United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Wednesday, July 26, 1972*

The Senate met at 10 a.m. and was called to order by Hon. LOWELL P. WEICKER, Jr., a Senator from the State of Connecticut.

PRAYER

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

O Lord, our Father-God, who knowest all our thoughts and actions, grant that we may sincerely, faithfully, and honestly serve Thee in our daily work. Grant us the gift of loyalty. For our homes, give us love and obedience; for our country, sacrifice and service; for our church, reverence and devotion. Wilt Thou so renew the people's love of home and country and church as to make this Nation a great bastion of spiritual power for the whole world and the hope of freedom for men everywhere. May our lives be so illuminated by Thy truth that Thy kingdom of justice, peace, and brotherhood may be advanced.

In Thy holy name we pray. 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 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LOWELL P. WEICKER, Jr., a Senator from the State of Connecticut, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

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, without amendment, the bill (S. 3772) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 25, 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 Subcommittee on Oceans and International Environment of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Agriculture and Forestry, the Committee on Finance, and the permanent Subcommittee on Investigations of the Government Operations Committee be authorized to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 930 and 934.

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

CEDAR KEYS NATIONAL WILDLIFE REFUGE, FLA.

The bill (H.R. 736) to designate certain lands in the Cedar Keys National Wildlife Refuge in the State of Florida as wilderness was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-980), explaining the purposes of the measure.

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

PURPOSE

This bill, H.R. 736, would designate approximately 375 acres of the Cedar Keys National Wildlife Refuge in the State of Florida as wilderness. The wilderness so established would be administered by the Secretary of the Interior in accordance with applicable provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131). S. 3119 is a companion bill to H.R. 736 and was also considered by the committee.

DESCRIPTION OF THE AREA

The four proposed outer islands of the Cedar Keys National Wildlife Refuge are located approximately 3 miles seaward of Levy County, Fla. They are known as Seahorse, Snake, Deadmans, and North Keys, embracing approximately 375 acres. These outer islands are of great value as nesting areas for colonial birds. More abundant nesting species include the white ibis, common egret, double-crested cormorant, snowy egret, Louisiana heron, and great blue heron. In addition, the refuge provides nesting and yearround habitat for several "threatened species." These include the bald eagle, the brown pelican, and the osprey.

The composition of the islands is primarily that of narrow white sand beaches, salt marshes, and mangrove swamps. The mineral potential, according to reports from U.S. Geological Survey and the U.S. Bureau of Mines, is slight. The phosphate-bearing formations of Florida are not present here and the possibility of oil and gas development is remote. There is no commercial timber or grazing of livestock.

The islands themselves, with the exception of Seahorse Key, have little visible evidence of man's activities. A lighthouse was constructed on Seahorse Key in 1855, but it has not been in use since 1915. There is also a marine laboratory adjacent to the lighthouse that is maintained by the University of Florida as a base for scientific research of marine resources. The laboratory was established in 1952 under a 20-year permit from the Bureau of Sport Fisheries and Wildlife. The laboratory will not interfere with the administration of the Cedar Keys Wilderness. Originally the Department of the Interior recommended the deletion of these facilities from the proposed wilderness by means of a 6-acre exclusion that would have completely bisected the island. Subsequently, this recommendation was modified to include only a 3-acre exclusion covering the lighthouse, laboratory, and the docks, but leaving a connecting corridor along the south shore of the island. This modification would give a wilderness area of 375 acres rather than 372 as indicated in the departmental report.

Because of its small size and the importance to colonial birds, the proposed Cedar Keys Wilderness will be able to support only limited public use. It can, however, be effectively used for wildlife-oriented recreational activities, shell collecting, and beachcombing during certain periods of the year when the disturbance of nesting birds is minimal.

COST

No additional budgetary expenditures are involved in the enactment of H.R. 736.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously reports and recommends enactment of H.R. 736.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

EMERGENCY LOAN DISASTER RELIEF

The bill (S. 3840) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for emergency loan disaster relief, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), is amended by adding at the end thereof the following new section:

"SEC. 328. (a) Notwithstanding any other provision of law, in the administration of this subtitle and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture which occurred after June 30, 1971, and prior to July 1, 1973, the Secretary—

"(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall cancel the principal of the loan, except that the total amount so canceled shall not exceed the greater of (i) 50 per centum of the original principal amount of such loan but not more than $5,000; or (ii) the per centum that would be canceled of a loan of the same size under regulations established by the Small Business Administration under this Act, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at a rate per annum to be determined by the Secretary of the Treasury or that established by the Small Business Administration under the provisions of this Act, whichever is lower: *Provided,* That no one borrower shall be eligible to receive more than one such cancellation for any single disaster.

"(2) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required loan is otherwise available from private sources.

"(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

"(b) Notwithstanding any other provision of law, the provisions of subsection (a) of this section shall also apply to the administration of the programs referred to in such subsection in the case of any property loss or damage or injury, including loss or damage to agricultural crops, resulting from flood or excessive prolonged rain, drought, or other natural disaster occurring on or after June 30, 1971, in any area determined by the President to be a major disaster area or in any area determined by the Secretary of Agriculture to have suffered a natural disaster during such period.

"Disaster Loan Interest Rates

"(c) Any loan made under this section shall not exceed the current cost of repairing or replacing the disaster loss or damage or injury in conformity with current codes and specifications. Any loan made under this section shall bear interest at a rate per annum to be determined by the Secretary of the Treasury or that established by the Small Business Administration under the provisions of this Act, whichever is lower.

"Age of Applicant for Loan

"(d) In the administration of any Federal disaster loan program under the authority of this section, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

"Applicability of Benefits

"(e) The benefits provided under this section shall be applicable to all loans qualifying hereunder, whether approved before or after the date of enactment of this section.

"(f) The President shall conduct a thorough review of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration of the United States Department of Agriculture, and not later than January 31, 1973, he shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing specific legislative proposals for the comprehensive revision of such legislation in order to—

"(1) adjust the benefits and the coverage available to persons affected by disasters;

"(2) improve the execution of the program by simplifying and eliminating unnecessary administrative procedures; and

"(3) prevent the misuse of benefits made available under the program."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–984), explaining the purposes of the measure.

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

BACKGROUND

Senate bill S. 3795 was jointly referred to the Committees on Agriculture and Forestry and Banking, Housing, and Urban Affairs. This bill, and subsequent proposals from the Office of Management and Budget, would provide relief to victims of hurricane and tropical storm Agnes and for damage suffered in the Rapid City, S. Dak., disaster as well. S. 3799 provides for special disaster relief after June 1, 1972, as it relates to the activities of the Farmers Home Administration emergency loan authorities.

The committee discussed these and other proposals and decided to report an original bill.

EXPLANATION

This original bill relates to the authorities of the Farmers Home Administration as they concern emergency loans (7 U.S.C. 1961–67) and rural housing loans under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472).

It provides—

(1) for loans, to the extent that such loss, damage or injury is not compensated for by insurance or otherwise, to victims of any major disaster declared by the President or natural disaster declared by the Secretary of Agriculture occurring during the period June 30, 1971 and July 1, 1973;

(2) for cancellation of a part of the original principal amount of such loans. The amount of such cancellation would be determined as follows:

"(a) No borrower shall be eligible to receive more than one cancellation with respect to any single declared disaster.

"(b) The amount of the cancellation shall not exceed the greater of (i) fifty per centum of the original principal of the loan but not more than $5,000; or (ii) the per centum of the original principal that would apply to a loan of the same size advanced by the Small Business Administration under provisions of this Act, with the remainder of such loan bearing an interest rate established by the Secretary of the Treasury or that established for Small Business Administration loans under provisions of this Act, whichever is lower."

(3) for deferral of interest payments or principal payments, or both, in whole or in part during the first three years of the term of such loans, except that such deferred payments shall bear interest at a rate per annum established by the Secretary of the Treasury or established by the Small Business Administration under provisions providing for disaster relief, whichever is lower;

(4) in the case of total destruction or substantial property damage for refinancing of any mortgage or lien to the extent of the physical loss sustained;

(5) that such loans may be made without regard to whether the required financial assistance is otherwise available from private sources;

(6) that the benefits shall be applicable to all loans qualifying hereunder, whether approved before or after enactment of this Act; and

(7) for the submission of a report by the President to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives by January 31, 1973, containing specific legislative proposals for the comprehensive revision of existing disaster relief legislation as it relates to emergency loans and housing loans administered by the Farmers Home Administration.

This bill contains amendments of the emergency loan and the rural housing programs of the Farmers Home Administration that will provide benefits to farm families and rural residents who have been victims of the Agnes; Rapid City, S. Dak.; and Minnesota drought and similar disasters that have been declared major disasters by the President or have been declared natural disasters by the Secretary of Agriculture during the period June 30, 1971, and prior to July 1, 1973. The provisions of this bill are intended to work in a coordinated fashion with similar provision authorized for administration by the Small Business Administration.

There is no doubt that disasters covered by this bill have had a significant adverse impact on the economic life of victims. Present disaster loans do not provide great enough benefits for those individuals whose homes, businesses, and lives have been shattered. The provisions of this bill are designed to correct this inequity and permit a rebuilding of the economic life of those who have suffered. It is emergency legislation of the first order.

Next year, after receiving the views of the President the committee intends to study this problem intensively and to recommend legislation of a permanent nature.

THE PRESIDENT'S MESSAGE

To the Congress of the United States:

Tropical Storm Agnes has caused unparalleled destruction in many areas of the eastern United States. More than 128,000 homes and businesses have been damaged or destroyed, and whole communities have been dealt a heavy blow. The losses to so many individuals cannot be measured only in terms of destruction of property and belongings; they must also be counted in terms of loss of jobs, disruption of families, personal privation, and anxiety about the future. In the whole history of our Nation, we have not before encountered such massive destruction over so wide spread an area as a result of natural disaster.

Individuals, private groups, and governments have responded magnificently to this calamity in the finest tradition of neighbor helping neighbors. The stamina, the courage, and the spirit to fight back and recover are already evident throughout the devastated areas. My statement of July 12, 1972, summarized these impressive efforts. I also pointed out at that time, however, that an unparalleled disaster requires extraordinary measures to help in recovery. I announced my intention to recommend to the Congress supplementary and massive measures aimed at short- and long-term recovery. I herewith transmit those recommendations, and the proposed legislation to carry them out.

My proposals are in three parts:

First, I propose the Agnes Recovery Act of 1972. This measure deals with disaster loans for homeowners, farmers, and businessmen. Because of the unprecedented scope of the destruction, unprecedented measures to deal with it are required. Under the provisions of this proposal, disaster loans for Agnes victims would be changed from present law in the following ways:

The maximum amount of principal which can be cancelled or forgiven would be increased from $2,500 to $5,000 on loans made by the Small Business Administration or the Farmers Home Administration.

The forgiveness feature would be applicable to the first dollar of a loan rather than after the repayment of the first $500 of principal as is now the case.

The interest rate on the loans would be dropped to 1 percent instead of its current rate of 5⅛ percent.

This liberalized assistance to individual homeowners and small businessmen can mean the difference between recovery and bankruptcy or ruin. The situation is urgent. Individual people are now making decisions on whether to rebuild or not. While my proposal would apply retroactively to all victims of Agnes, it is important to them to know now the terms of assistance which will be available to them.

Therefore, I call on the Congress to respond to this emergency by acting on the Agnes Recovery Act so that it can become law within one week.

Second, I recommend supplemental appropriations totaling $1,569,800,000 for this emergency, the largest single request of its kind in our history. The vast majority of these funds would be used for disaster loans, with $1.3 billion for the Small Business Administration and $1.8 million for the Farmers Home Administration. The SBA funds would be used to provide loans for homeowners and small businessmen in disaster areas whose property has been damaged or destroyed. The FHA funds would provide sufficient personnel to process expeditiously loan requests in rural areas, for which adequate loan funds now exist. Also included in my supplemental request are:

An additional $200 million for the President's Disaster Relief Fund, to speed repair and reconstruction of public facilities and to provide temporary housing, food and unemployment compensation.

$40 million for the Economic Development Administration, $16 million for the Appalachian Regional Commission and $12 million for the Corps of Engineers, all to assist in the recovery of damaged communities. The funds for the Corps of Engineers would go toward flood control projects in the Susquehanna River Basin.

Third, I recommend that the existing authorization for appropriations for highway emergency relief be increased by $200 million. Current authority limits amounts to $50 million per year, which is clearly not adequate to cope with a disaster of this magnitude.

I urge that the Congress also act promptly on these second and third proposals.

The Federal Government must act quickly and decisively to do its part in providing relief and aiding recovery in a cooperative effort with the States and communities struck by Agnes. We can do no less. I am confident that the Congress will share this view.

RICHARD NIXON.

THE WHITE HOUSE, *July 17, 1972.*

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee agrees with the estimate of the Farmers Home Administration that the total cost of this legislation which expires July 1, 1973, will amount to about $200 million.

Mr. MANSFIELD subsequently said: Mr. President, I enter a motion that the vote by which Calendar No. 934 (S. 3840), providing emergency loan disaster relief, was passed, together with its third reading, he reconsidered.

The PRESIDING OFFICER. The motion is entered.

SENATE TRIBUTE TO ORDER OF AHEPA

Mr. MANSFIELD. Mr. President, one of the outstanding fraternal organizations is the Order of Ahepa, which is composed of Greeks who have become Americans, and Americans of Greek descent. They have performed an outstanding service to the Nation through the years. In every State of the Union they have been considered exemplary in their conduct, their integrity has been unquestioned, they have been nonpolitical and nonpartisan in outlook, and they have made great contributions to the welfare of this Republic.

Mr. President, today in the House of Representatives, Representative JOHN BRADEMAS of Indiana, a Congressman and a great one, of Greek descent, is introducing a resolution similar to the one which the distinguished Republican leader and I now send to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 331) as follows:

Resolved, That the Senate of the United States congratulates the Order of the American Hellenic Educational Progressive Association on its fiftieth anniversary and commends the Order on its many contributions to strengthening American democracy.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. SCOTT. Mr. President, this is a fitting tribute, it seems to me, for the majority leader and myself to render to the Order of Ahepa as symbolic of the loyalty of Greek-Americans, of their distinguished civic and charitable record within this organization, and also as American citizens.

Americans who travel abroad have observed time and again that some countries are far more pro-American than others. Among the countries where the peoples are most friendly and most pro-American in their reaction, I would consider Greece to be at the very top, along with Australia and a few other countries who still remember the roles assumed by the United States over the years in its respect for its own obligations to other countries in the world.

Our Greek Americans are among the finest citizens in this country. They have contributed so much to our culture. They have brought with them the memory and the traditions of their own great and ancient land. It is a great privilege to be able to join in support of this resolution.

Mr. ROBERT C. BYRD. Mr. President, the 26th of July 1972, marks the golden anniversary of The American Hellenic Education Progressive Association, or the Order of Ahepa, as it is more generally known.

The Order of Ahepa was founded in Atlanta, Ga., on July 26, 1922, and its jurisdiction extends through 49 States, Canada, and Australia. The 430 local chapters of Ahepa have always given generously, and supported enthusiastically, community undertakings in the fields of education, charity, and civic improvement. The Order has always been most active and generous with its contributions and work on a national and international scale, as well as on the purely local level.

Educational institutions, cultural centers, and victims of natural disasters—in the United States, Greece, Ecuador, Turkey, Israel and the Near East—have benefited over the years through the generosity and humanitarianism of this fraternal order.

My own State of West Virginia has a vigorous Ahepa organization, with chapters in the cities of Charleston, Huntington, Wheeling, Clarksburg, Weirton, and Bluefield. These West Virginians take justifiable pride in the many accomplishments their fine organization has achieved during the 50 years of its existence, and I commend them and their associates nationwide.

I join my colleagues in the Senate in wishing long life and further success to AHEPA.

Mr. President, I ask unanimous consent to include in the RECORD the names of West Virginia's local chapter officers.

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

WEST VIRGINIA

LOCAL CHAPTER OFFICERS

Steve Zacharias, President, Charleston.
John Babalis, Vice President, Charleston.
Manuel Pappas, Secretary, Charleston.
Peter Christo, Treasurer, Charleston.
James P. Stavros, President, Huntington.
Dr. Phillip Maroudis, Vice President, Huntington.
Mike Maniskas, Secretary, Huntington.
Dan J. Baker, Treasurer, Huntington.
George Varlas, President, Wheeling.
Efstathios K. Grammenos, Vice President, Wheeling.
Nicholas Mamakos, Secretary, Wheeling.
James Giannirakis, Corresponding Secretary, Wheeling.
George Matzaris, Treasurer, Wheeling.
James Calaitges, President, Clarksburg.
Steven Trahanis, Vice President, Clarksburg.
George Samaras, Secretary, Clarksburg.
Angelo Koukoulis, Treasurer, Clarksburg.
Gust Moroudas, President, Weirton.
Gary Mastromichalis, Vice President, Weirton.

Matthew Melonas, Secretary, Weirton.
John Fotis Frangakis, Treasurer, Weirton.
Nick Soter, President, Bluefield.
Nick Simos, Vice President, Bluefield.
Gus Theodorou, Secretary, Bluefield.
John Dellis, Treasurer, Bluefield.

CURRENT DISTRICT LODGE OFFICERS

Lambros A. Svingos, Governor, Huntington.
Alex Skirpan, Athletic Director, Barboursville.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution.

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

Mr. WEICKER. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution, as we have a strong and active organization of the AHEPA in the State of Connecticut, of whose accomplishments we are very proud.

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

Mr. HUGHES. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the resolution also.

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

The PRESIDING OFFICER (Mr. HOLLINGS). On behalf of the Presiding Officer, who is a member of that organization, I would add my name also without objection, as a cosponsor of the resolution.

Mr. SAXBE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution submitted by the distinguished Senator from Montana and others commending AHEPA on its 50th anniversary.

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

Mr. HART. Mr. President, I welcome the opportunity to join the distinguished majority leader and other colleagues in saluting AHEPA. As one Irishman who went to Greece as a guest of the AHEPA a few years ago I wish to express my singular joy in connection with this measure.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

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

Mr. GRIFFIN. Mr. President, today, the Order of Ahepa is celebrating its golden anniversary.

Since its founding in Atlanta, Ga., this fraternal organization has made many significant contributions to the betterment of American life. In addition to its well known work in disaster relief, AHEPA has made generous contributions to such worthy causes as construction of libraries and research institutions to providing scholarships for needy students.

In addition, the Order of Ahepa encourages its members and others in the community to participate fully in the political process and instructs its members in the principles of American citizenship.

The Order of Ahepa has been particularly effective in my home State of Michigan. I am pleased to register a vote of appreciation to the order for its outstanding service and to extend my warm congratulations on the occasion of its golden anniversary.

I ask that my name be added as a cosponsor of Senate Resolution 331 that was adopted this morning concerning AHEPA's golden anniversary.

Mr. TAFT. Mr. President, 50 years ago, on July 26, the Order of Ahepa was founded in Atlanta, Ga. This distinguished group of Greek Americans has been striving ceaselessly in the last five decades to achieve their nine main objectives which are as follows:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The fraternal order is, then, appropriately titled the American Hellenic Educational Progressive Association. I am proud of the fine chapters in Ohio scattered across the State in 19 major cities, and am equally honored to be able to congratulate AHEPA at this time for their tremendous results and achievements of their goals. A list of the Ohio chapter officers is as follows:

OHIO—LOCAL CHAPTER OFFICERS

Mike N. Revelos, President, Middletown.
John Pantel, Vice President, Middletown.
V. P. Karras, Secretary, Middletown.
Pete Laras, Treasurer, Middletown.
Christie P. Anderson, President, Springfield.
Dr. Peter Stangas, Vice President, Springfield.
Leon P. Anderson, Secretary, Springfield.
George J. Stathopoulos, Treasurer, Springfield.
Angelo Kalipolitis, President, Zanesville.
Pericles Vlahos, Vice President, Zanesville.
Gus H. Kallipolitis, Secretary, Zanesville.
Gus Calis, Treasurer, Zanesville.
George N. Giovas, President, Mansfield.
Peter Gasuras, Vice President, Mansfield.
Nick Giovas, Secretary, Mansfield.
George Margaritis, Treasurer, Mansfield.
Michael Lambros, Secretary & Treasurer, Lima.
James Agnos, President, Lima.
James Selos, President, Lakewood.
Andy Maniatopoulos, Vice President, Lakewood.
Militiadis Sofianos, Secretary, Lakewood.
Nick Tsarnas, Treasurer, Lakewood.
Harry Neofes, President, Hamilton.
Christ N. Jonson, Vice President, Hamilton.
Jack S. Carr, Secretary, Hamilton.
John Lazares, Treasurer, Hamilton.
Xenophon Zapis, President, Cleveland.
George Montsopoulos, Vice President, Cleveland.
Ronald G. Roy, Secretary, Cleveland.
Christ Boukis, Treasurer, Cleveland.
Kelly Esber, President, Canton.
Chris Diamant, Vice President, Canton.
Gregory Pelay, Secretray, Canton.
Harry Biris, Treasurer, Canton.
Anthony Kariotis, President, Akron.
William E. Noland, Vice President, Akron.
Nicholas T. George, Secretary, Akron.
Athanasios Bouzas, Treasurer, Akron.
Earnest T. Paris, President, Massillon.
Lewis Dolmas, Vice President, Massillon.
Alexander Paris, Secretary, Massillon.
Gus Syrios, Treasurer, Massillon.
Frank Manios, President, Warren.
Phil Anastasiadis, Vice President, Warren.
Nick Pitinii, Secretary, Warren.
William Keriotis, Treasurer, Warren.
Peter Tsakos, President, Youngstown.
Peter Georgiadis, Vice President, Youngstown.
William G. Glaros, Secretary, Youngstown.
Joseph Mitchell, Treasurer, Youngstown.
Van Sotraides, Preident, Steubenville.
Michael Vitellas, Vice President, Steubenville.
William C. Lakios, Secretary, Steubenville.
Peter Manuel, Treasurer, Steubenville.
Charles M. Michaels, President, Dayton.
Charles Krandall, Vice President, Dayton.
James Tsimekles, Secretary, Dayton.
Ted G. Boudouris, Executive Secretary, Dayton.
James Zavakos, Treasurer, Dayton.
Anastasios N. Stathopoulos, President, Toledo.
Michael Vassiliou, Vice President, Toledo.
Gust J. Bellas, Secretary, Toledo.
Nick T. Photos, Treasurer, Toledo.
George A. Fotos, President, Cincinnati.
Nick Triantos, Vice President, Cincinnati.
Anestis J. Coudorodis, Secretary, Cincinnati.
Paul Dimitry, Treasurer, Cincinnati.
Nick C. Polites, President, Columbus.
Dr. Charles Tzagournis, Vice President, Columbus.
George Bavelis, Secretary, Columbus.
Leo Adamantides, Treasurer, Columbus.
Steve Chekouras, President, Lorain.
Louis Vlahos, Vice President, Lorain.
Aris Varouh, Secretary, Lorain.
James Cardasis, Treasurer, Lorain.

CURRENT NATIONAL OFFICERS

Gust J. Herouvis, Supreme Trustee, Akron.

CURRENT DISTRICT LODGE OFFICERS

John C. Conzaman, Lt. Governor, Lakewood.
Nick A. Contes, Secretary, Steubenville.
Ted J. Leakas, Treasury, Dayton.
Gregory Palioyras, Marshall, Cincinnati.
Tom Chase, Advisor, Columbus.

PAST NATIONAL OFFICERS

George Nick George, Past Supreme Lodge, Akron.
Hon. John M. Manos, Past Supreme Lodge, Bay Villiage.
George J. Cavalaris, Past Supreme Lodge, Oxford.
Thomas L. Chase, Past Supreme Lodge, Columbus.
Gus G. County, Jr., Past Supreme Lodge, Toledo.

Constantine G. Economou, Past Supreme Lodge, Youngstown.

Angelo F. Mavrigan, Past Supreme Lodge, Youngstown.

Mr. ROTH. Mr. President, I am pleased to salute and congratulate a fine organization on its 50th anniversary; an organization of which many of our Nation's leaders are members: the Order of Ahepa.

I am personally acquainted with many of the ideals and contributions of the Order of Ahepa because we have had a local chapter in my home State of Delaware for 47 years. I know many members and have attended several local functions, so I can say from personal experience that the order has contributed greatly to the betterment of American life. In Delaware, the local chapter has kept Greek-Americans aware of their Hellenic heritage and culture, but also reminded them constantly of the benefits available here in the United States which were not and are not available in Greece itself. Largely because of the dedication and spirit of AHEPA members, we find them constantly involved in community projects and actively participating in community affairs.

AHEPA is, of course, an acronym standing for the Order's full name, the American Hellenic Educational Progressive Association. Membership in the Order of Ahepa is open to men of good moral character who are citizens of the United States of America, or Canada, or who have declared their intention to become citizens. The AHEPA family is composed of four separate organizations, all of which work in harmony on a local, district, and national level. They are: the Order of Ahepa; the Daughters of Penelope, the senior women's auxiliary; the Sons of Pericles, the junior young men's auxiliary; and Maids of Athena, the junior young women's auxiliary. The Order was founded on July 26, 1922, in Atlanta, Ga., and during its early years was composed primarily of Greek-Americans who had recently immigrated to the United States. During those years, the members concentrated on assisting their newly arrived countrymen in adjusting to their new American environment. In Wilmington, for instance, the local chapter assisted in obtaining citizenship papers for the fellow countrymen and was largely responsible for organizing the Greek Orthodox Church. The first church was situated on the third floor of a local building, but with the help of AHEPA, it was later able to move to what is now an attractive and imposing church building.

It is this type of spirit which has helped the Greek-Americans in my home State become and remain among the finest of our citizens. But today, the order counts many besides Greek-Americans as members. Former President Truman is a member, as was the late President Franklin D. Roosevelt; in addition, many Senators and Representatives, as well as local officials, are members. Because I think the roster of members is long and impressive, I am attaching a list of some of the more well known.

As impressive as the list of prominent members is, however, I think a truer indication of the order's worth is the extent to which the local members and chapters engage in community projects. In my home State, it is usual to find the members deeply involved in and committed to fundraising drives for charities or worthwhile causes—most recently, members were ringing doorbells to raise funds for the Multiple Sclerosis Foundation. And, although AHEPA itself is nonpolitical and nonsectarian, the members themselves are active participants in the political decisionmaking process, as evidenced by the large number who hold elective or appointive office.

In short, Mr. President, AHEPA has succeeded admirably fulfilling the goals set 50 years ago in Atlanta. Today, the Order continues to grow, while instilling in its members the qualities which we respect and desire in citizens. Ahepans reflect a profound interest in civic, political, social and commercial activities; they are loyal themselves, and encourage loyalty in others; they remember and respect the Hellenic traditions, but not to the detriment of their State or Nation; and, they seek and encourage education, not just for its own sake, but as a means of self-fulfillment.

I personally would like to congratulate the Order of Ahepa and all of its members of this their 50th anniversary. I hope and trust that 50 years from now my successor here in the Senate will congratulate Ahepan's on their 100th anniversary.

I ask unanimous consent to have printed in the RECORD a list of some members of AHEPA.

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

MEMBERS OF THE ORDER OF AHEPA

Former President Harry S. Truman.

Vice President Spiro T. Agnew.

Former Vice President Hubert H. Humphrey, (presently U.S. Senator).

U.S. SENATORS

George D. Aiken, J. Caleb Boggs, Frank Church, Norris Cotton, Sam J. Ervin, Jr., Ernest F. Hollings, Thomas J. McIntyre, Edmund S. Muskie, Claiborne Pell, William B. Spong, Jr., Strom Thurmond, (late Senator Everett Dirksen).

U.S. REPRESENTATIVES

John Anderson, Thomas L. Ashley, Wayne N. Aspinall, Mario Biaggi, Edward P. Boland, Frank T. Bow, John Brademas, Clarence Brown, Joel T. Broyhill, James A. Burke, Donald D. Clancy, Silvio O. Conte.

Thomas N. Downing, Dante B. Fascell, Gerald R. Ford, Nick Galifianakis, Peter N. Kyros, F. Bradford Morse, Edward J. Patten, Roman C. Pucinski, Paul S. Sarbanes, Bob Wilson, John W. Wydler, Gus Yatron.

GOVERNORS

Warren Hearnes, Missouri.

Robert McNair, South Carolina.

Nelson Rockefeller, New York.

Robert Scott, North Carolina.

George Wallace, Alabama.

U.S. Secretary of Commerce Peter G. Peterson.

Assistant Secretary of Treasury Eugene Rossides.

Deputy Assistant to the President Tom Korologos.

Federal Power Commission Chairman John Nassikas.

Mr. BEALL. Mr. President, in the last 50 years, the Order of Ahepa, the American Hellenic Education Progressive Association, has made countless contributions to the betterment of American life. This month the fraternity is celebrating its golden anniversary, and I wish to join with many of my colleagues in extending my congratulations to them on this significant occasion.

Since its founding on July 26, 1922, in Atlanta, Ga., the society has grown to encompass 430 local chapters in 49 States Australia and Canada. AHEPA chapters have long supported local community activities in the fields of education, charity, and civic improvement, and have done much to improve the lives of many Americans.

AHEPA members can take justifiable pride in a record of service to its fellow man. Thus, I commend AHEPA for a proud past and offer it my best wishes, for a most successful future.

Mr. ALLOTT. Mr. President, 50 years ago today, in Atlanta, Ga., an organization was founded that was to grow into one of the most distinguished and productive fraternal organizations in the Nation. The organization was—and is—the Order of Ahepa, the American Hellenic Educational Progressive Association.

The great strength of America is the readiness of private citizens to band together to serve the public good. The Order of Ahepa is an example of that strength in action. And it certainly has been "in action" during the last half century. The order's civic and humanitarian activities include:

Relief of Florida hurricane victims.

Relief of Mississippi flood victims.

Relief of Corinth earthquake victims.

For the War Orphans of Greece.

Relief of Dodecanese earthquake victims.

For the fatherless children of refugees, through the Near East Relief.

For the Hellenic Museum.

National scholarships to worthy students.

For the Theological Seminaries at Brookline and Pomfret.

AHEPA Franklin D. Roosevelt Memorial at Hyde Park.

Ypsilanti and Dilboy Memorials.

Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.

Relief of Turkish earthquake victims.

For the Patriarchate of Jerusalem.

For the Patriarchate of Constantinople.

Ecuadorean relief.

Kansas City flood relief.

Greek war relief.

AHEPA hospitals in Athens and Thessaloniki, and seven health centers in Greece.

AHEPA Agricultural College in Greece.

Ionian Islands earthquake relief.

AHEPA Preventorium in Volos.

Penelopian Shelter Home in Athens.

Ahepa Hall for Boys at St. Basil's Academy.

The AHEPA School at St. Basil's Academy, Garrison, N.Y.

Sale of $500 million in U.S. war bonds

during World War II as an official issuing agency of the U.S. Treasury.

Truman Library.

Dr. L George Papanicolaou Cancer Research Institute of Miami.

The AHEPA Truman Memorial, Athens, Greece.

The New Smyrna Beach, Fla., monument commemorating the first landing of Hellenes in the new world in the year 1768.

The AHEPA education journey to Greece student program.

We in Colorado are proud of our State's chapters. Mr. Sam Nakis, supreme president of the Order of Ahepa, has provided me with a list of the various Ahepa officers in Colorado. I extend special congratulations to these community leaders, and I ask unanimous consent that this list be printed in the RECORD.

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

LIST OF COLORADO OFFICERS

LOCAL CHAPTER OFFICERS

Deno P. Dikeou, President, Denver
James P. Damaskos, Vice President, Denver.
Menelaos Moutsos, Secretary, Denver.
Spero D. Cosmos, Treasurer, Denver.
James P. Dikeou, President, Denver.
George Daddis, Vice President, Denver.
John P. Dikeou, Secretary, Denver.
Tom Kostas, Treasurer, Denver.
Nick Frangos, President, Denver.
Alex Baker, Vice President, Denver.
James DeBerry, Secretary, Denver.
Theodore N. Morris, Treasurer, Denver.
Tom J. Koustas, President, Denver.
Gus Jimas, Vice President, Denver.
Nick Tsiouvaras, Secretary, Denver.
Harold G. Kallas, Treasurer, Denver.
Christ Kapantas, President, Colorado Springs.
George N. Argos, Vice President, Colorado Springs.
Gus J. Lambrose, Secretary, Colorado Springs.
Nick Ellis, Treasurer, Colorado Springs.
James G. Melonas, President, Walsenburg.
James Pappas, Vice President, Walsenburg.
P. K. Kallas, Secretary & Treasurer, Walsenburg.

CURRENT NATIONAL OFFICERS

George P. Dikeou, Supreme Board of Trustees, Denver.

CURRENT DISTRICT LODGE OFFICERS

George Wm. Athens, Lt. Governor, Denver.
Theodore G. Argeris, Treasurer, Denver.
Dr. Pete G. Frangos, MD, Marshall, Denver.
John W. Toscas, Advisor, Denver.
James G. Damaskos, Athletic Director, Aurora.

PAST NATIONAL OFFICERS

Spero J. Cosmos, Past Supreme Lodge, Aurora.
Lee G. Rallis, Past Supreme Lodge, Denver.
Panayes G. Dikeou, Past Supreme Trustee, Denver.
Gus G. Gatseos, Past Supreme Trustee, Denver.

Mr. JAVITS. Mr. President, I wish to pay tribute to Americans of Greek origin today, July 26, when the Order of Ahepa, the well-known American Hellenic Association, celebrates its golden anniversary. The order was founded July 26, 1922, in Atlanta, Ga.

Since they have been in the United States, Americans of Greek origin have given honorary distinguished citizens to the service of our Nation in public and private and in many fields, take great pride in the fact that this is the origin, too of the Vice President of the United States.

In the course of the 50 years of its existence, the Order of Ahepa has made many significant contributions to the enrichment of American life.

The objects of AHEPA are:

First. To promote and encourage loyalty to the United States of America.

Second. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

Third. To instill in its membership a due appreciation of the privileges of citizenship.

Fourth. To encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor.

Fifth. To pledge its members to do their utmost to stamp out any and all political corruption; to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation.

Sixth. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic culture.

Seventh. To promote good fellowship, and endow its members with the perfection of the moral sense.

Eighth. To endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness.

Ninth. To champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The Order of Ahepa has contributed to many worthy causes during the 50 years of its existence on a national and international level. Such causes include:

First. Relief of Florida hurricane victims.

Second. Relief of Mississippi flood victims.

Third. Relief of Corinth earthquake victims.

Fourth. For the War Orphans of Greece.

Fifth. Relief of Dodecanese earthquake victims.

Sixth. For the fatherless children of refugees, through the Near East relief.

Seventh. For the Hellenic Museum.

Eighth. National scholarships to worthy students.

Ninth. For the Theological Seminaries at Brookline and Pomfret.

Tenth. Ahepa Franklin D. Roosevelt Memorial at Hyde Park.

Eleventh. Ypsilanti and Dilboy Memorials.

Twelfth. Sons of Pericles Memorial to the American Philhellenes of 1821, at Missolonghi, Greece.

Thirteenth. Relief of Turkish earthquake victims.

Fourteenth. For the Patriarchate of Jerusalem.

Fifteenth. For the Patriarchate of Constantantinople.

Sixteenth. Ecuadorean relief.

Seventeenth. Kansas City flood relief.

Eighteenth. Greek war relief.

Nineteenth. Ahepa hospitals in Athens and Thessaloniki, and seven health centers in Greece.

Twentieth. Ahepa Agricultral College in Greece.

Twenty-first. Ionian Islands earthquake relief.

Twenty-second. Ahepa Preventorium in Volos.

Twenty-third. Penelopian Shelter Home in Athens.

Twenty-fourth. Ahepa Hall for Boys at St. Basil's Academy.

Twenty-fifth. The Ahepa School at St. Basil's Academy, Garrison, N.Y.

Twenty-sixth. Sale of $500 million in U.S War Bonds during World War II as an official issuing agency of the U.S. Treasury.

Twenty-seventh. Truman Library.

