource.

If Senators want to abandon these mammals, and just say that man should do nothing more to protect them, just do what happened in the Farallon Islands, so completely neglect them that they destroy themselves, that is another matter. I point out to the Senator from New Jersey that the testimony before our committee was that 40 percent of the

Pribilof seals die of starvation. We have more sea mammals dying today in this country from starvation than have ever been harvested.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question at that point?

Mr. STEVENS. I am happy to yield.

Mr. WILLIAMS. Is it the Senator's understanding that this amendment deals with the Pribilof seal?

Mr. STEVENS. This amendment deals with the total concept of the management of ocean mammals during the moratorium.

Mr. WILLIAMS. It is my understanding of my own amendment that it does not in any way deal with the situation presented by the Pribilof seals. That is a distinct issue, governed or controlled by treaty, and this legislation certainly cannot disturb that treaty. So let us deal with those mammals that it does deal with. It does not involve Pribilof seals.

Mr. STEVENS. What mammals is the Senator talking about, unless he is talking about mammals covered by this act? The Pribilof seals are just one of the mammals covered by this act. They are also covered by an international treaty.

Mr. WILLIAMS. Take the whale. Is the whale covered by a treaty, with equal dignity with the seals?

Mr. STEVENS. No.

Mr. WILLIAMS. That is the kind of mammal we are talking about. Is the sea otter covered by treaty? Are the polar bears? They are not.

Mr. STEVENS. The whale happens to be an endangered species. I think if the seals were in any danger today, they would be listed as an endangered species. As a practical matter, there are no whales involved; they are prohibited from being taken today under the Endangered Species Act. The people who are advocating this bill are talking about what is happening in the foreign country, to prohibit someone from taking whales abroad. When they speak of unnecessary killing, they are not talking about our people.

Mr. WILLIAMS. Unnecessary importing, where the killing is by other nationals.

Mr. STEVENS. If this amendment were limited to that, I would have no objection, but it is not limited to that.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a generous 17 minutes left.

Mr. HOLLINGS. Let me hold forth for just a few minutes, Mr. President.

Mr. President, the trouble and the confusion stem from the fact that the distingiushed Senator from New Jersey put in one amendment and then spoke generally about polar bears dropping dead and about whales and that it is terrible to kill seals. Anything he could think of to throw into the basket, this amendment was supposed to cover. That is No. 1.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. HOLLINGS. No.

Let us get to the point of whether or not the Senator knows better. On July 3, the Marine Mammal Committee, headed by the most distinguished Karl W. Kenyon, chairman of the Marine Mammal Committee, sent to Senator FRED HARRIS, Senator HARRISON WILLIAMS, Senator PHILIP HART, and myself the report that was submitted at the American Society of Mammalologists, dated June 10, in Seattle. I ask unanimous consent to have it printed in the RECORD.

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

MARINE MAMMAL COMMITTEE,
Seattle, Wash., July 3, 1972.

HON. ERNEST F. HOLLINGS,
Chairman, Senate Commerce Committee, Washington, D.C.

DEAR SENATOR HOLLINGS: Each year the Standing Committee on Marine Mammals of the American Society of Mammalogists attempts to summarize some of the activities, accomplishments, studies in progress, and degree of exploitation of marine mammal populations, particularly those related to North America. This review, of course, cannot be complete because many projects are scattered geographically in different private and public institutions. Also, members of the Marine Mammal Committee are busy on other tasks, since most are active in marine mammal work, including field work.

I feel, as Chairman of the Marine Mammal Committee, that even though our report is not a complete survey of all current data on marine mammals and work in progress, it might be helpful to your committee in formulating the "Marine Mammal Protection Act of 1972."

The enclosed copy of our ASM Committee report includes recent data on populations of certain species, as well as current legislation and certain propaganda related to it. I am sure I speak for the Committee when I say that we are anxious to see a Marine Mammal Protection Act that will provide for wise conservation practices that are tailored to the specific needs of each species. In order to accomplish this objective many more scientific basic life studies of marine mammals will be required. As mentioned in the report, most marine mammal populations that this proposed legislation would affect are in better condition today than they have been since the turn of the century and perhaps for many years before that when they were more heavily exploited than they are today.

Most marine mammalogists feel that the responsible Federal and State Governments have seriously underfinanced marine mammal studies which would reveal knowledge of each marine mammal species' place in the ecosystem, its life habits, conflicts with man, useful aspects of marine mammals to man, population dynamics, and general population abundance and distribution. Of course, such studies are expensive because professionally trained personnel (biologists, biometricians, pathologists, etc.) are required and boat and aircraft charters are often necessary to reach the remote areas where marine mammals live.

I hope that these remarks and the copy of our 1971–72 Committee report will be useful to you.

Sincerely,

KARL W. KENYON,
Chairman,
Marine Mammal Committee.

STANDING COMMITTEE, MARINE MAMMALS
1971–72

(Submitted to the 52d annual meeting of the American Society of Mammalogists at Tampa, Fla., June 18–22, 1972)

INTRODUCTION

The past year was one of continued increase in public concern for marine mammals. As a result of widely published advertisements, by the Friends of Animals, Inc. and its "Legislative Arm," the Committee for Humane Legislation, Inc. and others, the U.S. Congress was and continues to be deluged with letters requesting the complete protection of all ocean mammals.

In 1971 a number of bills were placed before the Congress. Serial No. 92–10, "Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries," House of Representatives (Sept. 1971) lists 36 marine mammal bills and consists of 584 pages.

On 13 March 1972, H.R. 10420 "An act to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes" was passed by the House of Representatives and referred to the Senate Committee on Commerce. Senate hearings were held in mid-May in Alaska where certain provisions of the bill, it was feared, would inflict severe hardship on certain native people. Many Eskimos and Aleuts are in a number of ways dependent on marine mammal products. It also appeared that under the "harassment" provision it would no longer be possible to use recorded killer whale sounds to inhibit the beluga or white whale from entering rivers to feed on young salmon migrating downstream. The bill is still (31 May) in the process of revision.

It is hoped that this bill will provide funding and other provisions for studies of marine mammals that should have been undertaken years ago.

In view of the increased interest in marine mammals and in the hope that research in this field may expand, the National Oceanographic and Atmospheric Administration (NOAA)—having primary federal responsibility for the majority of marine mammals in waters of concern to the U.S.—has formed a Marine Mammal Committee to study contemporary needs.

At the state level interest in marine mammals prompted the California Legislature to pass Assembly Bill No. 1162, which among other things provides: "Sec. 4. Section 653q is added to the Penal Code, to read: 653q. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state the dead body, or any part or product thereof, of any seal." The bill does provide, however, "that any fisherman while engaged in fishing from a boat at sea may take any seal which is damaging his nets, tackle, or fish," and that "the department may reduce the sea lion herds by humane methods whenever such a course is deemed advisable."

Further legislation is pending in California that would prohibit the importation or sale of the parts of or products made from a number of mammal species including porpoises and dolphins.

Statements, some of them of questionable veracity, such as the following have prompted this public attention: "Year round, the killing of seals, polar bears, whales, walruses and porpoises never ends. The brutality and needless slaughter must be stopped now. This spring may be the last chance. . . . Let us demand that it [the Congress] stop the slaughter of ocean mammals. If you are outraged by this brutality—if you are willing to join now in a fight that can be won within a few weeks in the Congress of the United States. . . ." "All ocean mammals need your help now. This spring may be their last hope," quoted from "Their last spring," an advertisement in the Washington Post, April 16, 1972, paid for by "Committee for Humane Legislation, Inc."

Paradoxically the majority of marine mammal populations that would be affected by the proposed U.S. legislation are in better condition today than they have been for at least 70 years, and those that face problems may not be helped by purely protective legislation. We hope that some sound legislation providing for in-depth studies and conservation may eventually emerge.

Those of us working with marine mammals have felt the effect of increased public interest in these mammals in the form of requests from school children, university students, writers, and legislators for "additional information." These requests have made us realize more than before that our research programs on life history in general, life habits and behavior, population dynamics, abundance, seasonal distribution, and the effect of environmental pollution and disturbance on marine mammals are far less than adequate at the present level of funding.

Although we know of no interest on the part of any U.S. national to go sealing in waters surrounding Antarctica, officials and biologists of the United States have been cooperating with those of other interested nations in formulating a proposed international agreement for the conservation of Antarctic seal stocks. The Antarctic Treaty protects wildlife on the Antarctic continent but there is no protective or conservation agreement to prevent unregulated sealing in the waters surrounding the Antarctic continent.

Some protectionists and conservationists have misunderstood the motives of the U.S. scientists in wishing to participate in an international agreement for regulating sealing in Antarctic waters and oppose U.S. participation in it. Our motive in participating is to encourage the preservation of seal stocks *if* other nations do go sealing. We have prepared a resolution on this subject.

Intensive studies of the biology, abundance, and distribution of Antarctic seals continue under the direction of Drs. A. W. Erickson (University of Idaho) and Don Siniff (University of Minnesota).

The effect of sonic boom (from supersonic flight) on all forms of life is being investigated by several governmental agencies. On San Miguel Island, Calif., we noted last August that nursing California sea lions and northern fur seals were disturbed and some stampeded by sonic booms. At other seasons these animals appeared relatively undisturbed by the booms. More observations should be gathered of the effect of sonic boom on breeding wildlife colonies on remote island rookeries where these booms are most likely to occur. Supersonic flight generally does not occur over populated areas.

An extensive long-term survey of the marine mammals, birds, and other life of the Aleutian Islands National Wildlife Refuge is being conducted by the Refuges Division of the Bureau of Sport Fisheries and Wildlife under the direction of Palmer Secora. Dory transportation, with attendant difficulties, was used during the past summer study period. This year the *Aleutian Tern*, a 65-foot metal-hulled, ex-army utility craft, purchased by the Bureau, will support the several scientists making wildlife inventories and other studies.

On 22 March 1972, a sculpture of a family group of California sea lions was dedicated to the memory of Richard S. Peterson (1937–1969) in the Natural Sciences Courtyard, University of California at Santa Cruz. Dick, a former Marine Mammal Committee member, will always be missed by those of us who knew him as a fine person of unusual energy, dedication, and brilliance.

This report is not a publication and the information in it is not for publication. Anyone wishing to use information from this report should correspond directly with the indicated source.

STANDING COMMITTEE, MARINE MAMMALS

J. J. Burns—ADF&G, Fairbanks, Alaska.
A. M. Johnson—MMD, Seattle, Wash.
A. W. Mansfield, FRBC, Ste. Anne de Bellevue, P.Q. Can.
E. D. Mitchell, FRBC, Ste. Anne de Bellevue, P.Q. Can.
C. Ray—IBP, Washington, D.C.
D. W. Rice—NMFS, La Jolla, Calif.
A. Roest—CPSC, San Luis Obispo, Calif.
W. E. Schevill—Woods Hole, Mass.
D. E. Sergeant—FRBC, Ste. Anne de Bellevue.
J. S. Vania—ADF&G, Anchorage, Alaska.
K. W. Kenyon (Chairman)—MMD, Seattle, Wash.

"URSUS MARITIMUS" POLAR BEAR

Illegal taking of polar bears [from Seattle Times, 24 May 1972, p. A11].

"Indicted by a federal grand jury in Anchorage were Gene, Chris and Bert Klineburger and the firm they operate at 1507 12th Ave. E. Gene Klineburger and the firm also were charged by a federal grand jury in California.

"The Alaska indictment accuses the brothers and the firm of conspiring to bring to Seattle hides and skulls of polar bears killed on "the ice pack on the high seas adjacent to . . . Point Barrow."

"A search-warrant affidavit, signed by an agent of the Federal Bureau of Fisheries and Wildlife, said Bert Klineburger advised the agent and another agent how to contact a guide who would help them kill polar bears without obtaining a permit required by the State of Alaska.

"Cost of the two-man hunt was $6,500, it said. The scheme involved paying two men who had legally obtained the permits from a total of 300 permits issued by Alaska, the affidavit said.

"Gene Klineburger then used the names of those men to transport and process the hides and skulls, the affidavit charges.

"Also indicted in Alaska were four guides and the two men who turned their permits over to the agents."

Alaska (from Jack Lentfer, ADF&G)

"On Barter Island . . . on the Niguanak River about 12 miles inland . . . I examined the first den I have seen. . . . The estimated Alaska harvest: hunters using aircraft—230, native hunters—40. Polar bear tagging continues: in 1971 Lentfer tagged 106 and J. W. Brooks (BSFW) 60. New regulations in Alaska: "Aircraft may not be used in any manner in taking polar bear. . . ."

"ENHYDRA LUTRIS" SEA OTTER

Alaska

Affect of ice on sea otters.—On Feb. 26th the Arctic ice pack moved ashore along the Bering Sea beach from Nelson Lagoon to Cape Mordvinof on Unimak Island causing all the sea otters in this over one hundred mile stretch to haul up on shore, where they were unable to obtain any food. The southern boundary of the ice pack extended from Unimak Island to the Kamchatka Peninsula on the coast of Russia.

"Hunger or some other instinct caused the otter to start dragging themselves across the low sand island that separates Izembek from the Bering Sea, across the ice of Izembek Bay thence across the Alaska Peninsula toward Cold Bay. Many live otters were captured. All but one were picked up on the ice of Izembek or on the land and lakes separating Izembek from Cold Bay. The animals were then placed in a truck and driven to the open waters of Cold Bay where they were very happy to be released!

"Without exception, the otters were very famished and would eat any type of fish or clams offered them, one ate four pounds of shelled clams and another ate a six pound salmon.

"A total of thirty four live otters were released. Several dead were observed, but most had been mutilated by birds of prey and scavengers such as eagles, raven, magpies and gulls.

"There is no way of estimating the number of otters forced on shore by the ice pack, however, one hundred twenty seven otter trails were counted in a three mile stretch where they had left the Bering Sea beach and headed across Izembek in the general direction of Cold Bay." (Excerpted from: Transporting the sea otters. The Williwa, Reeve Aleutian Airways, Inc. 6(4): 1–2, 1972.) By M. Uttecht.

Ice still covered the area described above when we made an aerial survey in this area on 14 April 1972. Near small open leads, about 20 miles north of Port Moller, on the Alaska Peninsula, we saw 8 active and apparently healthy sea otters. The water is shallow—about 180 feet—in this area, so apparently the otters were finding food.

Karl Schneider is preparing a paper on observations of the effect of ice on sea otters.

AMCHITKA

Post Cannikin blast studies continue to be financed by the AEC. Mr. James A. Estes (Arizona Cooperative Wildlife Research Unit, University of Arizona, Tucson, Az.) who is conducting field studies, writes (letter, 18 May 1972):

"My studies of the sea otter include benthic community interrelationships. To date I have comparative data from Shemya and Amchitka on sea urchin density, distribution, and population age structure. Also, we have information on vegetational communities from these two areas. This summer I wish to obtain additional sea urchin specimens from the two islands for a comparison of food habits, as well as making some biomass determinations on macrophytic algae.

"Last month we successfully completed a study on the sea otters' energy metabolism in cooperation with the Institute of Arctic Biology. The response of sea otters to cold and warm, in water and air was observed by measuring oxygen consumption. I think the sea otters' response to warm water is particularly interesting and important, considering the possibility of their reintroduction to more southern waters.

"I hope to be able to complete some census work on Amchitka during these next few weeks. We will have a helicopter on island and a number of personnel working on the problem. We plan on comparing aerial and shore counting techniques. I will send you any interesting information we obtain."

Harvest

No sea otters were taken for pelts in Alaska in 1971 or 1972. On 9 February 1972, what may have been the last sale of sea otter skins took place at the Seattle Fur Exchange. The State of Alaska put up for sale all pelts remaining in its possession—402. These sold for an average price of about $100 each.

State officials consider that the margin of profit in the sale of pelts is too small to continue this enterprise as a State managed project. There have been suggestions that individuals—other than State biologists who have managed all harvests in recent years—be licensed to take sea otters. No authorization for such a system has, however, been established.

Why has the often termed "most valuable fur in the world" failed to be in demand? Officials of the Seattle Fur Exchange consider that: (1) The fur was not widely enough advertised to create a sufficient demand. (2) The fur has been off the market for so long (60 years) that people don't know what it is. (3) The fur is too heavy for most modern uses. (4) Preservationists have encouraged the myth that the sea otter is still an endangered species. (5) There is a growing feeling among the increasingly urban population, encouraged by many moving pictures humanizing animals and wildlife in particular, that it is wrong to take wild animals for their skins.

Canada

The Alaska Department of Fish and Game has agreed to supply Canada with 60 sea otters in 1972 for transplanting the Checleset Bay near the nothern end of Vancouver Island. In order to keep handling time down as much as possible, the otters will be flown by Hercules from Cordova, Alaska, to Port Hardy on Vancouver Island, and then trans-

shipped to large helicopters for the final short leg of the journey. The operation will take place in mid-July.

Oregon

Evidence that the sea otters brought to the Oregon coast in 1970 and 1971 from Amchitka Island, Alaska, are thriving comes from Ronald J. Jameson (Cooperative Wildlife Research Unit, Oregon State University, Corvallis, Ore.). In a letter of 29 February 1972 he says:

"On February 20 I saw 19 sea otters near Cape Arago (Simpson Reef). A week later I was able to count 21 otters in the same location. On both occasions I observed a pup about 1 month old I would guess. This is the first recorded sign of reproduction we have had, and we are quite excited about it."

Jameson is conducting a continuing study of this newly established population.

Transplant

On 24 June 1971, 64 sea otters were brought by direct flight to the Oregon coast from Amchitka Island. Forty were released near Simpson Reef and Cape Arago and 24 at Port Orford. The project was a cooperative venture of the Alaska Department of Fish and Game, AEC, and Oregon Game Commission (Federal Aid Project W-65-D).

Sea otters in captivity

The four sea otters brought to the Tacoma Aquarium in 1965 (adult male) and 1969 (3 females) continue to thrive.

The first young known to be bred and born in captivity were stillborn on 13 January and 29 February 1972. These were the first-born young to each of the females that were large juveniles when obtained in July of 1969. The pups (a male and a female) were approximately one-half the normal birth weight of 5 lb. and otherwise normal in every respect.

It is not unusual that the firstborn young of marine mammals fail to survive. Mating activity has again been observed, so we hope that living young may be produced this time.

The Vancouver, B.C. Aquarium, under the direction of Dr. Murray Newman, has successfully maintained a young male sea otter that arrived in July 1969 with the three females. The older adult would not tolerate his presence at Tacoma.

A new pool complex specifically designed for a sea otter colony is in final stages of planning at the Vancouver Aquarium.

The New York Aquarium, under the direction of Dr. James Oliver, also is nearing construction of a new pool complex specifically designed for a sea otter colony.

California

A comprehensive observational study of maternal behavior in the sea otter has been made and prepared for publication by Finn E. Sandegren and Ellen W. Chu (University of California, Santa Cruz) and Judson E. Vandevere (The Owings Foundation).

The *Otter Raft*, published bi-annually by Friends of the Sea Otter, Margaret Owings, Editor, Big Sur, California 93920 continues to be the only publication devoted exclusively to the sea otter.

Judson Vandevere is continuing behavioral studies of sea otters in the Monterey area. The problem of heavy metals and pesticides in marine mammals is being investigated at several locations and by several individuals or agencies: Calif. Department of Fish and Game, Hopkins Marine Station, Univ. of Calif. at Santa Cruz, and probably others as well.

Additional, Alaska (from Karl B. Schneider, ADF&G)

In 1971 a total of 79 sea otters were removed from Amchitka during transplant activities and an additional 94 were taken for scientific studies. The number killed by the 6 November 1971 "Cannikin" detonation has been estimated at 1,000 to 1,350 on the basis of pre-test and post-test counts. . . . Two concentrations of transplanted sea otters are established on Chicagof and Yakobi Islands. Approximately 35 percent of the animals in each area were females with pups. . . . A total of 1,919 sea otters have been removed from Amchitka Island through harvests and transplants since 1962. Of these, 1,426 were removed between September 1967 and June 1971 . . . The only observable effects of removing these animals has been a slight reduction in number along six miles of shore where transplant captures have been concentrated.

"ZALOPHUS CALIFORNIANUS" CALIFORNIA SEA LION

Howard Braham is just finishing a report on the *Zalophus* populations on offshore rocks in the San Luis Obispo area. Concentrations in this area are the largest ones between the Channel Islands and the Monterey-Santa Cruz area.

Mr. Robert L. DeLong (NMFS, MMD, Seattle, WA.) is continuing studies of the amounts of various artificial environmental pollutants in the California sea lions of San Miguel Island. He is also conducting a continuing observational study of the mortality of young on that island. As yet there is no explanation why many young are born prematurely prior to the regular pupping season. Although some of these are born alive, they lack normal coordination and do not survive.

"EUMETOPIAS JUBATUS" STELLER SEA LION

Canada

In 1916 the estimated total population was 12,000–13,000 animals. A reliable census was made in 1956 when the total population was 11,000–12,000. In 1961 the numbers, excluding pups, had declined to 4,300 and in 1964 to 3,842.

Summer and winter censuses were made by the Fisheries Research Board in 1971. Counts, excluding pups, were 4,501 in June, 4,386 in December. In June the chief concentrations were found on the breeding grounds of Sartine, Beresford, and Triangle Islands (Scott Islands Group, Vancouver Island) and Cape St. James, Queen Charlottes. The count for the Scott Islands, excluding pups, was 1,647; for Cape St. James 631. By December the total population was widely dispersed along the coast, generally in groups of less than 300.

The entire coast was covered during both these aerial surveys and all rookeries and haul-out areas were photographed. It is apparent that between 1961 and 1971 the sea lion population has remained stable.

Alaska

In 1971, 3,314 sea lion pups were harvested by commercial operators from two rookeries in Game Management Unit 10. Hunters took 2,250 pups at Akutan Island and 1,064 at Ugamak Island. No animals were taken at either Sugarloaf Island or Marmot Island. No adult animals were reported taken for commercial purposes.

The Steller sea lion population in Alaska is probably at the carrying capacity of its habitat. Occasional surveys of various rookeries indicate little change in the general abundance and distribution of the animals.

In 1971, Sugarloaf Island was closed to harvesting to see how the population would respond to the lack of hunter disturbance during the pupping season (the pup estimate dropped from 6,000 in 1964 to 2,000 in 1970). A beach count of pups made on 15 July 1971 showed that the population responded favorably. Pup production had increased to an estimated 3,500–3,800 pups.

"ARCTOCEPHALUS AUSTRALIS" SOUTH AMERICAN FUR SEAL

Mr. Robert L. Brownell writes (letter, 24 April 1972): "I spent one week at Cabo Polonio, Uruguay where 12,875 fur seal were taken by the government organization Servicio Oceanografica y de Pesca, but I did not see any of the killing. I did however collect data on the food habits, and reproduction of 9 *Arctocephalus* taken in the shark gill nets in Punta del Diablo.

"I do not have information on the number of *Arctocephalus* and *Otaria* that will be taken this year in Uruguay, but I will provide you with the 1972 and 1973 numbers in spring 1973."

"CALLORHINUS URSINUS" NORTHERN FUR SEAL

Alaska

The Pribilof Islands research on the population in 1971 continued as in the past. The harvest of males was lower than expected, about 32,000 were taken and based on historic data the kill should have been in excess of 50,000. Several recent year classes have shown low survival through age 2. It is planned to select one or more rookery-hauling ground areas where males will not be harvested. Research will be intensified on these areas. Some very interesting information should develop from this research over a period of years. This will be the first such experiment on the Pribilof Islands.

California

The observational study of the small breeding colony of northern fur seals on San Miguel Island was continued in 1971 by Robert DeLong. Some of the more important observations for the period 1969 through 1971 are shown in table 1. The most interesting observation in 1971 was the increase of females in late August and September; the highest count was 274. Many of these females were young animals with dark whiskers (most or all females age 4 or younger have dark whiskers). Six of these seals, ages 3 to 7 years, had been tagged as pups on the Pribilof Islands. Why such a large increase should occur in one year is an interesting question.

Of 20 fur seals tagged elsewhere as pups and observed on San Miguel Island since 1968, 18 were from the Pribilof Islands (1–J, 1–M, 8–N, 1–O, 1–Q, 2–R 3–T, and 1–U) and 2 from the Commander Islands of the USSR (E 2818 and T 19022).

TABLE 1.—SUMMARY OF SOME OBSERVATIONS OF THE NORTHERN FUR SEAL COLONY ON SAN MIGUEL ISLAND, CALIF., 1969–71

Observation:	1969	1970	1971
1st male	May 16	May 29	May 24.
1st female	May 27	May 28	May 25.
1st birth	June 6	May 28	May 31.
Mean birth date	June 24	June 21	June 26.
Total births	28	33	45.
Total pup deaths	2	14	15.
Total males[1]	12	11	16.
Total females:			
Maximum counted	175	179	274.
Date	Aug. 23	Aug. 23	Sept. 2

[1] Includes 4 each, large adult, smaller but adult, and bachelor-size (about 104–127 cm. in body length, tip of nose to tip of tail) males, in 1969. In 1970, includes 2 large adult, 4 small adult, and 5 bachelor-size males. In 1971, includes 4 large adults 6 small adult, and 6 bachelor-size males. A few additional bachelor-size males may be in the population but not recognized as males.

Canada

Under the terms of the Interim Convention of the North Pacific Fur Seal Commission, Canada carried out further pelagic research in 1971 in the area between latitudes 46° and 49° N, and offshore to longitude 126° W. During the period 6 January to 3 April, 206 seals were collected for examination.

Analysis of tissue samples of 49 aged fur seals showed a marked accumulation of mercury in the liver with increasing age; from an average of 4 ppm at 1 year to 80 ppm at 19 years. There were large individual variations in content, as shown by a 17-year-old which had 151 ppm and an 18-year-old which had 5 ppm. Of the 3 remaining tissues, hair contained the highest level of mercury, average 2.7 ppm; kidney was intermediate, 0.7 ppm; and muscle was the lowest, 0.5 ppm.

Washington—Pelagic Studies

In accordance with the terms of the Interim Convention on Conservation of North Pacific Fur Seals, pelagic research was conducted off the Washington coast from 6 March to 26 May 1972 between the Columbia River and Cape Flattery and offshore as far as the Cobb Seamount (about 280 miles west of Grays Harbor). Two hundred fifty seven seals were collected. In March, seals were plentiful on the continental shelf and slope between the Columbia River and Grays Harbor. The continental slope and shelf were surveyed in April but seals were nowhere abundant. In May, seals were more abundant off shore. On 6 and 7 May, 60 seals were taken near the Cobb Seamount. (From Clifford H. Fiscus, Marine Mammal Division, National Marine Fisheries Service.)

"ODOBENUS ROSMARUS" PACIFIC WALRUS

Aerial Survey

Between 6 and 16 April 1972 the Bureau of Sport Fisheries and Wildlife, in cooperation with the Alaska Department of Fish and Game, undertook a survey of the Bering Sea ice sheet. Areas surveyed included the Bering Strait to the Alaska Peninsula and from the Alaska coast of the Bering Sea to the national boundary of the USSR. The primary objectives were to obtain data on the abundance and distribution of the Pacific walrus and secondarily to obtain similar information on other marine mammals.

A total of 40.9 hours were flown, of which 31.4 were in the survey areas. During the survey walruses were recorded in a 1-mile-wide strip. The total miles (nautical) surveyed was 4,279 (4,920 statute miles). A total of 9,300 walruses were recorded in the survey strip. The preliminary estimates of the total number of walruses based on walruses per square mile in areas of high and low walrus abundance are from about 74,000 (very conservative) to 132,000. Thus, I (KWK) consider that the walrus is certainly abundant and the population probably numbers more than 100,000 animals.

For further information on walrus studies see Appendix 2.

"PHOCA VITULINA" HARBOR SEAL

T. C. Newby (University of Washington, College of Fisheries) is continuing studies of abundance, distribution, and natural history of the harbor seal. Work is being done primarily in Willapa Bay, Grays Harbor, and Puget Sound.

These studies began in 1964 and have revealed three pupping periods for Washington's harbor seals: May—coast; July—North sound, San Juan Islands; August—southern Puget Sound. The most recent (1972) estimated population is 2,100–2,500 for the State. Most concentrations are in the coastal bays.

Currently, D. Arndt (University of Washington, College of Fisheries) is working in cooperation with Newby on studies of heavy metal and pesticide residue levels in the harbor seal. Arndt is comparing the coastal population with those of Puget Sound.

Under the 1971 marine mammal legislation of the State the harbor seal is no longer officially an unprotected predator. The State Department of Game is now responsible for managing the species and the animal may not be taken except under permit.

Alaska

Approximately 6,000 seal pups were killed by commercial hunters on the Alaska Peninsula, Kodiak Island area, and Kenai Peninsula. An additional 2,000 seals were killed in the Prince William Sound and Southeastern Alaska region. Harvest levels and hunting pressure have remained fairly constant since 1969 in the above mentioned areas . . . Observations by Department personnel indicate the seal populations in Southeast Alaska and Prince William Sound are increasing . . . The annual harvest of harbor seals for the past three years has been 8,000–10,000 animals . . . The seal populations in most areas of the state appear to be under harvested . . . Tugidak Island and the Alaska Peninsula should be monitored closely. The current season and bag limits should remain unchanged.

"PUSA HISPIDA" RINGED SEAL

Canada

A program of study in the eastern Canadian arctic has been completed by T. G. Smith and a bulletin on the population dynamics of this species is in preparation. A similar study was begun in 1971 at Holman Island (western Victoria Island) in the western Canadian arctic. In order to determine the movements of young seals in this area, a netting program was carried out at Herschel Island, close to the Alaskan-Canadian border. Altogether 124 live seals were removed from the nets and were branded before being released.

"HALICHOERUS GRYPUS" GRAY SEAL

Canada

Hot-iron branding of newly molted young was continued in 1971. At Sable Island 501 pups were branded with the mark "S1," and in the southern Gulf of St. Lawrence a further 312 pups were branded with the mark "G1." Several interesting recoveries of banded seals were recoded: an "S1" pup was taken from an otter trawl on Brown's Bank (43°32' N, 65°31'W) on 20 July 1971; another "S1" pup was seen at Nantucket Island (U.S.A.) on 10 March, 4 to 6 weeks after being branded at Sable Island; seal No. 93, branded at Sable Island in 1969, was found drowned in a smelt trap at Ellerslie, Prince Edward Island, in mid-November 1971.

Over 800 specimens of grey seals have now been collected and their analysis is nearing completion.

"In October, Mobil completed a discovery at the western tip of Canada's Sable Island, a 20-mile sandbar in the Atlantic Ocean 175 miles east of Halifax, Nova Scotia" (from Mobil Oil Corporation annual report for 1971, p. 6). With reference to this oil drilling: All appears to be well on Sable Island. The drilling site has been kept meticulously clean and no molestation of seals appears to have occurred. The long-term inhabitants of the island (meteorological staff) have done more obvious damage to the island, though drifting sand has covered a multitude of past sins.

"PAGOPHILUS GROENLANDICUS" HARP SEAL

The harp seal research and management problems are too complex, and the present demands on my time too great, for me to do them justice for our committee's report. Suffice it to say that: "The Gulf of St. Lawrence population of harp seals now receives no hunting except from landsmen, while the herd of harp seals outside Newfoundland continues to receive heavy hunting pressure on the young from ships of both Canada and Norway. The quotas for ships are equal for the two nations and have been reduced stepwise over the two seasons 1971 and 1972 from 200,000 harp seals in all to 120,000 in all. Nearly all these are taken as young. Hood seals are taken only outside Newfoundland.

"Research at the Arctic Biological Station of the Fisheries Research Board of Canada naturally therefore includes population counts and estimates of both herds of harp seals and study of the degree of mixing between them.

"Considerable increase of the Gulf of St. Lawrence herd and decrease of the herd outside Newfoundland in 1972 over 1971 was demonstrated from catch figures and aerial photographic counts. While part of this change may have been due to the changed distribution of hunting effort, a severe spring with heavy ice in 1972 probably brought about a southward shift of seals into the Gulf of St. Lawrence.

"Study on mixing of populations has been aided by an explosive branding device originally devised at Stanford Research Institute. A description is being published in J. Wildl. Mgmt. for July, 1972. This has proved valuable for permanent marking of both adult harp seals and hood seals of all ages. Young harp seals, which remain more numerous on the ice than adults on human approach, are marked by the cheaper heat branding technique. Tagging, although still useful for rapid, massive capture-recapture estimate of the numbers of young, is being applied less for the study of population mixing since all our tags have proved to come off after three years."

"MONACHUS MONACHUS" MEDITERRANEAN MONK SEAL

I recently visited Dr. José A. Valverde, Estacion Biologica de Donana, Consejo Superior de Investigaciones Cientificas, Paraguay 1, Spain. Dr. Valverde with a young colleague is beginning a study of Mediterranean monk seals in the Spanish area, with the eventual aim, if feasible, of restoring the species of depleted areas.

"MONACHUS SCHAUINSLANDI" HAWAIIAN MONK SEAL

While stationed at Midway Atoll for two years ending in late 1971, Lt. Ken Balcomb, USNR, reports that the plight of the monk seal there is improving. Operations of Eastern Island (in years past an important pupping and haul-out area) have been sharply curtailed recently a few visitors from Sand Island (location of the U.S. Naval Station) go there.

Since leaving Midway, Balcomb has received reports from a friend still stationed there that in recent months he has seen seals on Eastern Island. Balcomb never saw any there during his tour of duty when there was considerable human activity on Eastern Island. Thus, it is hoped with a reduction of human disturbance that monk seals may return to this once abandoned breeding island.

In 1971, 3 pups were born and probably weaned on the small sandy islets in the Midway harbor mouth. These are the only young known to be born at Midway for many years. These small island pupping areas were put off limits to all military personnel after the pups were born to give the young seals the maximum opportunity to survive.

Circumstantial evidence indicates that continued disturbance, particularly on the pupping grounds, caused the Midway monk seal population to decline from about 70 animals in 1958 to a rare visiting seal by 1968.

"MIROUNGA ANGUSTIROSTRIS" NORTHERN ELEPHANT SEAL

San Miguel Island, Calif.

A complete count of the breeding population on San Miguel Island was made by Robert DeLong and A. M. Johnson on 26 February 1972. On land at that time were 531 adult males, 207 adult females, 2,392 pups, and 7 yearlings. In addition, 90 dead pups were found. This count would indicate that the total population of this colony, including immature animals and pups, is probably in excess of 8,000 animals.

The San Miguel colony was extirpated in the 19th century when this seal was subjected to unregulated exploitation. Today, a number of other island colonies off Mexico and California have recovered. The figures above are an indication of the remarkable recovery of this species, under a protective policy, from an estimated population of less than 100 animals extant in 1900 to an estimated 30,000 today.

Dr. Victor Morejohn is completing studies on aging of elephant seals, and has uncovered some interesting anatomical data which may help our understanding of the relationships of these pinnipeds. He is also studying aging techniques in sea otter.

WHALING

North Pacific

During the 1971 season, five floating factories (3 Japanese, 2 Soviet) and six shore stations (5 Japanese, 1 United States) operated with a total of 69 catcher boats.

The total catch was 15,603 whales, almost 5,000 fewer than in 1970. The catch by species was as follows (legal limit in parentheses): sperm whale—10,889 (13,551); fin whale—802 (1,308); sei whale—2,993, and Bryde's whale—919 (4,710 for both species).

One unexpected result of the past two seasons' pelagic operations was the taking of fair numbers of Bryde's whales (*Balaenoptera edeni*) far at sea in the western North Pacific, some even north of 40° N. lat. Previously they had been taken only in coastal waters.

At the 1971 meeting of the International Whaling Commission, catch limits of 1,046 fin whales, 3,768 sei whales, and 10,841 sperm whales were set for the 1972 North Pacific whaling season.

Antarctic

Catch statistics for the 1971/72 Antarctic whaling season have not yet been received. The limit was 2,300 blue-whale-units. For information on catches of minke whales, see account of that species in this report.

"ESCHRICHITIUS ROBUSTS" GRAY WHALE

The National Marine Fisheries Service's annual count of the southward-migrating gray whales was conducted from 18 December to 8 February at Yankee Point near Monterey, Calif. During this period 2,740 whales passed the point during daylight hours (0700 to 1700), and an additional 40 whales were seen which had already passed the point by 0700, or had not reached the point at night and whales which were missed by the observers during periods of poor visibility, is estimated to be about 9,000.

This year's count was about 15% less than those of previous 4 years, 1967–68 to 1970–71. The reason for the decrease is not known. Possibilities that require investigation are: (1) increased boat traffic in the Monterey Bay area may be causing a larger proportion of the whales to migrate farther offshore; (2) Eskimos in Siberia and Alaska may be killing more whales; and (3) increased tourboat traffic in Laguna Ojo de Liebre (Scammon's Lagoon), one of the whale's major Mexican calving grounds, may be reducing the survival rate of calves.

In February 1972, L. Echeverria Alvarez, President of Mexico, declared Laguna Ojo de Liebre a whale refuge. This followed the ASM's resolution of 1971 which urged such action. In the future, vessels will be barred from the lagoon during the gray whale calving season.

Release of yearling captive female gray whale, "Gigi"

I arrived at Sea World, San Diego, Calif., at 0300 on 13 March 1972. At 0330 the 13,000-pound whale was picked up by a crane mounted on a truck by means of a heavy canvas sling. The whale and sling were placed on 2 feet of foam rubber and the truck proceeded with police escort to the NUC on San Diego Bay. At 0540 a seagoing tug with a huge seagoing barge and crane, USNYD159, hoisted the whale from the truck to the barge deck where the whale again was placed on 2 feet of foam rubber sheets. The tug and barge departed for the mouth of San Diego Bay at 0645.

En route to the release at 0915, and 4 miles due west of Point Loma, we saw several groups of three to five gray whales. The whale and sling were lifted over the side and lowered slowly into the water where three men in wet suits assisted the whale and released the sling fastenings on one side so that the whale slid easily from the sling. The whale milled about for a few seconds after being released, then disappeared for approximately 10 minutes. During this period there was considerable apprehension that perhaps the whale had simply sunk. However, it continued to surface at intervals of about 10 minutes and was tracked by Dr. William E. Evans from the vessel "Cape." The radio transmitting package fastened to the whale's back with stainless steel sutures gave the location transmission.

By 16 March the whale was about 600 yards north of the pier at San Clemente, Calif. She was tracked intermittently in various places along the southern California coast until 11 April and evidence was observed that she was feeding (defecation was seen).

When the signal was lost and tracking was discontinued, she was proceeding generally northward and it is presumed that she was following the ancestral migration route toward the Bering Sea.

This is the first baleen whale to be successfully maintained in captivity for a year and released.