Twenty-eighth. Dr. George Papanicolaou Cancer Research Institute at Miami.

Twenty-ninth. The Ahepa Truman Memorial, Athens, Greece.

Thirtieth. The New Smyrna Beach, Fla., monument commemorating the first landing of Hellenes in the new world in the year 1768.

Thirty-first. The Ahepa educational journey to Greece student program

America's response to the Greek heritage is a glorious chapter in American history. On December 3, 1822, President James Monroe included the following words in his message to Congress:

> The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed, and so long hidden as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds of ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties should produce the great excitement and sympathy in their favor which have been so signally displayed throughout the United States . . .

I would like on this occasion to call to the attention of the Congress the names of the distinguished officers of the Order of Ahepa and of those from my own State, New York, and I ask unanimous consent to have the list of names printed in the RECORD.

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

LIST OF NEW YORK OFFICERS

LOCAL CHAPTER OFFICERS

Andrew Gallis, President, Brooklyn.
Constantine Ziotas, Vice President, Brooklyn.
George Gallis, Secretary, Brooklyn.
Peter Gardianos, Treasurer, Brooklyn.
James Raptis, President, Wellsville.
George Raptis, Vice President, Wellsville.
John Giopulos, Secretary, Wellsville.
George Giopulos, Treasurer, Wellsville.
Thomas Cholakis, President, Troy.
Louis Huban, Vice President, Troy.
John Fentekes, Secretary, Troy.
George Vellis, Treasurer, Troy.
Steven Agrapides, Secretary, Brooklyn.
John Candemeres, President, Corona.
Steve Georgeson, Vice President, Corona.

James Anthros, Secretary, Corona.
Terry S. Triades, Treasurer, Corona.
Peter A. Issaris, President, Glen Falls.
Michael Constant, President, Staten Island.
N. Filippidis, Vice President, Staten Island.
James P. Trivelas, Secretary, Staten Island.
John Antonopoulos, Financial Secretary, Staten Island.
G. Smirlis, Treasurer, Staten Island.
Lucas Chaconas, President, New York City.
George Tirakis, Vice President, New York City.
Peter Vanos, Secretary, New York City.
Leo Vrouletis, Recording Secretary, New York City.
Peter Chaconas, Treasurer, New York City.
Peter Balafas, President, Washington Heights.
Louis Sollas, Vice President, Washington Heights.
Eugene J. Yanas, Secretary, Washington Heights.
Charles J. Drewes, Executive Secretary, Washington Heights.
George Carahals, Treasurer, Washington Heights.
Christos Christodoulou, President, St. James.
Vasilios G. Bouklas, Vice President, St. James.
Nicholas J. Pouletsos, Secretary, St. James.
Anthony Kalergis, Treasurer, St. James.
Peter N. Chahales, President, Ridgewood-Maspeth.
Peter Pappas, Vice President, Ridgewood-Maspeth.
David Saporta, Secretary, Ridgewood-Maspeth.
George T. Douris, Treasurer, Ridgewood-Maspeth.
Michael Sapounakis, President, Riverdale.
Peter Kines, Vice President, Riverdale.
Manny Zafiros, Corresponding Secretary, Riverdale.
Poul M. Sapounakis, Secretary & Treasurer, Riverdale.
Stephen Karas, President, New Rochelle.
Peter Atha, Vice President, New Rochelle.
James Plevitis, Secretary, New Rochelle.
Stanley Townsen, Treasurer, New Rochelle.
Thomas G. Anastassiou, President, Babylon.
John Kouvisis, Vice President, Babylon.
Gus Corbett, Secretary, Babylon.
Thomas Tatigikis, Treasurer, Babylon.
George D. Kakoullis, President, Kingston.
Dinos Koskoletos, Vice President, Kingston
James Kolocotronis, Secretary, Kingston.
Sarantos E. Matthews, Treasurer, Kingston.
Sam J. Diaconis, President, Freeport.
James S. Kalathakis, Vice President, Freeport.
Tom P. Matthews, Secretary, Freeport.
Alex C. Kouvatsos, Treasurer, Freeport.
John Vullis, President, New York City.
George Kamburis, Vice President, New York City.
John Zirimis, Secretary, New York City.
John P. Krones, Executive Secretary, New York City.
James Fusscas, Treasurer, New York City.
Ernest Macrides, President, Syracuse.
Peter K. Marinos, Vice President, Syracuse.
Robert J. Harris, Secretary, Syracuse.
Nikos Athanas, Treasurer, Syracuse.
Aristotle Mirones, President, Brooklyn.
Dimitrios Sideratos, Vice President, Brooklyn.
Steve Xanthos, Secretary, Brooklyn.
William Carris, Treasurer, Brooklyn.
Nicholas Zervoulakos, President, New York City.
Nick Nicolas, Vice President, New York City.
George Dimas, Secretary, New York City.
Vasilios Kassimatis, Treasurer, New York City.
George P. Mougios, President, Yonkers.
Peter Panopoulos, Vice President, Yonkers.
Mathew Panagis, Secretary, Yonkers.
Anthony Koumpias, Treasurer, Yonkers.
Van Litto, President, Rochester.
Costas Demas, Vice President, Rochester.
C. Diamond, Secretary, Rochester.
G. Bardanis, Treasurer, Rochester.
Sam Chianis, Secretary, Binghamton.
Peter A. Romas, Treasurer, Binghamton.
Stephen A. Vasaka, President, Jamaica.
Ernest Kares, Vice President, Jamaica.
Stavros Z. Theodorou, Secretary, Jamaica.
Kostas Zimaras, Treasurer, Jamaica.
Angelo E. Pefanis, President, Buffalo.
Tasos Kellaris, Vice President, Buffalo.
Chris Liaros, Secretary, Buffalo.
Nick Kafasis, Treasurer, Buffalo.
George J. Ropas, President, Astoria.
George Smaragdas, Vice President, Astoria.
George Demetriades, Secretary, Astoria.
Nick Toumas, Treasurer, Astoria.
James Vasilakos, President, Elmira.
Gus Dumas, Vice President, Elmira.
George Bacalles, Secretary, Elmira.
John K. Diveris, Treasurer, Elmira.
Jason Goumas, President, Newburgh.
Peter Karnavezos, Vice President, Newburgh.
James Lorotonda, Secretary, Newburgh.
Steve Karageorge, Treasurer, Newburgh.
Nicholas Cherevas, President, Schenectady.
John Pappas, Vice President, Schenectady.
Nicholas Markopoulos, Secretary, Schenectady.
Peter Corsones, Treasurer, Schenectady.
Leo Costes, President, Watertown.
Aleck Vasil, Vice President, Watertown.
Gus N. Dusckas, Secretary, Watertown.
Andrew Binaxas, Treasurer, Watertown.
James Thomas, President, Albany.
Alex Spyropoulos, Vice President, Albany.
Theodore Sokaris, Secretary, Albany.
Theodore Kondoprias, Treasurer, Albany.
Alex Athanas, President, Utica.
C. S. Alexander, Vice President, Utica.
Aristedes Fourtounis, Secretary, Utica.
Andrus Fourtounis, Treasurer, Utica.
Louis F. Labrinos, President, Poughkeepsie.
Nick T. Matheos, Vice President, Poughkeepsie.
Peter Givas, Executive Secretary, Poughkeepsie.
George Janis, Receiving Secretary, Poughkeepsie.
William Chamuris, Treasurer, Poughkeepsie.
Constantine Psillis, President, Hempstead.
Chris Constantine, Secretary, Hempstead.
John Piniat, Treasurer, Hempstead.
William Lazarou, President, Bronx.
Chris Bibas, Vice President, Bronx.
James Koutsikas, Secretary, Bronx.
Constantine Kaganis, Treasurer, Bronx.
George Haziris, President, New York City.
John Thymios, Vice President, New York City.
Dr. Nicholas G. Lignos, Secretary, New York City.
Alexander Zachary, Executive Secretary, New York City.
Andrew Stamboulidis, Treasurer, New York City.

CURRENT NATIONAL OFFICERS

Dennis J. Livadas, Supreme Counsellor, Rochester.
Peter J. Georges, Supreme Governor, Brooklyn.
James K. Zolotas, Supreme Trustee, 1st Vice Chairman, New York City.
George L. Bourney, Supreme Trustee, 2nd Vice Chairman, West Hempstead.
Charles J. Drewes, Publication Board, Bronx.

CURRENT DISTRICT LODGE OFFICERS

Thomas J. Lukas, Governor, New York City.
Tasos Kellaris, Lt. Governor, Eggertsville.
Charles J. Drewes, Secretary, Bronx.
James Goumas, Treasurer, Nyack.
Theodore Kyrkostas, Marshall, Little Neck.
Ernest Kanes, Advisor, Jamaica.
George Carcales, Athletic Director, Buffalo.

PAST NATIONAL OFFICERS

Stephen S. Scopas, Past Supreme President, Douglaston.
Nicholas Coffinas, Past Supreme President, Brooklyn.
Kimon A. Doukas, Past Supreme President, New York City.
Gus Cherevas, Past Supreme President, Flushing.
Stephen Parnassa, Past Supreme Lodge, New York City.
Andrew J. Dritsas, Past Supreme Lodge, New York City.
Stephen J. Pechewlys, Past Supreme Lodge, Poughkeepsie.
George Dimas, Past Supreme Lodge, Riverdale.
George Laskaros, Past Supreme Lodge, Searington.
John Kiamos, Past Supreme Lodge, Yonkers.
Louis J. Dukas, Past Supreme Lodge, Bronxville.
Gus Nicholas, Past Supreme Lodge, Brooklyn.
Theodore Alexander Bardy, Past Supreme Lodge, New York City.
Peter G. Chingos, Past Supreme Lodge, New York City.
Peter T. Kourides, Past Supreme Lodge, New York City.
George Papaeleas, Past Supreme Lodge, New York City.
Emanuel M. Kontokosta, Past Supreme Trustee, Brooklyn.
Jack Zarcadoolas, Past Supreme Trustee, Douglaston.

Mr. STAFFORD. Mr. President, today marks the 50th anniversary of the founding of the Order of Ahepa—the American Hellenic Educational Progressive Association. I would like to join with those of my colleagues who are offering congratulations to this organization on its contributions to the cause of freedom and understanding.

I would also like to cite the leadership of Vermont officials of the Order of Ahepa for their contributions to the cause of good citizenship in my State. They are President Nicholas Zontas, Vice President Nicholas Pappas, Secretary Chris Lines and Treasurer Nicholas Zontanos.

These officials, along with members of the Order of Ahepa, are dedicated to efforts to impress their fellow Americans with the importance of cooperative citizenship participation to further the cause of freedom at all levels of our Government.

Mr. MONTOYA. Mr. President, a very special birthday is being celebrated today. The 50th anniversary of the Order of Ahepa takes place on July 16, 1972.

With this golden anniversary, the Order of Ahepa has passed the test of time in showing itself to be a dedicated, sincere, civic-minded group. Local chapters have always given generously for scholarships, natural disasters, memorials, and worthwhile charities. Since this organization's founding on July 26, 1922, its members have made many additional contributions, created interest in Greek culture, and have championed the cause of citizenship in this country.

In saluting the entire order, I would like to call special attention to the two fine New Mexico chapters and their officers. Serving as officers in the Santa Fe chapter are Mr. Pete Daskalos, president; Mr. John Panos, vice president;

Mr. P. C. Dakis, secretary; and Mr. Theo M. Keros, treasurer. The Albuquerque chapter is led by Mr. Tom Manole, president; Mr. Albert Romero, vice president; Mr. James Pavlakos, secretary; and Mr. Gus D. Bruskas, treasurer. These two New Mexico chapters are credits to their fine organization.

On behalf of the citizens of New Mexico, I offer my heartiest congratulations to the Order of Ahepa. May they be granted 50 more successful years of service.

Mr. THURMOND. Mr. President, the Order of Ahepa, the American Hellenic Educational Progressive Association, is celebrating its golden anniversary this month following its Atlanta, Ga., founding on July 26, 1922.

During its half century of operation, the Order of Ahepa, a nonpartisan, nonsectarian fraternal organization, has conducted innumerable activities and contributed generously to projects directed toward one common goal—the improvement and betterment of our social, moral, and family life.

Mr. President, I am proud to participate in saluting an organization whose prime objective is to promote loyalty to the United States of America and to encourage fellowship, altruism, and mutual benevolence among its members.

On the civic level, the local chapters of AHEPA strongly urge their members to be model citizens and good neighbors through planned civic activities and worthy fund drives. The fraternity has been awarding scholarships to deserving students on the local and national levels for 41 years.

During its 50 years of existence, the Order of Ahepa has contributed vigorously to national and international causes including the relief of Florida hurricane victims, the Truman Library, Greek war relief, and aid to fatherless children of Near East refugees. These, plus many more contributions, distinguish the Order of Ahepa as a forerunner in the American tradition of aiding less fortunate peoples of the world.

Mr. President, I am very pleased to salute this fine organization for its outstanding record in upholding America's heritage of citizenship and integrity.

Mr. FANNIN. Mr. President, today marks the golden anniversary of the Order of Ahepa, the American Hellenic Educational Progressive Association. This fine organization was founded in Atlanta, Ga., on July 26, 1922.

During the past half century the Order of Ahepa has made many contributions to the betterment of American life. It has aided the victims of hurricanes, floods, and earthquakes; it has helped war orphans and refugees; it has provided scholarships for needy students, and it has contributed museums and memorials. These activities have aided people in the United States, in Greece, and in many other nations of the world.

Arizona has two chapters. In Phoenix, the president is Nick Bichekas, the vice president is Mike Sorich, the secretary is Thomas J. Pappas, and the treasurer is Nick Habib. The Tucson officers are Angelos Skoubis, president; Clarence A. Drake, secretary; and Anthony Diamontopoulos, treasurer. Another Tucson member, Andrew Fasseas, is past supreme president of the Order of Ahepa.

Mr. President, I am pleased today to join in paying tribute to this organization, and I ask unanimous consent to have printed in the RECORD the objectives of Ahepa.

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

OBJECTS OF AHEPA

1. To promote and encourage loyalty to the United States of America.

2. To instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind.

3. To instill in its membership a due appreciation of the privileges of citizenship.

4. To encourage its members to always be profoundly interested and actively participating in the political, civic, social and commercial fields of human endeavor.

5. To pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor and integrity of every nation.

6. To promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture.

7. To promote good fellowship, and endow its members with the perfection of the moral sense.

8. To endow its members with a spirit of altruism, common understanding, mutual benevolence and helpfulness.

9. To champion the cause of Education, and to maintain new channels for facilitating the dissemination of culture and learning.

Mr. PROXMIRE. Mr. President, the Order of Ahepa is a secret fraternal organization which is nonpolitical and nonsectarian. The word "Ahepa" is an acrostic for American Hellenic Educational Progressive Association. Today the Order of Ahepa marks its 50th year of contributing to the betterment of American life.

The Order of Ahepa is composed of four separate organizations, all of which are coordinated on a local, district, and national level. The divisions of the "Ahepa Family" are: The Order of Ahepa, The Daughters of Penelope—senior women's auxiliary—The Sons of Pericles—junior young men's auxiliary—Maids of Athena—junior young women's auxiliary.

The members of AHEPA are men in all walks of life. They share the common goal of good fellowship and common understanding.

Many of our prominent government leaders are or have been members of AHEPA. The late President Franklin D. Roosevelt became a member of AHEPA as Governor of New York and maintained his membership throughout his lifetime. Other members include former President Harry S. Truman and Vice President SPIRO T. AGNEW.

The Order of Ahepa has made financial contributions to many worthy causes during the last 50 years. The national and international contributions include: relief of Florida hurricane victims, relief of Mississippi flood victims, relief for the fatherless children of refugees in the Near East, and national scholarships to worthy students.

The 430 local AHEPA chapters have a tradition of supporting community undertakings in the fields of education, charity, and civic improvement. The presidents of Wisconsin local chapters are George T. Mouzes of Racine, Frank Dionesopoulos of Milwaukee, and Peter Frank of Fond du lac.

Ahepans work toward the improvement of social, moral, and family life. Through their programs, they endeavor to fulfill the ideals of the American people.

Mr. SPONG. Mr. President, the Order of Ahepa celebrates its golden anniversary today, having been founded July 26, 1922, in Atlanta, Ga.

During this half century the Order of Ahepa has made many contributions to the betterment of American life, and I am pleased to wish for this organization many more years of service to the country. I am proud to be a member.

The objects of AHEPA are: First. To promote and encourage loyalty to the United States of America; second, to instruct its members in the tenets and fundamental principles of government, and in the recognition and respect of the inalienable rights of mankind; third, to instill in its membership a due appreciation of the privileges of citizenship; fourth, to encourage its members to always be profoundly interested and actively participating in the political, civic, social, and commercial fields of human endeavor; fifth, to pledge its members to do their utmost to stamp out any and all political corruption; and to arouse its members to the fact that tyranny is a menace to the life, property, prosperity, honor, and integrity of every nation; sixth, to promote a better and more comprehensive understanding of the attributes and ideals of Hellenism and Hellenic Culture; seventh, to promote good fellowship, and endow its members with a spirit of altruism, common understanding, mutual benevolence, and helpfulness; and ninth, to champion the cause of education, and to maintain new channels for facilitating the dissemination of culture and learning.

The Order of Ahepa has contributed financially to many worthy causes during its 50 years of existence, on a national and international level. These contributions do not take into account the many local activities of chapters within the realm of their communities. Local AHEPA chapters have always given generously and vigorously supported local community undertakings in the fields of education, charity, and civic improvement. The national and international contributions include; relief of Florida hurricane victims, relief of Mississippi flood victims, relief of Corinth Earthquake victims, for the War Orphans of Greece, relief of Dodecanese Earthquake victims, for the fatherless childen of refugees through the Near East Relief, for the Hellenic Museum, national scholarships to worthy students, for the theological seminaries at Brookline and Pomfret, AHEPA Franklin D. Roosevelt Memorial at Hyde Park, Ypsilanti and Dilboy Memorials, sale of

$500 million in U.S. war bonds during World War II as an official issuing agency of the U.S. Treasury, and the Truman Library.

Mr. BROCK. Mr. President, the spirit of voluntarism is one of the fundamental elements of our American system. We Americans have become so accustomed to witnessing it we sometimes forget how fortunate we are to live in a country where voluntarism exists without compulsion or persuasion.

The American Hellenic Educational Progressive Association is an excellent example of what a group of likeminded individuals can do to promote the public good through voluntarism. This fraternal order was founded in Atlanta, Ga., and now boasts 430 chapters dedicated to local community efforts in the fields of education, charity, and civil improvement. At the national and international levels, the AHEPA's have given generously to a host of worthy causes.

Today marks the 50th anniversary of this nonpolitical, nonsectarian order. The AHEPAs' bond derives from a desire to promote the finest ideals of our heritage and its members should be justifiably proud of its fine record of service to their country and humanity.

Mr. President, it is with great pleasure that I ask the entire Senate to join me in congratulating the Order of Ahepa on their 150th anniversary.

As my State of Tennessee is privileged to have four local chapters of the order, I ask unanimous consent that the names of the local chapter officers be printed in the RECORD.

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

ORDER OF AHEPA,
Washington, D.C.

TENNESSEE

LOCAL CHAPTER OFFICERS

Sam Gaddis, President, Nashville.
George Kaludis, Vice President, Nashville.
Andrew Pasayan, Secretary, Nashville.
George Gianikas, Treasurer, Nashville.
George Paris, President, Knoxville.
John Kotsianas, Vice President, Knoxville.
Dr. John G. Cavalaris, Secretary, Knoxville.
George Mitchell, Treasurer, Knoxville.
James Wilson, President, Chattanooga.
Paul A. Georgeson, Vice President, Chattanooga.
Nicholas P. Mitchell, Secretary, Chattanooga.
Gus Pete Gulas, Treasurer, Chattanooga.
Rev. Nikiforos Maximos, Corresponding Secretary, Chattanooga.
Frank Argol, President, Memphis.
Bill Argol, Vice President, Memphis.
Louis Kavelaras, Secretary, Memphis.
Gregory Bacopulos, Treasurer, Memphis.

CURRENT DISTRICT LODGE OFFICERS

Tom Stergios, Secretary, Memphis.

PAST NATIONAL OFFICERS

Speros J. Zepatos, Past Supreme Lodge, Memphis.

Mr. MANSFIELD. Then, Mr. President, it appears that the resolution has the unanimous approval of the Senate.

The PRESIDING OFFICER. Without objection, the resolution is unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas the greatness of the United States has been achieved through the contributions of men and women of good will of all races and creeds, who have cherished the ideals of democracy which originated in ancient Greece; and

Whereas the Order of the American Hellenic Educational Progressive Association AHEPA, was founded fifty years ago in Atlanta, Georgia, to serve as an enduring link between the achievements and values of Hellenic civilization and those of contemporary American society; and

Whereas the order of Ahepa's 50,000 members have pledged themselves to promote and encourage loyalty to the country of which they are citizens and to oppose political corruption and tyranny; and

Whereas the Order of Ahepa has an extraordinary record of providing assistance to victims of natural disasters and international conflicts; and

Whereas the Order's members strive to promote good fellowship, common understanding, and mutual benevolence: Now, therefore, be it

Resolved, That the Senate of the United States congratulates the Order of the American Hellenic Educational Progressive Association on its fiftieth anniversary and commends the order on its many contributions to strengthening American democracy.

TOM EAGLETON, DEMOCRATIC VICE-PRESIDENTIAL CANDIDATE

Mr. SCOTT. Mr. President, TOM EAGLETON is a fine and decent man. I say to our opponents, "You have made statements which become you. Go on with your campaign."

Mr. WEICKER. Mr. President, in light of yesterday's developments, I would be remiss in not passing along certain observations on one of our colleagues, with whom I had the distinction of working for over a year. Specifically, I refer to my association with the junior Senator from Missouri (Mr. EAGLETON) on the Senate District of Columbia Committee.

I found him to be possessed of both a deep sensitivity for other people's problems and a keen ability to solve them. He is a man of warmth and integrity.

I am going to be spending a good portion of the next few months working for the Republican team of President Nixon and Vice President AGNEW—which team, on the basis of the record, I believe, deserves reelection.

But I also want people to know that I have absolute confidence and, indeed, pride in TOM EAGLETON, and should he win I have no doubts he will fulfill with distinction the duties of Vice President of the United States.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, may I say that I am delighted that this initiative has come from the Republican side. I am delighted to join with my colleagues on that side to say publicly, as I said to the press earlier this morning, that I think TOM EAGLETON has been a great Senator, so far as the majority is concerned, and that he has my utmost faith, confidence, and trust. He has been most cooperative. He has undertaken some difficult assignments in his service in the Senate and handled them with the greatest success and not in a partisan manner.

And I want the RECORD to show that, so far as I am concerned, I think he is one of the best Senators we have, that his service, the work he has performed and the responsibility he has undertaken have been truly outstanding. Indeed, TOM EAGLETON's integrity and devotion are unquestioned; nor is there any question about his qualifications and capabilities—physically, mentally, or otherwise. He has my confidence and, to my knowledge, the confidence of this entire body with regard to any task he undertakes.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. HUGHES. Mr. President, I too would like to commend the minority leader for bringing up this subject this morning.

Just 3 years and 7 months ago I came into the U.S. Senate. One of the class of my colleagues was TOM EAGLETON, of the State of Missouri.

I had the opportunity to know TOM EAGLETON before, when he was Attorney General of Missouri and also a Lieutenant Governor of the State of Missouri, which is a neighboring State to the State of Iowa.

In the last 3 years and 7 months I have got to know the man by working by his side in the Committee on Labor and Public Welfare and also in subcommittee work and by working with him on the floor of the Senate.

I have known him in the privacy of his own home and in the general fellowship of the Senate and the things relating to it. I have been impressed by the man's integrity and personal strength and his spiritual strength.

I simply add my words of commendation to and confidence in the man, TOM EAGLETON, whom I hold in as great regard as any other man I know.

I personally certify that TOM EAGLETON is perfectly capable of holding any office in this land that the people of the land might see fit to elevate him to.

Mr. President, again I thank the minority leader for having had the opportunity this morning to express confidence in a fine and distinguished Senator and a very great and devoted man indeed.

Mr. SCOTT. Mr. President, I thank the Senator from Iowa.

Let us as political parties show the Nation that we can conduct a political campaign at the highest level and bring credit to the people and to ourselves.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Mr. President, I want to express my appreciation and my respect for the minority leader and the Senator from Connecticut (Mr. WEICKER) for the statements they have made with regard to our colleague TOM EAGLETON.

I wish also to express my support for

Mr. EAGLETON in making the courageous statement about his private life and also my approval of the statements made by the distinguished majority leader and my colleague the Senator from Iowa (Mr. HUGHES). I share those feelings without reservation.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HOLLINGS). Under the previous order, the Senator from Iowa is recognized for not to exceed 15 minutes.

THE NATIONAL PEACE POLL

Mr. HUGHES. Mr. President, on Monday evening, July 24, history was made in this chamber.

I refer to the passage of the Cooper amendment, as modified by Senator BROOKE, to the foreign aid authorization bill.

It was the first time that either House has asserted the constitutional right of the Congress to bring our participation in a war to an end by cutting off the funds.

Although the foreign aid bill itself was ultimately defeated, the vote on the Cooper amendment was nonetheless a milestone.

It signified, in my judgment, not only a major change of conviction on the part of the Senate, but a far-reaching change of viewpoint on the part of the American people.

From the quiet crossroads of rural America to the central cities and suburbs of our great metropolitan areas, there has been a steadily increasing revulsion on the part of the people against our involvement in the Indochina war.

A few weeks ago, the Wall Street Journal carried a haunting news story about the change of public opinion in a typical midwestern community, Dodge City, Kans.

I have long believed that one of the great untold stories about the peace movement in our country is its strength in the grassroots communities of America. In urban centers and college towns, the vitality of the peace sentiment has long been known.

In fairness, it should be acknowledged that there are many good citizens who believe that the majority of the American people still support the war policies of the administration, including the escalation of the bombing of the North, the mining of the harbors, and the preservation of the Thieu regime in Saigon.

Men and women of good conscience in the Congress will obviously vote on the overriding issue of war and peace the way they believe to be best for the country. But the will of the people is, and should be, an important element in the decisionmaking.

Do the American people want Congress to end the war?

The report of the professional public opinion polls is not altogether conclusive.

For the better part of 2 years, the polls have consistently reported that about three-quarters of the American people support immediate and total withdrawal from Southeast Asia.

On the other hand, in apparent contradiction, other polls have reported majority support for some of the war policies such as the escalation of the bombings and the mining of the harbors.

Public opinion polls, although highly useful and generally reliable, are ordinarily based on samplings of say 1,000 or 1,500 interviews. Usually, several questions are asked.

We have yet to have a reliable, national reading on the single, overriding question: "Should Congress end American involvement in the war?"

Two months ago, the Senator from California (Mr. CRANSTON) and I began an undertaking, called Peace Alert U.S.A. in which we were joined by Representatives RIEGLE and MCCLOSKEY, and 68 other Members of the Congress and a distinguished list of private citizens.

The primary feature of Peace Alert U.S.A. is a national peace poll, which seeks to get the answers of rank and file Americans to the simple question: Should Congress bring the war to an end by cutting off the funds?

Today I take the floor to invite those colleagues of both Houses who have not yet joined the congressional sponsors of Peace Alert U.S.A. to participate in our effort to attract a massive citizen response in 50 States to this central question.

Although most of us who are the original sponsors of Peace Alert are identified with the peace cause, it is not the purpose of the national peace poll to attempt to dictate a yes vote. We feel it is time that all members of Congress should know how the majority of the people feel. The national peace poll is a straightforward effort to determine the will of the people throughout America, pro or con.

Our first objective is to get ads displaying the peace poll ballot in each of the 671 daily newspapers in the country, which have a combined circulation of 52 million. We are also asking people to print and distribute ballots in their own communities and to get the ballots run in churches, business, and union bulletins.

The basic ads publishing the ballots are free of inflammatory rhetoric. The national peace poll is a legitimate effort to get a vital answer we all need to know.

The ads carrying the national peace poll are funded by private subscription. Generally by local citizens placing the ads in their hometown newspapers.

The national headquarters of Peace Alert U.S.A., manned by a small staff of young people, is at 233 Massachusetts Avenue NE., Washington, D.C. 20002. Supervision is by a volunteer board of private citizens of whom the national coordinator is William Meyers, a New York City businessman.

Like most public interest efforts that depend on voluntary help and funding, Peace Alert U.S.A. has necessarily developed at a modest pace.

Yet it is clear at this point that the concept has "caught on" and that many people are eager to voice their opinion, pro or con, through a direct vote in the national peace poll. Tens of thousands of ballots are now being received and will be tabulated by States with the results reported to Senators and Congressmen of each State.

Ads carrying the national peace poll have now appeared or are scheduled to appear in more than 100 daily newspapers with combined circulation of more than six million. In addition, the ads have been carried in trade, labor, and church publications with estimated total circulation well over another million.

Thus far, the ballots have been running more than 20 to 1 in favor of Congress ending the war.

More than 11,000 ballots have been received from my own State of Iowa and these have totaled more than 75 percent in favor of peace.

Obviously, it would be impossible to list all of the persons who have voted, but as a symbolic indication of the vitality of the peace movement in an inland state, I would like you to see a list of 1,000 names of Iowans who have written to ask Congress to terminate our involvement in Southeast Asia by cutting off the funds for continuing the war.

It is my hope that other colleagues participating in Peace Alert U.S.A. will advise the Congress of the reaction they have encountered in their states to the national peace poll.

I ask unanimous consent that, for the information of the Senate, the following items be printed in the RECORD: The national peace poll ballot, the congressional sponsors and private citizen members of the national board of Peace Alert U.S.A., and the list of 1,000 Iowa citizens to which I have just alluded.

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

NATIONAL PEACE POLL

Should Congress bring the war to an end by cutting off the funds?

Yes ———— ----------No———— --

Name ----------

Address ----------

Telephone no----------

Send this ballot to: National Peace Poll, Box 1621, Washington, D.C. 20013

Within the next few weeks, Congress must make a decision on whether to vote funds for the War in Vietnam. By setting a date to terminate the funds, it can legislate the withdrawal of our forces and insure the return of our prisoners. Or it can vote to continue the war. Your opinion will influence how they will vote.

PEACE ALERT USA

NATIONAL BOARD

National co-chairmen

Sen. Harold E. Hughes (D-Iowa).
Rep. Paul McCloskey, Jr. (R-Cal.).
Sen. Alan Cranston (D-Cal.).
Rep. Donald Riegle, Jr. (R-Mich.).

Congressional sponsors

House

Bella Abzug (NY).
Joseph Addabbo (NY).
Frank Annunzio (Ill).
Thomas Ashley (Ohio).
Les Aspin (Wisc).
Herman Badillo (NY).
N. J. Begich (Alaska).

Jonathan Bingham (NY).
Edward Boland (Mass).
Phillip Burton (Calif).
Emanuel Celler (NY).
William Clay (Mo).
George Collins (Ill).
John Conyers (Mich).
Ronald Dellums (Calif).
Charles Diggs (Mich).
John Dow (NY).
Robert Drinan (Mass).
Don Edwards (Calif).
Joshua Eilberg (Pa).
Marvin Esch (Mich).
Walter Fauntroy (DC).
Donald Fraser (Minn).
Kenneth Gray (Ill).
William J. Green (Pa).
Michael Harrington (Mass).
Augustus Hawkins (Calif)
Ken Hechler (W.Va.).
Henry Helstoski (NJ).
William Hungate (Mo).
Joseph Karth (Minn).
Ed Koch (NY).
Robert Kastenmeier (Wisc).
Robert Leggett (Calif).
Ralph Metcalfe (Ill).
Abner Mikva (Ill).
Parren Mitchell (Md).
John E. Moss (Calif).
Robert Nix (Pa).
Bertram Podell, (NY).
Charles Rangel (NY).
Thomas Rees (Calif).
Ogden Reid (NY).
Henry Reuss (Wisc).
Peter Rodino (NJ).
Benjamin Rosenthal (NY).
Edward Roybal (Calif).
William F. Ryan (NY).
James Scheuer (NY).
John Seiberling (Ohio).
Frank Thompson (NJ).
Morris Udall (Ariz).
Charles Vanik (Ohio).
Jerome Waldie (Calif).
Lester Wolff (NY).
Sidney Yates (Ill).
Louis Stokes (Ohio).
Al Ullman (Ore).

Senate

Frank Church (Idaho).
Mike Gravel (Alaska).
Fred Harris (Okla).
Philip Hart (Mich).
Vance Hartke (Ind).
Daniel Inouye (Hawaii).
Walter Mondale (Minn).
Frank Moss (Utah).
William Proxmire (Wisc).
Adlai Stevenson III (Ill).
John Tunney (Calif).
Harrison Williams (NJ).

Other members

William Meyers, Chairman, Fund for New Priorities in America, National Coordinator.

Kingman Brewster—Connecticut.

Max Cleland—State Senator, Georgia.

William Doering—Chairman, Council for a Livable World.

Marriner S. Eccles—Chairman of Executive Committee, Utah International, Salt Lake City.

Governor Jack Gilligan—Ohio.

Elinor S. Gimbel—New York.

Al Grospiron—Oil and Chemical Workers, Denver.

Pat Gorman—Amalgamated Meatcutters and Butcher Workmen of North America.

Father Theodore M. Hesburgh—President, University of Notre Dame.

Jesse Jackson—Operation Push, Chicago.

Rear Admiral Gene La Rocque, U.S. Navy (Ret.)—Director, Center for Defense Information.

Allard Lowenstein—New York.

Governor Pat Lucey—Wisconsin.

Louis Lundborg—Former Chairman of the Board, Bank of America.

Layton Olson—Exec. Director, National Student Lobby, D.C.

Donna Reed Owen—Co-chairman, Another Mother for Peace.

Maurice Paprin—Exec. Vice President, National Realty Committee.

Major Jubel R. Parten—Texas.

Bernard L. Schwarz—Business Executive, New York.

Bishop James Thomas—Methodist Bishop of Iowa.

Harold Willens—National Chairman, Business Education Fund.

Harris Wofford—President, Bryn Mawr.

Leonard Woodcock—President, United Auto Workers, Detroit.

Jerry Wurf—President, American Federation of State, County and Municipal Employees, AFL-CIO, D.C.

Randolph P. Compton—Investment Banker, and Chairman, Fund for Peace, New York.