"BALAENOPTERA ACUTOROSTRATA" MINKE WHALE

According to Seiji Ohsumi, who is in charge of whale research at the Far Seas Fisheries Research Laboratory, Shimizu, Japan, a Japanese whaling company sent one small factory ship (a modified freezer ship, with a slide slipway) and two catcher boats to the Antarctic during the 1971–72 season for the sole purpose of taking minke whales. During a 90-day period, exactly 3,000 minke whales were killed along the edge of the Antarctic pack ice. This was the first season that minke whales have been taken in significant numbers in the Antarctic. Dr. Ohsumi accompanied the expedition and collected biological material from all of the whales. This material should greatly increase our understanding of the biology and population dynamics of the minke whale. Preliminary estimates provided a year ago by the Scientific Committee of the International Whaling Commission indicated that the population of minke whales in the Antarctic stands at 150,000–200,000, and that its maximum sustainable yield is about 5,000.

During the past few seasons, increasing numbers of minke whales have been taken off Durban, South Africa, where Peter Best of the Division of Sea Fisheries is conducting biological studies on them. Dr. Best is also studying the taxonomic relationship of the Southern Hemisphere stocks (*"bonaerensis"*) to the Northern Hemisphere stocks (*acutorostrata*).

"PONTOPORIA BLAINVILLEI" FRANCISCANA OR LA PLATA DOLPHIN

While conducting studies on the life history and ecology of the Franciscana, *Pontoporia blainvillei*, between December 1970 and August 1971 biological data were collected from 207 dolphins caught in shark gill nets. This year these studies will be continued starting in late June or early July and continue into 1973, at the fishing village of Punta del Diablo, Dept. Rocha, Uruguay. I will also start experimental work on reducing the number of *Pontoporia* accidentally caught in shark gill nets (from Robert L. Brownell, Jr.)

"STENELLA" SPINNER AND SPOTTED DOLPHIN

The killing of large numbers of these dolphins in nets set for yellowfin tuna continues to be a serious problem. The number killed annually is estimated to be about 250,000 (range of estimates 125,000 to 500,000).

The dolphins are reluctant to leave the nets even when the float lines are pulled under water by a process known as "backing down." Biologists of the National Marine Fisheries Service and Naval Undersea Research and Development Center experimented with recorded killer whale sounds in an attempt to drive the dolphins from the nets. Some dolphins left the nets but the method was not found to be quantitatively successful. Also, a tuna boat Captain, Harold Medina, developed a net modification—the insertion of a small mesh strip in the back of the large net to prevent the dolphins' snouts and flippers from becoming entangled. In experiments it is said that this method lowered mortality by 75% (NOAA Week Vol. 3, No. 2, Jan. 14, 1972). The problem, however, is not solved and more research is being planned.

In 1971 five observer trips were made aboard fishing boats by NMFS employees. Their data indicated that 35 percent of netted dolphins died in unmodified nets and with modified nets mortality was reduced to 10 percent of those captured, or about one dolphin per ton of tuna. In 1972 there will be 12 observer trips. Statistical data, to be analyzed by William F. Perrin, NMFS, La Jolla, Calif., will help establish the level of mortality. Because of many variable factors, this is difficult. Behavior studies of the dolphins will be made in an attempt to discover a method of getting them safely out of nets.

"ORCINUS ORCA"—KILLER WHALE

For the 26 July 1971 census of killer whales in the eastern Pacific, the Fisheries Research Board distributed about 16,500 questionnaires to marine organizations and individuals in Canada, another 1,000 in Washington State, and a lesser number in Oregon, California, and Alaska.

On the basis of 538 returned questionnaires, approximately 550 different killer whales were seen on that day between Alaska and California. This estimate was derived by plotting on a map the location of each group of killer whales reported, the number of individuals in each group, the direction of group movement, and the time of sighting. Duplicate sightings of the same group of killer whales were then determined by assuming that each group did not travel faster than 7 knots and that group size did not change markedly during that day. The number of observers, their effort, and the number of killer whales seen in each region were as follows:

Region	Number killer whales	Number observers	Number hours observing
British Columbia	360	[1] 435+13	4,103
Washington	114	70	605
Oregon	0	10	120
California	[2] 13	2	22
Alaska	62	8+	68+
Total	549	538+	4,918+

[1] Observers watched in both British Columbia and Washington.
[2] Observed July 24, 1971.

About 60% of the killer whales were seen in two areas, southeastern Vancouver Island and northeastern Vancouver Island (Johnstone Strait). Whether this distribution reflects a greater number of killer whales in these regions than in others, or the fact that most (65%) of the observers were located here is not known at present. Groups of killer whales were composed mainly of 2–25 individuals.

Another coordinated international census of this species will be planned to take place at about the same time in 1972.

T. C. Newby (University of Washington, Seattle) who has observed killer whale captures in Puget Sound contributed the following: "During the first period of the Washington State Game Department's management control of killer whale captures in State waters (1 August 1971 to 31 March 1972) two capturing operations took place: (1) at Penn Cove, Whidbey Island, Wash. on 25 August 1971, and (2) at Henderson Inlet on 10 March 1972. The following data are available:

Penn Cove—16 captured; 14 outside of nets. Retained for sale 3 young (1 male, 2 female) ca. 13 feet in length.

Henderson Inlet—10 captured; 5 outside of nets. Retained for sale 1 young male, ca. 13 feet in length.

Total netted—26; total seen—45; total retained—4.

"Current status—on 23 May 1972, the State issued permits to Namu Inc. to take four killer whales with the agreement that one whale will be available to the State for research. Studies of physiology, freeze branding and laser marking techniques are planned. The whale is to be kept at the Seattle Marine Aquarium.

"The State has no immediate plans to census killer whale populations or to undertake population dynamics studies.

Captured and captive whales—historical

Total reported capture by Namu Inc. since 1966	192
Total reported retained by Namu Inc. since 1966	33
Total reported died during capture by Namu Inc. since 1966	9
Total reported surviving captives as of 11 May 1972 (3 of the 17 were not taken by Namu Inc.)	17

"Of the 33 whales retained for sale, all but 1 (a 17-foot female) were calves that were accompanied by females when captured.

"I feel that the trappers (Namu Inc.) may be placing undue pressure on the recruitment of the killer whale population in Puget Sound. The size of this population is not definitely known. Also, individual whales are not recognizable by marks and it is possible that all or most of the young are being "harvested" from the same groups each year."

Alan Baldridge is continuing his observations of marine mammals in the Monterey area. There seem to be more sightings of *Orca* this year than in previous years.

"PHYSETER CATODON" SPERM WHALE

The Scientific Committee of the International Whaling Commission held a special meeting on sperm whale stock assessment from 3 to 10 May 1972 at Parksville, Vancouver Island, British Columbia. Fourteen biologists representing seven nations and FAO participated. The committee reviewed mathematical population models, the relevant biological parameters, and the catch and effort statistics. Estimates were then made of past and present population sizes and sustainable yields of sperm whale stocks throughout the Southern Hemisphere.

Assessments of North Pacific stocks had been made previously. Insufficient data are available to assess North Atlantic stocks.

The results of the meeting will be made available at the June 1972 meeting of the International Whaling Commission.

APPENDIX 1

International biological program (IBP)

The IBP Marine Mammal Program last month [May 1972] received a follow-on grant from the National Science Foundation for design of a research program in marine mammalogy. The Marine Mammal Council (Dr. G. Carleton Ray, Program Director, and Mrs. Suzanne M. Contos, Program Administrator) is now restructuring the program plan and reworking the research proposal for submission to the Foundation. The proposal, which involves 16 individual research projects and some 30 investigators, will be submitted this fall for possible funding in January 1973.

NSF's initial review of the Marine Mammal Program proposal this spring emphasized the need to tie all research closely to ecosystem goals and to the IBP theme: The biological basis of productivity and human welfare. To serve these goals, projects have been organized and integrated on a regional, ecosystem basis, with Sub-Programs on the Bering Sea, the California Current System, and Central Pacific, and Large Whales. Future sub-programs may be centered in Florida and the South Atlantic.

While the program's primary task has been the development of a national research effort in marine mammalogy, the Council has also been involved in other related activities. During its first year of existence, the Marine Mammal Program, through its 11-member Council, had a major role in the organization and management of the International Conference on the Biology of Whales. The three-day meeting, held in June 1971 near Washington, D.C., involved 34 participants from 10 countries. Major sponsors were the Department of the Interior, the Smithsonian Institution, the New York Zoological Society, and the International Biological Program. The conference resulted in a number of recommendations in the area of cetacean research and management which have been of use to many national and international groups concerned with these mammals. The proceedings and conclusions of this conference will be published this year by the Harvard University Press.

In 1971, the Council also took steps to reconstitute the International Marine Mammal Working Group. Fourteen marine mammalogists from 13 nations, in addition to the United States, have agreed to participate and a Working Group meeting is scheduled for September in Seattle, Washington.

APPENDIX 2

Bering Sea cruise, USCGC Burton Island, February/March 1972

For the second consecutive year, marine mammalogists and oceanographers have participated in a Coast Guard cruise in the Bering Sea to study the relationships between marine mammals and productivity in that ice-covered area. Scientists aboard the icebreaker *Burton Island* during its six-week cruise in February and March were: Dr. G. Carleton Ray and Steven D. Sult, the Johns Hopkins University; Dr. Francis H. Fay, Arctic Health Research Center; and Ted Miller, University of Alaska (all studying walrus behavior and ecology); Dr. Donald Barsdate and Richard Prentki, University of Alaska (studying oceanography and primary productivity); and Sam Stoker, University of Alaska (studying benthic ecology and productivity).

The scientists undertook a study of aspects of the food chain from phytoplankton to the Pacific walrus, *Odobenus rosmarus*, and an examination of the walrus population structure, social behavior, and reproductive biology. To assist in these investigations, the scientists took along an 18-ft.-long research submersible, owned and operated by Perry Oceanographics, Inc. The vehicle was selected primarily for use in a program of intensive benthic sampling and inspection and secondarily for observations of walrus feeding behavior.

Among the more important findings on the cruise was the dense growth of cryophilic algae in and on the underside of the ice and an abundance of planktonic forms in the semi-darkness of the winter sub-ice environment. This remarkably high sub-ice algal productivity, in addition to primary productivity in the water column, is reflected in the abundance of organisms at all higher levels in the food chain, up to and including marine mammals. The Pacific walrus, with a population of about 100,000 in the Bering Sea, is only one of 25 species of pinnipeds and cetaceans which finds this area particularly attractive as a feeding ground.

Some 3,000 walruses were sighted during the cruise, some of them engaged in the annual mating process when not diving to the bottom for food. Their movements, feeding and resting schedules, and the organization and activities of mating groups were studied intently in the few days available for this part of the program. The feeding process itself was not actually observed, but an abundance of broad furrows and pits, apparently made by feeding animals, was sighted on the bottom from the submersible.

The research program carried out during this cruise and to be pursued in the future has as its primary aim the development of a better understanding of the production processes in the Bering Sea related to marine mammals. The walrus food chain will continue to receive emphasis as a "process study." This study will not solely be directed towards production of walrus, but will also be concerned with the effect of walrus "grubbing" in the benthos upon nutrient recycling —which must be considerable. Such ecological information is essential in the preparation of a sound data base for conservative internanational management of this rich system and its renewable resources. For it is recognized that the marine mammals of the Bering Sea are not self-sustaining and autonomous, but are important parts of a complex web of life.

This research was carried out under the Marine Mammal Program, U.S. International Biological Program, with funding from the National Science Foundation. Support for submersible operations was provided by the National Oceanic and Atmospheric Administration (Dept. of Commerce) and the Office of Naval Research. In addition, individual scientists received support from a number of other sources.

RESOLUTION

Whereas, Laguna Ojo de Liebre (Scammon's Lagoon), Baja California, Mexico, is the major calving ground of the eastern Pacific stock of the gray whale (*Eschrichtius robustus*), which is a unique species of limited distribution with exceptional scientific, esthetic, and potential commercial values; and

Whereas, in the past few years a rapidly increasing number of boats, both commercial and private, have been entering Laguna Ojo de Liebre during the calving season for the purpose of following and watching the gray whales; and

Whereas, it was feared that this repeated disturbance of female whales with newborn calves may increase calf mortality or cause whales to abandon the lagoon; and

Whereas, the American Society of Mammalogists at its 1971 meeting passed a resolution urging the Government of Mexico to ban boats and ships from the lagoon during the whale calving season; and

Whereas, in February 1972, L. Echeverria Alvarez, President of Mexico, declared the lagoon a whale refuge;

Therefore be it resolved, that the American Society of Mammalogists highly commends President Echeverria and the Government of Mexico for their prompt, progressive, and exemplary action in declaring Laguna Ojo de Liebre a whale refuge.

RESOLUTION ON CONSERVATION OF ANTARCTIC SEALS

Whereas, those seals found in waters surrounding Antarctica (which include the South American fur seal (*Arctocephalus australis*), crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophoca rossi*), leopard seal (*Hydrurga leptonyx*), Weddell seal (*Leptonychotes weddeli*), and southern elephant seal (*Mirounga leonina*), inhabit the pack ice in international waters; and

Whereas, these seals are not protected from sealing operations in these waters by the Antarctic Treaty or any other agreement; and

Whereas, these stocks are an important biological resource, probably exceeding in the aggregate of their numbers all other seal stocks in the world; and

Whereas, nationals of Norway have already undertaken experimental sealing operations in Antarctic waters and other nations may in the not too distant future send sealing expeditions there; and

Whereas, the United States is interested in the preservation of marine mammal stocks at healthy and viable population levels; and

Whereas, we have not forgotten the disastrous results of unregulated sealing that

occurred in the 18th and 19th centuries or the inadequately regulated whaling activities of recent years; and

Whereas, the opportunity is before us to establish an international agreement for the rational conservation of Antarctic seal stocks prior to the commencement of regular Antarctic sealing operations; and

Whereas, it will be more difficult to obtain such an agreement *after* exploitation begins;

Therefore be it resolved, that the American Society of Mammalogists encourages the Congress and other appropriate officials of the United States to negotiate an international agreement which would establish quotas, sealing zones and seasons, and require all sealing expeditions to gather appropriate biological materials and information necessary to the understanding of the population dynamics of the exploited seal stocks; and

Be it further resolved, that certain species (specifically the fur seal, Ross seal, and elephant seal) be given complete protection; and

Be it further resolved, that a committee of scientists be established to study all biological and population information, and that all sealing activities will be regulated in accordance with the findings of the Committee so that no species numbers will at any time be reduced below the maximum sustainable yield.

Mr. HOLLINGS. This is what Mr. Kenyon tells the Senate. This is what he tells that Senator. This is what he tells this Senator, the manager of the bill. We have been through all kinds of scientists and all kinds of advertising agencies and lobbyists. I do not regret lobbyists. They have a valuable contribution to make to the legislative process. When you get to the scientific fact, let somebody refute this national report. He says:

Paradoxically the majority of marine mammal populations that would be affected by the proposed U.S. legislation are in better condition today than they have been for at least 70 years, and those that face problems may not be helped by purely protective legislation. We hope that some sound legislation providing for in-depth studies and conservation may eventually emerge.

That is why we oppose this amendment.

Let us say that the Williams-Harris amendment was the law of the land. Where would we be? Would we be doing what they intended to do?

Here is a report of the scientists who measured the herd. I refer to the "Grey Seals at the Farne Islands" in England. This was made a part of the record when we made our original remarks.

"Total ban" were the words of the Senator from Oklahoma. This is what they said in the report:

This mortality has increased at a faster rate than the numbers of calves born, so the percentage mortality on the islands has risen. In 1970 the mortality rate was 21.1 percent.

Then they show pictures, which I cannot reproduce for the RECORD. Under a picture is the caption:

A starveling calf. This animal weighs about 25 lbs., is at least 3 weeks old and will die in a few days.

How will it die? By a total ban, exactly the amendment proposed by the Senator.

Plate 3:

An injured calf. This animal received its injury as a result of a bite from an adult, probably when seeking for food.

How did it get that way? Why was it chewed upon? It was looking for grass and food, and there was a total ban concept. That is why we oppose this amendment.

Go down the list and see exactly what it shows. Here is Plate 4:

A starveling calf attempting to suck from another starveling.

They are starving, under total bans. This is proposed by the Senator from New Jersey and the Senator from Oklahoma. We can report exactly what scientists have found:

Calves which are unsuccessful in finding a cow to suck from may spend hours sucking at other calves or even inanimate objects. An incident of a calf sucking at the empty eye socket of a dead companion has been described from the Farnes.

It shows a picture:

As starving calves lose condition they become more susceptible to bacterial infection.

They go on to describe the general condition that results from a total ban:

Evidence has been presented here that increasing numbers of seals at the Farne Islands have resulted in increased mortality rates of the calves and reduced growth rates of surviving young. The development of aggressive behaviour in the seals is also associated with increasing numbers and disturbance. The fragile areas of vegetation present on the tops of the breeding islands, originally harmed by the activities of birds, are being increasingly damaged by the presence of large numbers of seals.

The general picture now presented by the breeding grounds on the Farne Islands at the height of the season is one of squalor.

I am not one to vote for squalor under the idea that whales are dying. This is not an endangered species act. This is the amendment of the Senator from New Jersey.

What we are saying to the American people and the international community of the world is that what we are trying to do is adopt the depletion approach rather than the endangered species approach. When they become depleted beyond the maximum sustainable population, then we say that society ought to step in.

This is the fine language that the Secretary is controlled by, and this is the language they want to knock out. There are amendments at the desk trying to give the States their authority to go forward with their particular programs.

In the State of Florida, where the manatee was on the endangered species list, there is a conservation program, and they are replenishing the manatee. The same is true with the polar bear.

The Senator wants to eliminate the authority by which the Secretary, "on the basis of the best scientific evidence available and in consultation with the Marine Mammal Commission, is authorized and directed, having due regard to the distribution"—this is exactly what the Senator from Oklahoma and I discussed in colloquy with respect to the previous amendment, to get the Secretary tied down—"movements of such marine mammals to determine when and to what extent the waiver should be adopted." He wants us to have a total ban.

Then he goes on to the importation, the very same concept that the distinguished Senator from Oklahoma and I discussed in the previous amendment. He said:

What we want to do is get out and extend these good conservation practices to other countries.

So what do we do in the language he would have eliminated in this amendment? I read from page 30, line 15:

That no marine mammal or no marine mammal product may be imported into the United States unless the Secretary certifies that the program for taking marine mammals in the country of origin is consistent with the provisions and policies of this act.

So we put upon the Secretary the burden to look down in Uruguay and down in South Africa, where we are trying to protect animals and not a company, where we are trying to protect the seals, to extend these practices by this particular act on those two countries.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. CHURCH. I merely rise to ask one question concerning in the Farne Islands, to which the Senator alluded a few minutes ago, as an illustration of the disastrous consequences that can flow from a total ban due to overpopulation.

My question is this: How long did the ban last that produced the overpopulation that he described?

Mr. HOLLINGS. The ban was for 20 years, since 1950, when the herd was on the verge of extinction. But in the last 5 or 6 years they have seen the results of complete overpopulation.

Mr. CHURCH. The only point I wish to make is that I can fully appreciate that a 20-year ban might very well result in an overpopulation of the kind the Senator describes and would not be good management techniques. But I am wondering whether that is a fair example of what would happen if a 5-year moratorium were imposed.

It seems to me that it is highly unlikely that a 5-year moratorium would result in overpopulation of the kind that occurred on these British islands. Therefore, I wonder whether the illustration is really pertinent to the amendment offered, since it is limited to 5 years.

Mr. HOLLINGS. I think the illustration is pertinent and applicable. This is what they discussed and put in the House bill—the 5-year ban. They speak very candidly and say that the 15-year moratorium could be resolved in a permanent moratorium, so long as we have exceptions based on reason and the best of conservation practices. What are the exceptions? One is the Fur Seal Treaty in which I think the Senator from New Jersey is correct in using that argument, but I do not think his amendment relates to the Fur Seal Treaty. Then, too, we have to protect the Aleuts, Eskimos, and Indians, and they are protected. Then we have a third protection, which is scien-

tific research and public display. The tuna exception is 2 years. And then this particular exception which allows the Secretary to waive the moratorium in particular cases and for certain types of importation. This is the one that you are trying to knock out.

Mr. HARRIS. I want to ask the Senator from South Carolina if he agrees with the Senator from Alaska (Mr. GRAVEL) who says that under this amendment, despite the fact that the Pribilofs are in another section of the bill, the proposed amendment, in effect, put the Fouke Fur Co. out of business, because it could not in that event get a waiver as under the committee bill and bring in South African sealskins. Would this mean an end for the sealing by U.S. interests in the Pribilofs? Does he agree that that is the effect of the amendment?

Mr. HOLLINGS. It could be one of the considerations. It certainly is, in my mind, for this reason, that from some of the best information I have been able to obtain, the amount of business on the Pribilof Islands, the North Pacific fur seal vis-a-vis South Atlantic, the fur seals from Uruguay and South Africa are about 40 percent North Pacific and 60 percent Uruguayan or South African. Obviously, this is no waiver for a particular company. The fact is, the Department of Commerce tried during the years 1961 to 1966 to get other companies to come in. They did not have it exclusively, but they have been doing it for 50 years and they do bring better processing. Let us take care of that business and help it over the period, because the facts show in the hearing record that in 2 of the 5 years they only broke just about even. So if they did not have that South Atlantic business to carry them over the top, they would be losing money and would, in turn, lose their business and have to cut back. What they would do, I am not in a position to say with respect to the Pribilof contract, but it could go against them and they would have to cut back and, in turn, that would mean that the Pribilof Aleuts would be living on food stamps after they have been working in business and enjoying a livelihood that they have had for the past 200 years.

Mr. HARRIS. I appreciate the Senator's answer. I find that encouraging insofar as this amendment is concerned. We should stop sealing in the Pribilofs. I believe the Fouke Fur Co. intends to come in immediately for a waiver for Uruguay and the South African seals, in order to stay in business, if the committee bill passes without this amendment providing for a firm 5-year moratorium.

I want to stop the Pribilof sealing. I believe it is a dying industry in any event. I hope that other Senators, concerned as we all are about the fate of the Aleuts, will join me in providing funds to set up additional or alternative methods of employment there which will be more secure, which will not involve so much subsidization of a single company by this Government, and which will end the unnecessary killing of seals.

If we are so interested——

Mr. GRAVEL. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I do not have the time. If we are as interested in the Aleuts as we say we are—and I certainly am—let us move all processing up to the Pribilofs. Why have it in South Carolina? Let us not just use the Aleuts as pawns. Let us give them all the jobs. Let us give them all the subsidy. Let us give them all the profit—not just one company, Mr. President.

One other point, the Senator from Idaho (Mr. CHURCH) hit the nail on the head that the English case raised here is not pertinent. That involved a 20-year moratorium. We do not know a lot of things about the circumstances. We are talking about a 5-year moratorium. I am reminded by various arguments against the moratorium of the testimony by Cleveland Amory before the Subcommittee on Fisheries and Wildlife Conservation in the House of Representatives. He said:

> Mr. Chairman, we ask of our Government in this matter, as so many people are asking in so many other matters, that it be not on the side of the angles, but on the side of the angels. The Government has two arguments. It says it has to kill seals because of a treaty. That is one argument. The other is that it has to kill seals because it is good conservation.
>
> Mr. Chairman, I am always suspicious of someone who has two arguments. If one of the arguments was really good, why would two be necessary? Not long ago I asked an official in the Bureau of Commercial Fisheries if the seal killing would go on for conservation reasons if there were no end product involved. He looked shocked. "Why no," he said, "not if nobody makes a profit."

Mr. GRAVEL. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield 4 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. GRAVEL. First off, regarding the 5-year and the 20-year situation, we could destroy the Pribilof Islands in 5 years as easily as in 20 years. Here we would be legislating prospectively without the facts. We are saying that this is wrong. We are appropriating money to go study it. So now let us go study it. We do not know exactly what will happen in 5 years. To do otherwise is unwise on our part and an unsophisticated approach.

With respect to my colleague from New Jersey, I want to say that apparently he misunderstood it. He did not recognize what would be the impact on the Fouke Fur Co. and the Pribilof islanders. That is precisely what would happen, because of the economic considerations that are involved, and with which the Senator from South Carolina has agreed.

I cannot understand my colleague from Oklahoma taking the position that he wants to stop all killing. I can only ask, does my colleague dispute the fact that, as I said a moment ago, the population at the turn of the century was around 100,000 and now it is over 1 million, under the harvesting practices we have developed? We have increased the herd population. What really is the purpose of the moratorium? Is it to understand what we are doing? Is it to effect intelligent management? Or is it willy-nilly solely to cry out and say that this is wrong?

Of course, in the same sense it is also wrong to kill cows and chickens.

Mr. HARRIS. The figures are given by Mr. Pollock, the man who should know, because he is head of the division of the Department of Commerce with responsibility for the Pribilofs. In response to detailed questioning on that subject from the distinguished Senator from South Carolina, he said that the size of the herd on the Pribilofs was not yet at the optimum figure of 1.5 to 1.8 million.

Mr. GRAVEL. What we are saying is that intelligent management is needed on this resource. We have not come up to the optimum yet; but before we came on the scene, there were 100,000 in existence and now the Senator is telling me that we have only 1,250,000. It should be 1,800,000, so that we have not succeeded enough. Is that logic? Would the Senator wipe out this management and go back to the 100,000 figure, crying out and saying, "Why does not something intelligent happen?" Because we do not have a 100,000 herd? I do not understand that logic.

Mr. HARRIS. To reply, if I may, we do not want to go back to the 100,000. We would go back to the optimum.

Mr. GRAVEL. How would we get to the optimum? What my colleague is saying is that the ideal is 1.8 million. We are already 1.25 million, with good management. With no management, there are 100,000. Would the Senator tell me how he is going to go from 1.25 to 1.8 million?

Mr. HARRIS. Stop the killing is what will do it.

Mr. GRAVEL. The killing will not do it. I do not see how my colleague can quarrel with the facts as presented. We had 100,000. We started good management at that point in time, and now we have 1,250,000.

Mr. HARRIS. Mr. President, did the Senator hear of the phrase "kill for peace"? That sounds like what the Senator is advocating here.

Mr. GRAVEL. No. We all are aware that they can be killed through starvation.

The PRESIDING OFFICER (Mr. CHILES). The Senator's time has expired.

Mr. GRAVEL. Mr. President, would the Senator from New Jersey yield me 2 or 3 minutes? I would like to make some other points.

Mr. WILLIAMS. Mr. President, let us find out what the time situation is. I am not getting enlightened here. And this is on my time.

Mr. GRAVEL. Mr. President, there may be a few other points I might have that may help to enlighten the Senator.

The PRESIDING OFFICER. Six minutes remain to the Senator from New Jersey. The Senator from South Carolina has 3 minutes remaining.

Mr. WILLIAMS. Mr. President, I yield 2 minutes to the Senator from Alaska if the Senator from South Carolina will yield 1.

Mr. HOLLINGS. Mr. President, I yield the Senator 1 minute. That will give him 3 additional minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 additional minutes.

Mr. GRAVEL. Mr. President, I thank the Senators.

I cannot understand the logic of my colleagues, who I deeply respect. It is unfortunate. The Senators are saying that they do not understand it and that they need to study it before we acquire knowledge that something might be wrong, and others say that we should stop everything. That is not logic. What the pending amendment would provide is that even if the Director finds that some interest could be served by better wisdom, he cannot do it because of our ignorance in passing a moratorium. It might require 4 years to gain that knowledge. So, it cannot be put into effect

It makes no sense at all to me that there may be cop-out to certain interests. That is the issue in this and we have to recognize it. Like it or not, we have an executive system to administer laws we pass. And we can only legislate from the knowledge we have.

In this case we can set up the provision for a study and lay the parameters and guidelines and let the executive function within them.

The Senators say that we should have a 5-year moratorium. We are subject to political pressures and regardless of the amount of knowledge, if there is knowledge developed that could help, it would be too late and would be harmful.

I do not understand the legislation that would punish human beings. We have stood together on the floor and have promoted programs to help people survive. The people are the ones who would be the most punished by this moratorium.

I could understand it if the Senator were specific and said that we should go after whales or something else. We could do that and do it intelligently. But we should not pick out people who can barely eke out an existence in the harshest climate that human nature has brought on mankind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, it seems to me that a great deal of time has been spent and, I think, wasted, on the discussion of the situation as it regards seals. It seems to me that we are well governed in terms of those mammals. The seals are covered under a treaty. And the Pribilof situation does not affect the seal situation. By this amendment we are dealing with the other mammals.

I will say that it has been almost suggested here that we have been living under the policies of intelligent management.

If that is so, this management has brought us up to the point where we know the whale is nearly extinct. We know that the polar bear and other mammals are moving in that direction. Or are we just saying that we should pause. There has not been any mercy killing. It has been needless killing. And that has brought us to the point where we should say, "Let us stop this needless killing and let us acknowledge that we do not have all of the answers about the lives and patterns of these mammals. Let them restock during this 5-year period with very limited waivers. Then, with the information we can gather through that period, let us then, with relaxed standards, permit waivers under certain circumstances."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Jersey says that this does not affect the seals and he goes into the waiver situation on the endangered species which, as well as we know, is being treated with already.

Then the Senator from Oklahoma whipsaws him and says, "That is what we are trying to get at, the seals." If he can do this with this amendment, as he sees it, it is fine business.

The whole point used in the argument of the Senator from New Jersey is that they are covered by the treaty. If this treaty were abrogated with a total ban, as recommended by the Senator from Oklahoma, they would be back to the killing on the high seas.

The Japanese suspended the treaty in 1941. They said that the seals were eating too many fish. The Japanese are interested in fishing. And it has been estimated that the Pribilof herd consumes as much fish as the Japanese take in the Bering Sea.

On the other hand, when we come to the actual ban, we are coming back to that little ditty, "Keep your eye on the doughnut and not on the hole." The Senator has not helped the seal situation.

If they are not able to catch the seals there, they will probably have to catch them off the coast of South Africa and Uruguay. And that will be done by the Soviet Union and the Japanese and all the rest of the countries around the world. They would like that.

I believe that if a man has two good arguments, he should use the two of them. If he has 10 arguments, like the Ten Commandments, he should use the 10.

I have never heard of the belief that if a man has two good arguments, he should only use one, and that one would be suspicious of the fellow who uses two. I think the fallacy of that argument has been proven on this floor.

Mr. WILLIAMS. Mr. President, in November of last year, I introduced the bill which is now before us, S. 2871, in order to provide an intelligent and workable program of conserving and protecting one of our most valuable natural resources—our ocean mammals.

This bill in its original form did not discriminate between the various species of ocean mammals as to the type or degree of protection which would be afforded. The evidence on record clearly shows that all species of ocean mammals whether they be whales, seals, walrus, sea otter, manatee, polar bear or porpoise, have suffered at man's hands. Unfortunately, the bill as reported by the Senate Commerce Committee is weaker than the one which I originally introduced and fails to provide adequate protection for porpoises and dolphins, which are being decimated—albeit inadvertently—by the hundreds of thousands by the commercial fishing industry.

As amended by the committee, the bill provides that during the 24 calendar months initially following its effective date, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted—provided that such taking conforms to regulations imposed by the Secretary of Commerce to insure that the industry uses those techniques and equipment which will produce the "lowest feasible fatalities" to marine mammals. It also provides that, subsequent to the initial 24-month period, permits may be issued to the commercial fishing industry to take marine mammals in the course of their operations.

As it now stands, S. 2871 fails to make clear that it is the urgent goal of the United States to reduce to the least possible extent the slaughter of porpoises and dolphins incidental to commercial fishing operations. Instead, it is left for the Secretary of Commerce to determine what is meant by the language "lowest feasible fatalities to marine mammals."

I wish to make clear that I realize there is no way to assure that not one single marine mammal will be killed during commercial fishing operations. However, I also believe that no matter what the odds against a zero mortality rate may be, we must nevertheless make that our primary objective.

Therefore, Senator HARRIS and I, together with 12 of our colleagues, have introduced amendment No. 1276, which is intended to correct this omission. It will do so in three ways:

First, by adding language to section 101 of the bill which will clearly state that the incidental killing or serious injury of marine mammals permitted in the course of commercial fishing operations shall be reduced to insignificant levels approaching a zero mortality and serious injury rate.

Second, it directs the Secretary to request the Committee of Scientific Advisers on Marine Mammals, created by the legislation, to prepare for public dissemination, detailed estimates on the numbers of marine mammals killed or seriously injured under existing technology and under the technology which shall be required subsequent to the 24-month period following enactment.

Third, it directs the Secretary to ban the importation of commercial fish or fish products which have been caught with commercial fishing technology which results in the incidental killing or injury of ocean mammals in excess of U.S. standards. In addition, it specifies that reasonable proof must be furnished from the government of any nation desiring to export fish or fish products to the United States of the effects on ocean mammals of the fishing technology used by such nations for capturing the fish.

As most of us are now aware, fishermen have long depended upon porpoises and dolphins to assist them in locating yellowfin tuna. These marine mammals, a species of whale, feed on the same kind of organisms that tuna eat and are found directly above tuna schools. Since they are air-breathing creatures and swim near the surface of the water, they are of invaluable aid to fishermen. Yet, due to the conversion by American fishing vessels in the last 15 years to purse seine net fishing, these ocean mammals are being decimated by the hundreds of thousands.

The purse seine net is a highly efficient instrument which can capture a hundred or more tons of tuna at once. Unfortunately, porpoises and dolphins are corralled within the net along with the fish, thus posing a very serious threat to the continued existence of these mammals which have long been recognized as being among the most intelligent and highly evolved of all the world's creatures.

The growing problem of porpoise mortality in relation to purse seine technology is discussed in the report of the working groups of the International Conference on the Biology of Whales, dated June 1971.

Recent developments in the American tuna fishery (have) produced a problem of great economic and biological importance affecting delphinids of the genera Stenella and Delphinus. Tuna fishermen locate schools of tuna by watching for porpoise and sea bird activity. Having sighted a school, they enclose it in a long purse net which not only captures the tuna, but also the cetaceans. There is at present no practical method for effectively separating these delphinids from the tuna. As a result, the setting of one tuna net may result in the death of scores or even hundreds of porpoises.

It has been estimated that in the eastern Pacific alone, as many as 250,000 porpoises are wasted annually as a result of this situation.

The effects of this mortality rate on the total population of porpoises and dolphins cannot be determined since there are no reliable estimates of total population size, and according to Dr. William F. Perrin, Fisheries Biologist, National Marine Fisheries Service, there are no immediate prospects of obtaining any.

Therefore, it is clear that we cannot afford to proceed on the assumption that the population levels of porpoises and dolphins are sufficiently abundant to sustain the continued loss of their numbers at the rate of 200,000 to 400,000 per year indefinitely. We do not know at what rate the populations are being decimated or to what extent. We must not permit the porpoise and dolphin to go the way of the sea otter, the manatee and eight species of whale, which were hunted to the brink of extinction before measures were taken to protect them.

It is imperative that the United States take the initiative in adopting reasonable and effective regulation of the methods used in commercial fishing operations so as to reduce to the least possible extent the number of porpoises and dolphins killed or injured.

The proposed amendment No. 1276 will issue a clear mandate to the Federal Government and the fishing industry to work together in order to accomplish this goal.

Added to the astronomical number of porpoises and dolphins which are being killed each year by American fishermen are those of other nations, such as Mexico, France and Spain, who also use the purse seine net. We have no figures on the numbers of these ocean mammals which are taken by foreign nations, but we must assume that they are as great or greater than those taken by our own fishermen.

In order to provide the impetus for other nations to adopt similar strict standards, amendment No. 1276 calls for a ban on the importation of commercial fish or fish products which have been caught by methods which do not meet the standards set for U.S. citizens. Reasonable proof must be furnished by governments desiring to export such products to the United States that they meet these strict standards.

Opponents of this amendment have stated that it would, if enacted, place an undue hardship on the U.S. fishing industry by imposing regulations which would prevent them from competing with foreign nations; and, as a result, U.S. fishing vessel owners would be forced to transfer to foreign flags and operate beyond the controls imposed. The disadvantages to converting to foreign flag would certainly seem to far outweigh any which could result by the enactment of this legislation. Vessels which convert to foreign flag would not only lose the privilege of landing their fish in the United States, but the vessel seizure protection which they are now afforded under the Fishermen's Protection Act, which provides for Government compensation for vessels seized by foreign countries, would also be lost.

S. 2871 will provide both financial aid and technical assistance to the commercial fishing industry in converting to methods of fishing which cause the least possible harm to ocean mammals, while enabling them to remain competitive with other nations. It authorizes the sum of $1,000,000 for each of the first 2 fiscal years following enactment in order to permit the Administrator of the National Oceanographic and Atmospheric Administration to undertake a program of research and development for devising new and improved methods and gear so as to reduce to the maximum extent possible the killing or injury of porpoises and dolphins. In addition, the Administrator is authorized to guarantee loans made by private lenders for the cost of equipping, altering, modifying or improving commercial fishing vessels in order to comply with the regulations imposed under the act.

The bill also directs the Administrator and the Secretary of State to begin negotiations with the Inter-American Tropical Tuna Commission in order to effect compliance with the regulatory provisions of the act and to request the Commission to make recommendations to all member nations as to the utilization of fishing methods and gear equivalent to those imposed on U.S. citizens. The ban on imports proposed in amendment No. 1276 would make it economically unfeasible for foreign nations not to adopt standards and regulations for their fishermen comparable to those of the United States. The U.S. tuna fleet provides over 40 percent of the tuna annually processed for the U.S. market. Therefore, other nations are sure to follow the lead established by the United States and work toward developing methods of catching fish which are safe for marine mammals if they wish to compete for the U.S. market. I see no problem in enforcing international controls since the vessels of various countries would police each other and report any violations observed.

There are also those who believe that passage of this legislation would restrict present Government-industry research programs which have already made progress toward a solution to the mortality problem. On the contrary, it would complement and intensify present Government-industry research efforts by recognizing the need for such programs and providing sufficient funding to carry them out on an expeditious basis. Dr. William Perrin testified before the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee earlier this year that the budget for research on technology to solve this serious problem was only $65,000 for fiscal year 1972. This legislation authorizes over 15 times that amount during the first year.

The National Marine Fisheries Service has indicated that about 200,000 porpoises are killed per year in the course of purse seine fishing operations using conventional nets. On the average, about 40 percent of porpoises encircled in conventional purse seine nets are killed.

We are reminded that recent observations by the National Marine Fisheries Service of vessels equipped with the "Medina" escape panels realized an average survival of 93.8 percent. Based on 211 sets made in 1971–72, the indicated rate of mortality of porpoises per ton of tuna was 1.81 percent, a reduction of 53 percent. I am very pleased and heartened by the progress which has been made in the development of net modifications over the past few years which have resulted in a reduction of deaths and injury to porpoises and dolphins. This serves as proof of the progress that can be made if a concentrated effort is made by the fishing industry and the Federal Government to solve this problem. However, it is clear to me that a great deal of research remains to be done. Also, we must keep in mind that there are around 140 U.S. tuna clippers and only about one-third of these vessels are not using the "Medina" net with escape panel.