A Thousand Iowans Who Voted Yes That Congress Should End the War

Mrs. Nora Ouverson, Clear Lake.
Sue Patterson, Iowa City.
Jonathan Penner, Coralville.
Chris Meacham, Nichols.
Charlene Higon, Iowa City.
Mary Caipoun, Ames.
Louis Dreibelbies, Marion.
Mrs. Eva Dreibelbies, Marion.
Max Efner, Ames.
Marjory Prugh, Des Moines.
Donald Graves, Ames.
Lynne McMahon, Iowa City.
Allyson Marks, Iowa City.
Robert Smith, Waterloo.
Audrey Smith, Waterloo.
Mattie Staufacker, George.
Mr. Theodore A. Vorwald, Dubuque.
Mrs. Theodore Vorwald, Dubuque.
Linda Bernel, Muscatine.
Charles Riley, Ames.
Doris Coon, Forest City.
Doris Bachellor, Clear Lake.
Jane Dickens, Iowa City.
Kevin Keating, Iowa City.
Claudia Heeper, Indianola.
Louis Bultera, Cedar Falls.
Mary Edwards Fulton, Fairfield.
Mrs. Julie Parker, Des Moines.
Roland J. Musselman, Ft. Dodge.
Richard Lowenberg, Iowa City.
Becky Obermeier, Waterloo.
Mrs. Mary Autenrieth, Paulina.
Jack K. Hixon, Iowa City.
Mary Lu Jessen, Ricketts.
Pamela Lafrentz, Kiron.
Larry L. Peterson, George.
Elven Vanze, Pella.
Susan Earley, Iowa City.
Dorothy L. Morse, Council Bluffs.
Becky Banken, Forest City.
Robert Fox, Charles City.
Richard Terry, Muscatine.
Barbara Baker, Iowa City.
Ann Ebert, Ames.
Barbara Saison, Ames.
John Stegemann, Boyden.
Sister M. Davis, Sioux City.
Ray Bauill, Clear Lake.
Paul Burstowicz, Ames.
Catherine Burstowicz, Ames.
Susan Bourque, Iowa City.
Harold Crisp, Brooks
V. Beckler, Tiffin.
Sara Frederick, Iowa City.
H. Gronewold, Atlantic.
E. K. Adkins, Adel.
Joan McCarthy, Ames.
Darvin Yoder, Iowa City.
Arthur Campney, Newton.
Bill Miller, Boone.
Beverly McLeod, Iowa City.
J. E. Webb, Spencer.
Dwight Vogel, Le Mars.
Mr. William Young, Iowa City.
Duane Isely, Ames.
Charlotte Mitchell, Cincinnati.
Becky Morgan, Iowa City.
Lloyd Kaufman, Des Moines.
David Moore, Mt. Vernon.
Robert Mulgueen, Council Bluffs.
Mr. Lawrence Snyder, Corning.
Mrs. Lawrence Snyder, Corning.
Vicki Harms, Iowa City.
David Hanneman, Vinton.
Gary Frommelt, Guttenberg.
Kristy Lindsay, Davenport.
Mrs. C. F. Pugh, Grinnell.
Paula Larew, Iowa City.
Mrs. Maude Layland, Hamlin.
Mr. Harold Graham, Kingsley.
Mrs. Harold Graham, Kingsley.
V. Humphrey, Ft. Dodge.
Mrs. Walter Hahn, Muscatine.
Sue Ferguson, Iowa City.
R. Cadwallader, Oskaloosa.
Mrs. R. N. Carney, Des Moines.
Janet Lloyd, Iowa City.
Karen Stefanko, Iowa City.
Carold Martin Iowa City.
Anntonette Adams, Ottumwa.
Arthur Douglas, Marshalltown.
Ruth Douglas, Marshalltown.
Linda Sawyer, Iowa City.
Charles Muster, George.
Shelly Floyd, Grinnell.
Monica Green, Ellsworth.
Linda Kaufman, Iowa City.
Perry Hutchinson, Ames.
Mr. A. J. Barrett, Eagle Grove.
Mrs. A. J. Barrett, Eagle Grove.
Janice Olson, Iowa City.
Jan Wade, Iowa City.
Timothy Broer, Iowa Falls.
Doris King, Iowa City.
Mrs. Keith Merrill, Spirit Lake.
Elsie Vega, Bellevue.
Norma Brose, Mitchellville.
Carolyn Cook, Iowa City.
C. Davis, Ottumwa.
Lawrence Snyder, Corning.
Vera Snyder, Corning.
Doris Boes, Carroll.
Chuck Fisher, Iowa City.
Mr. David Morgan, Cedar Falls.
Mrs. David Morgan, Cedar Falls.
Diana Peck, Iowa City.
Mr. Merle Tjossem, Paullina.
Mrs. Merle Tjossem, Paullina.
Dorothy Tache, Carroll.
Betty Killer, Des Moines.
Mrs. Edward Meerdink, Muscatine.
Jim Hank, Iowa City.
Kathy Biesler, Iowa City.
John Leavy, Marshalltown.
Sue Wratten, Iowa City.
John C. Kent, West Des Moines.
Mark Withron, Ames.
LaDonna Brunk, Eldora.
Mrs. Geraldine Guy Summers, Rockwell City.
Rick Larson, Marshalltown.
Mrs. Lillian Lohff, Lytton.
C. Wellner, Iowa City.
Keith Delap, Des Moines.
Margaret Hamer, Pisgah.
W. E. Pritchard, Clarinda.
Betty Kitzman, Ames.
G. K. O'Neil, Des Moines.
Greg Dirks, Marshalltown.
Robert M. VanDensen, Cedar Rapids.
Andrea Cody, Mason City.
Eugen Young, Grinnell.
Mrs. Charles Anderson, St. Charles.
Phil Gibson, Shenandoah.
Ron Brunk, Eldora.
Joe Kapone, Marshalltown.
Jan Hjelmaas, Farnhamville.
Linda Koch, Des Moines.
Geraldine Edmonds, Pisgah.
Mary Anne Gibson, Shenandoah.
Irene Farley, Marshalltown.

Richard Grier, Deep River.
Mrs. Robert Leo Jones, Mason City.
Ann Ziton, Burlington.
Gordon E. Rosenthal, Clear Lake.
Mike Sash, Melbourne.
Tom Underkofler, Marshalltown.
Frank Boriskey, Albion.
Timothy Farley, Iowa City.
Mrs. Gordon E. Rosenthal, Clear Lake.
Mrs. F. D. Peters, Des Moines.
Mrs. Emily Schach, Burlington.
Mark Woodruff, Marshalltown.
Mary Maureen Miller, Des Moines.
Nell Kress, Pisgah.
Rick LaFrentz, Marshalltown.
Claudia Sterler, Sibley.
Thomas O'Meara, Dubuque.
Robert Kutzer, Grundy Center.
Mrs. G. J. Hruska, Belmond.
Bill Condie, Marshalltown.
Colleen Alton, Pisgah.
Velma Kutzer, Grundy Center.
Jan D. Michael, West Branch.
James Lynch, Davenport.
Terrieta Curtis, Bennett.
Virginia Seifert, Dewitt.
Larry Roling, Charlotte.
Cathy Woounes, Iowa City.
Rodney Belvows, Bennett.
Michael Fritt, Preston.
Ed Burkin, Charlotte.
Sister Mary Stanislaus, Dubuque.
Deanna Behrens, Bennett.
Camella Lynch, Davenport.
Richard Buckles, Iowa City.
Virgene VanDierendorch, Dewitt.
Mrs. Joe Frier, Charlotte.
Victor Hess, Bennett.
Mrs. Claire Powell, Davenport.
Debra Sheluk, Iowa City.
Catherine Fleagle, Dewitt.
James Cleere, Davenport.
Charlotte Hess, Bennett.
Terry Giebeleton, New Liberty.
Gary Martin, Iowa City.
Diane Burrows, Bennett.
Dennis Etzel, Davenport.
Phyllis L. Parrott, Dewitt.
Chip Walter, Bennett.
Linda Olson, Davenport.
Phil Hermigton, New Liberty.
Clark Joslin, Iowa City.
Jan Shindel, Dewitt.
Ron Westerfield, Davenport.
Mark Bergen, Iowa City.
John Glesner, Dewitt.
Marvin Anderson, Hardy.
Roger Frick, Bennett.
Roger Wright, Bennett.
Duwayne Helkinn, Stockton.
Philip Lockhart, Davenport.
Mary Mulherin, Iowa City.
Marcia Glesener, Dewitt.
Katherine Lynch, Davenport.
Sharon Hein, Bennett.
Richard Hein, Bennett.
Gerard Banowetz, Charlotte.
Larry Frott, Preston.
Blanda Collins, Davenport.
Kenneth Roling, Preston.
Jim Love, Iowa City.
Donald Regenwether, Spragueville.
Gisela Regenwether, Spragueville.
Michele Zimmerman, Iowa City.
Margaret E. Roach, West Union.
Steve Stimmel, Ames.
Barb P. Schweitzer, Sr., Columbus Junction.
Mrs. Bernard E. Malone, Strawberry Point.
Kent Zimmerman, Iowa City.
Mrs. Steven Marlier, Ames.
Erwin Rohde, Cherokee.
Ellen Cioccio, Des Moines.
Norma Schweitzer, Columbus Junction.
Jean Fisher, Springfield.
Curti Sinster, Ames.
JoeAnna Cheatom, Des Moines.
Edna Hern, Knoxville.
Mr. George Chusty, Iowa City.
Judi Metcalf, Dubuque.
Helen Burns, Ames.
Mary Mascher, Iowa City.
Ms. Betty Wurtz, Des Moines.
Katherine Riniker, Durango.
Pat Leister, Ames.
Julie Asmus, Dubuque.
Louise Petersen, Des Moines.
Kevin McGuire, Cresco.
Judy Evans, Iowa City.
C. W. Jones, Ames.
James Bertin, Des Moines.
Mrs. Betty Allen, Dubuque.
Ann Biedermar, Iowa City.
Margaret Jones, Ames.
Patricia Riniker, Durango.
Susan Smith, Iowa City.
Beverly Yokas, Dubuque.
Rosemary Straud, Jesup.
Marlin Lemonds, Iowa City.
Marsha Petersen, Iowa City.
Eduardo Zelaya, Dubuque.
Barb Young, Iowa City.
Mrs. Dave Wooten, Ames.
Alice Jones, Des Moines.
Nancy Newell, Cedar Falls.
Sue Crosby, Iowa City.
David Wooten, Ames.
Harry Wolk, Des Moines.
Jane Moffie, Iowa City.
John Roe, Ames.
Elisabeth M. Johnson, Norwalk.
Ernie Noack, New Providence.
Mary Anne Ebner, Iowa City.
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Rhonda Hughes, Bome.
Elvera Brenneman, Washington.
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James Dotson, Dubuque.
Blanche Deahl, Centerville.
Jane Groue, Unionville.
Richard Binger, Moravia.
Fern Graber, Wayland.
Nathan Dodge, Dubuque.
Marery Dodge, Dubuque.
Warren Miller, Washington.
Earl Mason, Udell.
Jerry Ferguson, West Des Moines.
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Lunn A. Lavia, Urbandale.
Susan Webb, Cumming.
Gregory Platt, Dubuque.
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Charles Groue, Unionville.
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Laurence Mills, Cedar Rapids.
Sheilia Troy, Mount Vernon.
Anne Burger, Moravia.
Ray Cox, Udell.
Dillon Graber, Wayland.
Kenneth Hindman, Dubuque.
James Poulson, Dubuque.
Dolores Henry, Des Moines.
James Hodges, Burlington.
Julin Poulsen, Dubuque.
Mary Cox, Udell.
Kathy McNamara, Des Moines.
Sister Mary Auxilia Eulbery, Ossian.
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Vivian Heywood, Mount Vernon.
James Weipert, Oelevein.
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Mary Trainor, Cedar Rapids.
Steve Smith, Marion.
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Maryann Konz, Des Moines.
Tom Murphy, Cedar Rapids.
Betty Ann Boulton, Dubuque.
Sister Mary Bede, Dubuque.
Randy Hale, Cedar Rapids.
John C. Kent, Des Moines.
Yolanda Grave, Unionville.
Annette Burger, Moravia.
John Mason, Udell.
Florence M. Heuke, Dubuque.
Mary Novak, Cedar Rapids.
Mary Mason, Udell.
Sister Mary Cora Adams, Dubuque.
Richard Wheat, Cedar Rapids.
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Donna Miller, Des Moines.
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Susie Davis, Van Horne.
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Rose Ryan, Vinton.
Larry Kester, Coggon.
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Tom Murphy, Cedar Rapids.
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Marvin Gee, Fort Dodge.
Jenean Arnold, Iowa City.
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Roger Krueger, Pelwein.
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Dale Brown, Ottumwa.
Isabel Brown, Ottumwa.
Irvin Barto, Kingsley.
Bennet Nickel, Iowa City.
Stanley Wood, Cedar Falls.
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Lorraine Swenson, Alto Vista.
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Kate Schram, Iowa City.
Joe Greene, Jr., Ellsworth.
Mr. Richard Leu, Fairfield.
Mrs. Richard Leu, Fairfield.
Jim Cramer, Iowa City.
Mr. William Leslie, Muscatine.
Micket Bahr, Dubuque.
Mrs. William Leslie, Muscatine.

Mr. HUGHES. Mr. President, whatever our individual views may be about the wisdom of our involvement in this undeclared war, I believe all will agree that it has lasted far too long.

It has dragged on, in one form or another, through several administrations until we have arrived at the highly sophisticated and destructive aerial war we are fighting today. We are all happy that our ground forces have been reduced below 50,000, but there can be no rejoicing over the fact that air and sea forces have been increased in recent months and U.S. bombing in June was the heaviest for any month in 2½ years.

I wonder if everyone fully realizes how long this tragic, costly conflict has lasted—even that part of the war that has gone on under the present administration.

The United States' war against Nazi Germany in World War II—the big war of a generation ago—lasted 1,244 days, from December 11, 1941, until May 8, 1945.

That part of the Indochina war that has taken place since President Nixon took office on January 20, 1969—at a time when the country was already desperately war weary—until today has lasted 1,284 days.

This is more than a month longer than it took us in the big war to build an Army from scratch, invade the continents of Africa and Europe, and defeat the greatest aggressive military power that had yet been seen on earth.

Mr. President, the killing, the torment, the misguided, incredibly costly effort in Indochina has gone on far too long.

I believe it is time that the Congress should exercise its constitutional power and responsibility to bring our involvement in this tragic war to an end.

I deeply believe that the American people overwhelmingly want us to take this healing action.

In any event, it is time that we found out directly from the American people what their answer is to the one overriding question:

Should Congress bring the war to an end?

I ask your support for the national peace poll, exclusively dedicated to getting that answer.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under 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.

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. 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.

VIETNAM

Mr. MANSFIELD. Mr. President, in relation to what the distinguished Senator from Iowa (Mr. HUGHES) has just said, I ask unanimous consent to have printed in the RECORD a news release from the Office of the Assistant Secretary of Defense, Public Affairs, under date of July 6, 1972, carrying the list of casualties, not only American but also South Vietnam, other free world forces, and other forces. This summary is cumulative from the 1st of January 1961, through the 1st of July 1971.

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

SOUTHEAST ASIA CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Southeast Asia as of 1 July 1972.

Total U.S. deaths from action by hostile forces is the sum of the following categories: Killed in Action, Died of Wounds, Died While Missing, and Died While Captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same totals by environment (air or ground). Totals are cumulative from 1 January 1961 through 1 July 1972.

U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

	Army	Navy [1]	Marine Corps	Air Force	Total
1. Killed	25,333	1,064	11,472	474	38,343
2. Wounded or injured:					
(a) Died of wounds	3,512	143	1,449	48	5,152
(b) Nonfatal wounds:					
Hospital care required	96,733	4,114	51,365	881	153,093
Hospital care not required	104,618	5,883	37,190	2,406	150,097
Total					303,190
3. Missing:					
(a) Died while missing	1,673	185	5	428	2,291
(b) Returned to control	54	7	6	34	101
(c) Current missing	258	126	89	646	1,119
4. Captured or interned:					
(a) Died while captured or interned	15		3	2	20
(b) Returned to control	57	3	5	6	71
(c) Current captured or interned	83	150	25	257	515
5. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed Wing	90	161	143	733	1,127
Helicopter	2,146	66	429	75	2,916
(b) From ground action	28,097	1,165	12,357	144	41,763
Total deaths [2]	30,533	1,392	12,929	952	45,806

Footnotes at end of table.

COMBAT DEATHS FOR OTHER FORCES IN VIETNAM—SINCE JAN. 1, 1961

Force	RVNAF [3] [4]	Other free world forces	Enemy [4]
6. Total deaths	165,268	5,076	859,641

U.S. CASUALTIES NOT THE RESULT OF HOSTILE ACTION—SINCE JAN. 1, 1961

	Army	Navy [1]	Marine Corps	Air Force	Total
7. Current missing	118	----	12	----	130
8. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed Wing	272	177	46	282	777
Helicopter	1,866	55	242	19	2,182
(b) From other causes	4,970	624	1,391	285	7,270
Total deaths	7,108	856	1,679	586	10,229

[1] Navy figures include Coast Guard.
[2] Sum of lines 1, 2a, 3a, and 4a.
[3] Does not include paramilitary losses.
[4] Included in adjustments from previous periods and is subject to later adjustment in turn.

Note:

Wounded	303,190
Combat dead	45,806
Noncombat dead	10,229
Dead	56,035
Total casualties	359,225

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from this morning's Los Angeles Times entitled "The Rationale of Bombing," along with an editorial from the Boston Globe of July 21, 1972, entitled "Horror Nears the Absolute."

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

[From the Los Angeles Times, July 26, 1972]

THE RATIONALE OF BOMBING

The controversy over bombing the dikes of North Vietnam obscures more fundamental questions about the present American strategy.

North Vietnam has been unable to produce any convincing evidence to support its allegations of deliberate bombing of the dikes. Some objective observers have seen explosive damage. Secretary of Defense Laird has acknowledged that some dikes may have been damaged inadvertently in attacks on nearby "military targets." It would be an inexcusable incident of this war if by intent or accident some dikes should be ruptured. They are the life support system of the nation. The military has an overwhelming obligation to see that it doesn't happen.

But, given the intensity of the American bombardment of the North, it could happen. The level of bombing throughout Vietnam is almost beyond belief. The total bombs in June alone was 112,460 tons, double the terrible rate of last January. The earth has never known such an intensive aerial attack.

The purpose of the bombing and the blockade were precisely defined by President Nixon on May 8. He said that the "sole purpose" was to protect American troops in South Vietnam and to "prevent the creation of a Communist government by a brutal aggression" against South Vietnam. That purpose would appear to have been achieved. None of the 43,000 remaining American troops is in jeopardy. American officers have said confidently that no risk of conquest remains in this Communist aggression.

Why, then, is Mr. Nixon tightening the screw? The only explanation would seem to be that there is a conviction in the White House that more excruciating pressure will produce peace in Paris.

A negotiated settlement under these circumstances is not impossible. This is evident in the presence in Paris of the North Vietnamese negotiators, and their willingness to meet publicly and privately even while the bombing and blockade continue.

Not impossible, but not likely, either. For, just as Hanoi is vulnerable to bombardment, so Mr. Nixon also is vulnerable to the war. It did not take the controversy over the bombing of the dikes to inspire the Senate action on Monday: It was the toughest in both language and numbers in a long line of antiwar actions, fair measure of American discontent with the war.

The President persuaded a majority of Americans that he was justified in a harsh response to the cruel Communist attack. The attack has been blunted, probably defeated. So what can now justify a prolongation and extension of the bombardment? Certainly not an assumption that smart bombs can pave the way to peace in Vietnam.

HORROR NEARS THE ABSOLUTE

The wonder is not so much that the North Vietnamese and others throughout Indochina have been able to survive the almost incredible tonnage of bombs that are poured down on them day and night from American bombers.

The larger wonder is that Americans themselves, from the President down to the least one of us, are not so sickened by carnage that the thought of just one more innocent peasant blown to bits as he toils in his small field would be more than even the most callous could bear.

Were it one of the soulless monsters recorded in history on whose orders death and destruction were poured unceasingly from the sky, it would be appalling and almost unbelievable enough. But it is an American President who has ordered it, and American young men in American planes who carry out his terrible orders. The total inhumanity of what Americans are doing on orders of an American President devastates the spirit enough even without reading news accounts by columnist Joseph Kraft and others of the bits of human bodies they have seen in Hanoi rubble and Haiphong in a country so pockmarked with craters that it resembles a lunar landscape.

Consider the escalation of the tonnage in the first six months of this year while the war, as White House spokesmen persist in putting it, is being "wound down." The 56,790 tons dropped on Indochina in January was not enough. It was raised to 67,536 tons in February, 70,000 in March, 91,670 in April, 105,729 in May and 112,460 in June, a 100 percent increase in death and destruction in six months. Is there anyone for still more of it in July and August?

Bombs, more and more sophisticated as we sharpen our techniques for killing, are falling at the rate of more than 3700 every day, 155 every hour, two or three every minute, with scarcely an hour when our bombers are not overhead, cursed by the peasants running for cover, their hearts hardened with hatred.

Peace, if it can be engineered now (one day's reports are contradicted by the next day's developments), will save the whole of Indochina from further American-made and American-delivered devastation. But America itself will be a long time recovering from what it has done not only to a land of peasants but to itself.

CHINA

Mr. MANSFIELD. Mr. President, on the question of China, I ask unanimous consent to have printed in the RECORD a very thoughtful article which was published in the Missoulian, Missoula, Mont., July 18, 1972, entitled "It Was Never Ours To Lose."

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

IT WAS NEVER OURS TO LOSE

One of the myths of the 1950s was that somehow the United States had "lost" China.

The myth's content was that if the U.S., especially the Democratic national leadership, had done things differently the Communists under Mao Tse-tung could have been prevented from taking over the mainland.

Often a myth can best be exposed by taking the perspective of someone else. In the case of China, the best perspective is that of the Soviet Union.

On June 25 the New York Times published a story saying that Dr. Boris N. Zanegin, a Soviet scholar in China, is visiting the U.S. this year to study Communist China's foreign policy. Zanegin was described in the story as "a Chinese-speaking member of the Soviet Academy of Sciences and a leading sinologist."

What makes his visit interesting is that the Soviet Union is in dire need to beef up its knowledge of China. That might seem odd, since both are Communist countries with years of close association in the past which share an immense border and many common problems.

But the fact is that Soviet scholarly knowledge of China is in worse shape than our own—hence Zanegin's visit—because in the past the Soviet Union also "lost" China.

Harrison E. Salisbury in a New York Times article last September pointed out that not

only has the Soviet Union "lost" China, it has turned that trick FOUR times.

China was "lost" by the Soviets in 1927, when Chiang Kai-shek cracked down on the left elements of the Nationalist Kuomintang party and sent his Soviet political and military advisers packing. It was "lost" to Moscow again in the 1930s, when Mao Tse-tung rose to leadership of the Chinese Communists and held it during and after the Communists' Long March across China.

It was "lost" to the Soviets the third time in 1949 when the Peoples Republic of China was proclaimed by Mao—a man the Soviets could not control. That's the same event in which we "lost" China. And of course China was "lost" by Nikita S. Khrushchev between 1958 and 1960—the start of the most recent hostilities between the two Communist regimes.

Three of those Soviet "losses" of China occurred under Stalin. At each "loss," Stalin in his anger purged Soviet scholars, diplomats, military experts, party members and others who had expertise on China.

Soviet studies of China revived in the 1950s. But when the latest "loss" occurred, Soviet police closed down the new Institute of China Studies of the Soviet Academy of Sciences and even forbade China scholars to handle material about Maoist China, Salisbury wrote.

"Even 20 years after the death of Stalin, Soviet China studies have not yet recovered to where they stood before the great purges," Salisbury said.

Our own mythical "loss" of China can be seen in better perspective by viewing the Soviet experience. Neither the Soviet Union nor the United States ever had China to lose.

And our own witch-hunt of the 1950s which sought to track down and disgrace those Americans who allegedly "lost" China is revealed, like the Soviet purges, as an exercise in pure madness.

The brutal nature of the Soviet reaction to their "losses" of China makes the United States by comparison look most enlightened. Our tradition of academic freedom from political interference protected most China scholars here from the craziness caused by our mythical "loss," and China studies continued to prosper in America.

Which is why Dr. Zanegin is visiting the United States to learn about Communist China.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

EXPLANATION NEEDED FOR TUSKEGEE STUDY

Mr. ALLEN. Mr. President, as a Senator from the State of Alabama with the terests of the people of Alabama and the Nation, I am shocked to read press accounts that for 40 years the U.S. Public Health Service has conducted a study in which human beings with syphilis induced to serve as guinea pigs, have gone without medical treatment for the disease and a few have died of its late effects, even though an effective therapy was eventually discovered.

The study was conducted to determine from autopsies what the disease does to the human body.

Officials of the health service who initiated the experiment have long since retired. Current officials, who say they have serious doubts about the morality of the study, also say that it is too late to treat the syphilis in any surviving participants in the study.

Doctors in the service say they are now rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

Press reports indicate that the experiment called the Tuskegee study began in 1932 with about 600 black men, most poor and uneducated, from the Tuskegee, Ala., area.

Four hundred of the group had syphilis. Two hundred are said never to have received treatment for the venereal infection, while 200 did. A control group of 200 had no syphilis and did not receive any specific therapy.

To have allowed this callous Tuskegee study to continue even after discovery of a cure for syphilis only adds to the feeling of shock and disbelief that an experiment of this sort could have been carried on over a 40-year period during which time medication and treatment is alleged to have been withheld from some 200 participants in the study.

These 200 people in the community who were known by the Public Health Service to have syphilis were allowed to continue in the community, to be inflicted upon the residents of that community, with no treatment whatsoever from the Public Health Service.

If these reports be true, it is an affront to human dignity and a cruel action against Alabama citizens.

Mr. President, the people of Alabama and the American people as a whole deserve an immediate and full explanation of this unfortunate affair and the assurance that there are no such other experiments hidden away in the science laboratories of the Nation.

The Public Health Service should come forward immediately with an explanation of why Alabama citizens, though poor, uneducated and diseased should be treated in any such fashion—why the Public Health Service, charged with ministering to the health needs of the people of this country should deliberately withhold treatment from 200 Alabama citizens in need of treatment, of whom the Public Health Service stands charged of knowing and inducing to become part of an experiment which denied treatment to them.

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

Mr. ALLEN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. ALLEN. Mr. President, the Public Health Service enjoys an excellent reputation for humanitarian service and, in defense of its reputation and great record, it should be given an opportunity to fully explain this whole tragic affair.

Mr. President, I ask unanimous consent that articles reporting on the Tuskegee study in the Washington Evening Star and News and in the New York Times be printed in the RECORD.

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

[From the Star and News, July 25, 1972]

HUMAN GUINEA PIGS—SYPHILIS PATIENTS DIED UNTREATED

(By Jean Heller)

For 40 years the U.S. Public Health Service has conducted a study in which human guinea pigs, not given proper medical treatment, have died of syphilis and its side effects.

The study was conducted to determine from autopsies what the disease does to the human body.

PHS officials responsible for initiating the experiment have long since retired. Current PHS officials, who say they have serious doubts about the morality of the study, also say it now is too late to treat syphilis in any of the study's surviving volunteers.

But PHS doctors say they are rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

The experiment, called the Tuskegee Study, began in 1932 with about 600 black men, mostly poor and uneducated, from Tuskegee, Ala., an area which had the highest syphilis rate in the nation at the time.

One-third of the group was free of sphyilis; two-thirds showed evidence of the disease. In the syphilitic group, half were given the best treatment known at the time, but the other half, about 200 men, received no treatment at all for syphilis, PHS officials say.

As incentives to enter the program, the men were promised free transportation to and from hospitals, free hot lunches, free medicine for any diseases other than syphilis and free burial after autopsies were performed.

The Tuskegee Study began 10 years before penicillin was discovered to be a cure for syphillis and 15 years before the drug became widely available. Yet even after penicillin became common, and while its use probably could have helped or saved a number of the experiment subjects, the drug was not given to them, according to Dr. J. D. Millar.

He is chief of the venereal disease branch of the PHS' Center for Disease Control in Atlanta and is now in charge of what remains of the Tuskegee Study. Dr Millar said in an interview he has serious doubts about the program.

"I think a definite moral problem existed when the study was undertaken; a more serious moral problem was overlooked in the post-war years when penicillin became available but was not given to these men; and a moral problem still exists," Dr. Millar said.

"But the study began when attitudes were much different on treatment and experimentation. At this point in time, with our current knowledge of treatment and the disease and the revolutionary change in approach to human experimentation, I don't believe the program would be undertaken," he said.

Syphilis, a highly infectious disease spread by sexual contact, can cause, if untreated, bone and dental deformations, deafness, blindness, heart disease and central nervous system deterioration.

No figures were available on when the last death occurred in the program. And one official said that apparently no conscious effort to halt the program was made after it got underway.

A 1969 Center for Disease Control study of 276 treated and untreated syphilitics who participated in the Tuskegee Study showed that seven had died as a direct result of syphilis. Another 154 died of heart disease.

CDC officials say they cannot determine at this late date how many of the heart disease deaths were caused by syphilis or how many additional deaths could be linked to the disease.

Don Prince, another official of the Center for Disease Control, said that he does not know the names of PHS officials who initiated the study.

HALT HELD DESIRABLE

Like Dr. Millar, he said he believes the study should have been concluded with penicillin treatment after World War II.

"I don't know why the decision was made in 1946 not to stop the program," Prince said. "I was unpleasantly surprised when I first came here and found out about it. It really puzzles me."

At the beginning of 1972, according to center data, 74 of the untreated syphilitics were still living. All of them, Dr. Millar said, were men who did not suffer any potentially fatal side effects from their bouts with the disease.

Some of them received penicillin and antibiotics in past years for other ailments, Prince said, but none has ever received treatment for syphilis. Now, both men agree, it's too late.

Recent reviews of the Tuskegee Study by CDC indicate that treatment now for survivors is medically questionable, Dr. Millar said. Their average age is 74 and massive penicillin therapy, with possible ill side effects, is deemed too great a risk to the individuals, particularly for those whose syphilis is now dormant.

However, Dr. Millar added, there was a point in time when survivors could have been treated with at least some measure of success.

"The most critical moral issue about this experiment arises in the post-war era, the years after the end of World War II when penicillin became widely available.

"Looking at it now, one cannot see any reason they could not have been treated directly for syphilis at that time."

For survivors of the Tuskegee Study, the PHS is currently providing the best medical treatment it can, Prince said.

"We see to it that they get a complete physical at least every two years," he said. "We can't treat them for syphilis but we can treat them for hernias and arthritis and any other problems they have. I guess you'd say we're doing all we can."

[From the New York Times, July 26, 1972]

SYPHILIS VICTIMS IN U.S. STUDY WENT UNTREATED FOR 40 YEARS

(By Jean Heller)

WASHINGTON, July 25.—For 40 years the United States Public Health Service has conducted a study in which human beings with syphilis, induced to serve as guinea pigs, have gone without medical treatment for the disease and a few have died of its late effects, even though an effective therapy was eventually discovered.

The study was conducted to determine from autopsies what the disease does to the human body.

Officials of the health service who initiated the experiment have long since retired. Current officials, who say they have serious doubts about the morality of the study, also say that it is too late to treat the syphilis in any surviving participants in the study.

Doctors in the service say they are now rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

The experiment, called the Tuskegee Study, began in 1932 with about 600 black men, mostly poor and uneducated, from Tuskegee, Ala., an area that had the highest syphilis rate in the nation at the time.

Four hundred of the group had syphilis and never received deliberate treatment for the venereal infection. A control group of 200 had no syphilis and did not receive any specific therapy.

Some subjects were added to the study in its early years to replace men who had dropped out of the program, but the number added is not known. At the beginning of this year, 74 of those who received no treatment were still alive.

As incentives to enter the program, the men were promised free transportation to and from hospitals, free hot lunches, free medicine for any disease other than syphilis and free burial after autopsies were performed.

COULD HAVE BEEN HELPED

The Tuskegee Study began 10 years before penicillin was found to be a cure for syphilis and 15 years before the drug became widely available. Yet, even after penicillin became common, and while its use probably could have helped or saved a number of the experiment subjects, the drug was denied them, Dr. J. D. Millar says.

Dr. Millar is chief of the venereal disease branch of the service's Center for Disease Control in Atlanta and is now in charge of what remains of the Tuskegee Study. He said in an interview that he has serious doubts about the program.

Dr. Millar said that "a serious moral problem" arose when penicillin therapy, which can cure syphilis in its early stages, became available in the late nineteen-forties and was withheld from the patients in the syphilis study. Penicillin therapy became, Dr. Millar said, "so much more effective and so much less dangerous" than preexisting therapies.

"The study began when attitudes were much different on treatment and experimentation," Dr. Millar said. "At this point in time, with our current knowledge of treatment and the disease and the revolutionary change in approach to human experimentation, I don't believe the program would be undertaken."

Members of Congress reacted with shock to the disclosure today that the syphilis experimentation on human guinea pigs had taken place.

A MORAL NIGHTMARE

Senator William Proxmire, Democrat of Wisconsin, a member of the Senate Appropriations subcommittee that oversees Public Health Service budgets, called the study "a moral and ethical nightmare."

"It's incredible to me that such a thing could ever have happened," he said in a statement. "The Congress should give careful consideration to compensating the families of these men."

Senator Edward M. Kennedy, Democrat of Massachusetts, chairman of the Senate Health Subcommittee, said through a committee spokesman that he deplored the facts of the case and was concerned about whether any other such experiments existed.

Syphilis is a highly contagious infection spread by sexual contact. If untreated, it can cause bone and dental deformations, deafness, blindness, heart disease and deterioration of the central nervous system.

No figures were available as to when the last death in the program occurred. One official said that no conscious effort was apparently made to halt the program after it got under way.

UNCERTAINTY ON DEATHS

A 1969 study of 276 untreated syphilitics who participated in the Tuskegee Study showed that seven had died as a direct result of syphilis. The 1969 study was made by the Atlanta center, whose officials said they could not determine at this late date how many additional deaths had ben caused by syphilis.

However, of the 400 men in the original syphilitic group, 154 died of heart disease that officials in Atlanta said was not specifically related to syphilis. Dr. Millar said that this rate was identical with the rate of cardio-vascular deaths in the control, or non-syphilis, group.

However, several years ago an American Medical Association study determined that untreated syphilis reduces life expectancy by 17 per cent in black men between the ages of 25 and 50, a precise description of the Tuskegee Study subjects.

Don Prince, another official in the venereal disease branch of the center, said that the Tuskegee Study had contributed some knowledge about syphilis, particularly that the morbidity and mortality rate among untreated syphilitics was not so high as previously believed.

Dr. Millar said that the study was initiated in 1932 by Dr. J. R. Heller, assistant surgeon general in the service's venereal disease section, who subsequently became division chief.

Of the decision not to give penicillin to the untreated syphilitics once it became widely available, Dr. Millar said, "I doubt that it was a one-man decision. These things seldom are. Whoever was director of the VD section at that time, in 1946 or 1947, would be the most logical candidate if you had to pin it down."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED NARCOTIC ADDICTS TREATMENT ACT OF 1972

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs (with an accompanying paper); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 6503. An act for the relief of Captain Claire E. Brou (Rept. No. 92-986).

By Mr. HARTKE, from the Committee on Veterans' Affairs, with amendments:

S. 2161. A bill to amend chapters 31, 34 and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters (Rept. No. 92-988).

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—CONFERENCE REPORT (S. REPT. NO. 92-987)

Mr. NELSON, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submitted a report thereon, which was ordered to be printed.

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. NELSON:

S. 3845. A bill for the relief of Mercedes Toalino de Romero, Patricia Romero, Magda Romero and Mercedes Nela Romero. Referred to the Committee on the Judiciary.

By Mr. COOK:

S. 3846. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

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

S. 3847. A bill for the relief of John Bestor Robertson, Jr. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTROUCED BILLS AND JOINT RESOLUTIONS

By Mr. COOK:

S. 3846. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

NARCOTIC ADDICT TREATMENT ACT OF 1972

Mr. COOK. Mr. President, I am pleased to introduce today, for the administration, the narcotic addict treatment act of 1972, a bill which will set up a legal basis for present and new narcotic treatment programs while simultaneously serving to eliminate diversions of narcotic drugs into the street traffic. In view of the importance of providing medical treatment to narcotic addicts and the increasing acceptance of treatment modalities which involve the continuous furnishing of narcotic drugs such as methadone, problems of safeguarding against diversion have become acute.

This legislation has become necessary as a result of an evolution in medical opinion. On April 6, 1972, the Food and Drug Administration published in the Federal Register a notice of its intention to permit the use of methadone for the maintenance treatment of narcotic addiction for all addicts for whom it is medically justified. Although entirely appropriate on the basis of medical opinion, this, nevertheless, underscores the need for additional legal controls against diversion. In order to strengthen the legal authority of the Department of Justice to protect against diversion, the separate registration of practitioners who utilize narcotic drugs in the treatment of addiction and the application of special drug security requirements is necessary.

The recent and extremely rapid expansion of drug treatment programs of this sort makes legislation along this line most urgent. In 1968 there were fewer than 400 patients enrolled in methadone treatment programs nationwide, today there are over 60,000. Similarly, in 1964 the production quota set by BNDD for methadone was some 190 pounds; the production quota for 1972 is just over 5,700 pounds. This represents an unprecedented development in medical practice. We have never previously had any appreciable number of patients receiving legitimate narcotic drugs on a daily basis. Unfortunately, the opportunity for the diversion of these drugs and the abuse of their prescription has increased proportionately and now presents a growing medical and law enforcement problem.

Of the nearly 79,000 narcotic addicts presently undergoing treatment for their addiction, over two-thirds of these patients are involved in methadone programs. What is disturbing is the increasing number of these addicts who are addicted to methadone itself. A recent study in Miami found that nearly 7 percent of the addicts then entering narcotics treatment programs tested positive only for methadone and that nearly 40 percent tested positive for methadone along with other narcotic drugs. Clearly then, methadone is a drug abused as frequently as any other narcotic and its potential for abuse is increasingly reflected in its expanding illicit traffic.

A recent report in New York City found that over 92 percent of the addicts surveyed had had an opportunity to purchase quantities of methadone illegally. In the first 9 months of last year, the Bureau of Narcotics and Dangerous Drugs, through undercover agents, purchased or seized 138,181 dosages of the drug from various illicit sources. The principal sources of this diversion, however, seem to lie not with the manufacturer but at the point of the drugs legal distribution to the public.

Just last weekend, in Baltimore, 2 gallons of methadone were stolen from a clinic at gunpoint. The immediate result was one death and several hospitalizations from overdoses of the stolen drug. In 1971 methadone accounted for 170 of the 1,300 narcotic-related deaths in New York City; for the first 5 months of 1972 the count has already reached 160. Here in Washington, where methadone accounted for 14 percent of the narcotic-related deaths in 1971, it is responsible for nearly 40 percent of the recorded deaths this year. Surely this problem has reached sizable enough proportions that immediate legislative action and regulation is necessary.

Up until now the Bureau of Narcotics and Dangerous Drugs has required a separate registration for all maintenance programs but has lacked the authority to require this of detoxification programs. Currently the only authority for a separate registration is predicated on the research status of methadone treatment programs and such authority was never intended to apply to the massive treatment efforts now in progress. The statutory basis for the control of genuine research is necessarily inadequate for the regulation of well-defined clinical programs involving tens of thousands of persons being supplied with narcotic medication.

The proposed expanded approval of methadone to the status of a new drug will make the inadequacies and loopholes in the Government's current ability to control its diversion even more apparent. Presently a physician can dispense methadone to patients, on a large scale or on a regular basis, without regulation under the premise that it is detoxification treatment. Once methadone is relisted as an approved new drug the Government will no longer have authority over treatment programs either. These facts are appreciated within concerned Government agencies and the proposal of these amendments has been purposely correlated with other administrative and regulatory measures to correct the situation.

Section 2 of the proposed amendments will add the definitions of three new terms to the controlled substances act which are crucial in determining the applicability of the remaining provisions of this bill. The terms in question are "maintenance treatment," "detoxification treatment," and "emergency treatment," which, in the context of the treatment of narcotic addicts, have reasonably specific meaning within the national medical community. Such specific differentiation will also enable the Justice Department, in conjunction with HEW, to establish more specific and comprehensive regulatory authority over the handling of these narcotic drugs.

Section 3 will provide for a separate registration under the Controlled Substances Act, of those practitioners who wish to administer or dispense narcotic drugs to narcotic addicts in the course of treatment programs. The registration will be predicated on treatment standards set by the Secretary of Health, Education, and Welfare and on standards prescribed by the Attorney General relating to specific matters which are of primary importance in limiting the diversion of narcotic drugs into illicit channels. The impact of these latter standards on the quality of medical services is also recognized, and the Attorney General is accordingly required to obtain the concurrence of the Secretary of Health, Education, and Welfare as to any standards he imposes regarding the quantities of narcotic drugs to be disposed for unsupervised use. The requirement for special registration will not apply to practitioners who may have occasion to administer narcotic drugs in the course of emergency treatment to narcotic addicts since the necessity for such treatment cannot be anticipated in advance.

Section 4 provides for the denial, revocation, or suspension of the separate registration on the basis of standards promulgated under the preceding section. In any such case, the means of undertaking administrative action will be in accordance with existing provisions of the controlled substances act.

Finally, section 5 amends the current bookkeeping requirements to require that practitioners who supply narcotic drugs to narcotic addicts for the treatment of their addiction in either of the designated circumstances, keep a record of drug administrations as is currently required for dispensations. This is an essential provision to enable the Justice Department personnel to conduct drug accountability audits. The circumstances in such cases are fundamentally different from those in which the general practitioner may occasionally administer narcotic drugs for analgesia to patients who are little tempted to divert them and who lack the capability and knowledge for doing so. This provision has been intentionally drafted so as to insure that access to these records shall only be used in connection with investigations of or

proceedings against a registrant thereby retaining the customary benefits of patient confidentiality.

In view of the desire to make medical treatment available to as many narcotic addicts as possible and to encourage the medical profession to meet the challenge of this difficult social problem, it is necessary to establish the basis for adequate controls as soon as possible. Therefore, I urge the enactment of this proposal at the earliest practicable time.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 301

At the request of Mr. KENNEDY, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 301, a bill to authorize the Secretary of the Interior to establish the Bunker Hill National Historic Site in the city of Boston, Mass.

S. 987

At the request of Mr. HANSEN, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 987, a bill to amend the Social Security Act, to provide for a medical and hospital care system popularly known as medicredit.

S. 2161

At the request of Mr. THURMOND, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistences allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2738

At the request of Mr. HUGHES, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2738, a bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 3612

At the request of Mr. HUMPHREY, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 3612, a bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for the reform of the judicial system in the United States, and for other purposes.

S. 3749

At his own request, Mr. CHURCH was added as a cosponsor of S. 3749, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

S. 3764

At the request of Mr. KENNEDY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 3764, a bill to amend the Public Health Service Act to provide for the extension of grants to provide professional and technical training in the field of family medicine.

S. 3792

At the request of Mr. BUCKLEY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 3792, a bill to designate certain lands in the Eastern United States for inclusion in the National Wilderness Preservation System.

S. 3825

At the request of Mr. WEICKER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3825, a bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes.

S. 3841

At the request of Mr. HANSEN, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 3841, a bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable deduction in the case of certain charitable remainder trusts.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1361

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

Mr. BUCKLEY submitted an amendment intended to be proposed by him to 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.

AMENDMENT NO. 1362

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

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

AMENDMENT NO. 1363

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

Mr. TOWER (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15495), supra.

AMENDMENT NO. 1369

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

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

AMENDMENT NO. 1370

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

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

STATE TAXATION OF INSURED BANKS—AMENDMENT

AMENDMENT NO. 1364

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

FULL DEPOSIT INSURANCE FOR PUBLIC FUNDS

Mr. PROXMIRE. Mr. President, I am submitting an amendment to S. 3652 to provide 100 percent insurance for public deposits in federaly insured banks and savings and loan associations. In addition, the amendment requires federally insured banks and savings and loan associations to cash Government checks. These provisions are identical to titles I and III of H.R. 15656 which has been approved by the Subcommittee on Bank Supervision and Insurance of the House Banking Committee. Title II of that legislation also includes certain restrictions on the authority of the States to tax federally insured commercial banks similar to S. 3652 which is now before the Senate Banking Committee.

The Senate Banking Committee has scheduled hearings on S. 3652 for August 1 and 2 and plans to meet in executive session the following week to consider the legislation. It therefore seems likely that the Senate will be able to consider S. 3652 before adjourning on August 18. However, the House legislation which contains a similar provision restricting State taxation of commercial banks also contains five other titles. It is doubtful that the House bill will be ready by the time the Senate bill is passed. In order to expedite the consideration of the State taxation issue, I believe it would be useful for the Senate to consider at least the major provisions of the House legislation when it holds hearings on S. 3652. Should the Senate decide to accept these additional provisions, there is a good chance the House would accept the entire Senate bill without a lengthy conference. On the other hand, should the Senate reject these provisions, we will be in a much stronger position for upholding our position in the conference committee. Either way, I believe there is merit to include the provisions on insurance for public deposits and the cashing of Government checks in the Senate Banking Committee's hearings on S. 3652. I am therefore introducing the amendment primarily to get these issues before the Senate Banking Committee. While the two provisions appear to have general merit, I want to reserve final judgment until the hearings have been completed.

The provision dealing with the cashing of Government checks would prevent federally insured banks and savings and loan associations from refusing to cash any check drawn upon the Treasury on the grounds that the payee does not have an account with the bank or association if the check is presented by the payee together with adequate identification. This provision is intended to benefit persons of limited means who frequently do not have checking accounts or savings accounts and who have encountered difficulty in cashing Government checks. Many such persons regularly receive Government checks in the mail including welfare recipients. As long as a check is

drawn on the U.S. Treasury, any insured financial institution should be required to cash it without imposing aditional requirements on the payee.

The second provision of my amendment would provide 100 percent deposit insurance for public funds maintained at federally insured banks and savings and loan associations. The present law limits the amount of insurance for each account to $20,000. Most public accounts are far in excess of this amount. At the present time, State and local governments have over $30 billion in savings deposits at commercial banks but less than $500 million at savings and loan associations and less than $50 million at mutual savings banks. Thrift institutions have about one-half of all savings deposits but they have less than 2 percent of State and local savings deposits.

The reason thrift institutions have not been able to attract their proportionate share of public funds is basically due to the law in most States which requires that all funds deposited in thrift institutions must be fully insured by the Federal Government. However, funds deposited in commercial banks need not be fully insured provided the bank secures the deposit with pledged collateral. Public deposits at commercial banks are generally secured by Treasury obligations or State and local obligations owned by the bank.

Full deposit insurance for public funds would permit thrift institutions to compete with commercial banks on a more equal basis for public funds. It does not seem fair that thrift institutions should have less than 2 percent of public savings deposits when they comprise half the savings market. Since thrift institutions invest the bulk of their savings in home mortgages, the housing market would benefit to the extent State and local governments placed a greater percentage of their savings deposits in these institutions. Full deposit insurance for public funds can thus be an effective way of getting more money into the housing industry in support of our national housing goals.

It has been argued that full deposit insurance for public funds would give commercial banks less of an incentive to invest in State and local obligations since public funds are often collateralized by these obligations. I believe this argument should be carefully examined by the committee before full deposit insurance for public funds is approved. We should not unduly disrupt the market for municipal bonds in our efforts to improve the housing market and maintain competitive equality between financial institutions.

DEPARTMENT OF AGRICULTURE—ENVIRONMENTAL AND CONSUMER PROTECTION PROGRAMS APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENTS NOS. 1365 AND 1366

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

Mr. PEARSON submitted two amendments intended to be proposed by him to the bill (H.R. 15690) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1368

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

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (H.R. 15690), supra.

NATIONAL SCHOOL LUNCH ACT—AMENDMENT

AMENDMENT NO. 1367

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

Mr. HUMPHREY (for himself, Mr. MONDALE, Mr. CRANSTON, Mr. CASE, Mr. WILLIAMS, Mr. EAGLETON, Mr. HART, Mr. MCGOVERN, Mr. TUNNEY, Mr. JAVITS, and Mr. BAYH) submitted an amendment in the nature of a substitute intended to be offered by them jointly to the bill (S. 3691) 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 COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1336

At the request of Mr. SAXBE, the Senator from Illinois (Mr. STEVENSON) the Senator from Utah (Mr. Moss), the Senator from Minnesota (Mr. MONDALE), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of amendment No. 1336 proposed to 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.

AMENDMENT NO. 1357

At the request of Mr. METCALF, the Senator from Utah (Mr. Moss) was added as a cosponsor of admendment No. 1357 intended to be proposed to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Roger C. Cramton, of Michigan, to be an Assistant Attorney General, vice Ralph E. Erickson, elevated.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 1, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

SENATOR EAGLETON

Mr. GOLDWATER. Mr. President, yesterday, after Senator THOMAS EAGLETON voluntarily disclosed that he had been hospitalized several times for fatigue, different members of the communications media asked me to comment, because of my experience in 1964 when a newspaper columnist who made his living destroying reputations and fostering distortions charged me with having once had a nervous breakdown. Once such a charge is made, the effect is impossible to dispel even though the allegation is entirely false.

As I understand it, Senator EAGLETON, who is the Democrat Party nominee for Vice President, volunteered the information concerning his hospital visits after newsmen had confronted the McGovern staff with accounts of it.

Mr. President, nobody who has never been subjected to such a charge can possibly understand what the effect can be upon an honorable public official and the members of his family. It is my feeling that psychological subjects are matters for doctors to discuss and for laymen to avoid. Consequently, I would hope that this whole matter could immediately be dropped and forgotten. Senator EAGLETON is no different from former Presidents, Vice Presidents, and Congressmen who served their country brilliantly even though they at one time suffered some physical incapacitation.

As one who has watched the kind of unnecessary barbarism that can be engendered by unscrupulous members of the press in cases like this I implore my Republican colleagues and those Democrats who are opposed to the McGovern-Eagleton ticket not to allow this factor to enter into the realm of political discussion. Senator EAGLETON, by his courageous performance yesterday, has indicated the truth of his claim that his health is now "solid and sound," both for the fall campaign and for the possibility as serving as Vice President.

NURSE PRACTITIONERS: FILLING A NEED

Mr. CHURCH. Mr. President, no health care system can be effective with-

out the necessary manpower to deliver services. But, in my view, too little attention has been given to creative ways of developing new types of health manpower and making the best use of what we now have.

Nurse practitioners are a partial answer to this problem. They are providing valuable services. They are filling a need.

My own State of Idaho provides excellent examples of what nurse practitioners can do. The story of their contributions in Idaho has been effectively described in a recent article in the American Journal of Nursing. Mr. President, I ask unanimous consent that this article—entitled, "The Cambridge-Council Concept or Two Nurse Practitioners Make Good"—be printed at the close of my remarks.

As chairman of the Special Committee on Aging, I am especially interested in how health care for the elderly might be improved through the expanded use of nurse practitioners. It seems to me that they offer much promise in this regard.

But it has been brought to my attention that restrictive medicare regulations are now limiting the capacity of nurse practitioners to perform in the most effective fashion. For this reason, I have written the Secretary of Health, Education, and Welfare requesting that he consider changes in these medicare regulations so that the full potential of nurse practitioners may be realized as they try to serve our elderly. Mr. President, I ask unanimous consent that a copy of my letter to Secretary Richardson also be printed in the RECORD at the end of my statement.

One of the outstanding pioneers in developing the concept of nurse practitioners in Idaho was Dr. John A. Edwards. He was a coauthor of the article I am requesting to be reprinted in the RECORD. It was also his letter to me that supplied the ideas that I have brought to Secretary Richardson's attention.

The State of Idaho and the cause of nurse practitioners suffered a major loss a few days ago with the untimely passing of Dr. Edwards. I mourn his death, and I share in the grief felt by all who knew him and were helped by him.

The memory of Dr. Edwards' work in promoting nurse practitioners, I firmly believe, should inspire further efforts in this important area. I intend to do all within my power to contribute to this vital endeavor.

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

JULY 10, 1972.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Nurse practitioners are, as you know, serving a very useful function in many parts of our Nation. Their capacity to perform in the most effective fashion is, however, limited by current Medicare regulations. For this reason, I am writing to request your consideration of needed changes in those regulations.

Under existing Medicare regulations, as described to me in a recent letter from an Idaho constituent, nurse practitioner services are not reimbursable under Medicare unless a physician is physically present and taking active part in the care of the patient.

This regulation seems unfair and unwise to me because it is not always feasible for a physician to be present, and yet valuable and needed services by the nurse practitioner can still be rendered in his absence. Let me offer two examples from my State of Idaho to illustrate the advantages in utilizing nurse practitioners and the difficulties caused by the current Medicare regulations.

The small town of Cambridge, Idaho, has no resident phycician but does have one full-time nurse practitioner at its Medical Clinic. Many of the individuals this nurse practitioner sees are Medicare patients. One day a week a physician from a town twenty-five miles from Cambridge visits its Medical Clinic and reviews the patients' charts. Moreover, this physician is in regular communication with the Cambridge nurse practitioner by phone. The doctor also reviews most of her decisions at the time they are made or from the charts at the time of his weekly visit.

A second example from Idaho concerns residents of nursing homes. Reports indicate that it is almost impossible to obtain house calls for those in nursing homes or to have any meaningful physician follow-up of any kind. Nurse practitioners are filling this vacuum.

Clearly, these two examples point to the essential work being done by nurse practitioners in Idaho and the barriers to their effective performance caused by the Medicare regulations. Certainly these regulations must be having a similar undesirable result in many other parts of the country.

It seems ironic to me that the Department of Health, Education, and Welfare would encourage the development of nurse practitioners, while also curtailing their usefulness through restrictive Medicare regulations.

May I suggest the following as a proposed solution to the difficulties resulting from existing Medicare regulations in the area of nurse practitioners. Would it not be wise to do away with the current restrictive regulations and provide for Medicare reimbursement for the services of nurse practitioners who are acting in accordance with their respective State medical practices acts?

I will appreciate very much your careful consideration of this important matter, and I hope that you will be receptive to a modification of the Medicare regulations in the manner I have suggested.

Sincerely,

FRANK CHURCH,
Chairman.

THE CAMBRIDGE-COUNCIL CONCEPT OR TWO NURSE PRACTITIONERS MAKE GOOD

The hand-lettered sign on the door reads, "Office hours 9–5 Mon.-Fri." and the waiting room in the former pool hall is starting to fill when Nurse Practitioner Kay Ortman begins to see her patients. This now usual and accepted occurrence in Cambridge, a rural farming community of 383 persons in west central Idaho, would not have been conceivable or even probable in any Idaho town a year earlier.

A winding, hilly 22 miles away, in not-much-larger Council, Nurse Practitioner Jane Curtis begins to screen patients coming to that clinic. In contrast to her Cambridge colleague, she has close at hand the physicians with whom both work. Still, she will refer only some of the patients to them. Others she will deal with by herself.

These two specially trained nurse practitioners represent major changes in how health care is given in the Cambridge-Council area. They are the essential elements in a project sponsored by the Mountain States Regional Medical Program.

THE NEED

The State of Idaho encompasses some 83,000 square miles of ruggedly beautiful terrain with a population of 698,000 people clustered in small urban-rural centers along the rivers and valleys of the state. As in most of the nation, most of its health professionals—approximately 90 percent—tend to locate in urban areas. Many small communities and 5 counties have no resident physicians at all.

Two family practice physicians who live in Council (pop. 900), serve a total population of 6,000 dispersed over a 100-mile radius, including Cambridge. During twenty-four years of practice, the senior physician lost five colleagues to the conveniences of urban practice and living. There are few physicians willing to take on the 24-hour day, 365 day-per-year responsibility faced by the rural practitioner. The last resident physician in Cambridge died five years ago. Efforts to replace him were futile despite the community's activities to raise funds for a new clinic facility, as a special attraction. Increasingly, it became apparent that new ways of extending medical services would be the solution to the area's health care problems. The Mountain States RMP set out to demonstrate how, through the use of nurse practitioners.

One of the first steps was a "town meeting" of physicians and nurses from the area, including the nurses on the 20-bed Council hospital staff, and others concerned with the program. Although there were some reservations about the scope and outcome of such a nurse-practitioner project, the group expressed a willingness to permit a well-controlled one to take place.

Stanford University Medical Center, in cooperation with Area III of the California RMP, was launching a special program to prepare nurse practitioners for just such needs, and agreed to accept two Idaho nurses in its first class of five. The two Council physicians agreed to employ the nurses and to help with their continued education after they completed the course, and the project director of the Stanford program proceeded to select the two nurses.

The Stanford program was ideal—short enough (four months) to make it possible for the nurses to be away, and flexible in its prerequisites. The two nurses who entered the program are of varying backgrounds. Jane Curtis is a graduate of a 3-year hospital school of nursing with 20 years' experience, including four years as director of nursing service at the Council Hospital. Kay Ortman is a fairly recent graduate of a baccalaureate program with experience as a staff nurse in a 500-bed urban hospital, as well as nine months at the community hospital in Council. When the project began, she was counseling in a satellite mental health center in Cambridge.

Their training program, which started October 1, 1970, was intensive and concentrated for the first three months with clinical experience at the Stanford Medical Center and nearby clinics. The fourth month was spent working in rural clinics, in California, with family physicians. Content and experience were geared primarily to acquiring additional skills ordinarily perceived as medical with the assumption that the nursing background provided a sound basis on which to build. These included taking and recording histories; giving complete physical examinations (including neurologic and pelvic with Pap smears); suturing minor lacerations not involving tendons or nerves; managing chronic disease problems; managing geriatric patients; treating common infectious or self-limiting illnesses; performing and interpreting laboratory screening tests, such as C.B.C. and differential, Hgb., urinalysis, sed. rates; normal deliveries; giving well-child care; and giving routine prenatal and postnatal care.

A three-month, six-month and one-year evaluation by the project director in the home setting would be an integral portion of the program. No tuition was required. Travel and living expenses were paid by Mountain States Regional Medical Program.

PREPARING THE COMMUNITY

Sustained involvement and information sharing not only among local participants but among all health professionals and agencies throughout the state have been vital. From the beginning, there has been an exchange of information and ideas among members of the nursing licensing board, the state nurses association, and appropriate committees of the state medical association. The program was explained in detail to the Joint Liaison Committee of the Idaho Nurses Association which has representation from all state areas.

The Idaho Nurses' Association surveyed all nurses in the state (3,153) shortly after the program was instituted to inform them and get their reactions. The Idaho Medical Association sent a similar survey to all physicians (525). Of the respondents, 82 percent of the nurses and 68 percent of the physicians indicated that they saw the nurse practitioner role as valid. Thirty-three percent of the nurses indicated they would be interested in pursuing such a role; 32 percent of the physicians said they would be interested in employing such a person in their own practice. There was some, but not a marked, difference between the two groups as to what functions should be performed.

Midway in the first four months, while the nurses were at Stanford, a meeting was held with representatives from the medical and nursing associations and licensing boards, the Board of Pharmacy, the hospital association, the dental association, schools of nursing in the state, and the Regional given by the director of the Stanford program and the senior Council physician.

The numerous speaking tours in various areas of the State—Boise, Twin Falls, Lewiston and McCall—by the two nurses and one of the physicians have been an effective means of providing a forum for discussion, lessening those reservations and resistance that may exist.

PRACTICING IN COUNCIL

Although the training period was essentially the same for both practitioners, each has developed a unique position on the health care team in her respective community. In Council, Mrs. Curtis initially worked in a side-by-side supervised practice with the two physicians in the clinic and in the hospital, developing competencies rapidly.

The day begins for her by making morning hospital rounds with the physician if he is there when she updates progress records. Mrs. Curtis makes rounds for the physician if he is unavailable. At the clinic, she screens patients, referring to the physician those beyond her level of competency. She sees many children, treats upper respiratory ailments and ear, nose and throat problems, and gives immunizations.

An important activity for her is patient education. The patient may be too bewildered or disoriented to really absorb the physician's instructions. The nurse takes the time to have the patient tell in his own words how he understands instructions. Often patients discuss with her problems with which they hesitate to trouble the busy physician.

An increasing number of women request that the nurse practitioner do their pelvic exams and Pap smears, stating that they dislike to take up the physician's valuable time when "nothing is wrong with me." The mother in labor seems comforted to see a familiar face—the same one she saw during her prenatal care. With the physician present, the nurse has delivered 23 babies in ten months—a healthy record for a town of 900!

Having had extensive experience as a surgical nurse, as well as the training at Stanford, this nurse practitioner has sufficient background to function also as a first surgical assistant. Her other activities include making house calls to shut-ins and invalids, and managing emergency room problems.

Every third night she takes call. After evaluating the patient's status she may take care of the problem herself, such as suturing a minor laceration, or ordering essential lab work. If the problem requires medical consultation, treatment may be authorized by the physician via phone or may require his presence. By-laws approved by the hospital Board of Trustees enable the nurse practitioner to admit patients, initiate lab work and x-rays and provide emergency treatment.

The physician and nurse practitioner discuss diagnosis and proposed treatment of patients. Other members of the clinic staff include a lab technician, a receptionist, and an office nurse. An intercom telephone between the clinic and the hospital, which is one mile away, keeps the staff in touch with the progress of acute hospital patients.

For Ms. Curtis, adjusting to the increased responsibilities took some time. Previous patterns engendered in basic education and 20 years of experience in the traditional nursing role made for some discomfort in working as a close associate of the physician. Learning to give orders rather than just take them requires time. She found that the most difficult part of mastering the new role was staying in that role.

PRACTICING IN CAMBRIDGE

The nurse practitioner in the Cambridge clinic must function without the daily on-site presence of a physician. A receptionist is the only other full-time staff person at the clinic although the services of a local licensed practical nurse are available on occasion. The clinic is situated in a burned-out building which was purchased and renovated into a modern clinic facility with funds raised entirely by the community with labor donated by local townspeople. In addition to the usual examining rooms, laboratory, and reception areas, space is provided for a dentist and optometrist who make weekly visits.

Each of the physicians travels to the clinic one afternoon a week to see patients with the practitioner. Three days a week patients are seen only by her. She has the options of taking care of the problem without any medical assistance, calling the physician for consultation, sending the patient to Counsel for further diagnostic work-up, sending him to the physician immediate, or rescheduling a visit on the day a physician will be there.

As with the practitioner in Council, Ms. Ortman takes histories and gives complete physical examinations, routine prenatal and post-natal care, emergency treatment, and immunizations. She makes frequent house calls to homebound patients particularly to geriatric patients.

A typical day for the Cambridge practitioner may include treating a 43-year-old man with chronic otitis media; administering intramuscular antibiotics after ascertaining an intolerance for the oral drug; consulting by phone with the physician on adjusting medications for a patient with Parkinson's disease; removing sutures from a 5-year-old child who had a cardiac catheterization in Seattle; performing a pelvic exam on a woman with chronic pelvic inflammatory disease; seeing a patient for thyroid regulation; removing foreign bodies from the surface of eyes; referring a patient with a suspected fracture from a logging-mill accident for diagnostic x-rays; performing routine physical examinations on pre-school children, high-school athletes, and bus-drivers.

Because the economy is largely agricultural or forestry-connected, the incidence of allergy with sinus problems is high, necessitating desensitization injections. Ms. Ortman estimates that she herself can handle 90 percent of all upper respiratory tract infections.

She finds that she has the time to give supportive therapy to the large number of women presenting menopausal symptoms and receiving hormonal treatment, and, in well-child care, to discuss development and nutrition, and to offer anticipatory guidance and reassurance to parents. She is often able to determine changes in cardiac status, making appropriate changes in therapy. Patients with acute illness, with positive lab findings, are generally referred to the physician either by phone consultation or a visit. Referrals to specialists may be made after consultation by phone with the Council physician, if a problem is acute.

A lab technician is not available in the clinic so that the nurse must perform her own laboratory procedures. Feeling a need for additional training in this area, Ms. Ortman spent extra time perfecting her techniques with the hospital lab technician in council.

Because the nurse is the only immediate medical resource, she may be called at anytime—nights as well as weekends. Three quarters of these problems can be handled over the phone.

Many people in Cambridge are seeking medical attention for their problems much earlier since the nurse practitioner is in the community, and they do not have to travel miles for medical assistance. More than ever, patients present themselves before a problem becomes a crisis and it is possible to emphasize the value of preventive medicine. One 86-year-old woman came to the Cambridge Clinic shortly after it opened, complaining of shoulder pain she associated with a fall some six months earlier. Unwilling to travel the 2 miles to Council, the woman suffered until she could seek the services of the new nurse practitioner. She ordered an x-ray, confirming the diagnosis of an anterior dislocation of the shoulder, and gave much needed relief to a gratified patient.

The community is very proud of the Cambridge clinic and its acceptance is excellent. During June of 1971, the second month of full operation of the clinic, 352 visits were recorded; in October, 302. In the first five and one-half months' experience, there are records on 437 families even though the population of Cambridge is less than 400. Cambridge Clinic draws from the surrounding communities of Hell's Canyon, Brownlee, Indian Valley, and Midvale. In that same period, the nurse estimates that physician consultation or referral was required on an average of 19 percent of the patients seen in a given week. Most patients have learned that the practitioner's judgment can be trusted and they feel comfortable with her.

COMMON POLICIES AND CONCERNS

Both clinics have converted to problem-oriented records, permitting better communication with the physician and allowing a much broader approach to the patient. All records are reviewed by a physician. Prescriptions written by the nurse practitioners are countersigned by a physician when he is at the clinic.

The nurses are on a fixed salary. All billings are handled through each clinic's office, and there is no differentiation in charges for services performed by the nurse practitioner. In addition to malpractice insurance carried by the nurses themselves, the physicians pay a minimal fee for additional insurance to cover the nurse practitioners.

Health professionals have become increasingly concerned about the legality of having delegated to nurses more and more functions ordinarily understood to be within the practice of medicine. The advent of the nurse

practitioner caused further concern in Idaho. Therefore, a physician (co-author of this article) and a nurse legislator had introduced into the 1971 Idaho legislature a bill to amend the Idaho Nurse Practice Act, which passed in February. This permits the professional nurse to perform acts "of medical diagnosis or prescription of therapeutic or corrective measures . . . *as may be authorized by rules and regulations jointly promulgated by the Idaho state board of medicine and the Idaho board of nursing which shall be implemented by the Idaho board of nursing.*" This liberal and progressive law allows the nurse practitioner to function effectively without the constraints which might result in other legislation licensing physician's assistants or by the use of rigid definitions in the medical or nursing practice acts.

Continuing education is as vital to the nurse practitioner as to any other health professional. The regular contact with the physician provides a constant teacher-student relationship with considerable give and take. Both are stimulated to do further study. All of the medical consultants to the community, including the Idaho Department of Health teams, the University of Oregon Medical School Circuit Riders, and the Southwest Idaho Medical Society, have helped to teach the nurse practitioners how to handle problem cases.

There is a need for such education on a formal basis. Idaho has no medical school, and, to date, no training for the nurse practitioner exists in the state, although two schools of nursing are exploring the development of such programs.

AN EXCITING FUTURE

What is the future of the program? Physicians in the project view it with increasing enthusiasm as experience grows. Their morale is improved, with more freedom to carry out community activities and spend more time with their families without throwing additional strain on their medical associates. In addition, physician time is released for those problems requiring a high level of medical skill. With this kind of doubling of the health care team, more patients can be cared for without further increasing the physicians' loads.

The nurse practitioners have found more professional satisfaction than in any previous experience and feel they are making a unique contribution as part of the health team with a special emphasis on "care" to the patient. They realize that they are completing their first year of such practice under the watchful eyes of the entire state. Other rural communities with similar manpower problems are interested in instituting this concept into their own areas.

Certainly, because of this project, health care is more available and more accessible to a greater number of Idahoans in this segment of the state. And the project seems to have proved already that if the problem of medical manpower shortage is to be solved, the use of nurses in such expanded roles is one important solution.

OBSERVATIONS ON H.R. 14370—GENERAL REVENUE SHARING

Mr. BUCKLEY. Mr. President, this morning I testified before the Senate Finance Committee on certain dangers inherent in the general revenue-sharing concept incorporated in the State and Local Fiscal Assistance Act of 1972 (H.R. 14370). I also proposed an alternative approach to helping local and State governments meet their current fiscal crises without incurring these dangers.

Mr. President, I would like to call my observations to the attention of all my colleagues and I ask unanimous consent that my testimony and the exhibits thereto be printed in the RECORD.

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

TESTIMONY ON GENERAL REVENUE SHARING TO BE GIVEN BEFORE THE SENATE FINANCE COMMITTEE ON JULY 26, 1972

Mr. Chairman, I am grateful for the opportunity to present my thoughts on the State and Local Fiscal Assistance Act of 1972 which is now before your Committee.

There is an old saying in the legal profession that hard cases make bad law. I think the same may also be said of legislation designed to meet emergencies.

H.R. 14370 has been designed in substantial measure to meet the very real financial crises which threaten state and local governments across the country. I know that in my own state of New York, a number of our county and municipal governments are on the verge of financial collapse, not because they have been improvident, but because they have had obligations mandated to them which have grown far more rapidly than the tax bases available to them for the financing of these obligations.

A major contributor to the problem, as Governor Rockefeller pointed out in his testimony last week, has been the explosion of Federal categorical grant programs which distort local priorities and bleed off their revenues. This has introduced major dislocations into state and local planning and it has led to the imposition of ever heavier tax burdens on their citizens. The whole situation has been brought to a head in the last few years because of steadily rising costs and the increased demands and lagging revenues resulting from the recent recession.

I believe heroic measures are clearly justified—but we need to make sure that the specific measures adopted will not result in fundamental changes in our governmental institutions which will do major and continuing harm long after the current crises have been resolved. It is my fear that the "general revenue sharing" concept incorporated in H.R. 14370 will have the inevitable effect of institutionalizing a new approach to state and local financing in which there are a number of inherent dangers.

The first of these is that it will divorce the responsibility for the collection of revenues to be shared from the responsibility for their expenditure. Experience and logic suggest that the greatest inducement to the prudent expenditure of public funds is to require those who spend them to justify to the public the taxes that are required to finance the expenditures.

It can be argued that this legislation is only a five year duration, and that the monies which it will distribute represent so small a proportion of total state and local budgets that my concern is more theoretical than practical. I would answer by saying that we would be naive if we thought that it would be politically possible, after five years, to abandon the program. Too many state and local officials would lobby against a return to a system which would require them once again to justify the full burden of state and local taxes required to finance their programs. Nor can we assume that there will be other than increasing pressures for ever larger federal contributions so as to spare these officials from the necessity of having to find new revenues with which to finance ever more ambitious programs.

The second objection to general revenue sharing is related to the first. We are faced with a crisis because, over the past decade, governmental expenditures at the state and local levels have grown at an average rate of 17 per cent per year, while their sources of tax revenues have been growing at a far slower rate. As a result, many jurisdictions—especially those largely dependent on property taxes—have reached the virtual limits of their ability to tax. By this I mean their tax rates have reached the upper limits of the willingness of the taxpayers to pay as well as the limits imposed by the fact that they are beginning to cause productive citizens and businesses to move elsewhere.

It seems to me that at least in the longer range, the solution to this dilemma is not to find new, external sources of revenues with which to finance this extraordinary growth of state and local expenditures, but to find ways of curbing that growth. If we open the federal treasury for the financing of state and local governments, we may bring them temporary relief but we will merely postpone the time when they will be required to make the hard-headed cost and program cutting decisions which are needed to bring the growth in their expenditures into some sort of balance with the growth of the economy.

Ordinary citizens can bring effective pressures to bear at the state and local levels. There is little they can do, as a practical matter, to force economies at the national level. These pressures have been brought to bear in a most effective way in my own state. As a result of a minor tax rebellion and the voting down of various bond proposals, stringent measures have been taken in New York in the last two years to cut expenses, to re-examine and tighten programs, and to lighten public payrolls. The savings to date have been significant; and in the process, the administration of a number of programs—notably welfare—has been improved. I seriously question whether all of these reforms could have been achieved had H.R. 14370 been enacted two years ago.

As President Jackson observed in his 1833 message vetoing a revenue sharing proposal, "I am quite sure that the intelligent people of our several states will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their state governments and vest it in Congress, over most of whose members they have no control."

A third objection to general revenue sharing has to do with its corrosive effect on the federal-state relationship. The federal government has already intruded far too deeply on state and local responsibilities through the proliferation of categorical grant programs. These have had the effect, in too many areas, of converting state and local governments into mere administrative agents for federal programs. This is why I so strongly endorse the Administration's special revenue sharing proposals.

General Revenue Sharing, however, will have the effect of increasing the dependence of state and local governments on Washington rather than diminishing it. These governmental units will come to plan their budgets around the expectation of a steady and, I believe, ever-increasing flow of funds from the federal treasury. Yet Congress will have the continuing power to interrupt that flow or to introduce restrictions on the uses to which the funds can be put. In fact, the House bill has already taken the first step in the direction of control by designating that monies distributed to some 39,000 localities can only be used for "high-priority expenditures" as Congress, and not the localities, defines those priorities. Ultimately, this could lead to great instability in state and local financing, and to an ever more rigid federal control over them.