Mr. August Felando, general manager, American Tunaboat Association, in his testimony before the Subcommittee on Oceans and Atmosphere, stated that under the Tuna Convention Act as amended, the Secretary of Commerce has all the regulatory power that is necessary at the present time to implement recommendations concerning porpoise and tuna fishing. Mr. Felando explains his reason for this view by stating that under regulations imposed pursuant to the Tuna Convention Act, the open season on tuna has been reduced considerably in the regulatory area since 1966 and as a result, less porpoises are being killed. Thus, by having de jure regulation of tuna, we have de facto regulation of porpoises. The fact remains that at least 200,000 porpoises and dolphins are being killed each year by the fishing industry, reduced season or not.

Also, I think it should be pointed out that the Tuna Convention Act does not give the Administrator of NOAA, the Secretary of Commerce or any other Government agency the authority to regulate fishing in relation to porpoises and dolphins. This act applies only to those fish discussed in the Inter-American Tuna Convention and porpoises are

not found within the context of the law. The proposed bill, S. 2871, and amendment No. 1276 will not in any way conflict with the regulatory program established under the Tuna Convention Act and in fact are necessary in order to invest the Federal Government with the authority to regulate the fishing industry as it relates to porpoises and dolphins.

Mr. President, it is neither the purpose nor the desire of my colleagues and I in introducing this amendment to deny the use of the purse seine net by the fishing industry or to contribute to the widespread unemployment which is already facing this Nation by forcing the fishing industry out of business. It is, rather, our intention to provide for a viable program under which the Federal Government and the commercial fishing industry can work together in solving the deficiencies in the present purse seine net which cause the death of hundreds of thousands of porpoises and dolphins each year. We believe that this amendment will accomplish this objective while permitting the U.S. fishing industry to remain competitive with other nations.

It is our sincere hope that our colleagues will join us in supporting this much-needed amendment to S. 2871.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "yea".

I further announce that if present and voting; the Senator from Georgia (Mr. GAMBRELL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 36, nays 52, as follows:

[No. 312 Leg.]

YEAS—36

Allen	Hatfield	Proxmire
Allott	Hughes	Ribicoff
Bayh	Humphrey	Roth
Boggs	Kennedy	Schweiker
Brooke	Mansfield	Smith
Case	Mathias	Sparkman
Chiles	McIntyre	Spong
Church	Mondale	Stafford
Cooper	Montoya	Stevenson
Cranston	Muskie	Symington
Griffin	Nelson	Taft
Harris	Packwood	Williams

NAYS—52

Aiken	Dominick	McClellan
Anderson	Eastland	Metcalf
Beall	Ervin	Miller
Belimon	Fannin	Moss
Bennett	Fong	Pastore
Bentsen	Fulbright	Pearson
Bible	Gravel	Randolph
Brock	Gurney	Saxbe
Buckley	Hansen	Scott
Burdick	Hart	Stennis
Byrd, Harry F., Jr.	Hartke	Stevens
	Hollings	Talmadge
Byrd, Robert C.	Hruska	Thurmond
Cannon	Inouye	Tower
Cook	Jackson	Tunney
Cotton	Jordan, Idaho	Weicker
Curtis	Long	Young
Dole	Magnuson	

NOT VOTING—12

Baker	Goldwater	McGovern
Eagleton	Javits	Mundt
Ellender	Jordan, N.C.	Pell
Gambrell	McGee	Percy

So Mr. WILLIAMS' amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL SIGNED

The enrolled bill (S. 1152) to facilitate the preservation of historic monuments, and for other purposes, was signed today by the Acting President pro tempore (Mr. ALLEN).

MARINE MAMMAL PROTECTION ACT OF 1972

The Senate continued with the consideration of the bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask that it may be stated by the clerk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

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

The amendment, offered by Mr. HARRIS (for himself and Mr. WILLIAMS) is as follows:

On page 45, line 13, insert the following new section 106 (a), (b), (c):

VESSEL FINE, CARGO FORFEITURE AND REWARDS

SEC. 106. (a) Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other conveyance seized in connection with the unlawful taking of a marine mammal insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

(b) Any vessel subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall be liable for a civil penalty of not more than $25,000. Such penalty shall be assessed by the Federal district court in the district having jurisdiction over the vessel. Clearance of a vessel against which a penalty has been assessed, from a port of the United States, may be withheld until such penalty is paid, or until a bond or otherwise satisfactory surety is posted. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the federal district court of the United States having jurisdiction over the vessel.

(c) The Secretary is authorized to pay an amount equal to one-half of the fine incurred but not to exceed $2,500 to any person who furnishes information which leads to a conviction for a violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

Mr. HARRIS. Mr. President, I yield myself 5 minutes, if I may have the attention of the distinguished manager of the bill.

I believe that this is an amendment which the distinguished Senator from South Carolina has indicated is acceptable to him and other Senators, and I offer it for myself and the Senator from New Jersey (Mr. WILLIAMS).

It is in three parts. The first would be section 109(a) in regard to the forfeiture of vehicles for which the present bill already provides.

Subsection (b) would provide for a fine against a vehicle, a lien on a ship or vessel that was engaged in violation of the law, with a $25,000 penalty.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. HOLLINGS. I think it is forfeiture of the cargo.

Mr. HARRIS. The Senator is correct. I am sorry. I misspoke.

The third provision has to do with the $2,500 fee that would be paid to a person who had helped the Secretary in bringing about a conviction under this act.

I believe we need this amendment to help enforce the provisions of this bill, and I appreciate very much the conversation I had with the distinguished Senator from South Carolina about it. I hope he will accept it.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. HOLLINGS. Is the $2,500 fee discretionary with the Secretary?

Mr. HARRIS. $25,000?

Mr. HOLLINGS. The $2,500 fee.

Mr. HARRIS. It is one-half of the penalty, but not to exceed $2,500, in the discretion of the Secretary.

Mr. HOLLINGS. Mr. President, I have discussed this amendment with my colleague from Alaska.

Does the Senator have an extra copy of the amendment?

Mr. HARRIS. I am trying to get the attention of the page to get a copy to the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. STEVENS. Do I understand that this amendment would mean that if there is a taking of marine mammals in violation of this act, the vessel and its entire cargo will be forfeited? Is that the intention of the distinguished Senator from Oklahoma?

Mr. HARRIS. I am sorry. I was discussing this with a staff member. Will the Senator restate his question?

Mr. STEVENS. Is it the intention of the Senator from Oklahoma that if there is a taking of a marine mammal, in violation of this act, the entire vessel, its cargo, and catch of fish would all be forfeited? Is that the idea?

Mr. HARRIS. Subsection (a) of this amendment, as the distinguished Senator from South Carolina has said, and as I understand it, relates to the cargo. Subsection (b) provides for a fine of up to $25,000, which can be a lien against the vessel itself.

Mr. GRAVEL. Mr. President, will the Senator yield me some time to respond to this amendment? Will the Senator yield me 5 minutes?

Mr. HARRIS. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. GRAVEL. It does this. It permits the seizing of the cargo and vessel even though the person may not be guilty. After he gets to a trial, after the fishing season, and is declared innocent, he is free but he goes broke. That is much too harsh. The penalties in the bill itself are adequate.

That is aspect A. Aspect B is absolutely diabolical.

Mr. HARRIS. Mr. President, if the Senator will yield, subsection (a) is already in the bill. It is in the bill now.

Mr. STEVENS. That is what I am saying. We have not required a seizure of the vessel. The bill provides for the seizure of the cargo.

Mr. HOLLINGS. Section (a) has to do with the cargo only, and that is in the bill now.

Mr. GRAVEL. That is seizing the cargo. Under this amendment, it is seizing the vessel. If a person has only one means of employment, if he has a $30,000 vessel with a $2,000 cargo aboard, under the bill they can seize the cargo, but under the amendment they can seize the whole vessel.

It is like taking a cab driver who is stopped for speeding and not only fining him $25 for speeding, but taking his taxicab away from him, so that he cannot make a living. If, like the owner of the vessel, his living is made in only 30 days out of the year, he goes bankrupt. Moreover, faced with such a possibility, how can he get the financing to go out and do the job in the first place?

The second aspect is really diabolical, because you would be paying people to "rat" on other people. We are now going to pay penalties to people for having ratted on other people. I plead with the Senator, "Don't do that to us Alaskans." This is a diabolical thing to do to people who are on the edge of subsistence. I am sure that my colleague from Oklahoma does not want to do that.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

Mr. HOLLINGS. Mr. President, if the Senator will yield, I think the Senator from Oklahoma is about to point out the cargo seizure provision. I call the Senator's attention to the fact that he has "authorized and directed" rather than just "authorized." That section reads:

> The Secretary is authorized and directed to pay.

So it is not discretionary, as the Senator pointed out a moment ago, but mandatory.

Mr. HARRIS. Mr. President, if the Senator wants to suggest some other language, it is all right with me, but let me respond on my time to the Senator from Alaska.

If the Senator will turn to page 45 of the bill, section 106, under "Cargo forfeiture," and lay that right beside the amendment which I am offering, and read them word for word, he will find that subsection (a) of my amendment is exactly word for word what is in the bill. It is not a matter of ship or vessel forfeiture, it is cargo forfeiture.

Then what (b) provides is a $25,000 penalty, which can be a lien on the vessel, but not until, of course, it is an enforceable obligation, and that is something the distinguished Senator from South Carolina can agree to.

I thought it ought to be $50,000, but in order to try to get this adopted and be as cooperative as possible, I reduced it to $25,000.

As to subsection (c), whatever change in the wording the Senator from South Carolina suggests, if he will supply that, it is quite acceptable to me. This, by the way, is in line with what we are doing today under the tax laws.

Mr. GRAVEL. Mr. President, will the Senator yield to me?

Mr. HARRIS. I yield.

Mr. GRAVEL. I have compared precisely the Senator's language——

Mr. HARRIS. The Senator must have the wrong amendment. Here is the amendment.

Mr. GRAVEL. Is it 1277?

Mr. HARRIS. Here it is, No; it is not 1277.

Mr. GRAVEL. I apologize.

Mr. HARRIS. Does the Senator from South Carolina have some alternative language he would suggest?

Mr. HOLLINGS. Yes. I yield myself 2 or 3 minutes.

I concur with the analysis of the Senator from Oklahoma that it involves only cargo forfeiture. I do not believe it is a trick, or whatever the expression was. But under subsection (c), will the Senator delete the phrase "and directed," so that it reads "The Secretary is authorized to pay"?

Mr. HARRIS. Yes. Mr. President, I ask unanimous consent that the amendment be modified to that extent: Under subsection (c), that the words "and directed" be deleted from the amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HARRIS. It is so modified, Mr. President. Do I understand that the Senator from Alaska (Mr. STEVENS) can, then, accept the amendment as so modified?

Mr. HOLLINGS. I am not sure that my colleague from Alaska listened to it, but I would be prepared to accept the amendment as amended.

Mr. STEVENS. As amended?

Mr. HOLLINGS. Yes.

Mr. STEVENS. I concur.

Mr. HOLLINGS. That particular section, as the Senator will see under section 106 on page 45, relates solely to cargo forfeiture. We did not go to the vessel because of the very reasons that the Senator from Alaska has pointed out. To take a $4 million vessel and tie it up, we thought, would be very harsh, and would really mitigate against the enforcement of the law, so we went against the cargo itself, which is the proper way to proceed under maritime law, and the amendment of the Senator from Oklahoma conforms to that language, dealing with the cargo of the vessel involved, but not the forfeiture of the vessel.

Mr. GRAVEL. Mr. President, many of my colleagues are attorneys, and I am not, but I would ask them this question about the point that still troubles me: If I have knowledge of a citizen killing another citizen, and I tell the district attorney about it, does anyone give me a prize for furnishing that vital information? Does anyone get a fee for reporting such a thing?

Mr. HOLLINGS. No; there is no fee for that, but there is a finder's fee in areas where the law is difficult to enforce. Under the income tax law, I get a finder's fee if I report that you have not paid your income tax, or if someone reports that I have not paid mine he gets a fee.

At first I opposed this particular proposition because I did not approve of ratting on a captain. But they tell me that a crewman on one of those vessels makes anywhere between $15,800 and $20,000 a year when he goes out on a particular trip. They are highly paid, talented, and know what they are doing, and they are not, just for an amount of $2,500, going to get mad at a sea captain and turn him in, and lose a $14,000 or $16,000 a year job.

I was concerned that maybe the captain could not manage his crew out there, 4,000 miles from shore, that a fellow might have an argument with him and say, "You do it my way, or when we get back I am going to turn you in, tie up your vessel and cargo, have you haled into court," and that sort of thing. But after having it explained to me by members of the fishing industry that that probably would not occur, particularly with the North Pacific Fleet there, out of Seattle, Wash., where our distinguished chairman hales from, as manager of the bill I would be willing to accept the amendment.

Mr. GRAVEL. Mr. President, on the basis of that, although I still feel very uncomfortable with that principle—when I use the word "ratting" on people, I think that is better terminology for it, whether it is under the income tax or any other area—because of the position the Senator from South Carolina takes, I will bow to his superior wisdom, since

he has done such a brilliant job with this legislation.

Mr. WILLIAMS. Mr. President, I rise in support of this amendment which modifies our original amendment No. 1277. This amendment would significantly strengthen the penalties against those who violate the act and would establish a reward of not more than $2,500 to individuals who supply information leading to a conviction for a violation of this act.

These provisions apply only to the unlawful taking of marine mammals and are not applicable in those cases where a permit has been issued or an exception has been granted for a particular class of persons. When S. 2871 was reported by the Senate Commerce Committee, I was deeply concerned that the penalty provisions did not act as a strong enough deterrent to potential violators and that the penalties were insufficient against those who had been found to be in violation of the law. In my judgment, the provisions of this amendment would correct those defects. While I had originally supported an outright vessel forfeiture penalty, I understand the problems which such a provision would cause for those persons who owned commercial fishing boats and I am most agreeable to making these modifications. I think it would be most unwise for the Congress to insert language in this bill which would act to deny financing to those individuals who have contracted for the building of new fishing vessels and would also make it most difficult for these individuals to get insurance on their vessels.

The second provision of this amendment would establish a reward or "finder's fee" to those individuals who assisted the Government in securing a conviction for violation of this law. This language comports with the provisions in the House-passed bill and is vital if we are to insure that the act can be enforced with respect to the illegal taking of marine mammals.

Without this incentive, it will be difficult indeed to apprehend violators. Vessels several miles out to sea will be almost impossible to police and it is likely that the crew of these vessels will be the only source of information available on their activities. It will also encourage private citizens to be more observant of boaters and fishermen, in particular, who often injure or kill marine mammals when they interfere with their activities. We are all aware that the Florida manatee, which is already on the endangered species list, is threatened by motorboat operation, and sea otters are often shot by California fishermen who claim they are competing with them for abalone. And, unfortunately, there are those who kill only for the pleasure of it.

Most people are hesitant to report infractions of the law due to their unwillingness to become involved or because the crime does not appear to them to be severe enough to warrant the inconvenience to which they will be subjected. Therefore, the only way we can assure the type of personal involvement which is necessary in this instance is to provide a monetary reward; to make it worthwhile for a citizen to take the time to report violations to law enforcement officials.

I sincerely hope that my colleagues agree with me as to the importance of this amendment and will join in supporting it.

Mr. HOLLINGS. I thank the Senator. I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma, as modified.

The amendment, as modified, was agreed to.

Mr. GURNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 52, line 14, insert the following: strike out "or (2)" and insert in lieu thereof "(2) nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as such an official or employee from taking a marine mammal in a humane manner when such taking is (a) for the protection or welfare of such mammal or for the protection of the public health and welfare; and (b) does not involve the killing of such mammal, and (c) includes steps designed to assure the return of such mammal to its natural habitat; and (3)"

Mr. GURNEY. Mr. President, as the language of the amendment suggests, this amendment would give State and local officials the power to act quickly in the case of an ocean mammal emergency.

Ever since Moby Dick was immortalized by Herman Melville, Americans have been fascinated by ocean mammals. Their awe at the enormousness of the whale has remained constant, over the years, but recently it has been matched by admiration for the amazing intelligence of the porpoise and the flippant nature of the seal. Television has brought home to the American public, along with the advent of seaquariums and oceanariums, a much greater awareness of these, and other ocean mammals such as the manatee. What, unfortunately, has been overlooked is that the supply of these marine mammals is not inexhaustible. If future generations are going to be able to marvel over these creatures of the sea, then they must be given greater protection than they have enjoyed in the past.

In view of this need, I am submitting an amendment to the Marine Mammal Protection Act of 1972 which would give State and local officials the power to act quickly in case of an ocean mammal emergency. For a beached whale, the time lost getting the necessary permit, as required by this bill in its present form, may well be the difference between extinction and survival. If we are to be most effective in our efforts to preserve these species, we need to incorporate enough flexibility to enable us to rescue mammals in immediate danger as well as to protect those not immediately threatened.

To illustrate what I am talking about here let me give you a few examples. Last year, for instance, the Miami Seaquarium was called upon by the marine patrol of the Florida Department of Natural Resources to rescue a pigmy killer whale that had somehow beached itself in the Florida Keys. As a result of immediate action by seaquarium officials this whale, only the second of its kind to have been sighted in the Atlantic, was rescued, given medical treatment and later released.

Sometimes even the quickest possible action is not quick enough to save all the animals involved. This was true in December 1969 when seaquarium officials were called to Fort Pierce, Fla., to try and save some false killer whales that had beached themselves. The quick response did save some of the whales and blood tests were done on those that died to try and determine why they beached themselves.

Moving away from whales we have the story of the manatee that became stuck in a Miami Beach storm drain. A welder's torch had to be used in the rescue operations that finally freed "Sewer Sam" as the local press nicknamed him. The manatee, which was estimated to have been in the drain 30 days, was taken to the seaquarium, nursed back to health and then given to Jacques Cousteau who, as you may remember, was responsible for that splendid series of informative television specials shown last year.

Similar rescue and research operations are being conducted on a continuing basis at Marineland of the Pacific and at other seaquariums, oceanariums and marinelands around the Nation. However, unless State and local people are able to move quickly in an emergency situation these efforts will be curtailed in the future. This bill, as it is now written, does not provide for such action. My amendment does so provide and I therefore urge my colleagues to include it in the Marine Mammal Protection Act of 1972.

Mr. HOLLINGS. Mr. President, the amendment is merely to provide for emergency situations, as the distinguished Presiding Officer himself (Mr. CHILES) knows. It is a purely innocent amendment. With the concurrence of the distinguished senior Senator from Alaska (Mr. STEVENS), I am glad to accept the amendment.

Mr. STEVENS. Mr. President, I am happy to accede to the suggestion of the Senator from South Carolina. I have an amendment which I shall offer to the same section. I think this amendment is a good amendment.

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

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

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Florida (Mr. GURNEY).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I offer the amendment which I send to the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 33, line 5, it is proposed to insert the following: place a colon after "appropriate" and *Provided, however,* that the provisions of this act shall not apply to coastal areas of States where average annual per capita income is below poverty standards established by the Office of Economic Opportunity for that State and the marine mammals to be taken are: (1) not classified as belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969 or (2) are defined as depleted pursuant to Section 3(1) of this Act.

Mr. GRAVEL. Mr. President, I yield myself 5 minutes to explain the purpose of the amendment.

It is a fundamental amendment. It provides that if one lives in such a poor area that he can barely survive, this act will not apply. It merely says that we are placing human beings above mammals. Poor areas are what are involved in most of Alaska. The people who live in such areas are living off a mere subsistence income. We are talking about poverty levels of income in Alaska as determined by OEO. We are talking about a family of four, having an income of $4,250. About half that amount is the amount of income that prevails generally in that area.

We are talking about the guy who goes out and pays $5 to $10 for a box of shells so that he can go hunting, or pays 75 cents for a gallon of gasoline for his outboard motor. That is the cost of living in those areas. The people can barely eke out an existence. That is the kind of area where we are saying that this act shall not apply. I think that is only fair.