Finally, H.R. 14370 will help prolong the dangerous myth that monies handed out by Washington to the states and localities originates somewhere else than in the pockets of

their citizens. The adoption of this bill will not lighten the overall tax burden on our citizens. To the extent that the program will be financed out of federal borrowing, the full impact may be deferred, but it will catch up with the taxpayers with compound interest. General Revenue Sharing may well have the effect of providing some measure of relief from excessive property taxes. But this is something which does not require federal intervention to accomplish.

There is no doubt but that in many states today there is a serious mismatch between local services required and the tax base available to support them. By the same token, there is no major source of income, other than import duties, which is not also available to state governments. This suggests that given the time and the will, internal adjustments can be made within each state to achieve the most equitable distribution of the taxation required to meet governmental needs within the state.

I said at the outset that states and localities across the nation are caught up in a financial emergency, and that I believe heroic measures are in order to help tide them over this period of crisis. What, then, would I propose as an alternative to H.R. 14370?

Last year, I proposed legislation which would accomplish the basic objective of providing state and local governments with an emergency source of revenue, but on a basis which I felt to be consistent with sound fiscal policy and the maintenance of the political integrity of the Federal system. I have described the bill, S. 1577, as "Revenue Shifting."

This bill would achieve the objective of getting $5 billion into the hands of state and local governments by reducing Federal tax receipts by $5 billion, while authorizing the Internal Revenue Service to collect on behalf of each state the savings in Federal income taxes which are realized by its citizens. The legislation also authorizes each state to direct the IRS to collect from its residents on its behalf, more or less than is provided for in the amount to be collected in its capacity as agent for each state. Thus each state retains ultimate responsibility for the amount of the taxes which are collected from its citizens for state and local purposes.

The net effect of this legislation would be to shift $5 billion from the Federal government to the states in a manner which will make it clear to each taxpayer how much he is paying to his state and local governments for state and local purposes. Under this alternative proposal, the Federal government will not be sharing its revenues with the states. Rather it will be sharing its personal tax base and its tax collecting facilities. I would like to introduce as an exhibit to my testimony, a more detailed description of the mechanics and effects of my "Revenue Shifting" proposal which I used as the basis for testimony before the House Ways and Means Committee in June of last year. I also ask that a copy of S. 1577 be printed in the RECORD as an exhibit.

I was interested to note that the House bill incorporates provisions which will authorize the federal collection of state individual income taxes in a manner somewhat comparable to my own suggestion, although the House provision would not become operative until 1974. This suggests that if your committee were to accept my basic "Revenue Shifting" approach and to add to it the requirement that the states distribute the taxes collected on their behalf in accordance with the "pass through" provision of H.R. 14370, the basic emergency objectives of the bill would be met without sacrifice to the direct accountability for taxation which is so essential to responsible government. This would be accomplished in a manner consistent with basic provisions now in the House bill.

If your committee cannot see its way clear to adopting the "Revenue Shifting" approach, then I would urge you at the very least to limit the general revenue sharing aspects of H.R. 14370 to two years. This would provide the states with time within which to amend their laws to insure that no unit of government has a tax base which is inadequate to finance the responsibilities which are assigned to it by state law. It would thus be made clear that the general revenue sharing legislation adopted by the Congress is of a short-term, emergency nature designed to do nothing more than to tide the states and localities over their current crises for a long enough period to permit them to get their fiscal houses in order.

"REVENUE SHIFTING" ALTERNATIVE TO GENERAL REVENUE SHARING

SUMMARY DESCRIPTION

Concept

The alternative herein proposed substitutes a *shifting* of income tax revenues to the states for the contemplated sharing of federal revenues with the states. The purpose of the "revenue shifting" proposal is to insure that ultimate responsibility for raising tax funds and for spending them rests with the same political unit. It accomplishes the same ends as general revenue sharing, in that it provides for an immediate increase in funds available to the states without increasing the cost to the taxpayer.

Conceptually, this involves a sharing by the Federal government of its personal income tax base and tax collecting facilities with the states. The revenues to be shifted to the states are to be collected on their behalf, and are subject to increase or decrease at the direction of the states.

Mechanism

Revenue shifting can be placed into effect through legislation which would accomplish the following:

(1) Federal personal income tax rates would be reduced by a percentage ("X" per cent) which would reduce the estimated revenue to be collected for use by the Federal government for Federal purposes ("the Federal tax collection") by the amount which is to be shifted to the states (e.g., $5 billion.)

(2) Simultaneously with the collection of the reduced amount of personal income taxes for the Federal government and subject to the rights reserved to the states in (3) below, IRS would be directed to collect as *agent* for each state an additional amount computed as a percentage ("Y" per cent) of the Federal tax collection; "Y" being the percentage calculated to result in the collection on behalf of the states of the aggregate revenues which are to be shifted to the states.

(3) Each state would be authorized to direct IRS to collect, on its behalf, from its residents a larger or smaller percentage. Absent specific instructions to the contrary, IRS would collect the amount stipulated in (2) above.

Illustration

A hypothetical illustration may be helpful. Assume that the Federal government currently collects $100 billion in personal income taxes from the residents of the fifty states, and that it is desired to shift $5 billion of these revenues to the states to be used for state and local purposes. Federal personal income tax rates are reduced by 5 percent, with the result that Federal government revenues are reduced by the $5 billion which IRS is directed to collect on behalf of the states.

Assume further that the residents of State "Z" currently pay $10 billion out of the $100 billion in personal income taxes which are collected by the Federal government. Under the revenue shifting concept, Federal tax collections from residents of State "Z" would be reduced to $9.5 billion. At the same time, IRS would automatically collect an additional $500 million on behalf of State "Z" unless the legislative of State "Z" gives specific instructions to the contrary.

DISCUSSION

A. Some Arguments Advanced in Favor of Administration's Proposal:

1. State and local governments are experiencing a fiscal crisis in part as a result of the fact that the traditional state and local government tax bases (sales and property taxes) have not expanded as rapidly as the expenditures they are required to finance. The plight of the states encourages shifting responsibilities to Washington, at the expense of local initiative. Therefore, an alternative source of funds for these governments is required.

2. The Federal government has preempted the most attractive tax base (91 per cent of income tax collections in the United States are collected by the Federal government), and has done so in a highly efficient manner. By relating revenues to be shared to personal income, the revenue sharing proposal provides state and local governments with a source of revenue whose growth potential is more closely correlated with the growth of the economy than that of the traditional state and local sources of revenue.

3. The Federal government can (a) relieve the current fiscal crisis at the state and local levels, (b) stem the impulse to concentrate still more power in Washington, and (c) allow the state and local governments to share in the income tax base through the Administration's general revenue sharing mechanism.

B. Weaknesses of the Administration's Proposal:

1. The Administration proposal divides the responsibility for the collection of revenues and for their expenditure. A taxing authority ought to be directly accountable for the proper and efficient use of the tax revenues collected. This is a fundamental principle of responsibility which ought not to be waived lightly.

2. The Federal structure presupposes the autonomy and self-sufficiency of the states with regard to those areas of responsibility which belong to them. To the extent to which the states become dependent on the Federal government for an important source of revenue they lose their independence of potential Federal regulation.

3. The Administration proposal will tend to limit the zeal with which state and local officials will try to limit expenditures. Once the revenue sharing precedent has been set, pressures will inevitably grow to pass on to the Federal government an ever larger share of the cost of state and local government.

4. The Administration's proposal does least for the states with the greatest need for alternative sources of tax revenue (e.g., California, Michigan, New York, Pennsylvania, etc.) because the tax system will return proportionately more to the poorer states than they contribute to Federal revenues. In other words, the more urbanized states will be required to continue to subsidize expenditures by states which in many cases are making a smaller tax effort, and which, because of their less industrialized-urbanized character, have fewer demands for state and local services of the kind now threatening to bankrupt their more "affluent" neighbors.

5. The Administration's proposal disguises the true cost to the taxpayers of their state and local governments because of the persistent delusion that funds dispensed by Washington originate in somebody else's pockets.

C. "Revenue Shifting" as an Alternative:

The basic concept of the alternative here-

in proposed ("revenue shifting") has been adapted from the system now in effect in Canada for the division of personal income tax collections between the Dominion and the provincial governments. It involves a substitution of a sharing of the Federal personal income tax base and collection facilities for a sharing of the Federal government's revenues. Its effect is to shift to the states a portion of the personal income taxes now collected by the Federal government.

The revenue shifting concept, which can accomplish the main objectives of the Administration's proposal while avoiding its weaknesses, requires legislation which will

(1) effect an across-the-board reduction in Federal personal income tax rates of "X" per cent, "X" being the percentage required to reduce estimated collections for Federal use by the amount of the revenue which is to be shifted to the states;

(2) direct the Internal Revenue Service to collect on behalf of each state from its residents an additional amount equivalent to "Y" per cent of the Federal tax collection, "Y" being the percentage required to equal the amount of revenue to be shifted to the states;

(3) authorize each state to direct the IRS to reduce, increase or eliminate the amount of the state share to be collected on its behalf;

(4) require that tax returns for the Federal and state tax collections be made on a single or joint form in which it is clearly indicated which portion of an individual's tax is being raised on behalf of the Federal government and which on behalf of the state.

D. Illustration of "Revenue Shifting" Mechanics:

The overall objective of the Administration's proposal is to increase state and local revenues by $5 billion without increasing the existing burden on taxpayers. The revenue shifting proposal can achieve this objective in the manner described below, based on the Tax Foundation's estimate that the Federal government will collect $93.7 billion in personal income taxes in FY 1972.

1. Federal personal income tax rates are reduced by 5.34 per cent thereby reducing the personal income tax yield by $5 billion. This will reduce the total Federal personal income tax collections to $88.7 billion nationally.

2. In addition to the personal income taxes which it is to collect for the federal government, the IRS is directed to collect on behalf of each state (unless such state otherwise directs) an additional increment which in the aggregate would result in the distribution to the states of $5 billion. Based on this illustration, this would mean that IRS would collect an increment of 5.6 per cent above the amount collected on behalf of the Federal government.

3. Assuming no state *specifically* directs otherwise, the collection of this 5.6 per cent increment above the personal income taxes collected by the IRS for the purposes of the Federal government would result in a distribution to the states of $5 billion.

4. Under this proposal, an individual state would be able to authorize the IRS to collect more or less than the 5.6 per cent increment from its residents. Thus a state which elected not to have IRS collect any taxes on its behalf could, in effect, provide a 5.34 per cent tax cut for its residents. On the other hand, another state which is particularly hard pressed for revenue could elect to authorize the IRS to collect more than the increment as an alternative to increasing its sales tax, for example.

E. Advantages of the "Revenue Shifting" Alternative:

1. Because the states have the power to direct IRS to increase, reduce or eliminate the amount to be collected on their behalf, they retain full responsibility for and authority over the taxation of their citizens for state and local needs. No precedent is set for Federal "bail-outs" for states which may have overextended themselves."

2. Because the personal income tax form filed with the Internal Revenue Service will specify how much of the tax is being collected for the Federal government and how much for the state, the taxpayer is spared the illusion that money transferred by IRS to his state is somehow Washington's money and not his money.

3. The states are enabled to share to a greater extent in what has been the Federal government's personal income tax base; and, in addition, they are provided with the convenience and economy of utilizing the existing Federal tax collection machinery.

4. The revenue shifting proposal avoids making the states dependent on the Federal government for another substantial source of income, and therefore avoids the danger of ultimate Federal dictation. Once the plan is in operation, its cost to the Federal government will be negligible, amounting as it will to just the cost of transferring to each state the amount collected on its behalf. Thus the system, once established, would not be endangered by future Congressional economies.

5. It eliminates the invisible subsidies which, under the Revenue Sharing proposals, are paid to some, often "low tax effort" states at the expense of the more urban, industrialized states which are currently experiencing the most critical need for funds.

NARCOTICS AND THE WAR IN SOUTHEAST ASIA

Mr. PROXMIRE. Mr. President, there are many many reasons why the United States should get out of Vietnam. First and foremost, after more than 40,000 American dead and the expenditure of far more than $100 billion, there is nothing to be gained from further aid to the South Vietnamese. If they are unable to fight for themselves now, they never will be able to do so.

But there is now a further and more urgent reason. Thousands of American servicemen have been "hooked" on drugs while fighting there. Furthermore, key regions in Southeast Asia are now the centers for much of the drugs that are coming into the United States.

Just as Congress has been told year after year that the war is going well and each day we see how weak and helpless our allies are without our military protection so we have also been told that the battle against drugs has the active and sincere cooperation of our Southeast Asian allies. But it now appears from the evidence presented to my Subcommittee on Foreign Operations and from a series of articles in the New York Times by Seymour Hersh, that our allies in Southeast Asia are harboring a major and growing source of drugs which addict our servicemen and which are sold to our youth at home. I believe that the drug problem alone is sufficient reason to get out of the war and out of Southeast Asia. And now is the time to do it. The war in Southeast Asia is not worth a single drug addicted American.

Critics of our involvement in Southeast Asia have often pointed to the adverse domestic consequences of our military activities there. Our economy continues to suffer from the inflation first brought on by the war. Essential programs for housing, health care, urban renewal, rural regeneration, and environmental protection are postponed. Reforms in our welfare system, our tax structure, and our system of revenue distribution are sacrificed on the altar of foreign military priorities.

But Mr. President, to me the most bitter consequence of this war is the cruel and callous way in which the interests of our own people are disregarded. The evidence has been mounting over the last 2 or 3 years that a major cause of our drug problem has its foundation in and has been exacerbated by the war in Vietnam.

ISSUE RAISED WITH SECRETARY ROGERS

When I have raised this issue with Secretary of State Rogers and other administration spokesmen as chairman of the Foreign Operations Subcommittee, they have assured me that the Governments of Thailand, Laos, and South Vietnam are cooperating fully in the battle against international drug traffickers. Nelson Gross senior adviser to the Secretary of State and coordinator for international narcotics matters, in a letter to me claimed that the "Governments of Southeast Asia are not engaged in drug trafficking. Indeed, the Governments of Laos, Thailand, and Vietnam have committed themselves and are actively engaged in countering the drug problem in their respective countries." That is what he wrote.

INTERNAL MEMO DENIES PUBLIC OPTIMISM

The administration's public optimism does not square with their nonpublic assessments. Seymour Hersh pointed out in a New York Times article on July 24, 1972 that the administration is quite pessimistic about controlling drug production and distribution from these countries. Mr. Hersh quoted a February 21, 1972 report prepared by the Central Intelligence Agency, the State Department, and the Defense Department as saying that narcotics control was unlikely "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made." Hersh also reported that the document says that the basic problem results from "corruption, collusion, and indifference at some places in some governments, particularly Thailand and South Vietnam."

Paradoxically, the administration has tried to publicly discredit and contradict similar charges when they were presented to my subcommittee by Mr. Alfred McCoy. They failed to reveal a similar conclusion reached by their own agencies.

Why is there such a difference between the administration's public story, on the one hand, and the administration's internal reports, on the other? It certainly appears to be true that control of narcotics in Southeast Asia has taken a backseat to the administration's war policy.

WAR POLICIES NOT WORTH SUFFERING AND BROKEN LIVES

Mr. President, I must reject this kind of policy and I shudder at the suffering and broken lives it has brought about. We may have as many as 560,000 young Americans who are addicted to heroin, and as many as 100,000 addicted veter-

ans who are now or will be flooding our woefully inadequate treatment and rehabilitation facilities. How can we possibly condone the continued poisoning of our youth in the name of military priorities? How can we tell mothers and fathers that their children's lives have been hopelessly ruined because the Vietnam war has had a far higher priority than control of narcotics? Have Americans become so hardened by years of death and destruction that they will even tolerate the flow of narcotics because it might displease our allies? I hope and pray that the answer is "No."

Nothing should be more important than preventing dangerous drugs from falling into the hands of our children. President Nixon proclaimed, a little more than 1 year ago, that drug abuse was our No. 1 domestic problem. I call for a genuine commitment by the Nixon administration to ending narcotics production and traffic in Thailand, Laos, and South Vietnam. The sensitivity of these alleged allies is not worth a broken life. What heroin is doing to this country is far more serious than any military danger we face in Southeast Asia. It is time that we make the drug traffic our No. 1 foreign policy priority.

Mr. President, I ask unanimous consent to insert the article by Seymour Hersh in the RECORD at this point as part of my remarks.

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

REPORT TO UNITED STATES SEES NO HOPE OF HALTING ASIAN DRUG TRAFFIC

(By Seymour M. Hersh)

WASHINGTON, July 23.—A Cabinet-level report has concluded that, contrary to the Nixon Administration's public optimism, "there is no prospect" of stemming the smuggling of narcotics by air and sea in Southeast Asia "under any conditions that can realistically be projected."

"This is so," the report, dated Feb. 21, 1972, said, "because the governments in the region are unable and, in some cases, unwilling to do those things that would have to be done by them if a truly effective effort were to be made."

The report prepared by officials of the Central Intelligence Agency, the State Department and the Defense Department noted that "the most basic problem, and the one that unfortunately appears least likely to any early solution, is the corruption, collusion and indifference at some places in some governments, particularly Thailand and South Vietnam, that precludes more effective suppression of traffic by the governments on whose territory it takes place."

The report sharply contradicted the official Administration position and Government intelligence sources say its conclusions are still valid today. In May, Secretary of State William P. Rogers told a Senate subcommittee that "we think all the countries are cooperating with us and we are quite satisfied with that cooperation."

Similarly, Nelson G. Gross, Senior Adviser to the Secretary of State and Coordinator for International Narcotics Matters, testified before Congress in June on the subject of narcotics smuggling that "the governments of Thailand, Laos and Vietnam have already joined us in the fight and, while we have a long way to go, we feel that during the past year some real progress has been achieved."

All officials concerned with the drug problem acknowledge that the United States agencies, under personal prodding from President Nixon, have begun an intensive effort to stem the international narcotics traffic. But critics contend that the effort is far less effective today than Administration officials say it is.

CRITICS' CHARGES BACKED

Two leading critics of what they allege to be the Government's laxness in stopping the flow of narcotics are Representative Robert H. Steele, Republican of Connecticut, and Alfred W. McCoy, a 26-year-old Yale graduate student who has written a book on narcotics in Southeast Asia. The New York Times reported Saturday that Mr. McCoy's allegations concerning the C.I.A. and the drug traffic had been the subject of an intense and unusually public rebuttal by the agency.

The Cabinet-level report, made available to The Times, buttressed many of the charges made by the two critics, particularly about the pivotal importance of Thailand to the international drug smugglers. Thailand is also a major Air Force staking area.

STEELE HINTED AT PAYOFFS

In a report on the world heroin problem last year, Mr. Steele wrote that "from the American viewpoint, Thailand is as important to the control of the illegal international traffic in narcotics as Turkey. While all of the opium produced in Southeast Asia is not grown in Thailand, most of it is smuggled through that country."

Mr. Steele's report, filed with the House Committee on Foreign Affairs, noted that many American citizens had established residence in Bangkok, and had moved into the narcotics trade. The report added that the inability of the United States to have a few notorious States to have a few smugglers deported had led some intelligence officials to conclude that the men were paying Thai officials for protection.

Mr. McCoy said in testimony before Congressional committees last month that hundreds of tons of Burmese opium passed through Thailand every year to international markets in Europe and the United States and that 80 to 90 per cent of the opium was carried by Chinese Nationalist paramilitary teams that were at one time paid by the C.I.A.

There are a number of opium refineries along the northern Thai border, he said, and much of the processed high-quality heroin is shipped by trawler to Hong Kong.

THAI-U.S. AGREEMENTS CITED

"Even though they are heavily involved in the narcotics traffic," Mr. McCoy testified, "these Nationalist Chinese irregulars units are closely allied with the Thai Government." He said that Thai Government police units patrol the northern border area and collect an "import duty" of about $2.50 a pound of raw opium entering Thailand. All this activity, he said, is monitored by United States intelligence agencies.

Mr. Gross, the State Department's adviser on international narcotics, said in his Congressional testimony that "During the past year the Thais have increased their efforts in the drug field with United States and United Nations' Assistance." He cited two agreements, signed in late 1971, calling for more cooperation and more long-range planning between Thai and United States officials to stamp out the trade.

"Based on all intelligence information available," Mr. Gross testified, "the leaders of the Thai Government are not engaged in the opium or heroin traffic, nor are they extending protection to traffickers." He added that the top police official in Thailand had publicly stated that he would punish any corrupt official.

The cabinet-level report, submitted to the Cabinet Committee on International Narcotics Control, asked "highest priority" for suppression of the traffic by Thai trawlers, noting that each trawler "would represent something like 6 per cent of annual United States consumption of heroin."

The report said that the trawler traffic should have priority because "it is possible to attack the Thai trawler traffic without seeking the cooperation of Thai authorities and running the attendant risk of leaks, tip-offs and betrayals."

After such a seizure, the report said, the United States Embassy in Bangkok could "repeat with still greater force and insistence the representations it has already often made to the Government of Thailand" for more effective efforts "to interdict traffic from the north of Thailand to Bangkok and also the loading of narcotics on ships in Thai harbors."

At another point in the report, a general complaint was voiced. "It should surely be possible to convey to the right Thai or Vietnamese officials the mood of the Congress and the Administration on the subject of drugs," the report said. "No real progress can be made on the problem of illicit traffic until and unless the local governments concerned make it a matter of highest priority."

Representatives Steele, Lester L. Wolff, Democrat of Nassau County, and Morgan F. Murphy, Democrat of Illinois, have sponsored legislation that would cut off more than $100-million in foreign aid to Thailand unless she took more action to halt the production and traffic of heroin. Their measure cleared the House Foreign Affairs Committee on June 21 and is included in the Foreign Assistance Act, now pending.

THE TROUBLED AEROSPACE INDUSTRY

Mr. ROTH. Mr. President, many sectors of American industry face severe problems which must be met in the 1970's. Production costs continue to rise while highly dedicated and technologically advanced foreign competition squeezes on traditional U.S. markets. Perhaps one of the most troubled of all is the U.S. aerospace industry; the problems which they face are unique because of their heavy dependence on Government funds to sustain them. Overmanaged and overfacilitized, these large corporations, which burgeoned in the 1960's, face a problem in trimming down to meet reduced military spending and reduced airplane orders by airline customers, as well as finding some way to reduce the costs of their products.

The aerospace industry is the backbone of our national security and must be kept strong. But, in this case, strength does not derive from size, but from the quality of technology which can be brought to bear, and the efficiency with which a product can be produced. The rapid buildup of the industry in the 1960's caused the dilution of managerial and technological excellence, the results of which have been graphically demonstrated by a myriad of program cost overruns caused by less than excellent management.

The legacy of overcapacity of the industry was the subject of some concern during the debate over the Lockheed loan guarantee. It seemed apparent at that time that the market would not profitably support three domestic producers of large jet transports. Lockheed had placed itself in such a precarious position that

failure to achieve the necessary financing might well have caused the company to collapse with very serious impact both on our then sluggish economy and very high unemployment in many communities throughout the Nation. Because of this, and because the Government commitment was well protected, I gave my support to the guarantee. But that situation, and the reticence of the bankers to lend without a guarantee, is a prime example of the syndrome of overcapacity to which I earlier referred.

The problem of overstaffing is equally severe and contributes to a large degree to the enormous costs which continue to plague our defense programs. Improving defense management has been the goal of the administration since Mr. Nixon took office and notable achievements have been made. The Fitzhugh report contained numerous recommendations, some of which have been introduced. Notable among those is the move toward increased use of prototypes, a procedure where the first article of a system is rapidly built and tested by a small team prior to a decision to enter into production. Design teams in France, Russia, Sweden, and in the well known Lockheed "Skunk Works" in the United States, have successfully been applying the principles of prototype development for many years, producing aircraft quickly and efficiently with a minimum of staffing and management.

I know the distinguished chairman of the Armed Services Committee was deeply concerned about the expense of our weapon systems when he said last year:

If the geometric cost increase for weapon systems is not sharply reversed, then even significant increases in our defense budget may not insure the force levels required for our national security.

I also know of his interest in prototypes as a means of increasing the effectiveness of our procurement procedures, as recent hearings before his committee amply demonstrate.

Mr. President, in a speech made before the Aviation and Space Writers Association in New York last month, the Deputy Chief of Staff of the Air Force for Research and Development, Lt. Gen. Otto Glasser, discussed the problem of overcapacity in the aerospace industry and the use of prototypes to improve weapon system procurement. I feel the speech is most noteworthy and while I do not endorse all of his comments, I believe it will be of interest to my colleagues. General Glasser qualifies as one of the most experienced men in the Nation in the area of military research and development.

In addressing the subject of overcapacity, General Glasser candidly states:

Not only are there too many companies, but collectively they have more production capacity than we have any conceivable future need for. The passing of relatively ineffective (and I might add inexpensive) DC–3s and P–51s has gradually rendered obsolete and archaic our production oriented industry. We will never build 18,000 B–1s as we did the B–24, and we will never build 14,000 F–15s as we did P–51s in World War II. Nor is the 20,000 production record of the DC–3 likely to be toppled by any contemporary production run. Yet, the production orientation of industry persists.

Referring to the inefficiencies and cost caused by overcapacity he says:

These costs appear in the next contract or the next subcontract, driving up costs so that quantities are even further reduced.

On prototyping:

There needs to be more mergers and more transitions to a new product line. This is a slow process at best and is evolutionary.

There is hope, however, that the prototype activities might accelerate the evolution. For one thing, the really competent design team might emerge for a steady flow of awards, thus causing the ascendance of the highly successful and dependable team and the atrophy and eventual demise of the least competent.

Mr. President, the aerospace industry is an important part of our national security posture as well as a major contributor to the transportation needs of the country. It means hundreds of thousands of jobs throughout the Nation, as well as substantial contributions to our balance of payments by foreign sales of commercial aircraft.

I believe General Glasser's statement strikes at the heart of some most important problems and is deserving of thoughtful consideration by my colleagues. I, therefore, ask unanimous consent that General Glasser's speech be printed in the RECORD.

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

PROTOTYPING AND THE AEROSPACE INDUSTRY

(By Lt. Gen. Otto J. Glasser)

When I was asked to discuss prototyping, I had to ask myself: "Why?" What is the interest behind prototypes? I can't think of any subject that has generated such spontaneous and immediate support as has prototyping. Our reasons for supporting prototypes was simple and straightforward. Here was an inexpensive way to demonstrate, in hardware, new ideas or improvements on old ideas for improved military capabilities. The benefits of risk reduction, cost insight, expanded options and all the other benefits of fly-before-buy seemed obvious enough to us. There were two important fringe benefits as well. First, we could exercise some of our design teams in the cold, cruel world of real hardware, rather than in the oversimplified and forgiving world of paper designs. Second, because these were very small inexpensive programs, there was general acceptance of the notion that they could be conducted with streamlined management and minimum paperwork. Indeed, to some of us, the return to the 25-page Request for Proposal was in itself sufficient reward to justify the experiment.

Importantly, one could have these real-life, hardware experiences for about the same money which was previously devoted to concept formulation packages and contract definition programs, which produced nothing but paper.

But others saw different benefits. Too many in industry saw the prototype as the camel's nose under the tent. If they could only get the article designed and flying, then brochuremen could take over from there. As a minimum, foreign sales could be expected. The sticky question of what new source of production funds would be tapped to finance this bonanza has yet to be answered.

Key figures in all echelons of government could see in the prototype program an end to the aggravating cost overruns, schedule slips and performance underruns that have plagued us for so long. "Fly Before Buy", "Performance Milestones", "Design to Cost" and catch-phrases were as reverently repeated as the sayings of Mao!

Especially vocal were the students of management who have been especially prolific both in the press and in testimony, extolling the outstanding performance of the French, Russian, and Swedish aerospace industries and assigning a major share of the credit for their success to prototyping.

In short, prototyping is viewed as a panacea. Each sees in it the fulfillment of his dreams and the balm for his frustrations.

It is a bit like a friend of mine——

But let's get back to prototyping. Is it really the answer? Is it really all it's cracked up to be? Has the millennium really arrived when cost overruns, schedule slips, and all the rest are things of the past?

In characteristic pentagonese, the answer is Yes and No! There is absolutely no question that a well run prototype program will provide a generous return on our investment, and I think we're off to a very good start with our cheap, lightweight fighter prototype. As we expand the prototype program, we will develop more competent and more experienced design teams. We will increase our options for future developments for the inventory. We will gain insight into potential risks both technical and financial. And, hopefully, we will mend our management ways. But let's not expect too much! There are still other problems.

The analysts who attribute European success to prototyping have not recognized other important aspects of the European experience. As a matter of fact, I am convinced that the problem lies within the areospace industry itself assisted, of course, by government. For reasons we could discuss the U.S. aerospace industry has become overbuilt, overmanned, and overmanaged. First. Not only are there too many companies, but collectively they have more production capacity than we have any conceivable future need for. The passing of relatively ineffective (and I might add inexpensive) DC–3s and P–51s has gradually rendered obsolete and archaic our production oriented industry. We will never build 18,000 B–1s as we did the B–24, and we will never build 14,000 F–15s as we did P–51s in World War II. Nor is the 20,000 production record of the DC–3 likely to be toppled by any contemporary production run. Yet, the production orientation of industry persists." One reads a great deal about the inefficiency of underused educational facilities. Well, what about the inefficiency of unused aerospace facilities? Who pays for these inefficiencies? We both know the answer to that. Second. These costs appear in the next contract or the next subcontract, driving up costs so that quantities are even further reduced.

Let's look at the European examples. Does France do that? No. As long ago as 1936, France began collecting its fragmented industry into a nationalized sector and a private sector. Today, that collectivization is essentially complete with only Aerospatiale and Dassault remaining as full-fledged companies. Even here, the emphasis is less on production. Dassault is much more of a design and development agency than it is a production plant. Major portions of the production are farmed out to production companies having little or no engineering design capability.

The design bureaus of Russia do not produce their designs. Production is assigned to a production agency based on availability and current workload. And, of course, Sweden, with its lone corporation, never faces the problem.

Let's look at another major difference between U.S. and European organizations. The

European approach is characterized by very small, tightly integrated design teams manned by "top of their graduating class" engineers. Every man is an expert with considerable latitude for decision and very streamlined and abbreviated supervisory and management channels. Paperwork of all types is brief, concise, and limited in distribution. Contracts, directives and reports run to tens of pages rather than tens of volumes.

But what of the U.S. counterpart? We are literally suffocating from excess manning and excessive management—and I find it hard to separate cause from effect. An additional management procedure requires additional people to carry it out. In turn, this expanded team of managers comes up with proposed new economies and new efficiencies which require more directives, more controls, more reports and, in turn, more people—Ad Nauseam. I don't mean to discredit all managers and all management, but when you have more monitors than doers, the time has come to reverse the trend. I believe middle management featherbedding has become an endemic disease in the U.S., not only in industry, but in all echelons, public and private.

Well, what can be done to improve this dreary picture? Attractive as it may seem to be able to direct industry into an optimum configuration, this could only be achieved at the expense of our free enterprise system—and that is simply too high a price to pay. No, the problem is up to all of us and especially the Board of Directors and stockholders. There needs to be more mergers and more transitions to a new product line. This is a slow process at best and is evolutionary.

There is hope, however, that the prototype activities might accelerate the evolution. For one thing, the really competent design team might emerge for a steady flow of awards, thus causing the ascendance of the highly successful and dependable team and the atrophy and eventual demise of the least competent. The corporation that never wins an award, might get the word and convert to a different product line. The outstanding company might recognize from his prototype efforts the efficacy and efficiency of the streamlined approach and he might even apply it to his regular business. The millennium would be achieved when the government also recognized these rewards and did likewise!

I'm sure this Utopian scene I have sketched is a long way off but I also know that until some of us in government, in industry, and all other walks get with it and actively work toward it, it will continue to be just that—a Utopian goal. Prototyping is the first step in the right direction. We've taken that. Now, let's get about the others with equal enthusiasm.

Before I conclude, I wish to announce a significant step in our program development. The F–15 air superiority fighter will be publicly shown for the first time on June 26 at a rollout ceremony at McDonnell-Douglas St. Louis plant. This is an important milestone for the Air Force and for national security.

GEN. JOHN H. MICHAELIS

Mr. SYMINGTON. Mr. President, the outstanding career of one of our most distinguished military leaders, recently retired, should be a source of pride to all Americans.

Gen. John Hersey Michaelis, commander in chief of United Nations Command and commanding general of U.S. Forces in Korea, is leaving the Army after more than 34 years of devoted service to his country.

Born into an Army family at the Presidio of San Francisco in 1912, the future general served as private and private first class with the 29th Infantry before entering the U.S. Military Academy in 1932.

From 1936 to 1941, Lieutenant Michaelis served with the 10th Infantry in Kentucky, with the Philippine Scouts, and under General "Vinegar Joe" Stillwell at Fort Ord, Calif.

As a captain he joined the original 501st Parachute Battalion in 1941, was promoted to major, and after attending the Command and General Staff College accelerated wartime course, joined the 502d Parachute Infantry, 101st Airborne Division in June 1942.

With the launching of the Normandy landings of June 6, 1944, Lieutenant Colonel Michaelis took command of the 502d and in July received a battlefield promotion to colonel. His regiment received the Distinguished Unit Citation.

In September he led his regiment in the airborne assault on Holland, where he was twice wounded.

By December 1944 he had returned to duty as chief of staff of the 101st Airborne Division—in time to take part in its unforgettable stand at Bastogne.

In March 1945 he was returned to the United States to recover from his wounds.

During the next 3 years General Michaelis performed various duties on the War Department General Staff, including that of senior aide to Army Chief of Staff General Eisenhower.

Early in 1949 he was assigned to a staff position with the 8th U.S. Army in Japan; and when the Korean conflict erupted in June 1950 he was immediately assigned to command the 27th Infantry Regiment.

During the next 8 months he received two battlefield promotions and was several times decorated, while his regiment received two U.S. Distinguished Unit Citations and the Korean Presidential Unit Citation. Particularly memorable were the regiment's critically important defensive and counterattacking operations in the area near Taegu in August and September.

After serving as assistant commander of the 25th Infantry Division for several months, he was sent to Paris for duty at General Eisenhower's Supreme Headquarters Allied Powers Europe, where he assisted in the training of NATO forces. As General Eisenhower's personal representative at the European Defense Conference, he participated in the effort which resulted in the entry of German Army elements into the NATO forces and formed the basis of the European Coal and Steel Community and the European Defense Community.

Following duty as Commandant of Cadets at West Point, General Michaelis returned to Europe in 1954 and became the first commanding general of Southern European Task Force, the U.S. Army's atomic command. Later for several years he served as the Army's chief liaison officer with the Congress, followed by successive commands of U.S. Army Alaska, of V Corps U.S. Army Europe, Allied Land Forces Southeastern Europe, and 5th U.S. Army.

General Michaelis returned to Korea in 1969, first as Deputy Commanding General, 8th U.S. Army, later to the position from which he is now retiring.

It is a high honor indeed to salute my able friend, Gen. John H. Michaelis, as he concludes his most distinguished career as soldier-diplomat in war and peace.

PROPOSAL FOR LEGISLATIVE AUTHORITY FOR SELECT COMMITTEE ON SMALL BUSINESS

Mr. BEALL. Mr. President, I am a cosponsor and strong supporter of Senate Resolution 38, which would provide legislative authority to the present Select Committee on Small Business, on which I serve. I ask unanimous consent that my letter to Chairman JORDAN, outlining the importance of small business to America and the importance of Senate Resolution 38 to the small business community, be printed at this point in the RECORD.

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

Hon. B. EVERETT JORDAN,
Chairman, Senate Committee on Rules and Administration, Washington, D.C.

DEAR MR. CHAIRMAN: As a cosponsor of S. Res. 38 and as a member of the Senate Select Small Business Committee, I strongly urge that action be taken on this resolution which would provide legislative authority for the Senate Small Business Committee.

As you well know, small business and the small businessman are essential for the health and well-being of our nation. In addition, they provide an important opportunity for disadvantaged and other citizens to participate in the growing prosperity of the country. Yet, the small businessman faces growing difficulties. He is overwhelmed with laws and regulations and paper work is becoming unbearable. He is confused by the complicated tax laws. Unlike big business he cannot afford an army of accountants and attorneys. In short, it is already tough for the small businessman and it is getting even tougher.

I believe it is important that the voice and views of the small businessman be heard and acted upon by the Congress. An important step in that direction and in the preservation of the independence and viability of small business throughout the country would be the enactment of S. Res. 38. I, therefore, urge favorable committee action.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

Mr. BEALL. Mr. President, the fight for proper recognition of the small business community in the Congress has been going on for some time. In fact, my late father, then serving in the Senate, was a cosponsor of this measure when it was introduced in 1955. The problems of the small businessman required action then. Since 1955, Federal regulations, paperwork, and other demands have multiplied greatly; thus making it imperative that the small businessman be given not only a forum where he can voice his concerns and his problems—as is the case with the Senate Select Committee on Small Business—but that the committee be given the authority to act legislatively in response to these problems.

I ask unanimous consent that a letter I received from Mr. George J. Burger, Sr., vice president of the National Federation of Independent Business, together with some background information on the his-

tory of efforts to secure action on bills similar to Senate Resolution 38, be printed in the RECORD.

Mr. Burger believes "that the future of small business—4½ million or more and their employees—is now at stake" and also urges early and favorable action on this legislation.

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
San Mateo, Calif., June 13, 1972.

Subject: Senate Resolution 38.
Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

MY DEAR SENATOR BEALL: I want to take the time to congratulate you on your letter to me on May 24, in answer to my letters to you on the above subject matter. Your letter to Senator Jordan, Chairman of the Senate Rules Committee, for the needed action on legislative authority for the Senate Small Business Committee, is a masterpiece, and is following up a splendid leadership of the three original sponsors; the late Senator Wherry (Nebraska), the late Senator Thye (Minnesota) 1955; and it is noted that the name BEALL (Maryland) was one of the co-sponsors at that time. This was followed by the late Senator Prouty of Vermont.

I mention this background, as your letter of May 26 to Senator Jordan presented foolproof argument to the Rules Committee to act on this proposition resting with the Committee seventeen years.

Senator Beall, it is my hope and trust, as a matter of general information for your colleagues in the Senate, that you insert in the Record your letter to Senator Jordan and my covering letter.

I make this request as this will be helpful information also to the 310,000 or more members of the Federation in the fifty states, but it will also be interesting reading and will be noted in reading the Congressional Record; and it will be well noted by small business nationwide.

Again, congratulations,
Sincerely,

GEORGE J. BURGER, SR.,
Vice President.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
San Mateo, Calif., May 17, 1972.

Subject: 23-year background present S. Res. 38 providing legislative authority for the Senate Small Business Committee
Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: To your credit, in behalf of small business, you are co-sponsor of the above Resolution. In your busy day, due to the ever-increasing workload facing you and other Members of the Congress—due to increasing national and international trends—it is my hope that you will be able to give the time to review the enclosures which are wholly on the record so that small business of our Nation enjoys the same rights and privileges as the standing committees of Labor and Agriculture.

Note the items marked—as to the action of the late Senator Prouty (Vermont), page 30, of the January 15, 1963 CONGRESSIONAL RECORD. His action at that time was following up the then action of the late Senator Thye (Minnesota) on the original proposition, the bi-partisan action of 54 members of the United States Senate in co-sponsoring the Resolution. Senator Thye's action was following up the leadership of the late Senator Wherry (Nebraska) and the action on that day, February 20, 1950. Although legislative authority was not granted, for the first time—due to a compromise—the committee was made a continuing committee of the Senate (minus legislative authority). Then the next step was taken in the Senate by unanimous action on July 1, 1955, that the appointment to membership on the committee should be accomplished in the same manner and form as on the standing committees of the Senate.

Senator, the future of small business (4½ million or more and their employees) is now at stake. The writer comes to this conclusion with 60 years background in small business. May I request you for a second time to give your personal attention to this communication and to follow through wholly on the record in contacting the Chairman of the Rules Committee, requesting his action in releasing the Resolution to the floor of the Senate for action.

Finally, the Rules Committee need have no worry if legislative authority is granted to the Senate Small Business Committee—that such action would bring about invasion of the jurisdiction of other standing committees (taxes, etc.). The committee having legislative authority would have plenty to do on the basic problems facing small business (equitable distribution). May I hear from you as to your action?

Sincerely yours,

GEORGE J. BURGER,
Vice President.

Release From the National Federation of Independent Business, January 6, 1955

George J. Burger, Vice President, National Federation of Independent Business said today the bipartisan action of the 54 members of the United States Senate in joining together in the introduction by Senator Edward J. Thye (R) Minnesota of the resolution giving standing committee status to the present Small Business Committee is a definite indication that these members of the Senate sponsoring the resolution are determined to give all out aid and protection to independent business throughout the nation. He adds that this is a milestone in long overdue recognition by the Congress of the United States to the basic problems of small business.

The resolution is known as S. Res. 16 and has been referred to the Committee Rules and Administration for action.

The co-sponsors of the resolution are as follows: Hon. Edward J. Thye, Hon. John Sparkman, Hon. Gordon Allott, Hon. Frank A. Barrett, Hon. J. Glenn Beall, Hon. George H. Bender, Hon. Francis Case, Hon. Dennis Chavez, Hon. Norris Cotton, Hon. Price Daniel, Hon. James H. Duff, Hon. Henry Dworshak, Hon. Sam Ervin, Hon. Walter F. George, Hon. Barry Goldwater, Hon. Theodore F. Green, Hon. Thomas Hennings, Hon. Lister Hill, Hon. Hubert Humphrey, Hon. Irving M. Ives, Hon. Henry Jackson, Hon. Olin D. Johnston, Hon. Estes Kefauver, Hon. John Kennedy, Hon. Robert S. Kerr, Hon. Thomas Kuchel, Hon. William Langer, Hon. Herbert Lehman, Hon. Warren Magnuson, Hon. George Malone, Hon. Mike Mansfield, Hon. Edward Martin, Hon. Thomas E. Martin, Hon. John L. McClellan, Hon. Patrick V. McNamara, Hon. Karl Mundt, Hon. John O. Pastore, Hon. Frederick G. Payne, Hon. Leverett Saltonstall, Hon. Andrew Schoeppel, Hon. W. Kerr Scott, Hon. Margaret Chase Smith, Hon. Stuart Symington, Hon. Arthur V. Watkins, Hon. Herman Welker, Hon. Alexander Wiley, Hon. Milton R. Young, Hon. William A. Purtell, Hon. James E. Murray, Hon. Earle C. Clements, Hon. Paul Douglas, Hon. Wayne Morse, and Hon. George Smathers, and Hon. Russell Long.

Small business also notes the action of the President in recommending the continuance of the Small Business Administration Act.

[From the CONGRESSIONAL RECORD, Jan. 15, 1963]

GRANT OF LEGISLATIVE AUTHORITY TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. PROUTY. Mr. President, I submit, for appropriate reference, a resolution which grants full authority in legislative matters to the Select Committee on Small Business. Cosponsoring the resolution with me are Senators SCOTT, YOUNG of North Dakota, MOSS, BOGGS, and KEATING.

There are over 4½ million small businesses in this country, Mr. President. They are a most important segment of our economy. Unlike other facets of the economy, so-called big business, labor, and agriculture, our small businesses are without geographical limitation. They are equally important to our urban, metropolitan, suburban, and rural communities.

The growth and expansion of our Federal Government and its ever increasing regulatory activities have changed considerably the atmosphere of governmental relations with our small business enterprises. There is, it seems to me, sufficient basis for the Senate to consider establishing in its Select Committee on Small Business a committee which has jurisdictional authority over legislation peculiarly affecting the small businesses of this Nation.

A brief history of the Senate Small Business Committee demonstrates the development of the importance of this group over the years.

On October 9, 1940, about 23 years ago, the committee was authorized by resolution to be established in the Senate. Such eminent Senators as Murray, of Montana; Taft of Ohio, and the present Senator Ellender, of Louisiana, served on that original committee.

At the commencement of each succeeding Congress, the Special Committee on Small Business was reconstituted until February 20, 1950, when the Senate acted upon resolutions which gave permanent, continuing status to the Small Business Committee. The vote at that time was 56 yeas to 26 nays, and included bipartisan support.

Then, on July 1, 1955, practically unanimous vote of the Senate provided that appointment to membership on the Small Business Committee should be accomplished in the same manner as appointent to the standing committees of the Senate.

Thus, we can readily see the development of the Select Committee on Small Business to its present status.

I submit, Mr. President, that the importance of the small business in every American community—over 4½ million strong—now warrants the next step in enhancement of the position of the committee itself. The small business legislation which is introduced in and acted upon by each session of the Congress seems to me to require action by a committee with full authority to draft and report bills which relate peculiarly to the small businesses and the men who run them. The work in this area is sufficiently important to warrant the full legislative jurisdiction enjoyed by other committees in order that its membership can develop an expertise in the field which is so common among members of the standing committees of the Senate.

Mr. President, our small business community needs confidence.

I submit, Mr. President, that the adoption of this resolution by the Senate is sorely needed to build that confidence. The President himself recognized that this is true. He stated that our small businesses were "failing at a record rate." Further a weekly staff report of the Small Business Committee in April of 1962 reported that the failure rate was then the highest in 20 years.

The committee itself has demonstrated its own importance.

The Senate has recognized the increasing

need for the work of the committee, through its continued development of the prestige and importance attached to its work.

And, finally, the small business community, with its very large effect upon the entire Nation has attained a position of sufficient importance to the community that its legislative problems warrant the services of a committee with functions and powers such as are contemplated by this resolution.

Mr. President, I ask that this resolution, which I now offer, may lie on the table for 1 week in order that other interested Senators might have an opportunity to join with us in its sponsorship.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will lie on the table, as requested by the Senator from Vermont.

The resolution (S. Res. 30) was referred to the Committee on Rules and Administration, as follows:

"Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

" 'That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

" 'It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

" 'Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction.'

"SEC. 2. Subsection (d) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2, the words 'under this rule'."

FAIR LABOR STANDARDS AMENDMENTS OF 1972

Mr. NELSON. Mr. President, at the request of the Senator from South Dakota (Mr. MCGOVERN), I ask unanimous consent to have printed in the RECORD a statement by him relative to S. 1861, the Fair Labor Standards Amendments of 1972.

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

STATEMENT BY SENATOR MCGOVERN

I wholeheartedly support S. 1861, The Fair Labor Standards Amendments of 1972, and urge that the Senate speedily approve this bill.

Over the years the Fair Labor Standards Act has moved millions of people out of poverty, without harming at all our rates of employment, the state of the economy, or efforts to stem inflation. S. 1861 provides much needed improvement in existing minimum wage and overtime laws by expanding coverage and increasing the minimum wage. It is far superior to the watered-down version passed by the House last month and provides equitable treatment for employees currently not covered by the Fair Labor Standards Act.

S. 1861 increases the minimum wage to $2.20 an hour, and increases by 8.4 million the number of workers covered by the Fair Labor Standards Act. It removes exemptions currently applicable to certain classes of workers from minimum wage or overtime coverage. Finally, it strengthens the Equal Pay Act of 1963 and demonstrates a commitment to the principle of equal rights for working women by including executive, administrative and professional positions in Fair Labor Standards coverage.

An increase in the minimum wage in 1972 is fully justified on economic grounds alone. The present minimum wage of $1.60 an hour yields a worker who works full-time all year an annual gross income of only $3,328, $800 below the poverty line. The minimum wage provided in this bill yields only $4,576 annually, less than $500 above the poverty line. I doubt that any member of this body would attempt to live within this income, yet opponents of this bill are telling low-wage workers to live on less than that, even though they are working full-time.

The Consumer Price Index has risen 26% since the Fair Labor Standards Act was amended in 1966. Since 1968, when the present $1.60 minimum wage became effective, the Index has risen another 21%. The increase provided for in S. 1861, therefore, will do little more than enable low-wage workers to keep pace with an ever-increasing cost of living.

In the January, 1970, 4(d) Report to Congress on the Fair Labor Standards Act, the Secretary of Labor stated:

"One of the major goals of this administration is to get people off the welfare rolls and onto payrolls. Once having achieved that, unless the worker receives the minimum wage, he is more likely to fall back on the welfare rolls."

If this is a serious goal, then there is no reasonable alternative to enactment of the minimum wage rates provided in S. 1861.

In the thirty years since the enactment of the Fair Labor Standards Act, many exemptions from minimum wage and overtime coverage have been created for specific classes of employees. The net effect of these loopholes has been to provide cheap labor for employers, by forcing ordinary people to suffer low wages and long hours. This unfair burden must be removed, and we are long overdue in doing it.

S. 1867 also extends Fair Labor Standards coverage to whole classes of employees not previously covered—among domestic service employees in private homes and state and local government employees.

In the case of individual establishments in covered retail chains, more workers will be brought in by considering the gross annual receipts of the entire chain instead of the receipts of each individual outlet. Further, unlike the watered-down version passed by the House, this bill does not legislate discrimination based on age by adding a subminimum wage to the Fair Labor Standards Act.

In 1969, the Bureau of the Census estimated that there were approximately 340,000 women employed as domestic in private homes in the United States, with average annual incomes of $1,926. As well as paying low wages, domestic work is irregular and these jobs offer few, if any, non-wage benefits. Therefore, on the basis of need, a better case can be made for including domestic workers under the provision of the Fair Labor Standards Act than for almost any other class of newly-covered worker. It is unthinkable that some women in this country are working for approximately $.92 an hour while receiving no non-wage benefits at all.

A similarly strong case can be made for those farm workers newly covered under the provisions of S. 1861, the migrant workers of the United States. Most Americans are now aware of the deplorable conditions in which migrant farm workers must work and live—and the low wages, long hours, the indescribably dirty and unsafe living accommodations.

S. 1861 addresses itself only to one segment of the problems of the migrant worker—low wages. But it represents a substantial step forward. The Report of the Labor and Public Welfare Committee tells a story of a five-member migrant family that traveled for an entire summer and earned wages amounting to less than $.25 an hour. For this miserable wage, all members of the family, including a six year old child, worked fifteen hours a day, seven days a week. There is simply no place in this Nation, nor any justification, for that kind of condition to persist.

By extending Fair Labor Standards Act coverage to virtually all nonsupervisory employees of state and local governments, S. 1861 completes work started by the Congress when it passed the 1966 Amendments covering employees of state and local hospitals, schools, and other institutions. According to statistics available from the Department of Labor, approximately 79,000 public employees will benefit from initial coverage, and approximately 241,000 will benefit when the minimum wage is raised to $2.20 an hour two years after the bill is passed.

The argument has been raised that extension of the federal minimum wage, coupled with an increase in the minimum wage, will work an undue hardship on the states. But statistics compiled by the Department of Labor show this to be an erroneous assumption. The cost of raising public employees to the $1.80 minimum wage would result in an annual wage bill increase of only 0.1 per cent. When public employee wages are raised to the $2.20 minimum, the annual wage bill will only increase by 0.2 per cent. This burden is hardly onerous when compared to the benefits for the employees affected.

On the issue of overtime, a Department of Labor study entitled "Nonsupervisory Employees in State and Local Government" states:

"The increase in the weekly wage bill that would be required by the payment of additional half-time for all hours over forty is estimated at one per cent. It should be noted that the actual impact of a 40-hour overtime standard would be somewhat less than this amount since some state and local government units currently have provisions for premium overtime pay."

These date anticipated coverage of policemen and firemen, the major source of overtime in most communities. Since public safety officers are phased-in over a five-year period, the cost impact would be significantly less than indicated in the Report.

The question of constitutionality, another problem raised with respect to the extension of minimum wage coverage to public employees has been raised and dealt with in Maryland v. Wirtz, 392, U.S. 183 (1967), which upheld the coverage of state and local government employees under the Fair Labor Standards Act.

In sum, the enactment of S. 1861 will demonstrate the Senate's firm commitment to justice and equality for working men and women throughout the country.

It will enhance the dignity of honest labor not by cheap exhortations, but by a solid public policy of a fair reward for a full day's work.

That is a principle which deserves the overwhelming support of the Senate.

RECONFIRMATION OF FEDERAL JUDGES BY THE SENATE

Mr. HARRY F. BYRD, JR. Mr. President, the legislature of the State of Michigan on June 27 gave final approval to a concurrent resolution endorsing legislation which I have proposed requiring the

periodic reconfirmation of Federal judges by the Senate.

In the Michigan Legislature, the resolution—Senate Concurrent Resolution No. 360—was offered by Senators John Bowman and James Gray and cosponsored by Representatives O'Brien, Symons, Pilch, Wierzbicki, James F. Smith, Loren D. Anderson, Huffman, and Law.

I welcome the action of the Michigan Legislature in support of Senate Joint Resolution 106 proposing an amendment to the U.S. Constitution.

A hearing was held on my proposal by the Subcommittee on Constitutional Amendments of the Judiciary Committee on May 19. This was the first time a Senate committee ever had held hearings on such a proposal.

I am grateful to the Michigan Legislature for its manifest interest in Senate Joint Resolution 106.

I fully support the concept of an independent judiciary. The amendment I have introduced simply provides a method by which the courts might be made more accountable to the people.

ALLIANCE FOR RAIL COMMUTER PROGRESS

Mr. MATHIAS. Mr. President. On October 29, 1971, a coalition of rail commuters founded the Alliance for Rail Commuter Progress, whose mission is to promote the utilization of commuter rail services throughout the Washington metropolitan area.

I wish to recognize this association for its work with commuter problems and in particular several of its members who, with notable effort, compiled a survey of current rail commuters on the B. & O. Brunswick Division Line. The survey, which has previously been placed in the RECORD, provides evidence in support of my views on the need for an expanded commuter service for the Washington metropolitan area. A list of those who conducted this survey follows:

Grace and Charles Burroughs, 686 College Parkway, Rockville, Md., 20850.

Lorena and Richard Lemons, 1900 Snow Drop Lane, Silver Spring, Md., 20906.

John Pentecost, 107 Grove Avenue, Washington Grove, Md., 20880.

Cabell Poindexter, 18908 Smoothstone Way No. 6, Gaithersburg, Md., 20760.

Saul Snyder, 13601 Valley Drive, Rockville, Md., 20850.

M. Jean Spokely, 12308 Clement Lane, Silver Spring, Md., 20902.

Nellie and David G. Spokely, 12308 Clement Lane, Silver Spring, Md., 20902.

Stephanie S. Chaconas, 19313 Olney Mill Road, Olney, Md., 20832.

A FINE TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. PROXMIRE. Mr. President, everyone delights in HUBERT HUMPHREY's bubbling friendliness, his amazing vitality and energy, and the absence of hate and vindictiveness in his heart.

He has just finished a hard fight for the nomination to the Presidency. If it had not been for the splits in the party 4 years ago, the disaster of the 1968 convention, and the shortness of time to overcome the problems, HUBERT HUMPHREY would be President of the United States today. No man ever did more for his party and for his country and for the people of the United States only to have that loyalty unrequited by fate and events.

The Los Angeles Times last Sunday published an article entitled "Fighting the Good Fight—for the Last Time," which is a moving and truthful piece. While it is true that HUBERT HUMPHREY may never again have a chance to fight for the Presidency, it is not true that he has fought the good fight for the last time. There will be many issues and many causes which will entice this remarkable man's attention and concern during the period when he serves in the Senate of the United States.

The article by Ernest B. Furgurson is such a fine tribute to Senator HUMPHREY and his lovely and loyal and noble wife Muriel that I ask unanimous consent that it be printed in the RECORD.

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

FIGHTING THE GOOD FIGHT—FOR THE LAST TIME

(By Ernest B. Furgurson)

How many times, before Tuesday noon, must Muriel Humphrey have seen her husband stand in front of a microphone with tears welling in his eyes and heard him concede defeat but vow to keep up the good fight anyway, and said to herself as she tried to smile, "Thank God, it's the last time."

This time, at long last, it is, and a great many Americans besides Mrs. Humphrey are grateful for that fact. Many of those, of course, are the senator's opponents, who jeered him when he was too young and radical and sneered at him when he was too old and "conservative" by bombthrowers' standards.

But even more of them are his friends, who through all these years have felt tears well up themselves every time Humphrey bore up under defeat again.

He was, it is true, the easiest politician in recent times to deride and make fun of. He was also the easiest to love, for the simple reason that he himself was so full of love. You might say he based his whole political career on it.

That is why it was so hard for his friends that night in May, 1960, in Charleston, when he acknowledged that John Kennedy had won not only the West Virginia primary but was on his way to the nomination.

That was the night the hillbilly singer kept doing "I'm Gonna Vote for Hubert Humphrey" over and over to the tune of "That Old Time Religion," and, of course, the whole thing could not have had the poignancy anywhere else that it did in a seedy hotel room at the end of a poverty-stricken campaign in those poor and rainy hills.

That is why it hurt them again to see him on the stage in the Leamington Hotel in Minneapolis the morning after election day in 1968, when he had to wait overnight to be sure that his courageous campaign against Richard Nixon, starting from disaster, had fallen just 500,000 votes short. That time, many of us wrote, surely was the end of his quest, the burial of the dream he had chased for a quarter-century even then.

But that was before he was reinspired by reelection to the Senate by such an overwhelming vote. In the short intermission when he was teaching at Macalester College, he already was anticipating 1972.

That also was before Chappaquiddick. It was before he devised his strategy of staying out of this year's primaries unless the front-runner faltered, and then scrapped it. It was before the new Humphrey with the double-knit wide lapels and mod hairdo came back into presidential politics.

Many of his old admirers wished he had not. Then he and they picked up hope when he ran strongly in early tests. But as it turned out, many of them came to be sorry he had done so well, because when he smelled the prospect of nomination again, it overcome his better judgment.

He wavered on busing. He said anybody who challenged the unit rule in California after it was over would be a spoilsport, and then he did just that. These past weeks have been the only time I ever knew his friends to feel it necessary to apologize for him.

Yet, now that it is done for the last time, those moments of tawdriness are hardly subfootnotes in a long and rich biography. After he faced his staff and then the public and cameras, when he put his right arm about his wife's shoulders, pulled her to him and almost literally leaned on her, what he had said and done finally got through even to the young McGovernites in their hair and acid-rock outfits, and they applauded him without an ugly word.

The obvious thing, seeing that, was to reflect on what their own hero had been threatening to do to the party if he were the one who lost.

Hubert Humphrey never walked away from a fight, but when he had fought, he never turned away from the Democratic Party—nor even, I am certain, had a fleeting thought of doing so.

He defended his party against Communist infiltration after the war and labored to purge it of the shrugging attitude to racism that had traditionally assured it of the solid South. He led it to leadership on civil rights, the test-ban treaty, voting rights, Medicare. He was totally loyal under the most painful circumstances.

This sounds like an obituary, although if the country is lucky, he will be in the Senate another 20 years. Whether he is living or dead, when his party convenes again, it will honor itself if it puts his giant portrait on the wall along with Jackson, Roosevelt, Stevenson and the rest.

In fact, it would honor itself even more if it put up a picture of them both, Hubert and Muriel, with his arm tight about her shoulders.

COMPETITIVE PRACTICES OF PHARMACEUTICAL INDUSTRY

Mr. HUGHES. Mr. President, for more than 5 years, the Senator from Wisconsin (Mr. NELSON), as chairman of the Monopoly Subcommittee of the Senate Select Small Business Committee, has been investigating the competitive practices of the pharmaceutical industry.

He has uncovered evidence of a wide variety of shocking practices that are both dangerous and irrational. Perhaps the most shocking has been the material he uncovered concerning drug advertising and promotion, particularly that part of it aimed directly or indirectly at young children.

Living within a drug culture which is becoming increasingly dependent on drugs, legal and illegal, many leading medical authorities are now warning that the very clever industry advertising, particularly on television, is making children susceptible to the idea that any problem can be solved by a pill. It does not stretch the syllogism to see that it is only a step from the prescribed

tranquilizer to the illegally sold amphetamine, to the illegal drug.

In an enlightening article entitled "Is TV Selling Your Children on Drugs?" published in Family Health magazine, Senator NELSON outlines the situation. The article should be read by every concerned parent in America. 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:

IS TV SELLING YOUR CHILDREN ON DRUGS?

(By SENATOR GAYLORD A. NELSON)

Not long ago, a worried California mother picked up her pen to write me a letter about a family problem which increasingly disturbed her. She realized it was a problem millions of other mothers must share, and she was anxious to know what might be done to solve it.

"All the drug commercials on TV seem to have an effect on my children," she wrote. "They are especially interested in sleeping-pill commercials. My six-year-old daughter and eight-year-old son have on several occasions got out of bed and told me they couldn't get to sleep and nagged me for sleeping pills.

"Neither my husband nor I take prescription or over-the-counter sleeping pills, and my children have admitted to me that the idea that they should take sleeping pills comes from television commercials."

This letter reached my desk about the same time as another, from a physician whose supervision of the methadone clinic in a major city hospital put him in daily contact with hundreds of addicts. He did not mince his words:

"TV advertisers are teaching our children to use drugs, including the dangerous ones. It seems to me that any child or emotionally immature adult subjected to the daily and incessant barrage of messages offering 'fast . . . fast . . . fast' or 'instant' relief from every care of life by simply swallowing pills would be tempted to try them—and, finding they do not live up to the glowing promises, would then resort to stronger ones.

"That many of them arrive at heroin is not surprising. But I know of no drug except heroin or morphine which will produce the dramatic relief from all worldly cares as TV vividly pictures."

I quote these two examples from the rising tide of mail addressed to my office because they highlight a situation which threatens the health and well-being of the American people in every age group, but most particularly our children.

For nearly five years now, the Senate group of which I am chairman—its official title is the Subcommittee on Monopoly of the Select Committee on Small Business—has been exploring the effects of drug promotion and advertising on our admittedly drug-oriented society.

Since May 1971, our Washington hearings have focused on nonprescription drugs, those imaginatively named products which are constantly advertised on the nation's 7500 television stations and sold over the counter in every pharmacy, in most of the nation's supermarkets, and even in some cigar stores.

Nobody has the least idea how many over-the-counter drugs are on the market. The best guess that the Food and Drug Administration can come up with is somewhere between 100,000 and 200,000. According to industry figures, over $300 million was spent to advertise nonprescription drugs on television in 1970, with many companies spending more than 30 percent of their gross revenues on advertising.

In that same year, three drug companies spent close to $19 million to promote children's medicines on television, and most of the commercials were aimed directly at children.

A few days before his term as Federal Communications Commissioner expired, Thomas J. Houser, the father of three children, appeared before our committee. He testified that:

"Fifteen million youngsters from the age of two through eleven watch Saturday morning television. They see as much as sixteen minutes of commercials per hour, opposed to eight minutes during an adult prime-time hour. In 1970, this children's advertising meant eighty million dollars in network sales alone.

"Many parents feel their children are being exploited, and they resent it. They are against pushing vitamins to children. They also resent animated cartoon characters who lead children into a pilltaking fantasy. If your five-year-old child feels he has iron-poor blood, a TV commercial offers him vitamins with and without iron.

"Children should not be making medical decisions, yet our children are being sold directly and are constantly exposed to the pressure."

Another Federal Communications Commissioner, Nicholas Johnson, spoke in support of his colleague's viewpoint. "I do not see how anyone who is seriously concerned with the effect of television on children can ignore the testimony you have heard or fail to move now against the commercial exploitation of children, both in the life style that television purveys to them and the specific drug and drug-related products—candy aspirin, cough medicines, animal or cartoon vitamins—that are huckstered on programs designed to capture children for advertisers."

Many studies have been conducted to demonstrate the impact of television as an "electronic hypochondriac," as one witness described it. Probably the most impressive of these was a survey organized by Dr. David Lewis of Harvard Medical School and Beth Israel Hospital in Boston. Dr. Lewis' team carried around with them a display case containing samples of drug products advertised on television.

"Most adults were familiar with advertising on television," Dr. Lewis reported, "but some were not. In contrast, all the children who crowded around us were familiar with the products we carried. Even small children—four, five, and six—pointed knowingly to several of the samples and repeated or sang the commercials for them. I don't think I really appreciated the extent of the power of advertising until I heard the kids singing the ads."

His concern was much the same as that of the methadone-clinic supervisor who wrote to me: "Such widespread promotion of drugs, their magical qualities, and the immediacy of their effects may be factors that encourage our children to experiment with their chosen array of drugs, whose effects are just as immediate, just as magical, and just as wonderful for them."

It is a short step from singing the commercials to trying out the products advertised. Mail from parents and teachers tells me that children as young as nine or 10 go out and buy over-the-counter drugs containing caffeine or other stimulants, then take four or five of them all at once.

The logical consequence is that they might pursue the habit until they get into hard drugs, addictive drugs. That is the tragedy.

The late Sir William Osler, distinguished physician and writer, once observed, "The desire to take medicine is perhaps the greatest feature that distinguishes man from animals." Self-medication—the freedom to walk into a drugstore and prescribe for yourself—is a part of our health-care system.

But how many adults, let alone children, really need the products they buy over the counter or, indeed, are suffering from any specific ailment that might actually be relieved by those products?

Many physicians believe that as many as four out of five patients who visit a doctor's office have only vague, undefined psychogenic complaints without physical origins. The point is made by the old, well-known joke about a woman who habitually attended a clinic for free medical care.

There was, in fact, nothing wrong with her, but she came to tell her troubles to the doctor, who listened, humored her, and even came to look forward to her visits. One day, she did not show up. When she arrived the following morning, her doctor said, "We missed you yesterday. What happened? Why didn't you come?"

"To tell you the truth," she apologized, "I was sick."

What so many advertisers have done is to promote the concept that our ordinary, day-to-day anxieties constitute diseases that their products will relieve or cure. They offer escape from problems and pressures that once were rightly regarded as a normal, everyday part of human experience.

Such advertising promises panaceas for almost every stress and strain. You're a newcomer in town who can't make friends? *Take a pill.* An organization man who can't adjust to altered status in his company? *Take a pill.* A woman who can't get along with her new daughter-in-law? *Take a pill.* An executive who can't accept retirement? *Take a pill.* A woman who fears she is growing old? *Take a pill.* A college student worried about grades? *Take a pill.*

Drug advertising is not, of course, confined to television. One magazine advertisement I vividly recall shows a large picture of a little girl with a fat tear rolling pathetically down her cheek. *If your child is worried about school, the dark, separation, dental visits, monsters, give her a pill.* This time the drug is lemon-flavored.

We, as adults, must face the fact that the pill dependency of adult, middleclass America has affected the kids. Roughly five *billion* pills are bought by Americans each year. That's 65 for every man, woman, and child in this country.

Dr. Donald B. Louria, chairman of the Department of Preventive Medicine and Public Health at the New Jersey College of Medicine and Dentistry, and an expert in the field of drug abuse, told our committee: "Let no one delude himself into thinking there is no nexus between excessive self-medication and the use of illegal drugs. Good epidemiological studies show that parents who use inordinate amounts of medicaments breed children who have a far greater likelihood of using illicit drugs."

He presented the results of three independent surveys showing that relationship. According to a study done by Dr. Reginald Smart of Toronto, "If the mother is a daily tranquilizer user, then the child is three-and-a-half times more likely to use marijuana, ten times more likely to use opiates, five times more likely to use stimulants or LSD, and seven times more likely to use tranquilizers than a comparable child whose mother was not a daily tranquilizer user. Marijuana was used by more than a third of youngsters whose mothers used tranquilizers daily, compared to only a tenth of other youngsters."

Dr. Richard H. Blum's investigations in California revealed that 31 percent of young people who were intensive users of amphetamines, and 68 percent of young men and women who were intensive users of tranquilizers, had parents who used stimulants of the same kind.

At the time he appeared as a witness, Dr. Louria had not completed his own study of 12,000 high school and junior high school students in northern New Jersey, but the

data he had gathered up to then showed that the chances of students "shooting" methedrine were five-and-a-half times greater than a comparable group if their fathers were on tranquilizers and three times greater if their mothers were taking tranquilizers.

As Dr. Louria concluded, "All of the studies say the same thing—that if you want your child to use illicit drugs, then be a user of tranquilizers or stimulants or sedatives yourself, or an excessive user of alcohol or tobacco."

The responsibility of parents is left in no doubt. They should recognize that it is a foolish mistake at best—and it may be a tragic error with long-term consequences for children—continually to prescribe drugs for themselves, because pill-taking mothers and fathers set an example for their sons and daughters.

The expert testimony presented at our hearings over the past several years leads to some other conclusions, valid for all of us. For one thing, most ordinary aches and pains are self-limiting; they will go away even if you do nothing.

So before anyone buys over-the-counter drugs, he should ask himself whether it is really necessary—and whether it is really as effective as some advertising would have him believe.

In the words of Dr. Charles Edwards, Commissioner of the Food and Drug Administration, "Thirty to seventy percent of any group tested will experience relief of anxiety when given a placebo and told it will be effective." A placebo, I might add, has been defined as an inert ingredient that has no pharmacologic effect on a person. In other words, something like a speech by a politician.

My own rule is to take no drugs at all, except perhaps a couple of aspirin tablets if I have a mild headache, and the last time I took an aspirin must have been two or three years ago.

Aspirin is an effective over-the-counter drug, the best and most widely known of the analgesics, or painkillers. I believe that if you develop a headache or similar moderate ache or pain occasionally, it is not dangerous to prescribe aspirin for yourself, and it will reduce or eliminate the pain. All our witnesses stated that analgesics, or pain relievers, are generally effective, though the advertising claims for some of these products are often false or deceptive.

However, if the pain persists, it is a grave mistake to take any over-the-counter analgesic over an extended period of time. What is needed then is a doctor's diagnosis and treatment. As Dr. Edwards testified, whenever anyone takes any kind of drug, including aspirin, there is a certain element of risk involved, ranging from very minimal to very high. It is important, therefore, to ensure that the benefits gained in taking the drug outweigh the possible risks that are involved.

You may well be tempted to ask, "What is the United States Government doing about consumer protection in over-the-counter drug selling and advertising?"

The only answer is, "An ineffective job, but promising to do far better." The FDA is undertaking a comprehensive analysis of these products ever attempted, calling on the services of outside experts to evaluate every category of OTC drugs. The task is not quite so staggering as it may seem; the vast majority of the pills and potions are made up of roughly 200 basic ingredients. The National Academy of Sciences-National Research Council, in its drug-efficacy study for the FDA, has already reviewed 400 nonprescription drugs which are broadly representative of thousands of drugs on the market. Many drugs have been found to lack the substantial evidence of efficacy required by law. The FDA's own study, which is expected to be completed in about three years, should drive dangerous items from the drugstore shelves, increase consumer confidence in worthwhile products, and spur the manufacturers to formulating better products for self-prescription.

There is little doubt that our Senate hearings were influential in stirring Federal action. We found that there are three major government agencies with responsibilities in protecting the consumer. These agencies are the Federal Communications Commission, the Federal Trade Commission, and the Food and Drug Administration.

The law says that the FCC controls all radio and television channels and shall grant licenses for operating radio and TV stations only "if the public interest, convenience, and necessity would be served thereby." When I questioned Dean Burch, Chairman of the FCC, on this point, he felt that the task of checking on misleading television promotion of OTC drugs to children and adults rested with the FTC.

The law says that the FDA, in general, has the responsibility for ensuring the safety and efficacy of both prescription and nonprescription drugs. But a parade of FDA witnesses argued that action taken in the courts to combat false and misleading claims was frustratingly slow. The FTC has had similar experience.

Nobody was clear as to who has what jurisdiction, what resources, what authority to combat the drug culture as we see it enticingly portrayed on television.

In the meantime, the buildup continues unabated, with drugs filling in where cigarette advertising left off when it was finally banned from the air waves—with our children being taught to pick their own pills and brought up to believe that a pill is the answer to everything.

AMERICAN ASSOCIATION OF RETIRED PEOPLE

Mr. ALLOTT. Mr. President, I was pleased just prior to our recent recess for the Democratic Convention, to be invited to attend a portion of the Biennial Convention of the American Retired Persons Association, and the National Retired Teachers Association, being held in the District of Columbia.