The Natives of Alaska or any human being in such a severe area are for ecology, for preservation, for all these things, if they can survive and live themselves.

The basis that I am using for this living standard is certainly not a luxury one. It is the poverty base established by the Government in its calculations. It is something that will be easily enforceable and will not be cumbersome. All it says is that if the area is below the poverty level—the income of these people—they should at least be entitled to go out and do the best they can with what mother nature has provided, provided that the mammals are not on the endangered species list nor being unduly depleted.

Mr. HOLLINGS. I yield myself 5 minutes.

Mr. President, with respect to the thrust of the Senator's amendment, the bill on page 31, 101(d), applies an exception to the Indian, the Aleut, the Eskimo, the Native Alaskan. So what we have done is taken care of the Native Alaskan and particularly the poverty-stricken Native Alaskan.

But the language of the Senator's amendment says:

Shall not apply to coastal areas of States where the average annual per capita income is below the poverty level.

That is South Carolina and that is Mississippi and that is Georgia. I do not know about rich Florida, but there is Alabama. It takes in about 15 or 20 coastal State areas below the poverty level, and we are dealing with marine mammals. I do not want any poverty-stricken people looking for a polar bear, a sea otter, a walrus, or any of the other marine mammals. If they are poverty stricken, they had better be doing something else. I have the greatest sympathy for those stricken with poverty.

I understand the thrust of the amendment, but this would gut the bill and would give a special standing to those people, which I do not believe would really halt the depletion of marine mammals as intended by the bill, so the committee will have to oppose this amendment.

We have taken care of the Alaskans, and I will credit the distinguished Senator from Alaska (Mr. GRAVEL) as well as his colleague, Senator STEVENS, for their leadership on this score. We had hearings in Alaska, and they attended the hearings.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PASTORE. Mr. President, I merely want to say this: There has been a great deal of pressure on both sides with respect to this measure, and I think the Senator from South Carolina has done a magnificent job under very tiring and very hard circumstances.

I realize that we want to protect the mammals, and I realize that we want to protect the livelihood of the people who depend entirely upon this kind of fishing. The fact remains that the Senator from South Carolina has been a reasonable man, and he has brought forth a bill that I think makes some sense. We have had a great deal of extremism on one side, a great deal of emotion on one side; we have had a great deal of extremism and emotion on the other side.

I think that if we consider this bill very seriously and read it line for line, we will find that the Senator from South Carolina not only has put his heart into it but also his devotion and commonsense. I think that if we go along with him, we will resolve this problem. I realize that many people feel one way or the other, that we should go to the one extent or the other. That cannot be done when you handle a bill. You try to reach a common ground of commonsense, and I think the Senator from South Carolina has done exactly that.

I hope that we will go along with him in many of the recommendations he has made. I am going to support him on this bill, because I feel that, without any prejudice at all, he has done what he thinks is right, not only for the preservation of the wildlife, the sea life, and the maritime life, but also for the protection of the livelihood of human beings.

Mr. HOLLINGS. I thank the distinguished Senator from Rhode Island. He has been overly generous, but I need it.

Mr. GRAVEL. Mr. President, I should like to echo those statements and associate myself with the remarks of the Senator from Rhode Island with respect to the Senator from South Carolina. There is no one I hold in higher affection in this body. I know the effort that has gone into this matter, and I am grateful for the hearings that were held in Alaska at my colleague's insistence.

But this amendment would not gut the bill, because the language is very specific. It would not apply in the case of the Endangered Species Act, and it would not apply under the depletion section of this bill.

So if there is a severe situation with respect to whales, you will not get poor persons going out and shooting whales and taking them home to eat. This would be so under the law even with this amendment.

Time and time again, I have seen this body legislate great wealth on the part of the Government to help people and provide them with employment. All I am saying is that we should not be capricious in our regulatory activity when we are talking about people who can barely eke out an existence. I do not see how it would gut the bill. I have specifically placed two provisions in there so that it would not gut the bill.

When you have a poor area and you want the people to survive, why stop a person from at least availing himself of that opportunity? We are talking about jobs.

With respect to the natives, the Senator has protected the natives in most cases. But let me show him where he has not. If I am married to a native girl and we have 10 children and we live in Eek, I cannot go out and hunt for her because I am a white man. So my kids will starve, and I will have to beg from my neighbors. I will have to sit by when they come in with their kill and haul my meat back to the hut.

The Natives have been provided for, but I think it is unfortunate that it is racial. If we are going to have an exclusion, let us have one for the people who need it. It should not be a racial exclusion but an economic exclusion. My amendment does not make any racial connotations. If there is poverty in an area, then they are entitled to do certain things. That is not asking too much from the generous heart of this Senate which has time and again come forward with programs of employment and billions of dollars to do something for people.

Mr. HOLLINGS. Mr. President, I wish I could go along but I cannot.

Would my distinguished friend from Alaska agree to a showing of hands on this particular amendment? The hour is late.

Mr. GRAVEL. I have several amendments. I will not introduce any other amendment, but this one is absolutely vital to our position and I would like to have a rollcall vote on it. I will not propose any other amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLINGS. Will the Senator from Alaska yield back his time?

Mr. GRAVEL. I have made my case and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL).

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 Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL), are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 5, nays 81, as follows:

[No. 313 Leg.]

YEAS—5

Bellmon	Mansfield	Stevens
Gravel	Metcalf	

NAYS—81

Aiken	Ervin	Muskie
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Proxmire
Bennett	Harris	Randolph
Bentsen	Hart	Ribicoff
Bible	Hartke	Roth
Boggs	Hatfield	Saxbe
Brooke	Hollings	Schweiker
Buckley	Hruska	Scott
Burdick	Hughes	Smith
Byrd, Harry F., Jr.	Humphrey	Sparkman
	Inouye	Spong
Byrd, Robert C.	Jackson	Stafford
Cannon	Javits	Stennis
Case	Jordan, Idaho	Stevenson
Chiles	Kennedy	Symington
Church	Long	Taft
Cook	Magnuson	Talmadge
Cooper	Mathias	Thurmond
Cotton	McClellan	Tower
Cranston	McIntyre	Tunney
Curtis	Miller	Weicker
Dole	Mondale	Williams
Dominick	Montoya	
Eastland	Moss	

NOT VOTING—14

Baker	Gambrell	Mundt
Brock	Goldwater	Pell
Eagleton	Jordan, N.C.	Percy
Ellender	McGee	Young
Fulbright	McGovern	

So Mr. GRAVEL's amendment was rejected.

Mr. HOLLINGS. Mr. President, before we yield to the distinguished Senator from Michigan (Mr. HART), for the information of the Senators present there are three amendments that we hope to accept without debate on a rollcall vote. They will be considered after the amendment of the Senator from Michigan.

The Senator from Michigan and I have pared down our time to 5 or 10 minutes or whatever he wishes. Five minutes to a side would be all right.

There will be a rollcall vote on this amendment. It is then our intent to accept the amendment of the Senator from Florida relative to bringing a particular action where the petitioner resides; the amendment of the Senator from Virginia which would require the hearings to be mandatory rather than permissible on the part of the Secretary of Commerce; and the amendment of the Senator from Alaska relative to State jurisdiction that he pointed out in his remarks. I am willing to accept those amendments and not have a rollcall vote.

Mr. HART. Mr. President, I call up my amendment No. 1302.

The PRESIDING OFFICER (Mr. MCINTYRE). The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. HART. 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 the amendment will be printed in the RECORD.

The amendment is as follows:

On page 26, beginning with line 14, strike out all through line 23 and insert in lieu thereof the following:

"(10) The term 'Secretary' means the Secretary of the Interior.".

On page 28, between lines 2 and 3, insert the following:

"(16) The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.".

On page 54, beginning with line 24, strike out all through line 2 on page 55 and insert in lieu thereof "shall not exceed $3,000,000.".

On page 55, beginning with line 5, strike out all through line 6 and insert in lieu thereof the following:

"SEC. 111. (a)(1) The Administrator is hereby author-".

On page 55, strike out line 21 and insert in lieu thereof the following:

"(2) The Secretary, after consultation with the Administrator and with the Ma-".

On page 56, line 4, strike out "Administrator" and insert in lieu thereof "Secretary, after consultation with the Administrator,".

On page 56, line 9, strike out "Administrator" and insert in lieu thereof "Secretary, the Administrator,".

On page 56, line 15, strike out "Administrator" and insert in lieu thereof "Secretary the Administrator,".

On page 56, line 23, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 6, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 10, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 63, line 24, beginning with the figure "$2,000,000", strike out all through line 9 on page 64 and insert in lieu thereof "$2,700,000 for the fiscal year ending June 30, 1973, and not to exceed $2,525,000 for each of the four next following fiscal years to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.".

On page 64, strike out lines 19 and 20 and insert in lieu thereof "Quality, the Secretary, the Administrator, and".

On page 67, line 20, strike out "of the Interior".

Mr. HART. Mr. President, length is not a necessary element in the discussion of this amendment. It is in truth a very simple proposition. The amendment would give to the Secretary of the Interior the authority over all species of marine mammals as described in the bill we are considering. As the bill comes to us from the committee, the jurisdiction is split between the Secretaries of Commerce and Interior.

Those of us who have joined in offering the pending amendment believe that the approach by the committee is wrong. I am joined in the offering of the amendment by Senators BAYH, CASE, CHURCH, CRANSTON, GRIFFIN, HUGHES, NELSON, SPONG, STEVENSON, JAVITS, HARRIS, and WILLIAMS.

What is the reason that we seek to persuade the Senate to put all of this authority in the Interior Department? It is because the Interior Department traditionally has been a wildlife-oriented department.

Commerce, naturally enough, has favored the development and enhancement of commerce.

What do we set in the pending bill to be our specific, primary purpose?

The bill states:

It is the sense of the Congress that . . . [marine mammals] should be protected and encouraged to develop to the greatest extent feasible . . . [consistent] with sound policies of resource management and that *the primary objective of their management should be to achieve an optimum sustainable population* keeping in mind the optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

If that is not Interior, I should be surprised.

Commercial use of these animals is clearly not the primary goal of this legislation. If the populations can tolerate a harvest, fine, but that decision should be made by an agency which is wildlife oriented rather than one whose mission is to promote commerce.

The conflict is especially clear in the case of the porpoises taken in the course of tuna-fishing operations. It is generally acknowledged that the most efficient fishing methods are those which take porpoises with the desired catch. Will NOAA, which houses the old Bureau of Commercial Fisheries and is in turn housed by the Department of Commerce, feel responsible chiefly to the fishing industry or to the porpoises? While it may be that NOAA would perform its function without interference from the commercial interests within the department, why preserve the possibility of such interference?

It has been argued that placing all ocean mammals under Interior would result in a great duplication of effort. Since NOAA would retain its fleet to monitor fishery populations and carry out other duties, the prospect of duplicate fleets and personnel has been noted. Yet there would appear to be no obstacle to Interior's entering into agreements with NOAA for the use of its personnel, facilities and expertise. In light of this, I feel confident that Interior, with the addition of a few marine mammal scientists and the cooperation of NOAA, would be able to administer the act effectively.

Mr. President, that is the argument. What is the primary purpose of the bill? It is clearly to achieve an optimum sustainable population keeping in mind the

optimum carrying capacity of the habitat and the health and stability of the marine ecosystem.

Is not this as clear an example of the purpose for which Interior was created and is this not clearly a function that should be assigned to Interior? That is the purpose of the amendment.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. SPONG. Mr. President, I briefly wish to concur in what the Senator has said. This is a position we took within the Committee on Commerce. It is covered in the additional remarks we made in the report on the bill.

Mr. President, it seems logical if we are going to enter on a conservation program for ocean mammals that the proper governmental agency to administer the program is the Department of Interior. Here we are with a new approach, with a moratorium, and with a responsibility divided, and this despite the fact that time and time again those who have been involved in conservation and environmental matters have said that all of this, where possible, should be under the control of one governmental agency. I have conveyed these views to the distinguished manager of the bill.

Mr. President, I would be remiss if I failed to recognize the fine contribution made by the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Alaska (Mr. STEVENS) in formulating this legislation. However, I believe the Senator from Michigan is 100 percent correct in his position. Jurisdiction under this bill—if it is to be a conservation bill—should be vested in the Department of the Interior.

I thank the Senator.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for 1 minute?

Mr. HOLLINGS. I yield.

Mr. MAGNUSON. Mr. President, I have gone through these jurisdictional disputes for a long time in this body. Everyone wants to do a certain thing and wants to go back and say that one department would do a better job than another department.

We are trying to set up an agency under NOAA that can do a better job. I agree that the Department of Commerce at times has been derelict in doing things that we in the Committee on Commerce and the Committee on Interior and Insular Affairs would like them to do. But let us not jeopardize the purpose of this bill by having a jurisdictional fight. It does not seem right. We have done a great job on this bill. The Senator from South Carolina has leaned over backward to do the right thing. We are making progress and we are moving ahead. We have a good bill. Why clutter it up by saying somebody else should administer it? I do not know.

The Department of Interior has done a great job in the conservation field in many respects, but, when you reach the oceans beyond the State of Michigan you run into a little different problem, a practical problem, and who knows more about it, who can do more about it, where are the scientists, where are the marine biologists? We are trying to get them all down to NOAA and do this kind of a job and we will have no problem with jurisdiction of the Committee on Interior and Insular Affairs.

Mr. President, that is why they call it the Committee on Interior. That is why we call the agency NOAA. They deal with marine life. We have no problem there at all.

I hope the amendment is rejected. Let us get on with the business. Let us not lose sight of the job we are trying to do.

Mr. HART. Mr. President, I wish to join the chairman in commending the Senator from South Carolina. I supported the Senator from South Carolina on the first rollcall, with some concern. I would be infinitely more comfortable now that we have agreed with respect to the moratorium if that judgment were in the hands of Interior, where they still regard animals as animals whether they live in the ocean or on land. The pressures in Interior would be vastly different.

Mr. President, I close by reminding Senators that an earlier Secretary of Commerce, Mr. Stans, wrote to an earlier Secretary——

Mr. MAGNUSON. But we lost Mr. Stans and we are starting a new deal.

Mr. HART. And we lost the Secretary to whom he wrote the letter. But here he was writing to a former Secretary of the Interior named Hickel. Mr. Hickel was charged with deciding what animals should be put on the endangered species list. Mr. Stans said in his letter:

As you know, I have a personal interest in the conservation of wildlife. What concerns me in this case, however, is that on the one hand there is little evidence that these three species of whales are endangered. On the other hand, the damage to industry from a ban on sperm oil would be severe.

Mr. Hickel said:

I thank you for the note; I do not agree.

Mr. HOLLINGS. What is the date of that letter, please?

Mr. HART. Sometime in November, 1970.

Mr. HOLLINGS. I know a similar letter was written earlier that spring, and the distinguished Senator from Michigan voted in October 1970 for Reorganization Plan No. 4. What has happened since then that disappointed the Senator?

Mr. HART. The fact is that we now create an endangered mammal, animal, and say let the Interior Department worry about one-half of them and the other half let Commerce Department worry about. The Senator from Washington talks about voting ju-risdictional problems. Here we would pass a law that sort of invites that.

Mr. HOLLINGS. Did not the distinguished Senator and vote for that split of jurisdiction in October 1970?

Mr. HART. Yes.

Mr. HOLLINGS. Was not that the proposal of President Nixon, to take the Bureau of Commercial Fisheries? That was in October 1970 when the Senate voted for it by an overwhelming vote, with only five votes dissenting.

I would agree with the Senator if we at some time get to the Senator from Utah's proposal for a Department of Natural Resources. Then we could go along and put it all in that department. But this is a bill that has no relation to jurisdiction, unless the Senate raises the question. The House treated the bill with the species being given to each particular department, by the Senator from Michigan's vote, and by the Senator from South Carolina's vote in October 1970.

Mr. HART. The Senator from Michigan understood that the vote in 1970 to create Reorganization Plan No. 4——

Mr. HOLLINGS. National Marine Fisheries Services.

Mr. HART. As is acknowledged in my prepared statement, was not to regulate wildlife. That is what the Senator is proposing to do tonight.

Mr. HOLLINGS. Then, Mr. President, on my own time, the whole proposal of the reorganization plan was to take the regulation of marine wildlife, specifically the whales, porpoises, and seals, and put them under the ocean and fisheries program under NOAA.

What has occurred since that particular time? As a result of that designation, we have begun the MARMAP program, or the Marine Resources Monitoring, Assessment, and Prediction program, which commenced in fiscal 1970. It is the only program of its kind and scope that I know of, and it provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures.

We also, under NOAA, started a Marine Ecosystem Analysis program. The very thing the Senator said we started in this bill was started 2 years ago by the Senator from Michigan's vote in October 1970 when he voted for the Marine Ecosystem Analysis program.

No, we are not doing it for the first time. The Senator set that precedent when he voted for Reorganization Plan No. 4.

I put into the record the statement that, under the direction of Dr. White—who is a scientist, not a commercial man—Administrator of NOAA, and new Secretary of Commerce Peterson, an admirable record on conservation is being compiled.

I put into the record that, under Mr. Peterson, they set aside St. George Island as a sanctuary for the fur seal, a total moratorium on that little island area to see what would happen. NOAA also took $250,000 and put it into the porpoise program.

In addition to Dr. White, they have the talent of such men as David Wallace, Associate Administrator of NOAA for Living Marine Resources; Dr. William Aaron, Director, NOAA Office of Ecology, formerly a marine scientist at the Smithsonian, an outstanding man there; Dr. Roland Smith, formerly Director of Research, Bureau of Commercial Fisheries, Department of the Interior.

All of that talent has come over and started these particular programs that the Senator voted for as Reorganization Plan No. 4.

In addition we have Dr. Dale Rice, staff scientist and marine biologist; Dr. George Harry, director of marine mammal program. All of them were brought over and put in that top flight group of men.

In addition, we had Dr. William Royce and Dr. Victor Scheffer, retired marine mammalogist and authority of "Year of the Whale" and "Year of the Seal." We

had Dr. Kenneth Norris, department of zoology, University of California. We had Mr. Phillip Roedel, who was head of the National Marine Fisheries Service, and spent more than 25 years with the California Department of Fish and Game.

All of this talent has been put into one department. That is what we are going into. Some day, if we get our Department of Natural Resources, fine, but this is not a jurisdictional fight. This is not a Government reorganization plan. If the amendment is passed, the department will be denuded and all this talent will go elsewhere.

As a result, the administration opposes this amendment and prefers the assignment of responsibility as set forth in this bill.

I am going to yield to my distinguished colleague, who is going to put that in, but let me say that the Department of the Interior, on the House side, in a letter by the Assistant Secretary of the Interior said, it opposed tampering with Reorganization Plan No. 4, and added, and I read from page 35 of the hearings:

. . . our Bureau of Sports Fisheries and Wildlife has retained primary Federal responsibility for the polar bear, walrus and sea otter.

The Department of Interior is against it. The administration is against it. But the Senator from South Carolina would join the Senator from Utah and the Senator from Michigan and other Senators if one day we resolve this into a Department of Natural Resources and Conservation. Then we could go ahead with this particular program, but I advise anyone against ridding ourselves of the leadership of men like Dr. White and men under him, like Dr. Aaron. Do not in a misguided amendment try to do that in behalf of mammal protection, and tear down the temple as Samson did. Let us do that under another government reorganization plan. The proper place for the amendment is under a proposal for a new department.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I join my chairman in opposition to the amendment.