I was especially pleased that the invitation was extended to me by members of the association from my State of Colorado and that it was possible for a number of those members and their families to be here for that convention.

For the information of my colleagues, I ask unanimous consent that a summary of the "14 Years of Achievement" of the American Association of Retired Persons be printed in the RECORD at the conclusion of my remarks.

An article in the June–July publication of this organization, "Modern Maturity" by Hubert Pryor, the editor, says:

Those who join AARP are brought together by the compelling need in today's culture for an identity and purpose that others would deny them or only pay lip service to. They know that working together, they can develop the activities and interests they could not develop alone.

That article concludes with a quotation from Robert Louis Stevenson which Mr. Pryor denominates as one signifying, in its deepest connotations, the aspirations of the American Association of Retired People:

So long as we love, we serve; so long as we are loved by others I should say we are almost indispensable and no man is useless while he has a friend.

With this philosophy, I am sure the accomplishments of the AARP, and the NRTA, will continue to grow during its 15th year and those which follow.

The organization's publication also contains an article about the centennial of the National Park System being celebrated this year and it includes a description of how our senior citizens can enjoy the camping facilities in our national parks. Particularly, in view of this, it gave me pleasure to convey the report to the Colorado people present at the Dr. Ethel Percy Andrus memorial dinner on June 14 that on the day before, the conference on the Golden Eagle Passport program bill, out of the Senate Interior and Insular Affairs Committee, of which I am the ranking Minority Member, had finally agreed on a provision in the Senate-passed bill, introduced by Senator ALAN BIBLE, which is of great benefit to persons 62 years of age or over. Under the terms of that provision, such persons are entitled to free admission to all units of our national parks as well as recreation areas administered by the Forest Service. They also are granted a 50-percent reduction of charges for the use of camping and similar facilities.

I was happy to cosponsor Senator BIBLE'S bill and commend him for not only the bill but also his leadership as chairman of the Parks and Recreation Subcommittee, acting chairman of the full Interior and Insular Affairs Committee and chairman of the conference, in all of which capacities he guided the bill to enactment.

For their contribution, I thank the AARP and all of its members in Colorado including those who were here from Colorado for the convention, Miss Olga Hellbeck, Pueblo; Mrs. M. Z. Joiner, Denver; Mrs. Ida Crockett, Clark; Mrs. Myrtle Jones, Grand Junction; Noralf Nessett, Colorado Springs; Arnold Johanson, Colorado Springs, and Julian Ebersold, Park.

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

FOURTEEN YEARS OF ACHIEVEMENT

1958

AARP is founded and incorporated under the laws of the District of Columbia as a voluntary, nongovernmental, nonprofit and nonpartisan organization, with a membership of mature men and women, proudly self-reliant who see in their retirement years a great opportunity for self-expression and self-fulfillment.

Modern Maturity, a bimonthly magazine, is published with full colored illustrations. It is dedicated to satisfying the social and cultural needs of mature individuals by providing a picture window on the world about. It also portrays to that world the true story of older folk as men and women of action: artists, writers, sportsmen, travelers, civic servants and welfare volunteers—first issue October-November.

AARP Health Insurance Plan, a special group policy underwritten by one of the leading insurance companies of the United States, makes its appearance as the first nationwide health insurance for all persons 65 and over. The U.S. Department of Health, Education, and Welfare named this accomplishment a significant social achievement.

AARP Travel Service offers the Grand Circle Tour of Europe geared to the interests of the

mature, personally conducted with cost all-inclusive.

1959

AARP Services and inaugurated, among which are the following:

AARP Drug Service with its first unit in Washington, D.C., offers drugs, prescriptions, vitamins, medical appliances and other health aids at substantial savings to members.

Veterans Administration Volunteer Service welcomes AARP participation.

AARP News Bulletin makes its appearance.

AARP Geriatric Nursing Home, the Acacias, is established and opens in September.

AARP Hospitality House opens in St. Petersburg, Florida.

Executive Headquarters are located in Washington early in the year and staff increased.

AARP testifies at the House Ways and Means Committee and Senate Sub-Committee Hearings.

1960

AARP Health Insurance offices and programs expand, due to membership demand.

AARP President named to National Advisory Committee for White House Conference on Aging.

AARP conducts, in St. Petersburg, an Open Forum called the "Little White House Conference on Aging" at which 2,000 persons in attendance discuss "Aging with a Future," with national leaders as speakers.

AARP opens the second drug service, the Florida Retired Persons Pharmacy in St. Petersburg.

AARP testifies at the Congressional investigation of the Drug Industry and its rate of profit.

AARP explores housing problems of older persons.

AARP presents "Ever Since April," a play written for the Association to depict the tragedy of chronologically enforced retirement and the hero-victim's restoring his self-respect through concern for others.

The Social Security Information Officer, begins a page report for each issue of Modern Maturity.

AARP's Executive Staff conducts a week of lectures and discussions at Chautauqua on "Modern Maturity for a Brighter Tomorrow—A Positive Approach for Enriching the Later Years."

AARP's First Chapter is organized.

AARP Drug Service, in Washington, D.C., expands, necessitating removal to more commodious quarters.

AARP absorbs the membership and obligations of the Journal of Lifetime Living.

1961

AARP participates in White House Conference on Aging, a national forum called to consider fact-finding from all the states, recommending: the development of plans for action to assure older persons equal opportunity to engage in gainful employment; to provide housing suited to their needs at a price they can afford to pay; assistance in developing studies and interests to make aging a period of reward and satisfaction.

AARP co-sponsors Freedom House with Douglas Fir Plywood Association.

AARP cooperates with the U.S. Treasury Department in developing a pre-retirement program for its employees.

AARP and NRTA members express interest in the good of the newly organized Retirement Research and Welfare Association, a philanthropic association whose report on Retirement Conditions was presented at the White House Conference on Aging.

AARP Travel Service adds Southern Mediterranean and Scandinavian Tours to its popular Grand Circle Tour.

AARP expands its Health Insurance Program with a new history-making Out-of Hospital Major Medical Plan.

AARP and NRTA appoint a Legislative Council of twenty-one persons.

1962

AARP, in conjunction with NRTA, holds its first series of Area Conferences.

AARP's and NRTA's Denver Convention is remarkable for the inspirational message of Estes Kefauver, the crusader for purity of drugs, consumer protection and freedom of AARP Blue Print on Aging, advocating the establishment of National, State and Local Commissions on Aging and a Senior Service Corps.

AARP makes available for its members a low-cost Testamentary Life Insurance.

AARP plans and conducts a week-long Chautauqua Institute on "The Changing Image of Aging."

AARP Travel Service adds British Isles Tour to its European Tours.

AARP dedicates a Hospitality House in Long Beach, California.

AARP's growing family of chapters continues to expand.

AARP Mmbers respond to questionnaire regarding "Employment After Retirement." The Report by Retirement Research and Welfare Association is published in *Modern Maturity*.

AARP initiates pilot demonstration projects in counseling, training and placing older workers, in cooperation with the Department of Labor and State Employment Offices.

AARP Drug Service has expanded, requiring additional office space in Washington, D.C.

AARP continues to keep vigil on National Legislation and Social Security developments; continues to offer Congressional Committees considered testimony and statements on matters affecting older people; and keeps the membership currently informed through the columns of AARP publications.

1963

AARP Travel Service inaugurates its first Around-the-World by air tours and offers its first European Air-Tour and Caribbean Cruise.

AARP begins its hearing aid service for members at reduced prices (discontinued in 1965).

AARP with NRTA announces it will participate at the New York World's Fair 1964–65 and their officers and Fair officials break ground for the Association's Dynamic Maturity Pavilion.

ARP International is organized in Copenhagen and expansion to other lands begins.

AARP Hospitality House in Washington, D.C., is officially opened in August.

AARP establishes its Institute of Lifetime Learning and Every Wednesday Morning Lecture Series in the Dupont Circle Building in Washington, D.C., in September.

AARP in conjunction with NRTA holds nine Area Conferences thus establishing the plan of Area Conferences to be held during the odd numbered years and alternating with National Biennial Conventions on the even numbered years.

AARP's third drug outlet, The California Retired Persons Pharmacy, opens in Long Beach.

AARP and NRTA receive Freedom Foundation Awards for their publications *Modern Maturity* and the NRTA *Journal* with a third award to their Editor.

1964

The Dynamic Maturity Pavilion is opened at the New York World's Fair on April 22, 1964, with its Hall of Fame, picturing AARP's and NRTA's officers nationwide and illustrating the accomplishments of the Associations.

Hospitality Centers are busily welcoming members in St. Petersburg, Long Beach and Washington, D.C.

AARP Chapters now number 300.

Institute of Lifetime Learning program has growing popularity and adds new courses.

Drug Service in Washington, D.C. moves to a new and larger location, and expands its Drug Service in Long Beach, California, into new and more adequate quarters.

Grand Circle Part II Tour, Swiss Holiday and Tour, American Heritage Tour, are all added to the expanding Travel program.

AARP holds its first independent Biennial Convention in Rochester, New York, June 14–18.

AARP Membership Division moves into its larger and more functional building, newly constructed in Ojai, California.

AARP story in *Reader's Digest* on "Dynamic Retirement is Their Goal" results in 100,000 inquiries.

1965

AARP membership participation in Retirement Research and Welfare Association enables it to conduct its own projects related to the health and welfare of the aging and also contribute financially to outside philanthropic projects.

Travel Service offers its first World Cruise and Tour.

Drug Service extends mail order service in the states of California and Florida from its Long Beach and St. Petersburg locations.

AARP and the American Medical Association cooperate in health information program and AARP introduces its emergency Medical Alert and identification card.

AARP highlights its Church and Industry Programs.

New Hospitality Lounge and Institute of Lifetime Learning quarters are opened in Long Beach, California. The Every Wednesday Morning Lecture Series is inaugurated.

AARP enters the pre-retirement field with the publication of *Dynamic Maturity*, a bimonthly magazine focused on the needs of persons approaching retirement and needing help to build a satisfying rewarding maturity.

AARP Travel Service adds a Western Division and tours to its expanding program.

AAPU nation-wide organization plan is established through the appointment of nine Area Vice Presidents, nine Area Associate Vice Presidents and State Directors for the majority of the states.

Dynamic Maturity Pavilion closes October 17, having had a total attendance of 450,000 persons for 1964–65.

AARP with NRTA holds a third series of nine Area Conferences, the theme being "For What Do We Strive in '65?"

1966

AARP introduces its new "Coordinated-Care" Group Health Insurance Program to supplement Medicare, underwritten by one of the leading insurance companies of the United States.

AARP requires Chapters to adopt standard bylaws and assists them to become incorporated under the laws of their own states.

AARP opens three centers for Consumer Information: Washington, D.C.; Long Beach, California; St. Petersburg, Florida.

AARP's Presidential, Editorial and Chapter Offices are now located in Long Beach, California.

AARP maintains in Washintgon, D.C., the offices of the Executive Vice President, the Executive Director, the Federal and Legislative Relationships, the Church, Industrial and Community Divisions and the Institute of Lifetime Learning with Hospitality Lounge and Every Wednesday Morning Lecture Series.

AARP breaks ground for the building expansion of the geriatric nursing home, Acacias, in Ojai, California.

AARP completes months of earnest study exploring the problems of hearing aids. Conclusions indicate that it is not possible to obtain an adequate price-saving hearing aid for members.

AARP Travel Service expands travel get-

together programs and offers increased number of tours.

AARP legislative staff prepares an informative pamphlet, "Tax Facts for Older Americans," available at cost of printing and mailing.

AARP International officials participate in the 7th International Congress of Gerontology in Vienna, Austria, and present awards for significant contributions to retirement living.

AARP holds its Biennial Convention in Salt Lake City, Utah, September 7–9, with an exciting and stimulating program of inspiration, business, tours and entertainment.

AARP offers radio 13-week courses entitled "Let's Listen to Lifetime Learning," recorded on tape by the Long Beach Institute of Lifetime Learning and made available upon request to radio stations on a loan basis.

AARP's Modern Maturity begins presentation of a Home Study Course, "The World's Great Religions."

AARP's Public Relations Department inaugurates a Speakers' Bureau to co-ordinate speakers from national headquarters, elected and appointive officers and representatives of the services.

1967

AARP's Western Headquarters moves to a new location, Times Building, Long Beach, California, where the California Retired Persons Pharmacy, Travel Service, Western Division; Insurance Plan offices; Institute of Lifetime Learning and Hospitality Lounge can have more adequate space and be located in the same building.

AARP Insurance Plan Headquarters transfers to Philadelphia, to expanded facilities and program, but still maintains offices in Washington, D.C.

AARP Travel Service, Western Division, offers greatly expanded program and increases its staff to service tours and cruises from the West Coast.

AARP with NRTA conducts its fourth series of nine Area Conferences with "Pride in Participation" being the theme of each conference.

AARP aids in the development of an automobile insurance program, Driverplan 55 Plus, introduced by states and underwritten by American Maturity Insurance Company of Philadelphia, Pennsylvania.

AARP co-sponsors with the National Safety Council a Defensive Driver Improvement Course to be offered to members in states where Driverplan 55 Plus insurance is available.

AARP's Board of Directors adopts necessary revisions in the Bylaws to strengthen management affairs of the Association and officer progression. The post of Executive Director is divided into five areas of responsibility with an Executive Director assigned to each: National and International Relations; Services; Membership and Publications; Field Operations and Development; Business Management.

AARP expands its Standing Committees to include Public Affairs Committees with greater emphasis on local and national community involvement.

AARP's Drug Service adds a line of convalescent supplies to its service to members.

AARP and NRTA complete the construction of addition to Acacias Nursing Home which increases the capacity to 50 patients. A new approach to nursing care is inaugurated in the Andrus Apartments—eight semi-care units.

AARP's philanthropic interest, Retirement Research and Welfare Association, moves from the Washington, D.C., Eastern Headquarters to the Western Headquarters in Long Beach, California.

AARP with NRTA establishes Regional Offices in Atlanta, Georgia; Kansas City, Missouri; New York City; Toledo, Ohio; and Long Beach, California. The responsibilities of these offices are assigned to Regional Representatives.

AARP's Founder and President, Dr. Ethel Percy Andrus, suffers a heart attack and expires July 13, 1967. Mr. George W. Schluderberg succeeds her as President.

AARP with NRTA holds a National Memorial Service in memory of Dr. Andrus in Washington, D.C., on August 23 and a Western Memorial Service at Lincoln High School in Los Angeles, California, on September 17.

1968

AARP's *Modern Maturity* presents a Memorial Edition in commemoration of its Founding Editor, Dr. Ethel Percy Andrus.

AARP's publications' editorial responsibilities are assumed by a new editor and additional members are added to the editorial staff.

AARP with NRTA appoints the Dr. Andrus National Memorial Committee for the purpose of researching and recommending an appropriate memorial to their Founder.

AARP's Group Insurance Program now has offices in St. Petersburg, Florida; Washington, D.C.; Chicago, Illinois; Denver, Colorado; Los Angeles, Long Beach and San Francisco California; in addition to the home office in Philadelphia, Pennsylvania.

AARP's Travel Service now offers group tours everywhere in the world from its two locations, New York City and Long Beach, California.

AARP's Institute of Lifetime Learning offers consultant service to AARP Chapters interested in founding an institute as a service to their members. The radio series is expanded with two additional series, "Let's Listen to Our Executive Directors" and "Let's Listen to Our Instructors." These tapes are available on a loan basis from the Institute of Lifetime Learning in Long Beach, California.

AARP continues to keep members informed of legislation affecting older Americans and frequently testifies at hearings of both Senate and House committees.

AARP Chapters now number 500.

AARP's Executive Committee of the Board of Directors holds quarterly meetings during the year. The Board of Directors meets twice, in January and in September.

AARP arranges with the Sheraton Hotel Corporation of America for special reduced rates for members on presentation of a valid membership card for week-end reservations.

AARP is awarded a National Safety Council citation in recognition of its nationwide Defensive Driving Program.

AARP holds its third Biennial Convention in Pittsburgh, Pennsylvania, September 4–5–6 with a delegate assembly of 250 members conducting business sessions and programs of inspiration and entertainment and tours of the city. Attendance exceeds 1,000.

AARP Biennial Convention reports include one by the Dr. Andrus Memorial Committee on its research and evaluation of more than 200 suggestions of an appropriate memorial to its founder. The recommendation to establish the Ethel Percy Andrus Gerontology Center at the University of Southern California in Los Angeles as a memorial in keeping with Dr. Andrus' humanitarian philosophy is approved by the Board of Directors and delegates.

AARP and *Modern Maturity* receive Freedom awards.

AARP establishes a Regional Office in Salt Lake City, to serve Area VIII.

AARP and NRTA approve changing the name of the Western Headquarters from the Times Building to the Andrus Building.

AARP and NRTA publish a collection of Dr. Andrus' selected editorials in a book entitled "The Wisdom of Ethel Percy Andrus."

AARP members, chapters and business friends send contributions to Retirement Research and Welfare Association in memory of the late Dr. Andrus, founder of AARP and RRWA. The sum of these contributions constitutes the first donation to the Dr. Ethel Percy Andrus Memorial Fund, established for the purpose of receiving tax exempt contributions toward the total pledge of $2,000,000 made by AARP and NRTA for the construction of the Ethel Percy Andrus Gerontology Center.

AARP membership is over 1,250,000.

1969

AARP Chapters, planning to conduct an Institute of Lifetime Learning, are offered a guidebook, "Formula for Success" by the Institute of Lifetime Learning, Washington, D.C. The Institute introduces its "Home Study" program making available the first three courses.

AARP Board of Directors approves changes in titles to establish one Executive Director and three Directors: Services, National Affairs, Membership Processing and Publications.

AARP's Legislative Staff prepares the 1969 edition of "Tax Facts for Older Americans" and the Legislative Council holds its annual meeting to plan legislative objectives to benefit older Americans.

AARP's Insurance Service offers a Nursing Home and Nursing Care Plan to members.

AARP with NRTA holds the fifth series of nine Area Conferences, the theme being "Our Proud Heritage and You." The Associations' film, "Dynamic Maturity," is shown at each Conference. Total attendance at the nine Conferences reached 10,000.

AARP's fourth drug outlet, Missouri Retired Persons Pharmacy, opens in Kansas City, Missouri to serve all states.

AARP Travel Service adds four U.S. tours to its ever increasing world-wide program providing tours for every month of the year.

AARP members contribute to the purchase of more than 10,000 copies of the book, "The Wisdom of Ethel Percy Andrus" thus placing it on the best-seller list.

AARP booklets on topics of interest to members are published during the year.

AARP and NRTA serve as the delegate agency to administer Project Work (Wanted: Older Residents with Know-how) for the Office of Economic Opportunity in Long Beach, California, through a matching grant from O.E.O.

A second O.E.O. program, "Project Late Start," is also administered from Washington, D.C. by the two Associations. AARP and NRTA are awarded a grant by the U.S. Department of Labor to administer the "Community Aides Project" in six cities.

AARP establishes Regional Offices for Area VII in Dallas, Texas; for Area III in Washington, D.C., for Area I in Boston, Massachusetts. It now has a Regional Office in each of the nine areas.

AARP announces the availability of temporary employment for members through the services of Mature Temps, Inc. in two major cities with plans for extending the service nationwide to 20 other cities.

AARP Book Buying Service arranges with book publishers to offer titles at a reduced price to members through its introductory catalog.

AARP membership totals 1,800,000.

1970

AARP Membership Division expands to larger quarters by moving from Ojai to the Andrus Building, Long Beach, California.

AARP announces the generosity of contributions made to the Dr. Ethel Percy Andrus Memorial Fund as it passes the halfway mark toward the pledged goal of $2,000,000.

AARP's Legislative Counsel and staff conduct the annual meeting of the Legislative Council to outline the legislative objectives

and priorities for the year and hosts members of Congress and leaders of allied organizations.

AARP co-sponsors a pilot project "Income Tax Help for the Elderly by the Elderly" under the auspices of the Institute of Lifetime Learning with volunteer personnel trained by the Internal Revenue Service to assist members in 18 cities with their Income Tax Returns.

AARP with WPIX, New York City, co-produces a color television series "The Golden Years," for nationwide distribution.

AARP's pre-retirement program makes available to business and industry a series of publications as well as subscriptions to *Dynamic Maturity* and memberhip in AARP.

AARP chapters over 700 in number necessitate the appointment of additional volunteer directors in many states.

AARP members in Washington, D.C., may now attend Institute of Lifetime Learning Classes, without cost of travel, under the newly inaugurated decentralized plan of holding classes in several locations in the area.

AARP members are offered a life insurance policy, "Coordinated Life" in addition to health and automobile insurance plans.

AARP holds its fourth Biennial Convention in Oklahoma City, Oklahoma, at the Skirvin Hotel, May 19–20–21, with "Action in the 70s" as the theme. The delegate assembly elects national officers for the two-year term, 1970–1972, and members of the Board of Directors for the class of 1976. Mr. Fred Faassen becomes the Association's third president.

AARP News Bulletin become a monthly publication beginning with the June issue.

AARP officials attend the site dedication ceremony, June 2, for the Ethel Percy Andrus Gerontology Center on the Campus of the University of Southern California.

AARP contributes to the planning for the 1971 White House Conference on Aging through a financial donation and the assignment of the services of one of the Washington, D.C., full-time staff members.

AARP–NRTA Pharmacy, Washington, D.C., adds a "walk-in" department to its nationwide mail order service.

AARP Travel Services include off-season tours for members who prefer to travel in the fall and winter months.

AARP's two-millionth member visits the nation's Capital where he and his wife are welcomed to the White House by President Richard M. Nixon and to the Washington Headquarters by AARP's president and staff.

AARP's first chapter, Youngtown, Arizona, celebrates its tenth anniversary on the first day of October.

AARP-recommended individual Scheduled Benefit Accident Policy is made available to all members.

AARP membership exceeds 2,211,000.

1971

AARP elected and appointed officers and staff members attend the groundbreaking ceremonies for the Ethel Percy Andrus Gerontology Center at the University of Southern California, Los Angeles, on January 20.

AARP Legislative Council's annual meeting to outline the legislative objectives for the year is highlighted by a visit to the White House to meet President Richard M. Nixon.

AARP with NRTA plans to hold nine area conferences during the year. The theme for this sixth series is "Developing Strategy for Aging in the 70s".

AARP with NRTA launches the expansion of their "Consumer Information Desk" program designed to help older Americans avoid frauds and stretch the shopping dollar.

AARP–NRTA Regional Office is established in St. Petersburg, Florida, with an Assistant Regional Representative assigned to the State of Florida.

AARP and NRTA members, attending the Area VII Conference in Dallas, Texas, witness the presentation of the first Institute of Lifetime Learning Charter to the sponsoring groups, San Antonio AARP Chapter No. 95 and San Antonio RTA.

AARP News Bulletin is enlarged to tabloid size beginning with the June issue and will continue to be published monthly, with the exception of a combined issue for July-August, and will be edited by a Washington, D.C., staff, independent of the editorial staff of Modern Maturity.

AARP with NRTA inaugurates a new Vacation-Holiday program to be held in five different locations.

AARP and NRTA members attending the Area V Conference in Chicago at the Pick Congress Hotel are honored by the personal appearance of President Richard M. Nixon to deliver a major address to more than 3,000 members.

AARP's pre-retirement planning program now has more than 760 business and government employers providing gift subscriptions to Dynamic Maturity magazine for employees nearing retirement age.

AARP Travel Service now offers nine motor-coach tours for those members who prefer to travel in the United States. Six new 14-day tours to Europe are added to its ever expanding travel program.

AARP Insurance Plan Headquarters in Philadelphia move to new and expanded offices.

AARP and NRTA officials, four in number, appear on a nationally televised show to discuss the activities and services of the Association.

AARP-NRTA Pharmacy Service establishes a fifth location in Hartford, Connecticut.

AARP establishes a new division known as Action for Independent Maturity (AIM) structured for persons 50 to 64 years of age and still employed. *Dynamic Maturity*, enlarged in size and edited by an independent editorial staff, becomes the official bimonthly membership publication for AIM with its November issue.

AARP-recommended Lifetime Income Plan, designed for members with sufficient financial means to consider annuities, is offered to members.

AARP members and staff, numbering 26, are official delegates attending the White House Conference on Aging, November 28-December 3. Deeply involved since its inception the Association prepared and published four booklets for distribution to the more than 3,500 delegates.

AARP-NRTA Area IX Conference in December, brings the total attendance during 1971 to over 18,000. Area Conferences have been held in 47 different cities since the first series in 1962.

AARP membership totals 3,137,293.

1972

AARP announces the successful achievement by the Dr. Ethel Percy Andrus Memorial Fund of its pledged goal of $2,000,000.

AARP-NRTA Legislative Council holds its annual meeting to determine the priorities and legislative objectives for the year.

AARP members in 43 states may have free assistance from the more than 1,000 volunteer tax counselors, trained by the Internal Revenue Service, through the Tax Aid program administered by the Institute of Lifetime Learning.

AARP with NRTA inaugurates a health education program, Vigor in Maturity (VIM), to be made available to local groups.

AARP members may participate in Vacation-Holiday programs in 10 different locations this year.

AARP honors its three-millionth member at a ceremony in Boston, Massachusetts.

AARP arranges special rate privileges for Association members with Marriott Hotels, Inc., and Rodeway Inns of America in addition to the Sheraton Hotels and Inns.

AARP's 1,000th chapter, Media, Pennsylvania, receives its Chapter Charter.

AARP secures special rate privileges for members through arrangements with Avis Rent-A-Car System, Inc., and Hertz Rent-A-Car.

AARP holds its fifth Biennial Convention in Washington, D.C., at the Sheraton Park Hotel, June 12–15. The delegates assembly elects national officers for the two-year term, 1972–74, and members of the Board of Directors for the class of 1978. Mr. Foster J. Pratt becomes the Association's fourth president.

THE NATIONAL INSTITUTE OF JUSTICE NEEDED TO ESTABLISH PRIORITIES AND GOALS IN LAW ENFORCEMENT

Mr. HUMPHREY. Mr. President, once again I invite attention to the grave shortcomings of the current Law Enforcement Assistance Administration, established as a crimefighting unit within the Department of Justice 4 years ago.

A very comprehensive article about the LEAA appeared in the Washington Post yesterday. Written by Nick Kotz and Bob Woodward, the article is entitled, "U.S. Adrift in a Crime Fight; Federal Aid Marred by Politics, Confusion."

According to the authors:

LEAA money is still not getting out to the program.

Only 49 percent of funds allocated since 1968 have been spent.

Millions of dollars are tied up in bank accounts, drawing interest, in violation of the law.

LEAA has no clear direction or priorities.

Evaluation mechanisms are lacking.

While President Nixon is claiming that the fight against crime is being won, and pointing to the crime statistics, his chief crimefighter, and LEAA Administrator, Jerris Leonard, is far more cautious. In fact, one of his high priorities is to redesign crime statistics so that he can have more confidence in them.

Leonard is quoted as saying:

> There isn't any empirical proof available, or measurement available today, so that you can show that infusion of "X" numbers of dollars in this particular area has had an impact broadly across the crime scene, so that you can say that there was a direct overall resulting crime reduction.

He calls some of the claims about the reduction in crime rates "stretching a point," and says:

> Now that doesn't do the citizens of Philadelphia any good, because their crime rate is up, not down.

In 1968, President Nixon called for decisive action against crime in the United States. When he became President, the budget of LEAA was $63 million. By the end of fiscal year 1971, its third year of operation, LEAA had expended $860 million of Federal funds. Yet, where has this money gone? With a lack of coordination among police, courts, and corrections personnel and philosophies, Kotz and Woodward point out that—

Despite the new efforts at cooperation, there still exist fundamental disagreements about who should get the federal aid and how it should be spent.

Most city officials contend that state officials, who are now responsible for distributing funds, divide the money for maximum political benefit rather than concentrating on urban areas with the worst crime problems.

Overall the federal crime-stopping program still seems to be adrift—caught in a maze of politics, bureaucracy and somewhat confused purposes.

Clearly, the evidence of this article has shown us that our energies must be directed to the improvement and reform of the entire justice system through an informed coordination of review, research and reform.

The legislation to create a National Institute of Justice, introduced recently by me and Senators METCALF, BIBLE, MOSS, BAKER, PERCY, RANDOLPH, STEVENSON, and MONDALE, is addressed to this need. No longer can we act half-heartedly or blindly to halt crime. The great minds of America must come together to seek solutions of the broadest application to the judicial, criminal and corrections systems, or we shall never effectively combat crime.

I ask unanimous consent to have printed in the RECORD this useful article by Nick Kotz and Bob Woodward, and excerpts from an interview with Jerris Leonard, Administrator of the Federal Law Enforcement Assistance Administration.

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

UNITED STATES ADRIFT IN CRIME FIGHT—FEDERAL AID MARRED BY POLITICS, CONFUSION

(By Nick Kotz and Bob Woodward)

The Nixon administration's multi-million-dollar war on crime is being fought with some unusual weapons. They include mini-bikes for California youngsters and Army tanks for Birmingham, Ala., policemen.

The federal government's anti-crime program gave $422,073 last year to California for the "National Youth Project Using Mini-Bikes." Mini-bikes are described in the grant application as "outreach tools" to attract junior high school students. The project aims "to develop and improve their self-concept thereby reducing juvenile delinquency and to promote safe off-street mini-bike use."

The project manager says the program is a smashing success, reaching thousands, and he's asking for $700,000 more this year.

The federal anti-crime effort soon will supply the Birmingham police department with three Army tanks, costing $67,000 and ordered by a former police chief concerned with riots.

"It's ludicrous really," says Birmingham Police Capt. Jim Parsons. "The best use probably would be to paint them pink, mount firehoses on the top, and let poor kids play in the water."

Yet the same police officers who criticize tanks and mini-bikes believe they have been helped by other federally * * *.

Parsons, who in 1971 was named "Alabama Police Officer of the Year," is enthusiastic about a new multi-channel communications system that "is cutting down on our response time in answering crime calls" and a psychological testing program "that we hope will help us recruit people who are temperamentally suited to be good police officers."

Overall, however, despite improved administration and some successful and innovative projects, the federal crime-stopping program still seems to be adrift—caught in a maze of politics, bureaucracy and somewhat confused purposes. In addition, even the experts disagree and are not sure how to cut down on crime.

Interviews with elected officials and police officers in several parts of the country indicate a continuing controversy over the effectiveness and proper use of federal aid to reduce crime and to improve the nation's criminal justice system.

The federal program is administered by the Justice Department's Law Enforcement Assistance Administration (LEAA) and was authorized by the 1968 Safe Streets Act. Congress broke precedent with the tradition of keeping the federal government out of local law enforcement because of concern over urban riots, a startling rise in violent crimes and a realization that local law enforcement agencies were crippled by lack of funds.

Rarely has so much federal money been made available so fast with so little control. States and local governments have received $1.5 billion with $850 million more being distributed this year.

LEAA has gone through numerous transformations of shape, purpose and leadership in its stormy four-year life. It originally was paralyzed by a bipartisan, three-man leadership imposed by a Congress distrustful of former Attorney General Ramsey Clark. It has had three directors, and for one 10-month period, had none.

TANGLED IN POLITICS

The emphasis on spending has shifted repeatedly: from anything "innovative" to any kind of traditional equipment, from equipment to "people programs," from loose federal supervision to ever stricter federal rules and audits, from state control to more city control over funds, from an emphasis on police to an increased emphasis on courts and prisons.

And from the outset the program has been tangled in partisan national politics. The effectiveness of the program is certain to become an issue in the 1972 election campaign since President Nixon pledged in his 1968 campaign to reduce crime and now claims LEAA has produced results.

The President said last week that his administration is winning its battle "to roll back the wave of crime which swept our nation in the 1960s." He attributed reduced crime rates to his emphasis on crime control, increased federal aid through LEAA, and his appointment of "no-nonsense judges." As proof of success, he cited FBI-compiled national statistics showing that crime increased only 1 per cent in the first quarter of 1972, compared with a 6 per cent rise a year earlier.

Many Democrats, including members of a House government operations subcommittee, respond that the LEAA program has been marked by monumental mismanagement, waste of funds, and a failure to reduce crime.

Some critics also contend that the program's failures indicate the unworkability of the President's revenue sharing proposals. Most LEAA funds are awarded to states in "block grants" with far fewer restrictions than in traditional federal aid programs. Under revenue sharing, the federal government would have even less control over how funds are spent.

LEAA Administrator Jerris Leonard, in an interview last week, was far more cautious and modest than the President or Attorney General Richard Kleindienst in claiming that Republican efforts and LEAA funds have had definitive results in reducing crime.

He said many in criminal justice question the accuracy of the present crime reporting system. "The best you can do from crime statistics is get a direction," he said. "We're headed in the right direction. But to argue that therefore we were 12 percentage points better in 1971 than (former Attorney General) Ramsey Clark was in 1968 is really stretching a point."

Furthermore, Leonard said LEAA is for the first time trying to develop methods of measuring the effectiveness of various crime fighting efforts.

At present, he said, it cannot be proved that a specific federal aid program helped reduce crime because "you are talking about many variables—the entire attitude of the country and parts of the country, the economic situation, the extent to which other federal programs are in fact successful, the war in Vietnam."

A review of the LEAA 450-page annual report shows that police in nearly every state have received money to set up a special organized crime units and special civil disturbance units.

In addition, the most popular police programs include crime labs, computers, communication gear and helicopters.

Drug programs, special studies, seminars, prosecutor training, and judges' conferences are popular court and corrections projects.

Some companies were formed for the apparent purpose of selling equipment or consultant services to law enforcement agencies.

"Under the provisions of the Safe Streets Act, sophisticated, micro-miniature intelligence equipment (wiretapping, eavesdropping and alarm devices) is available to your department," declares a flyer of the B. R. Fox Co. of Holmes, N.Y.

Sometimes, police chiefs changed their opinions of various problems after federal aid became available.

For example, D.C. Police Chief Jerry V. Wilson always played down the mention or possible existence of organized crime here until he sought LEAA funding for a 12-man unit at a cost of $313,234.

"The problem of organized crime has been identified as a very real and serious threat to the citizens of D.C.," Wilson said in the grant application.

On the positive side, officials at all levels say that LEAA has accomplished the following:

Provided the major funding source for innovation, experimentation and in-depth analysis of law enforcement.

Created, if not forced, planning and the first real exchange among the police, courts and corrections officials.

Raised the possibility of dramatic change, especially in corrections where some officials are reconsidering the question of whether putting criminals in jail is the best rehabilitation.

Focused on the drug problem, and provided much of the funding for narcotics programs, whether it be through the methadone maintenance that provides the heroin substitute to addicts or through stepped-up federal and local police enforcement.

"I think the program is a success today," says LEAA Administrator Leonard. "And I think anyone who didn't admit that this program was in deep trouble at one time just isn't being realistic."

Even some of the program's critics acknowledge that Leonard has improved administration and cut down on wasteful or illegal uses of funds.

NARCOTICS PRIORITY

Describing the atmosphere at the first state meetings of policemen, judges, prosecutors, and corrections officers, Leonard said: "Everyone tried to figure out what the hell it was we were there for. These were people who had been enemies, really. They were enemies for the simple reason that there was never enough money, so they were always fighting for a pie that was too small. And they couldn't think in a systems way. It didn't occur to the judge that if the police arrested more people, that was going to create a problem for him in his court. Nor did it occur to the corrections people that as more people

were convicted, something had to be done with them after sentencing."

Stressing the new cooperation, James Mercer, chief of planning of the California program, said criminal justice officials for the first time have agreed on priorities.

Mercer said the state crime agency made narcotics abuse its first priority and has funded 60 programs all over the state, "in which narcotics agents are working together." In another coordinated effort, he said police in the six largest California cities are concentrating on preventive measures to decrease burglaries.

Despite the new efforts at cooperation, there still exist fundamental disagreements about who should get the federal aid and how it should be spent.

Most city officials contend that state officials, who now are responsible for distributing funds, divide the money for maximum political benefit rather than concentrating on urban areas with the worst crime problems.