I oppose this amendment because I believe that to place the entire authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals—specifically seals, sea lions, and cetaceans other than walruses—from the agency possessing the necessary expertise, facilities, and personnel to administer the act. I urge that the existing division of authority between the Departments of Commerce and Interior under the Fish and Wildlife Act of 1956, as allocated by Reorganization Plan No. 4 of 1970, be retained. I cannot agree that placing the NOAA capabilities at the disposal of the Department of the Interior while retaining the overall responsibility for administration in the Department of the Interior would be a viable solution, since the enforcement agents should be in close contact with the scientific experts and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior could only lead to unnecessary complications in administration.

During the committee consideration of the bill, some concern was expressed over the division of authority between the Department of the Interior and the National Oceanic and Atmospheric Administration in the Department of Commerce. Senator HART recommended that the complete authority for administering the bill be lodged with the Department of the Interior. After considerable study the committee rejected this suggestion and retained the existing division of authority under the Fish and Wildlife Act of 1956 as allocated by Reorganization Plan No. 4 of 1970.

To place the complete authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals—namely, seals, sea lions and cetaceans, other than walruses—from the agency possessing the necessary expertise, facilities and personnel. This would result in inefficiences in administration of the bill and would, in the long run, be harmful to the marine mammals we are trying to protect. There are five principal reasons for retaining NOAA as one of the two agencies responsible for the administration of the bill:

First. Only NOAA has the necessary scientific facilities and technical expertise to carry out the substantial programs of research which are either mandated by the bill or will be required to support the effective administration of the regulation and permit system which the bill envisions. Identification of "depleted" marine mammal-population stocks, determination of the factors adversely affecting these stocks and development of effective countermeasures to conserve the animals will all require the extensive scientific capabilities which NOAA possesses.

Second. NOAA has the management capability to effectively administer a program for the conservation and protection of marine mammals within its jurisdiction.

Third. NOAA has an experienced cadre of international experts and negotiators—including individuals occupying key positions on international fisheries commissions. Such personnel are vital to the successful conservation of marine mammals, since their habitat in almost every case crosses international boundaries or lies in the high seas.

Fourth. NOAA has an existing capability to enforce conservation regulations established to protect marine mammals under its jurisdiction.

Fifth. Finally, NOAA is strongly oriented toward the conservation and protection of marine mammals under its jurisdiction.

Even those who suggest that NOAA should not participate in administration of the bill must admit to NOAA's competence in the first four categories. Their principal argument is that NOAA may be too commercially oriented to administer the bill. They do not contend that this in fact is the case, only that there is a danger.

There are ample indications of the dedication of this new organization to the protection and conservation of ocean mammals. For example, the recent action of NOAA's Administrator, Dr. Robert White, in proposing to the Stockholm Conference a 10-year moratorium on the taking of whales illustrates his personal concern for the future of these magnificent creatures. Prior to the conference, Dr. White personally strongly espoused this action within the councils of government. Similarly, NOAA's proseals on the Pribilof Island of St. George demonstrates its concern that the Pribilof fur seal conservation program be continuously evaluated and revised in the light of changing conditions in the Bering Sea ecosystem so as to promote the fur seal population. This action is consistent with the principle that conservation programs should be flexible and responsive to changing ecological conditions. This vigorous spirit of conservation has also been evident in other areas of NOAA's activities. Thus, at the last two international meetings under the aegis of the International Commission for the Northwest Atlantic Fisheries, NOAA's personnel, representing the United States, have vigorously sought and obtained, country by country, annual catch limitations on 14 species of fish. This is a landmark on the road to successful conservation of our fisheries. It is the first time that such quotas have ever been developed under this Commission.

Those who oppose inclusion of NOAA in the bill point to NOAA's interest in promoting our fishery resources, presumably implying a conflict of interest with regard to conservation of marine mammals. This point is particularly ill-founded. To begin with, most marine mammals are not the subject of commercial exploitation. In the two instances where they are commercially exploited; namely the seals and the whales, NOAA has proven itself to be a vigorous supporter of conservation. For example, the North Pacific seal program has been eminently successful in retrieving a threatened species from extinction and, as I indicated before, NOAA is continuing to press for better conservation methods for these animals. In the case of the whales, NOAA not only urged the banning of all further taking of whales by American citizens but has also been instrumental in developing and urging the adoption of a whale moratorium at the Stockholm Conference.

With respect to the taking of porpoises incidental to the tuna fishery, which is the one situation in which marine mammals significantly interact with commercial fishing operations, NOAA has clearly demonstrated its concern and has actively taken such steps as it can under its current authority to attack this problem. Through numerous industry meetings it has pressed for industry cooperation and assistance in developing gear and methods to eliminate porpoise kills and has sought and obtained permission to accompany tuna boats on their expeditions so as to obtain scientific data. More recently it has been announced by Dr. White that NOAA is substantially increasing its own budget for ocean mammal research without waiting for the passage of this bill. However, until this bill is adopted, the Federal Government will be without authority to require specific measures to be taken by the tuna

industry or others to reduce mammal mortality.

NOAA, under the Fish and Wildlife Act, already has responsibility for conservation and protection of certain marine mammals. The suggestion that NOAA should not continue to participate in the conservation of marine mammals because it also protects and conserves our fisheries is as baseless as would be a suggestion that Interior should not remain in charge of its land-oriented conservation programs because it also administers the Predator Control Act designed to promulgate the best methods to eradicate and control wolves, mountain lions, and other animals, or because it obtains substantial revenues through the sale of fishing tackle and duck stamps and thus has an economic interest in killing these forms of wildlife.

SCIENTIFIC CAPABILITIES

With respect to NOAA's scientific and technical expertise, its capabilities are impressive. Presently it has 17 laboratories, 13 ships over 100 feet in length and approximately 900 personnel engaged in research on fish and marine mammals. The laboratory network covers the east, west and gulf coasts, as well as Alaska and Hawaii. The scientific work carried on spans an immense range of subjects from shellfish to mammals.

In addition, NOAA has recently initiated two new projects of fundamental importance—MARMAP and MESA. MARMAP—marine resources monitoring, assessment, and prediction—commenced in fiscal year 1970 and, to my knowledge, is the only program of its kind and scope in existence anywhere. It provides for the phased development of a comprehensive continuing investigation of the distribution and abundance of all types of marine creatures, together with an analysis of the factors controlling such distribution and abundance. This program will assist NOAA to identify depleted marine mammal species and to determine the cause for their decline. It will pinpoint mammal breeding areas and food supplies. It will also provide an indispensable data base for international negotiations aimed at conserving such species.

The MESA program—marine ecosystem analysis—is a more specialized program, designed specifically to gather ecological baseline data on the marine organisms in the ecological chain of estuarine and nearshore waters and to determine the effects on such organisms of all forms of manmade and natural pollution. The obvious relevance of such a program to nearshore marine mammals needs no comment.

MANAGEMENT CAPABILITIES

NOAA personnel have had considerable experience in applying management and conservation techniques to a variety of fish and marine mammal species, the North Pacific fur seal program being an outstanding example.

NOAA proposes a reevaluation of the seal stocks on a scientific basis to ascertain what improvements in the conservation in the Pribilofs can be made.

Management experience of the foregoing kind is essential to devising adequate and enforceable programs to protect marine mammal species. Each category of species presents its own unique problems of management. Among all the Federal agencies, NOAA, alone, has developed this kind of expertise with respect to the species under its jurisdiction.

INTERNATIONAL EXPERTISE

In order to provide for real protection to marine mammals on the high seas and therefore subject to taking by citizens of any nation international agreements providing for the protection of such species will be necessary. Reorganization Plan No. 4 transferred to NOAA most of the Government's personnel outside the Department of State who have had experience in the negotiation of international fishery agreements. Pursuant to the Fish and Wildlife Act, they often advise the Secretary of State on marine mammals, and in many instances serve on international commissions.

This international expertise is particularly significant because it has become obvious to the committee that the only way to protect and conserve marine mammals which spend any portions of their lives outside the territorial waters of the United States is to do so by international arrangement, involving all nations whose citizens have an impact on the particular stock.

In addition to its general international expertise, NOAA has immediate access to many international fisheries conservation groups through its own representatives and can more efficiently insure that policies aimed at protecting mammals which are affected by fishing will be carried out. Here again, Dr. White's initiative concerning the whales is an excellent example of the necessity for international cooperation in the protection of species on the high seas.

ENFORCEMENT EXPERIENCE

The National Marine Fisheries Service has a long history of effective enforcement of various international fisheries conventions and laws implementing these conventions.

This NOAA cadre can well be used to enforce marine mammal regulations. In addition to their direct responsibilities, they can, when backed by the scientific expertise of the NOAA researchers, significantly augment the enforcement activities of other arms of the Federal Government, such as Customs and the Coast Guard.

Placing this NOAA force at the disposal of Interior is unnecessary and inefficient, since the men should be kept in close contact with the NOAA scientific experts, and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior can only lead to unnecessary complications.

I ask unanimous consent to insert it in its entirety into the RECORD, NOAA's official position on the amendment.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., July 24, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to an informal request for the position of the Administration on Amendments 1275 and 1302 which have been proposed to S. 2871, the Marine Mammal Protection Act of 1972.

Amendment No. 1275 (Harris) would place all responsibility for the administration of the Act in the Secretary of the Interior. Amendment No. 1302 (Hart) would also place responsibility for administration of the Act in that Department. In addition, Amendment No. 1302 would vest responsibility for issuance of regulations regarding fishing gear under section 111 of S. 2871 jointly in the Secretary of the Interior and the Administrator of the National Oceanic and Atmospheric Administration (NOAA). Under the bill as reported, this function would reside with the Administrator of NOAA.

The Administration opposes both of these amendments and prefers the assignment of responsibilities as set forth in the bill as reported. This position has been cleared through the Office of Management and Budget.

We believe that to place the entire authority for administration of the bill in the Department of the Interior would divorce the responsibility for many of the mammals (specifically seals, sea lions and cetaceans other than walruses) from the agency possessing the necessary expertise, facilities and personnel to administer the Act. We urge that the existing division of authority between the Departments of Commerce and Interior under the Fish and Wildlife Act of 1956, as allocated by Reorganization Plan No. 4 of 1970, be retained. We cannot agree that placing the NOAA capabilities at the disposal of the Department of the Interior while retaining the overall responsibility for administration in the Department of the Interior would be a viable solution, since the enforcement agents should be in close contact with the scientific experts and both groups should be under a single unified authority. Adding another layer of administrative direction from Interior could only lead to unnecessary complications.

The Office of Management and Budget has approved the submission of this letter to the Congress.

Sincerely,

WILLIAM N. LETSON,
General Counsel.

Mr. STEVENS. I also ask unanimous consent to place in the RECORD a letter I recently received from John Burns, an Alaska Department of Fish and Game biologist and an internationally known authority on the North Pacific walrus.

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

COLLEGE, ALASKA,
July 6, 1972.

Senator TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Please excuse the informality of a hand-written personal letter. Time is short and there is no typewriter where I am at present.

This letter is in relation to amendments to S. 2871. I would urge you to oppose the amendment which would vest all responsibility and authority for marine mammals in the Secretary of Interior. If responsibility must be changed from the state to the federal government (which I am opposed to), the Interior Dept. is a very poor choice from the standpoint of rational utilization of species which can withstand harvesting. NOAA, in my opinion, has a much better background in resource management including wise utilization. The trend in Interior is for ever increasing protectionism, which is evident in their requests for ever increasing wilderness areas, endangered species status (even on the Pacific walrus), etc.

Interior would be a much more pliable tool

in the hands of arch-protectionists, than would NOAA.

Alaska can not afford to go backwards or to degenerate. We are still in our vigorous youth, striving for the most favorable growth and development for the benefit of both our environment and the people that live in it. In this region, which depends greatly upon the wise use and management of its various resources it is necessary to insure that the right to continue wise utilization, is considered.

Somehow, in the great struggle for control and jurisdiction of resources within the federal system, the little guy is being overlooked, especially if he is neither Eskimo, Indian or Aleut.

Sincerely,

JOHN J. BURNS.

Mr. GRIFFIN. Mr. President, the pending amendment offered by my distinguished colleague from Michigan (Mr. HART) which I have cosponsored, would give the Secretary of the Interior complete jurisdiction under this legislation over the taking of marine mammals.

It does not make sense to me, on the one hand, to have the Department of the Interior regulate the taking of walruses, sea otters and polar bears and, on the other hand, to have the Department of Commerce exercise similar authority over whales, dolphins and seals as S. 2871 is now written. It would make as much sense to give NASA control over space satellites while at the same time having the Federal Aviation Administration operate the rockets to power satellites.

Although Federal Reorganization Plan No. 4 of 1970 transferred responsibilities over certain marine mammals from Interior to the National Oceanic and Atmospheric Administration, this was incidental to the main transfer of authority over the development and conservation of our Nation's fisheries resources. I see no logical reason why some marine mammals should be under the jurisdiction of Interior while others are under the authority of NOAA. Seals, for example, which would be under Commerce are no more ocean oriented than are walruses which would be under the jurisdiction of Interior as S. 2871 is written.

Although NOAA has a sizable research program and a number of ocean research vessels, that agency was still required to contract with the Department of the Navy for research concerning ways to eliminate the incidental killing of dolphins by the tuna fishing industry.

If this amendment were passed NOAA could still provide scientific and technical assistance to the Department of the Interior with respect to marine mammals. However, cooperation between NOAA and Interior where Interior has sole jurisdiction would not appear to lead to any greater administrative burdens than where each agency has divided jurisdiction for mammals living in similar habitats. Moreover, with all authority in Interior, there is the advantage of having a uniform conservation program where responsibility can be pinned down.

The proposal to give Interior complete jurisdiction to administer the provisions of S. 2871 has been endorsed by respected conservation organizations such as the Sierra Club. Even the House Merchant Marine and Fisheries Committee which approved the division of jurisdiction indicated in its committee report that—

The Committee is not satisfied that the jurisdictional split between agencies is helpful or useful; it retained the status quo largely upon the hope and expectations that a Department of Natural Resources would be shortly forthcoming, at which point the two programs would be merged into one.

Mr. President, the proposal for a Department of Natural Resources by the administration would undoubtedly resolve the problem before us. Although the possibility of such a Department being created in the near future is not great, it should be pointed out that it would largely encompass existing programs within the Department of the Interior as well as other natural resource functions in agencies such as NOAA. In the interim, marine mammal protection should be centered in the Department of the Interior.

Mr. President, as the senior Senator from Michigan (Mr. HART) and I pointed out in our additional views in the committee report on S. 2871—

We have traditionally entrusted the protection of wildlife to the Department of the Interior. We see no reason to break from that tradition in this area.

I hope that this amendment will be adopted so that the principal Federal conservation agency can be entrusted with the task of protecting all of our animal wildlife, both on the land and in the water.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. Mr. President, I yield back my time.

Mr. HART. Mr. President, I yield back my time.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the rollcall vote be limited to 10 minutes, with the warning bell sounded in 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), would vote "yea."

I further announce that if present and voting; the Senator from Georgia (Mr. GAMBRELL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 38, nays 48, as follows:

[No. 314 Leg.]

YEAS—38

Allen	Dominick	Metcalf
Allott	Ervin	Miller
Bayh	Fannin	Mondale
Bellmon	Griffin	Moss
Buckley	Hansen	Muskie
Burdick	Harris	Nelson
Byrd, Harry F., Jr.	Hart	Proxmire
	Hughes	Ribicoff
Case	Humphrey	Schweiker
Chiles	Javits	Spong
Church	Kennedy	Stevenson
Cranston	Mansfield	Tunney
Dole	McIntyre	Williams

NAYS—48

Aiken	Gravel	Pearson
Anderson	Gurney	Randolph
Beall	Hartke	Roth
Bennett	Hatfield	Saxbe
Bentsen	Hollings	Scott
Bible	Hruska	Smith
Boggs	Inouye	Sparkman
Brooke	Jackson	Stafford
Byrd, Robert C.	Jordan, Idaho	Stennis
Cannon	Long	Stevens
Cook	Magnuson	Symington
Cooper	Mathias	Taft
Cotton	McClellan	Talmadge
Curtis	Montoya	Thurmond
Eastland	Packwood	Tower
Fong	Pastore	Weicker

NOT VOTING—14

Baker	Gambrell	Mundt
Brock	Goldwater	Pell
Eagleton	Jordan, N.C.	Percy
Ellender	McGee	Young
Fulbright	McGovern	

So Mr. HART's amendment was rejected.

AMENDMENT NO. 1330

Mr. SPONG. Mr. President, I call up my amendment No. 1330.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SPONG. 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 41, beginning with line 19, strike out all through line 24 and insert in lieu thereof the following:

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary shall, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

Mr. SPONG. Mr. President, this amendment would correct an inequity in the bill as reported, and I am pleased that the distinguished Senator from

South Carolina has indicated that he will accept it.

Under the committee bill, a person having a permit to take marine mammals must be afforded an opportunity for a hearing whenever the Secretary proposes to modify, suspend or revoke such permit. In other words, if a permittee wants a hearing, he must be given one.

On the other hand, there is no requirement in the committee bill for a hearing which may be requested by parties interested in the original issuance of a permit to take marine mammals. This discrepancy seems to me to be inconsistent, and unfair.

Mr. President, my amendment would correct the inequity by giving persons interested in the original permit the same rights as holders of permits who stand to be affected by modifications proposed by the Secretary.

In other words, Mr. President, the Secretary would be required under my amendment to afford an opportunity for a hearing both in the case of the original issuance of a permit, and in the case of a proposed modification to a permit.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Virginia is correct. We want to make certain that the hearing process would be required and would not be optional. We join in the amendment.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HOLLINGS. I yield.

Mr. LONG. Some concern has been expressed by some people in Louisiana that perhaps the term "marine mammal" might be construed to include the nutria and the muskrat, which we have in Louisiana. We have the nutria in great abundance. If anyone could reduce their number, it would be a great asset to us. A while back, we had a few, and someone brought some in for experimental purposes and they have multiplied, and they have virtually eaten up the whole southern end of the State.

In any event, it is my understanding that it is not intended that this include the nutria and the muskrat and that we would continue to struggle with the problem of regulating these matters as we have in the past. Is that correct?

Mr. HOLLINGS. That is correct. The understanding of the Senator from Louisiana is also the understanding of the manager of the bill and the understanding of the committee. The term is defined on page 25, section 4, as follows:

(4) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

I have asked about that, and the nutria and the muskrat are not included in "marine mammals."

Mr. LONG. I thank the Senator.

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

Mr. HOLLINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHILES. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

On page 42, line 17 strike "plaintiff" and insert the following: "applicant for a permit"

Mr. CHILES. Mr. President, this amendment would simply change several words. When a person has made application for a permit, the bill, on page 42, subsection 6, allows a hearing by the person seeking the permit or someone opposed to the permit. Presently, it allows whoever is seeking that hearing to hold the hearing in his place of residence or the District of Columbia. This amendment would simply change that to say that the hearing would be held at the place of the petitioner, the person seeking the permit, or at the District of Columbia, rather than at the place of someone opposing the permit, who is perhaps in Alaska and is opposing some permit in Florida, and requiring that the hearing be held in Alaska.

I think the chairman of the subcommittee will accept the amendment. That is the purpose of the language change.

Mr. HOLLINGS. Mr. President, I accept the amendment of the Senator from Florida.

I yield back the remainder of my time.

Mr. CHILES. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment on behalf of the Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 28, line 6, strike out "fifteen-year".

Mr. MANSFIELD. Mr. President, the amendment speaks for itself. I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, we accept the amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1360

Mr. STEVENS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. 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 52 line 7 to page 53 line 6 strike section 109(a) and substitute a new subsection 109(a) as follows:

(a) (1) As authorized under this Act and other applicable law or as necessary to comply with the purposes and policies of this Act the Secretary shall conduct periodic scientific studies, including, but not limited to, research, censusing, habitat acquisition and improvement, death rates and causes, birth rates, food supply, pollution effects, and the relationship of each mammal species and stock to the ecosystem, concerning the marine mammals living natural within the limits of the jurisdiction of the states.

(2) (A) The exclusive right and power of the States to conserve, control, and manage marine mammals in or on lands and water within their jurisdictions for public use and benefit in accordance with applicable State law, are subject to the provisions hereof, recognized, confirmed, and established, in the respective States.

(B) This subsection shall not be construed as affected the responsibilities and rights of departments or agencies of the United States to conserve and develop, subject to the provisions of this subsection, the natural resources, including fish and wildlife, on lands owned or controlled by the United States within the territorial boundaries of any States or as depriving the United States of the right to protect and preserve its lands from destruction or depredation by wildlife to the same extent and in the same manner permitted to any owner of land by the laws of the State in which such land or waters are located. There are hereby specifically reserved and excepted from the operation of this subsection:

(i) All rights and powers of the Congress of the United States to control and regulate the taking of fish and wildlife under any international treaty or convention to which the United States is a party but only with respect to those species of fish or wildlife expressly named in said treaties or conventions.

(ii) All rights and powers of the United States in and on areas over which the States have ceded exclusive jurisdiction to the United States.

(iii) All rights and powers over any species of marine mammal ceded or granted to the United States by any State.

(D) Notwithstanding anything contained in any Act of the Congress or in any rule or regulation promulgated by any Federal department or agency it is hereby declared to be the intent of the Congress that no provision of any Act shall be construed or implemented in any manner as to displace, preempt, or deprive the several States of their primary and historically recognized authority to control, regulate, and manage marine mammals in or on any lands or waters under State jurisdiction, including all lands and waters owned by the United States or in which the United States Government has an interest.

(3) The Secretary may make findings based upon scientific studies that a particular marine mammal species within State jurisdiction may become endangered unless Federal regulations are imposed, in which case State laws and regulations shall cease to apply to that species and this Act and other Federal laws and regulations promulgated pursuant thereto shall apply.

Mr. STEVENS. Mr. President, this amendment, in principle, is identical to

that contained in S. 1232, which was introduced in the 91st Congress by Senators MORSE, BIBLE, CANNON, and CHURCH. It is a bill that has passed the Senate repeatedly.

As pointed out in Senate Report 91–151 which accompanied S. 1232, States must have the right to regulate and manage all fish and wildlife within their borders.

We recognize that there are circumstances when this must change, and this act recognizes that. I point out that the Wilderness Act states:

Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the National Forests.

We have similar language in other bills that have been passed by Congress.

The basic concept is that within the State's jurisdiction, State laws prevail, and, as I said earlier, this means out to the 3-mile limit.

This amendment says that the Secretary—that means the Secretary of the Interior or the Secretary of Commerce, depending on the jurisdiction involved—shall make a study of all the species of ocean mammals within the respective State jurisdictions. On the basis of these studies, if he makes a finding that a particular marine mammal species within a State jurisdiction will become endangered unless Federal regulations are imposed, then the State law as applicable to that marine mammal would cease to apply, and it would be a matter of Federal jurisdiction.

This is a matter of conforming what exists today, in my understanding of the State laws which apply within State jurisdiction on the land and within the 3-mile limit.

We are prepared to accept the fact that some marine mammals are in danger of becoming endangered species and may become depleted, which may need special Federal attention, and we accept that fact. As a matter of fact, it could happen to all the species in any particular State. I think we all should accept the fact that the overriding national interest may govern at times with regard to all wildlife species; but until that happens, until the Secretary makes that finding, we think that within the 3-mile limit we should have the rights we have now.

I pointed out earlier that at the time Alaska received statehood, there was a provision in the Alaska Statehood Act that Alaskans could not have jurisdiction over their fish and wildlife until the Secretary had made such a study. He made the study in 1959, and the Secretary did certify that the State of Alaska had established a management system. The State of Alaska did establish a definite management system which received approval of the Federal Government as to its ability to manage the total fish and wildlife within its jurisdiction.

All this amendment would do would be to confirm that circumstance, that we have the right to manage the ocean mammals as well as the rest of the fish and wildlife within our jurisdiction until there is a finding that some species may become endangered—not that it has to be endangered at the time. The Endangered Species Act would cover that right now. We are recognizing that there is a prior category of these species that may become an endangered species. Under this amendment the Secretary could assert Federal jurisdiction over these mammals or any number of species. I am hopeful that this concept which I consider to be a concept which is basic, absolutely basic to public land States and those coastal States that have the 3-mile limit, and will be included in the bill, and that those Members of this body who represent States form coastal areas will accept the fact that there may come a time when the overriding national interest of the Government over State laws would yield, in the event the species needed protection envisioned in the bill.

I close my comments on my amendment by stating that I have worked with a great many people in my life, but I really do congratulate the Senator from South Carolina (Mr. HOLLINGS) because he has turned this bill around so that it is a livable bill, and so that it is a bill the Native people of Alaska can survive with. He authorized us to hold hearings in Alaska and we held many. We consulted with the Alaskan Natives in terms of the amendments in the bill. I think he is really to be congratulated by every Member of this body for the work that he and John Hussey of the Commerce Committee staff have done. It is a bill that is a livable bill. It will be a livable bill, particularly if this amendment is adopted. [Laughter.]

Mr. HOLLINGS. Mr. President, therein the Senator from Alaska has overspoken. I believe that I have overspoken a little in saying that we would be able to accept the amendment. It is a three-page amendment. The Senator from Alaska worked intimately with me. The kudos really are his, because coming from a State which is 50 percent involved in all this marine mammal problem, conservation, and otherwise, he has been of invaluable guidance to us. We have differed, however, with respect to the actual authority and jurisdiction.

I have always felt that the U.S. Government had jurisdiction over the fisheries and over these particular marine mammals. Neither of us, in the couple of conferences with attorneys from the Department of Commerce, want to pass a bill and then have someone question the legality of the bill, and find by some decision, that the bill is unconstitutional and that the State would be preempted unconstitutionally. As a result, I have received one opinion talking about this section 109 of the bill, S. 2871.

Section 109 of the marine mammal bill (S. 2871) preempts State authority over marine mammals within the territorial sea. A question has been raised whether the Congress may constitutionally legislate in this area and, if it has the constitutional power to do so, whether it has voluntarily given up that power. The leading case on the congressional authority to regulate an activity is *Wickard* v. *Filburn*, 1942, 317 U.S. 111. That case held that Congress has the power to legislate where the activity regulated has a substantial effect on interstate commerce.

The U.S. Court of Appeals for the Fifth Circuit in *Zabel* v. *Tabb*, 430 F.2d 199 (1970) held:

The destruction of fish and wildlife in our estuarine waters does have a substantial, and in some areas a devastating, effect on interstate commerce (1 ER 1449, 1451).

This characterization would appear to be equally true of marine mammals in the territorial sea and, in fact, S. 2871 provides a specific finding that marine mammals either move in interstate commerce or affect interstate commerce—see section 2(5). Thus, it seems clear that there is no constitutional bar to regulation of marine mammals within coastal waters.

The effect of the Submerged Lands Act as a divestiture of the power to regulate was also examined in the case of Zabel against Tabb. The Submerged Lands Act confirmed in the States the right and power to manage, administer, lease, develop, and use the lands and natural resources within the 3-mile territorial sea in accordance with applicable State law. However, section 6(a) of the act reserved to the United States—

All its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce.

The statute specifically provides that these Federal rights are paramount to the proprietary rights of ownership, or the rights of management, administration, leasing, use, and development retention by the States.

The court of appeals held, after considering this statute in some detail, that Congress intended and did retain all its constitutional powers over commerce in the territorial sea and did not relinquish certain portions of that power by specifically reserving others.

In the Zabel case the court was concerned with a Corps of Engineers' regulation and found that sufficient authority existed for that regulation. In the present situation we are concerned with legislation, and we would therefore be inclined to the view that the Congress may exercise the retained right to enact the conservation measures proposed under the authority of the Zabel case.

We should also point out that the States appear to have jurisdiction in this area in the absence of conflicting legislation under the commerce clause. The case of *Corsa* v. *Tawes*—149 F. Supp. 771 D.C. Md. 1957, affd. 355 U.S. 37—is interesting. Note that this case, decided after the enactment of the Submerged Lands Act, cited that act in support of its conclusion that there was no conflicting congressional legislation.

Mr. President, in colloquy with the Senator from Alaska, he and I both have been trying to get final passage on this bill because we have been working on it for several months now, constantly, in hearings in Alaska and around the country. We cannot keep up with the mail.

Mr. President, I cannot go along with this fundamental change the Senator from Alaska has outlined in 2a, and section c, on the second page, which reads:

(C) No department or agency of the United States shall promulgate or enforce any rule or regulation with respect to the taking of marine mammals within the several States

unless such rule or regulation is in compliance with, and under authority of, the laws and regulations of the State wherein such rule or regulation is applicable.

What we have done, if we accept his change, is to change the whole concept, and the Federal Government would be playing catchup football with the several States. We would not have a national policy. We would not have a marine mammal protection bill, as this has been represented to be, in my judgment, to the Senate and to the public.

Accordingly, in fairness, what we should do is to go ahead over and let us debate it 10 minutes to a side, and let us do this tomorrow and then get a rollcall vote on it and have final passage. I should like to facilitate things and accept it tonight, but I am not in a position to do so.

UNANIMOUS-CONSENT AGREEMENTS

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, I should like to propound a unanimous-consent request:

I ask unanimous consent that when the pending business is laid before the Senate on the second track tomorrow, after we finish with the temporary consideration of the military procurement bill, there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Alaska (Mr. STEVENS), and that immediately upon completion of that time, there be a vote and that we then proceed to third reading and a final vote.

Mr. HARRIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I wish to waive rule XII.

Mr. HARRIS. I would like to speak for 10 minutes against the bill, particularly if this amendment is in it.

Mr. MANSFIELD. I change the time then, to 30 minutes, with the time to be equally divided, with 15 minutes to the Senator from Alaska (Mr. STEVENS), 5 minutes to the Senator from South Carolina (Mr. HOLLINGS), and 10 minutes to the Senator from Oklahoma.

Mr. HARRIS. But I was speaking of the bill itself. In addition, I should like to speak against the amendment but I would also like to be heard against the bill prior to final passage

Mr. MANSFIELD. Does the Senator want to speak 10 minutes on the amendment also?

Mr. HARRIS. I should like to speak 10 minutes against the bill and 10 minutes against the amendment.

Mr. MANSFIELD. Would the Chair entertain that request?

Mr. SPONG. Mr. President, reserving the right to object and I shall not object, but may I ask the leadership, if there is an agreement on this unanimous consent request, what the leadership contemplates insofar as the Maritime bill is concerned?

Mr. MANSFIELD. Immediately following?

Mr. SPONG. Immediately following. May I ask if a later session contemplates that we would try to finish that bill tomorrow?

Mr. MANSFIELD. If we can, we certainly will, but I am not certain we can, although we will make every effort to do so. We did not think that we could finish this bill as quickly as we seem to be.

The PRESIDING OFFICER (Mr. MONTOYA). Will the Senator from Montana state his unanimous consent request again?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 35 minutes on the pending amendment, and that the time be allocated as follows: 15 minutes to the Senator from Alaska (Mr. STEVENS); 10 minutes to the Senator from South Carolina, the manager of the bill; 10 minutes to the Senator from Oklahoma (Mr. HARRIS); at the conclusion of which a vote will be taken—the type of vote to be determined by the Senate at that time. Then, at the conclusion of that vote, the Senate immediately go to third reading, and that after third reading the distinguished Senator from Oklahoma (Mr. HARRIS) may have 10 minutes before the final vote is taken on the bill.

Also, that the Senator from South Carolina (Mr. HOLLINGS) have 10 minutes on the bill. That means 20 minutes after third reading, to be divided between the two Senators before the final vote.

The PRESIDING OFFICER (Mr. MONTOYA). Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that once the final vote is completed on the pending bill, the Senate then proceed——

The PRESIDING OFFICER. Would the Senator entertain a request from the Chair that he ask for the waiving of rule XII?

Mr. MANSFIELD. I thought I already did that.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the vote on the pending bill tomorrow, the Senate proceed to the consideration of Calendar No. 804, H.R. 13324, an act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce and that it be laid before the Senate as second track business.

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

Who yields time? The amendment is still pending.

Mr. STEVENS. Mr. President, this is subject to unanimous-consent request, but I ask unanimous consent that the amendment be printed so that it will be available and distributed to Senators for tomorrow.

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

Mr. MANSFIELD. Mr. President, I should have made it plain that the unanimous-consent request does not start until tomorrow, so that if Senators wish to speak further tonight on the pending bill or the pending amendment, they are entitled to do so.

The PRESIDING OFFICER. The Senate is still on controlled time.

Mr. HOLLINGS. Mr. President, we have a unanimous consent on behalf of the Senator from Missouri from the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Missouri (Mr. EAGLETON) be printed in the RECORD at an appropriate time on the bill.

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

STATEMENT BY SENATOR EAGLETON

Men and women in public life are often faced with difficult choices between competing—and often conflicting—public policy objectives. Amendment 1278 which may be offered to S. 2871 presents such a difficult choice. I will not be present to vote, but I would like to state my position for the record on that amendment.

The need for increased protection of marine mammals, seals, otters, walruses, whales, polar bears, porpoises, and others—is clear, and S. 2871 accomplishes that end. At the same time, we must recognize that the people most affected by this bill are the Eskimos, Indians, and Aleuts living in the vast coastal regions of Alaska. I believe that the interests of these citizens are preserved by this legislation, and I would be reluctant to amend it in ways which would unfairly encroach on their lives, culture, and livelihood.

Amendment 1278 to S. 2871 would possibly abrogate the fur seal treaty and, in effect, deprive Native Alaskans of their livelihood and impinge seriously on their cultural and artistic traditions. So far as I have been able to determine, this amendment to the moratorium provisions of the bill offer Alaskan Natives nothing in return. The Pribilof Islands are not—and indeed likely never will become—centers of tourism, and recreation which would provide alternative economic opportunities to the Islanders.

Relegating these proud people to the status of unwilling welfare recipients is not the answer, either.

For these reasons, I would oppose amendment 1278 to the moratorium provision of the bill because it would jeopardize the native culture and livelihood of the Pribilof Islanders and other Native Alaskans. I had hoped that some provision could have been made to protect both the interests of Native Alaskans and marine mammals species. But, if no such accommodation can be reached, there is time enough to try the moratorium provision in S. 2871 and to amend it in the future if it proves unsatisfactory in practice. If amendments are required in the future, provision must be made in those amendments to protect the native culture, livelihood, and self-respect of the Pribilof Islanders and other Native Alaskans.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, under the unanimous-consent agreement I yield back the time I have tonight.

Mr. HOLLINGS. Mr. President, I yield back the time that I have tonight.

The PRESIDING OFFICER. All time has been yielded back.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

in adjournment until 10 o'clock tomorrow morning.

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 second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that my staff may come on the floor to move this exhibit which was so generously loaned to us by the University of Alaska concerning marine mammals.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

ANNOUNCEMENT ON VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the permanent RECORD of Monday, July 24, show that if present and voting on final passage of S. 3390, the Senator from Georgia (Mr. GAMBRELL) would have voted "nay."

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

Mr. ROBERT C. BYRD. Mr. President, I further ask unanimous consent that the permanent RECORD of Monday, July 24, show that if present and voting on the motion to table the motion to reconsider S. 3390, the Senator from Georgia (Mr. GAMBRELL) would have voted "yea."

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

ORDER FOR LIMITATION OF TIME ON THE MARITIME BILL

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader—and after having cleared the proposed request with the distinguished Senator from New Hampshire (Mr. COTTON), the distinguished Senator from Louisiana (Mr. LONG), the distinguished Senator from Maine (Mr. MUSKIE), the distinguished assistant Republican leader, and other Senators on both sides of the aisle—I propose a unanimous-consent request as follows:

Mr. President, I ask unanimous consent that with respect to H.R. 13324, an act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, the time on the bill be limited to 3 hours, the time to be equally divided between the distinguished Senator from Louisiana (Mr. LONG) and the distinguished Senator from New Hampshire (Mr. COTTON); that the time on section 3 of the third committee amendment be limited to 2 hours, the time to be divided between and controlled by the distinguished Senator from Louisiana (Mr. LONG) and the distinguished Senator from New Hampshire (Mr. COTTON); that time on any other amendment be limited to 1 hour, the time to be divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill would favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee; that time on any debatable motion or appeal in relation thereto be limited to one-half hour, the time to be equally divided between and controlled by the mover of such and the distinguished manager of the bill; provided further that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion or appeal.

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

Mr. ROBERT C. BYRD. Mr. President, I want to be very sure I have stated the request as correctly as I possibly can.

Am I correct in inquiring of the Chair as to whether or not under the request agreed to, time on section 3 of committee amendment No. 3 would be limited to 3 hours equally divided?

The PRESIDING OFFICER. Is it committee amendment No. 3 or 2?

Mr. ROBERT C. BYRD. I understood it was committee amendment No. 3.

Mr. President, I am in error. It is section 3 of committee amendment No. 2.

The PRESIDING OFFICER. The correction in the request will be made accordingly.

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 15495. The pending question at that time will be on the adoption of the amendment by Mr. SAXBE, amendment No. 1336, which deals with the carrier. There is a time limitation of 5 hours on the amendment and a yea-and-nay vote will occur on the amendment.

It is my understanding in talking to the Senator from Ohio (Mr. SAXBE) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), that it is not anticipated that the full 5 hours will be utilized. In any event, the maximum would be 5 hours, with the understanding of course, that additional time is allotted on any amendment to the amendment.

Upon disposition of the amendment by Mr. SAXBE, it is the intention of the leadership to lay aside temporarily, for the remainder of the day, the unfinished business, the military procurement authorization bill, and resume the consideration of the marine mammals bill.

Under the agreement, there is a time limitation of 35 minutes on the amendment by Mr. STEVENS of Alaska. Upon the disposition of that amendment, which will require a yea-and-nay vote, there is a 20-minute limitation on debate before final passage, and undoubtedly there will be a yea-and-nay vote on final passage.

Mr. President, upon the disposition of the Marine Mammals bill the Senate will proceed to the consideration of the second track item, the maritime authorization bill, H.R. 13324, under a time limitation. Yea and nay votes can be expected on amendments thereto and on final passage of the bill. It is hoped that the Senate will dispose of that bill tomorrow at an hour that is not unreasonably late.

The PRESIDING OFFICER. Is a vote expected on the committee amendment as amended on S. 2871?

Mr. ROBERT C. BYRD. A yea-and-nay vote is anticipated on the amendment by Mr. STEVENS.

The PRESIDING OFFICER. On the committee amendment as amended on S. 2871?

Mr. ROBERT C. BYRD. I would doubt it. Ordinarily a rollcall vote is not requested on adoption of the committee amendment as amended, but on final passage, after third reading, there would be.

The PRESIDING OFFICER. There would, therefore, be no time for debate thereon.

Mr. ROBERT C. BYRD. It is my understanding, in listening to the request of the distinguished majority leader, that upon disposition of the amendment by Mr. STEVENS the Senate then would proceed to third reading of the bill, which would first encompass adoption of the committee substitute, and after third reading there would be 20 minutes for debate on the bill.

The PRESIDING OFFICER. The Senator is correct.

ADJOURNMENT UNTIL 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 previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:26 p.m. the Senate adjourned until tomorrow, Wednesday, July 26, 1972, at 10 a.m.