TOO MUCH POLITICS

"They're spreading the money around too thinly," says Capt. Palmer Stinson of the Oakland, Calif., police department. "One city may have 50 to 60 per cent of the crime in a region but it doesn't get enough funds."

William Lacy, director of the Chicago program, complains, for example, that the village of Cahokia was given money for take-home police cars even though the chief said there was no crime problem. "If it was a $25 billion program that would be okay," says Lacy. "I think the intent of Congress was to attack the problem where it is. There's too much politics in the distribution of funds."

"We've had problems with the state planning agency," said Birmingham's Capt. Parsons. "It's been pretty common throughout the country. Many state governments have been traditionally rurally dominated and any government agency will sooner or later reflect its political environment.

"Some of the rural sheriffs with political pull at the state level were able to get a lot of money for gadgetry. One sheriff's office with 18 men got closed circuit television, vehicles, and riot control equipment. He was funding his whole operation with federal funds."

Parsons said Birmingham, with the state's largest population and largest crime problem, received only $89,000 out of $8 million distributed in Alabama the first few years of the program, but that changes in the federal law are now forcing the state to pass more money to the city.

St. Paul Mayor Lawrence Cohen, expressed the same complaint, saying: "A lot of the money is being given to towns that don't need it. It's political expediency. There are a lot of political power plays. We have a small college town that received several thousand dollars for riot equipment. It's never had a riot or a threat of one."

Cohen, along with many officials, feels that hundreds of millions of dollars may have been wasted because LEAA did not initially require testing of program effectiveness.

For example, St. Paul, Minn., received more than $200,000 for a program in which 125 police cars were purchased for patrolmen to take home at night and drive when off-duty. "The idea was that if you made police cars obvious in all parts of the community it would reduce crime," says Cohen. "I doubt that it reduced crime, but we don't have any way of knowing. The program was implemented without any controls or methods of measuring results.

"Let's face it. The cities were out shopping. It's like they went to a supermarket. And I don't think a lot of cities made the commitment to carry programs once the federal funding stopped. So what are the lasting results? There aren't any."

Local officials disagree over whether more adequate anti-crime efforts would result from President Nixon's revenue sharing plan.

Captain Stinson in Oakland believes revenue sharing would eliminate "the worst bureaucratic problems" in getting the money to cities that need it most.

Captain Parsons in Birmingham opposes revenue sharing and would like to see "more stringent controls so that those who are willing to develop good projects would get all the money." He adds: "You can throw money in by the bushel basket and not improve enforcement. If you gave some of these people money with no strings, they would never buy anything but hardware, or they would cut back on the local share and just use federal funds to replace it."

LEAA's Leonard is in the difficult position of trying to justify a revenue-sharing plan in which his agency would be eliminated—at the same time he is asking Congress for more money so he can increase tougher auditing and supervision of state and local government.

Beyond any question, Leonard's chief preoccupation to date has been with strengthened federal monitoring to improved state and local programs and to eliminate abuses.

Leonard's need to correlate his real problems today with the administration's future plans produces some apparent inconsistencies.

For example, Leonard said he will again request increased funds for auditing state and local programs in 1974, but in 1975 he will start the process of reducing his agency's size to meet the goal of eliminating it by 1981.

The most concrete disagreements over LEAA spending concern the uses of money, particularly for purchase of equipment.

UNUSUAL PROJECTS

The Democratic majority on a House government operations subcommittee headed by Rep. John Monagan (D-Conn.) charged several months ago:

The block grant programs of LEAA have too often been characterized by inefficiency, waste, maladministration, and in some cases corruption . . . Too large a proportion of these funds have been wasted on diversion for partisan political purposes, on exorbitant consultants' fees, on equipment and vehicles which are misused or not needed, on excessive payments to equipment suppliers resulting from widespread absence of competitive bidding and unethical relationships between state and local officials and suppliers' representatives."

The committee's Republican minority replied that abuses of the program were isolated ones, and claimed that LEAA had moved to correct virtually all the problems cited in the report. The minority said—and many city officials agree—that the Monagan subcommittee completely omitted mention of innovative programs that were successful.

The emphasis on equipment has produced what are at least highly unusual projects. In addition to Birmingham's tanks, and California's mini-bikes, Washington Post inquires have turned up such projects as:

$175,000 to the U.S. Army to develop a homemade-bomb neutralizer. The Army contributed $30,000 to the project, but wound up receiving seven of the eight neutralizers. The Justice Department got the other one according to Ralph Miller, chief of munitions support at the U.S. Army Explosion Ordnance Center, Picatinny Arsenal, Dover, N.J. He said the 150-pound device, which injects a chemical into a package containing the home made bomb, is secret, the first of its kind, and designed to counter what he called "the radical threat." Miller said the Justice Department had its unit and a spare Army unit in Miami Beach for the Democratic National Convention and will have them there for the Republican National Convention next month. Cost for the Justice Department bomb neutralizer was about $175,000; the Army's expense was less than $5,000 for each unit, according to Miller.

RENOVATE LEAA OFFICE

The LEAA's National Institute of Law Enforcement and Criminal Justice, the research arm of the agency, granted more than $1.1 million in Maryland in fiscal year 1971. More than 90 per cent of that money went to federal agencies and nearly $350,000 to the Army.

$103,749 to the Maryland Department of Corrections to train 100 inmates to become welders in 1971. Though the money was received more than a year ago, not a single welder has been trained. Joseph Varese of the department said that most of the money of Corrections at Jessup for a welding classroom. The delay was unavoidable, he said, and it should start in September.

$344,862 to the city of San Clemente, Calif., during the last three years because "the residency of the President of the U.S. makes it necessary for the city to provide for crowd and demonstration control." Police Chief Clifford G. Murray said the money was obtained with ease and used to hire 10 more patrolmen, and equipment including two new police cars.

$395,424 to the Miami Beach police department for the national political conventions.

$65,094 to renovate LEAA administrator Leonard's 13th floor offices at 633 Indiana Ave. NW, including $6,023 for his bathroom, according to records in the General Services Administration.

Questioned about the emphasis on equipment spending, Leonard said: "There was a need for equipment. It's easy to write an equipment application and you spend the money quickly and so you go out and buy it.

"But more importantly, the vast majority of the funds were spent for communications equipment and every crime commission report has said that one of the basic problems the police have is their inability to communicate so they can reduce response time.

Leonard cited a "command and control" project in Dallas, utilizing computers which he said has reduced response time on police calls from 13 minutes to three minutes and has saved 18,000 man-hours of time.

He praised a $60 million Los Angeles equipment project in which the police dispatcher will classify an incoming call and computer equipment then "will literally dispatch the nearest units. The police car will have a computer terminal in it which will dispatch that car to the location."

A central issue is whether LEAA can best achieve crime reduction through a massive organizational and intellectual overhaul of the criminal justice system, called the "soft approach," or whether the "hard" solutions such as more and better police, prosecutors, judges, corrections officers and equipment will achieve those ends.

Following the release last spring of the Monagan report criticizing LEAA, administrator Leonard indicated he favors the hard solutions.

ACADEMIC APPROACH

The majority on the Monagan committee, Leonard said in a memorandum printed in the Congressional Record, "appear to be unable to come down hard against crime."

"Rather, they talk about such academic things as improving the criminal justice system, forgetting that the point of the program is to reduce crime."

Some of Leonard's staff, state administrators and perhaps even Leonard himself do not fully agree with that position.

It is perhaps an irony, or even conceivably a strength of the program, that the total LEAA picture includes as much of the soft, the "academic things," as the hard things.

In Chicago, for example, Leonard highly praised a program in which exconvicts are

given jobs in local government. "We're trying to see if good jobs will keep men from returning to crime," said Chicago director Lacy. "These ex-cons are pleased. They never dreamed they would be able to work for government. Hopefully, we will then be able to move them from government into private industry."

Another Chicago project features police community services aides to whom citizens can complain about police or other municipal service.

Sarah Carey, of the Lawyers Committee for Civil Rights Under Law, is generally critical of the program, yet praises a Massachusetts program "which has made impressive changes in the methods of handling juvenile offenders." The new system features community-based facilities, home treatment and other alternatives to trials and incarceration, and the closing down of old juvenile prisons.

Leonard stressed in an interview that he believes LEAA has made progress in meeting complaints of the Leadership Conference on Civil Rights.

The civil rights group charged LEAA with employment discrimination and with improperly aiding such agencies as the Alabama and Mississippi Highway Patrols, neither of which had a single black officer.

Leonard said his agency has hired more minority workers, although not enough to satisfy him. He contends he cannot do much more than seek to persuade states to end employment discrimination in law enforcement.

The most basic issue over LEAA's future is whether the agency is providing leadership to seek better answers to improving criminal justice and reducing crime.

In an interview last week, Rep. Monagan, chairman of the Subcommittee on Legal and Monetary Affairs of the House Government Operations Committee, said his staff's year-long study of LEAA shows that the program's leadership is still marked by "ineptness and ineffectiveness."

"The Nixon administration is trying frantically to provide evidence that they are controlling crime. There is no evidence, no visible impact to show they are," he said.

Since his subcommittee's very critical report was released in May, Monagan said the most recent figures available on LEAA show the same story of "paralysis."

For example, LEAA's own data show that, since the beginning of the program in 1968 to the end of last year, only $270 million of the $550 million allocated to the states actually was disbursed to the local governments. That means only 49 per cent of the money for the project grants has been spent.

At the end of last year, the state had more than $16 million in LEAA money that was being held in bank accounts and bonds in violation of the law on grant-in-aid programs, Monagan's staff said last week.

"There doesn't seem to be any unifying, overall concept," Monagan said.

Without that there's no point in serving as a conduit for federal aid. We can't tell where they are going."

"Next year the program comes up for reauthorization, and the Judiciary Committee will make a thorough review," he said.

LEAA still has no real accountability and evaluation process while being caught in a large bureaucracy imposed between the money and the crime problem, Monagan said.

Henry Ruth, head of New York City's Criminal Justice Coordinating Council and a former LEAA official, emphasizes that the biggest LEAA problem is lack of consensus on priorities. He thinks that all should agree on subjects like reducing court backlogs, and improving after care for ex-convicts.

"LEAA is sort of at the crossroads," says Ruth. "The cities need federal funds on a sustained basis. You can't keep planting new seeds if you can't water the old."

CLARK CRITICIZES

"We've been battered so badly," says one LEAA official, "that we've become defensive on all issues—resulting in little or no internal communiaction and very bad communication with the outside. (Leonard refused for two months to authorize the Washington Post to interview any LEAA official except in a group meeting with him present.)

"It has become an administrative nightmare. It's a question of what rules and policies apply on what day for a grant to be approved."

Former Attorney General Ramsey Clark said the initial "terrible mistake" was placing control of the program with the states, which have no experience with law enforcement, rather than with the cities. Since the program started, he said, "I think there has been an almost total failure of leadership at the federal level."

Leonard believes his first job was to bring order out of chaos. He believes he now has a chance to provide leadership and develop meaningful programs by concentrating LEAA's discretionary money on 10 special "impact cities," which are getting $10 million each for intensified LEAA programs.

He speaks hopefully of crime analysis teams that will permit the police "to better deploy manpower to the right areas at the right time of day on the right day of the week and at the right month of the year."

Leonard offers as evidence of LEAA's success letters from several dozen police chiefs and mayors telling how the program has helped them.

Sergeant Myles Warren of the Kansas City Police Department says LEAA has helped his department with new equipment, including six helicopters, but that the real issue is training.

"Technology is good; it's necessary, but it also can be a cop out," says Warren. "You can have the most sophisticated machinery in the world, but if your people aren't trained, it's not worth anything."

Hundreds of police officers have been working on advanced training and college degrees through the help of LEAA funds.

One of them is Captain Parsons, the 39-year-old administrative assistant to the Birmingham police chief. Parsons joined his department 18 years ago as a high school drop out. He now is a senior in college.

"We've a long way to go," he says. "Very few of the old police officers understood research or cared much about it. They felt what we really needed was more equipment and manpower. That's not enough. These old guys are passing on and younger officers realize the old ways have not solved our problems."

LEONARD SAYS NO PROGRAM IS PERFECT

"Well, since I came aboard a little over a year ago, I think that the major focus and thrust of this agency has been to address the singular issues of crime and delinquency. (However) . . . there isn't any empirical proof available, or measurement available today, so that you can show that infusion of 'X' numbers of dollars in this particular area has had an impact broadly across the crime scene, so that you can say that there was a direct overall resulting crime reduction."

ON CRIME RATE

"In fact the overall crime rate nationally may actually drop this year. In other words, this may be the first year in 13 when we have an overall decrease. Now that doesn't do the citizens of Philadelphia any good because their crime rate is up, not down, but it does tell us that the overall efforts in the criminal justice system are at least heading us in the right direction."

ON LEAA

"No federal program, no matter how good it is, no matter how hard the people in it work, when it gives money to the local levels of government, is going to be perfect. So there are always going to be some problems. The second thing that's important to remember is that state 'X' today may have an excellent program because the governor has taken a personal interest, he's appointed top-notch people to the supervisory board, he's gone out and found the best criminal justice planner he could find to be the executive director of the state planning agency, and in November he gets beat, and in January a clunk comes in who appoints his brother-in-law, who is a broken-down dentist. And we're always going to have some of that. There's always going to be 5, 10, 15 states, because of the political situation, that are not going to meet the test."

ON CONSULTANTS

"I think there are many areas in which consultants can perform a very useful function . . . in a few cases, the use of consultants has been abused, but when you take some of the small states, with the amount of planning funds they've had available, they can't put on board on a full-time basis the number of people that they need to develop a good, comprehensive plan. Consultants are like newspaper reporters. Some of them are good, and some of them are bad."

ON MEASURING SUCCESS

Question: "Do you believe it, though, when these people, when (D.C. Police Chief) Jerry Wilson writes you and says, 'Thanks for the several million dollars, and we'd like it again and it really helped.' Do you believe that?"

Leonard: "Yea, I believe it because I've talked to Jerry Wilson personally I've talked to . . . other police chiefs. I've talked to some judges, where they're making use of these funds. I have talked to some corrections people who recognize that the establishment of halfway houses, particularly in the youth area, that better rehabilitative services, better services generally to the offender and the potential offender and the youth area, that these things are having an impact. I don't know how else to find it out."

SUMMARY

"Well, to be a little political at the end. (Former Attorney General) Ramsey Clark approved the purchase of a tank and machine guns for Louisiana. So everybody gets the idea that they can buy tanks and machine guns. Not while I'm the administrator of this agency. And one of the things we had to do around here was to slap some hands because of these people having learned practices from the past that I wasn't going to put up with. And so there's—some of it was just the imposition of discipline within the program."

FORTY YEARS OF FEDERAL EXPERIMENTS ON VICTIMS OF SYPHILIS

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Jean Heller of the Associated Press which documents a 40-year Federal experiment on a group of some several hundred persons who were victims of syphilis. In my judgment, this shocking revelation amounts to a moral wasteland. I find it inconceivable that Federal officials using taxpayers' funds would continue to deny seriously ill persons the benefit of medical science in the name of science. In the late 1940's, penicillin was found to be effective in the treatment of syphilis, yet more than 200 individuals were denied its benefits such that those who were responsible for the study could continue to investigate the effects of the disease in man.

Mr. President, the Subcommittee on Health. of which I am chairman, is re-

sponsible for most of the health legislation which authorizes the health activities of HEW, including the Center for Disease Control under whose auspices this frightful experiment was continued. As chairman of the Health Subcommittee, I intend to look further into this matter and take whatever additional steps may be required in order to prevent the repetition of a circumstance such as this.

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

U.S. TESTERS LET MANY DIE OF SYPHILIS

(By Jean Heller)

During a 40-year federal experiment, a group of syphilis victims was denied proper medical treatment for their disease. Some participants died as a result, but survivors now are getting whatever aid is possible, the U.S. Public Health Service says.

The experiment, conducted by the PHS, was designed to determine through autopsies what damage untreated syphilis does to the human body.

Of about 60 Alabama black men who originally took part in the study, 200 or so were allowed to suffer the disease and its side effects without treatment, even after penicillin was discovered as a cure for syphilis. Treatment then probably could have saved or helped many of the experiment participants, PHS officials say.

They contend that survivors of the experiment are now too old to treat for syphilis, but add that PHS doctors are giving the men thorough physical examinations every two years and are treating them for whatever other ailments and diseases they have developed.

Sen. William Proxmire (D-Wis.), a member of the Senate Appropriations Subcommittee which oversees PHS budgets, called the study "a moral and ethical nightmare."

"It's incredible to me that such a thing could ever have happened," he said in a statement. "The Congress should give careful consideration to compensating the families of these men."

Sen. Edward M. Kennedy (D-Mass.), chairman of the Senate Health Subcommittee, said through a committee spokesman that he deplores the facts of the case and is concerned about whether any other such experiments exist.

The syphilis experiment, called the Tuskegee Study, began in 1932 in Tuskegee, Ala., an area which had the highest syphilis rate in the nation at the time.

When the study began, the discovery of penicillin as a cure for syphilis was still 10 years away and the general availability of the drug was 15 years away, treatment in the 1930's consisted primarily of doses of arsenic and mercury.

Of the 600 original participants in the study, one-third showed no signs of having syphilis; the other had the disease. According to PHS data, half the men with syphilis were given the arsenic-mercury treatment, but the other half, about 200 men, received no treatment for syphilis at all.

Men were persuaded to participate by promises of free transportation to and from hospitals, free hot lunches, free medical treatment for ailments other than syphilis and free burial.

Seventy-four of the untreated syphilitics were still alive last January.

Syphilis is a highly contagious infection spread through sexual contact. If left untreated it can cause blindness, deafness, deterioration of bones, teeth and the central nervous system, insanity, heart disease and death.

In 1969, the PHS' Center for Disease Control in Atlanta which has been in charge of the Tuskegee Study, reviewed records of 276 syphilitics, both treated and untreated, who participated in the experiment.

It found that seven men had died as a direct result of syphilis. Another 154 died of heart failure, but CDC officials say they cannot determine now how many of these deaths were caused by syphilis or how many additional deaths may have been linked to the disease.

PHS officials responsible for initiating the Tuskegee Study have long since retired and current PHS officials say they do not know their identity. But the current officials say, in retrospect, they believe the study may have been a moral mistake.

"I think a definite moral problem existed when the study was undertaken, a more serious moral problem was overlooked in the postwar years when penicillin became available but was not given to these men, and a moral problem still exists," said Dr. J. D. Miller, chief of the venereal disease branch of the CDC.

"But the study began when attitudes were much different on treatment and experimentation," he added. "At this point in time, with our current knowledge of treatment and the disease and the revolutionary change in approach to human experimentation, I don't believe the program would be undertaken."

Don Prince, another official in the venereal disease branch of CDC, said the Tuskegee Study has shown that the morbidity and mortality rate of untreated syphilitics was not as high as previously believed, but he said he thought the study should have been halted with penicillin treatment for the participants after World War II.

"I don't know why the decision was made in 1946 not to stop the program," Prince said. "I was unpleasantly surprised when I first came here and found out about it. It really puzzles me."

CHANGES IN U.S. MARKETING SYSTEM

Mr. HANSEN. Mr. President, on April 19, 1972, the Wall Street Journal printed a very interesting article by one of its former editors, Mr. Vermont Royster. Mr. Royster's article entitled "Man in the Middle" does an outstanding job of highlighting the changes which have taken place in the marketing system of the United States of America over the last generation.

I am sure that most of my colleagues remember the days to which Mr. Royster refers when products were purchased directly from the producer or with little or no processing.

This is a far cry from our purchase of food products today in supermarkets where everything is carefully graded, packaged, and ready to put on the dinner table with a minimal amount of effort.

However, too many public officials, rather than leveling with the people and pointing out the reason for food increases instead charge those who produce our food products and those who move food products from the farm to the dinner table with taking advantage of the consumer.

The American consumer, in order to understand the picture, needs more information such as that provided by Mr. Royster in his very fine article. We must all remember that food is still one of the greatest bargains available to the U.S consumer.

Mr. President, I ask unanimous consent that the article entitled "Man in the Middle," written by Vermont Royster, be printed in the RECORD.

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

MAN IN THE MIDDLE

Tucked away in the recesses of memory is one of a little boy tagging along to the grocery store in a small Southern town, more years ago than need be mentioned.

The grocer was a big man, or so it seemed, bald on top, girdled in a white apron beneath which was a well-rounded paunch as befitted a man who lived amid good things to eat. He sticks in memory because a polite "good morning" won an all-day sucker.

The store was delightful in other ways. It smelled good, the odors wafted about by a huge overhead fan whirling lazily in the summer heat. And it was full of marvels.

At the rear were piles of potatoes, the dusty earth still clinging to them; on the side counter were baskets of tomatoes, cucumbers, lettuce, maybe, if it was in season, other vegetables, sometimes a melon. All there to be carefully picked over, often after a consultation between my mother and my friendly grocer.

The chickens were in the back room, cackling away, their feet tied together but even so stirring enough to send feathers flying. One would be put on the floor of the Essex to be hauled home, neck wrung in the back yard and after considerable headless flopping about to be plucked on the porch.

Good beef was a rarity, our town being far from a stockyard. Its availability was always announced loudly by the grocer, which led to careful inspection, much discussion and finally perhaps some slicing with a long knife like a sultan's scimitar. Nearby in the ice chest would be tubs of butter ready for scooping.

But a small boy was easily distracted. Along the floor were rows of bins with glass covered tops permitting longing looks at cakes and cookies piled inside.

If you were politely patient, and everybody was in a good humor, a small bag would be gathered, weighed and put in with the more prosaic things that were supposed to be good for you.

Once home the kitchen was a-bustle. The pea-pods were opened, the beans strung, eggs sorted, bacon sliced. There was much to do between shopping and eating.

It's all much simpler now. The air-conditioned supermarket is a different marvel. At the deep-freeze counter there are things in and out of season, the peas already podded, the beans strung and cut, everything ready for the boiling pot. Laid out along the meat counter are steaks and chops, ground meat, roasts of varying sizes, chickens cleaned and trussed, all neatly wrapped in their little plastic covers, pre-weighed and price-marked.

As neatly packaged are the potatoes, tomatoes, lettuce and cabbage. The sliced melons are clothed in see-through blouses; the radishes and celery bundled like bouquets. On the gourmet shelves are the delicacies of the world at your fingertips. Less romantic, perhaps, but from shopping to dinner is now a matter of minutes.

The prices too are quite different. In part because those who govern us have take so little care of our money. In part because those who labor between the fields and the shelves have taken so much care to make things better.

The man in the middle takes those peas from the field, de-pods them, quickly freezes them, weighs and packages them, hauls them in refrigerated trucks half across the country. He kills and plucks the chickens, sometimes even divides them into legs and breasts for finicky housewives. Others squeeze the oranges, slice the pineapples, shell the shrimp

and deliver them thousands of miles from the groves or sea-beds.

Yet this middle-man, so you read in your morning paper, is a villain still. There is a gap, so it's noted, between what the cattleman gets on the hoof and what you pay for your Saran-wrapped steak, and therein lies outrage. The complainants range from the Secretary of Agriculture to the lady in your house.

And not in the grocery store only. We all have some atavistic understanding of the role of the producer, whether of peas or sheet-steel. What lies between producer and consumer is mysterious, and so in troubled times, nefarious. No posses ride to lynch the farmer; quite often we are ready to hang the butcher.

Anyway, no medals are struck for the middle-man, though without him New York City would starve in a week and even in smaller places we would be back to no beef in summer and no orange juice in winter. No one thinks, buying pills at the corner pharmacy, of the two-fold miracle: that they should be made at all and that you can pick them up for the asking in, say, Selma, Ala. The second is no less than the first.

Indeed, the chief thing that separates a primitive society from an advanced one is the expanding role of the middle-man, he who takes the raw material, processes it, subdivides it, transports it, stores it, packages it if need be and has it ready for the consumer when it is wanted. Nor is the difference economic only; it is sociological as well. Without the middle-man we would have no such society as we have.

That all this raises the price is perfectly true, just as the complainants say. But it raises the price because a real value has been added, even if the value is only convenience. We pay more for a pill or a tube of toothpaste because the druggist must carry a huge stock, but the inconvenience would be not having the pill when we are sick or the toothpaste when we were full of cavities.

All this ought to be tiresomely self-evident. It is so to our tax gatherers, who are already muttering about a value-added tax to be levied on each stage of this process. That tax philosophy may be burdensomely regressive but it acknowledges an economic reality.

Yet the rest of us are hardly ever persuaded. When steak prices go soaring we never think it's because more dollars are available to spend on steak; that is, that our dollars have become worth less. We never reflect on the curiosity of government economists urging us to spend more to get the economy moving again—indeed printing more money for us to spend—and lamenting the while that more people buy steak and push the price up. The villainy, somehow, is that gouging in the middle.

Just the other day the lady of the house was grumbling about the price of chicken pieces. But the suggestion that she buy them feathered and pluck them made her think I'd lost my cotton-pickin' mind.

HUMAN RIGHTS: THE RESTORATION OF CREDIBILITY

Mr. PROXMIRE. Mr. President, I rise to continue my daily effort to win Senate ratification of the Genocide Treaty.

The Senate has balked time and again on the most crucial question of this century—the inherent rights of mankind. It is time for the Senate to recognize the impact of its delay upon the people of the United States and all mankind.

In 1945, the Senate overwhelmingly ratified the United Nations Charter. In doing so, it pledged to uphold "the dignity and worth of the human person." Since that time, the Senate has continuously reneged on our pledge to the peoples of the world.

Our nonratification of the Genocide Treaty has jeopardized our Nation's integrity. Our delay has provided our detractors with propaganda and grounds for questioning our fundamental principles.

By paying only lipservice to universal human rights, the Senate has endangered the credibility of our country. Its failure to support this treaty, which is in accordance with our national goals, is a source of international disillusionment.

Can we continue to assume a position of world leadership when we, ourselves, do not acknowledge the inherent rights of mankind? Can we expect other countries to respect these rights if we do not do so?

Let the Senate restore the international credibility of the United States. Let the Senate ratify the United Nations Convention against the crime of genocide.

FEDERATION OF SOUTHERN COOPERATIVES—FUTURE PROGRESS THREATENED BY OEO DEFUNDING ACTION

Mr. HUMPHREY. Mr. President, for some time I have been following the activities of the Federation of Southern Cooperatives, and I have been gratified at the way they are helping the poor of the South pull themselves up economically.

Unfortunately, the Office of Economic Opportunity has recently seen fit to withdraw its funding of the federation—a loss of $500,000 that will directly affect 100 job holders in the federation, and indirectly hurt thousands of poor families.

The apparent reason that the federation lost this money is that there was a lack of proper communication between the good people who run the cooperatives and the people at OEO.

Now OEO has asked the federation to resubmit an application for money for this year, and I strongly urge the friends of rural cooperatives in this Congress to insist that this application be fully funded so that the good work of the federation can continue.

Recently, an article about the efforts and the problems of the federation appeared in the Atlanta Journal Constitution. 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:

BACK TO SOUTH: COOPERATIVE TAKES STEP INTO FUTURE

(By Leonard Ray Teel)

EPES, ALA.—"He did the money-making thing in the big city and now he's back and is going to do the farm thing," James Jones said.

Jones was walking down a lane at the Federation of Southern Cooperatives' research and training institute near Epes when he noticed Leonard Nash's car with California plates.

Nash was a short distance away, in class. After 11 years away he had come back to the South three months ago and got involved in a cooperative. Now he was attending a workshop, and trying to learn the basics of cattle raising.

Unlike Nash, Jones had not left the South. He had stayed and marched in the civil rights movement, then had gone to work trying to help poor Southerners raise their incomes. Now he is director of the federation's training center.

Jones believed all along, as Nash does now, that if young Southerners could raise their incomes they wouldn't have to leave their rural homes for the cities of the North and West.

That belief was at the heart of the cooperative movement which grew along with the sit-ins and marches, the Civil Rights Act and the Voting Rights Act in the 1960s.

"The civil rights movement gave them confidence that by sticking together they could win some things and that same kind of thing works in a cooperative," Jones said. He had been in those sit-ins and the Selma march, as a member of the Student Non-violent Coordinating Committee.

By 1967 the various cooperatives realized the need for unifying. By then there were cooperative members could improve their for credit unions and even for people who wanted to save money buying food.

Twenty-two cooperatives in 1967 founded the private, non-profit Federation of Southern Cooperatives, with the long-range idea that it could attract government and private grants and establish a training center where cooperative members could improve their skills and develop new jobs.

The idea has worked. The budget for 1967 was only $15,000, but the Federation began attracting support. Some donors have been the Ford Foundation ($500,000 in 1971), the Department of Labor ($249,296 last year), the Board of Mission of the United Methodist Church, and the Rockefeller Brothers Fund.

That support increased steadily until this year, when the Federation ran into a disagreement with its main government sponsor, the U.S. Office of Economic Opportunity. Last year's budget of about $2 million now will have to be cut about a half-million dollars since OEO has withdrawn its money on the grounds that the Federation opposed a management study of its operations.

The study was required by Congress but the Federation's executive director and staff insisted that the $400,000 for the study "would constitute a virtual waste of precious funds."

Although some staff members have already been laid off because of the cutoff of OEO funds, the present work and planning for the future is continuing, the executive director, Charles Prejean, says.

In his 12th floor office in Atlanta, Prejean and his staff are planning to involve poor people in the changing economy of the South, to give low-income people more choices in making a living.

The Federation's main concern is for poor black people. About 95 per cent of the members are black, although there are some low-income whites from the Appalachian Mountain areas, Mexican-Americans from Texas and Indians from Oklahoma and Mississippi. One Georgia co-op, Georgia Mountain Arts Products, sells the pottery, carvings, quilts and other crafts of people in several North Georgia counties. Their shop is at Tallulah Falls.

"There are changes taking place in almost all of your rural counties. Black folks need to be involved in this—everybody should have an opportunity to be involved in this industrial revolution that's taking place," Prejean said.

For example, the planned development of the Tennessee-Tombigbee interstate waterway would create many new jobs. "These will benefit us, provided we could train people to be more than janitors in these projects," Prejean said.

The Tombigbee River flows through western Alabama toward Mobile Bay, and washes along a half-mile of the 1,164 acre tract the Federation bought a few years ago for train-

ing poor people in raising vegetables, cattle and pigs. Ranging over the pastures are 240 cattle, and the Federation hopes to have 400.

Not far from the barn is the new classroom where, one week recently, a group of trainees were learning how to run credit unions more efficiently. In another classroom, Leonard Nash was involved in discussing how he can make a living in the South.

Excused from class for a few minutes, Nash sat on the patio, tilted his chair back and spoke about his ideas. He talked with a sense of certainty, because his visions are very fresh and far-sighted, coming to him like a revelation earlier this year when he was in California and unhappy.

"Out West, with so many people, you're so removed from your own destiny," Nash said.

"What I saw was the South was really developing . . . changing their own way of living . . . I know I can do something to change the situation . . . I have to see that black people get out of the situation . . . The system has been driving the young black people out of the slums of the North and the slums of the West."

So Nash quit his $10,000 a year job as a longshoreman, and brought his wife and two children to the rundown 42 acres that had been in his family for years near Palmetto, La. His wife was from Chicago and had never lived in an old farmhouse without a bathroom; they used a chamberpot until Nash could put in some plumbing with the help of the nearest cooperative. Now he is training with the hope of raising cattle, and possibly luring his two brothers home from Detroit.

"I believe black people don't have to die to find heaven," Nash said. "If there's another heaven when I die, then I'll be double happy. But I want to bet this one first!"

"And I want to see to it that all black people have a heaven too. They can see me in heaven, and I can help pull my brothers up an inch. And when he's up he can pull me up."

After Nash joined the Federation's workshop at Epes he met another Southerner, who had also just returned from California. He and George Cheathon, 24, of Tallulah, La., have attended some of the same classes. For many of the same reasons, Cheathon had decided to return to the South, and now he wants to learn how to run a consumer cooperative "to have that satisfaction of helping somebody else."

The training Nash and Cheathon are trying to get through the Federation will be the key to whether he, and other poor people, can succeed in the cooperative movement.

"Their economic operations must be based on the latest technology or must be in activities which are labor intensive and not subject to mechanization," explain Ray Marshall and Lamond Godwin, authors of "Cooperatives and Rural Poverty in the South."

"If the co-ops acquire the equipment and develop, they can have a significant impact on the incomes of small farmers," they write.

Thus, the loss of the $500,000 federal funding was a setback this year. Efforts are being made already to seek reinstatement of the money, but no action has been taken yet. One big hope is a new bill in Congress which would allow more money for cooperatives in the belief that the problems of the city begin when people can't make a living in the country. This belief is held by Georgia's U.S. Sen. Herman Talmadge and others in Congress, North and South, who support the work of cooperatives.

In Atlanta, the Federation's executive director, Prejean, thinks optimistically about the chances for poor people to help themselves through cooperatives.

"I think we could hook into some of the industrial development in the South," Prejean said, "if we are allowed to exist long enough."

INCREASING ECONOMIC POWER TO MOST CONCENTRATED INDUSTRIES

Mr. HARRIS. Mr. President, the ITT case has brought home to many the increasing economic power of our most concentrated industries. The cost of this concentration to the consumer—according to several experts, is in excess of $50 billion annually.

But these figures are very large and hard to grasp. Moreover, even if they can be comprehended, some do not understand how economic concentration and the power to control the market may affect them personally.

I would like to deal briefly with an example of the cost of concentration at a more accessible level—that of one industry in one State. James R. Green, of the University of Northern Iowa, recently did a study of the effects of pharmaceutical practices in my home State of Oklahoma on consumer drug prices.

Professor Green's study centers on Oklahoma's pharmaceutical antisubstitution law. This law in its original version was intended to prevent pharmacists from substituting a similar drug for the preparation actually prescribed by the physician. But more recently, under the urging of the larger drug firms, the law has been interpreted to rule that a pharmacist cannot substitute a different brand of an identical drug for the brand specifically prescribed by the physician.

The advantage of this interpretation to the large company is clear. Too many doctors get their prescribing information from the salesmen of the large pharmaceutical houses. Consequently, most of their prescribing is done in terms of brand names which describe one particular company's product. With a strict antisubstitution law, the large drug firms can use their market power to give them effective monopoly control over demand for a particular drug.

Professor Green's work goes into some detail in its researching of the pricing effects of Oklahoma's antisubstitutional law; and it analyzes the attitudes and practices of Oklahoma pharmacists concerning the differences between trade-name and generic drugs.

Mr. President, Professor Green makes some disturbing discoveries. For just eight drugs surveyed, he says:

> The total welfare loss . . . amounts to approximately one and one-half million dollars for one year in the state of Oklahoma . . . the estimated welfare loss on these drugs is larger than the amount Oklahoma consumers actually spent on them.

What does this mean, when it is translated into human terms? It means, Mr. President, that consumers of my State not only had to pay vastly inflated prices for drugs of the same quality available at far less expense under generic name; many of them also had to suffer physically and economically because they simply could not afford to pay for the brand name drug at all.

Mr. President, Professor Green goes on to estimate, from his own thorough research, the total welfare loss to the citizens of my State from the antisubstitution practices of pharmacists. That figure, in Oklahoma alone, is well over $142 million for just 8 drugs. This figure represents the direct and indirect losses to the public resulting from the ability of the biggest drug companies to sell brand-name drugs at hugely inflated prices.

I want to place Professor Green's figures in their proper perspective, Mr. President. For just one industry, operating in just one State, the direct and indirect costs of inordinate market power are well in excess of $1½ million each year—for just eight products.

When this kind of cost to the consumer is projected to include all concentrated industries nationally, it is easy to see how reputable economists estimate the cost to the consumer or economic concentration to be at least $50 billion a year.

Mr. President, Dr. Green's study of the Oklahoma antisubstitution law offers excellent insights into the larger problems which affect us all today—problems linked to the huge power of our largest industries. I ask unanimous consent that this study be printed in the RECORD at the conclusion of these remarks.

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

THE WELFARE EFFECTS OF AN ANTISUBSTITUTION LAW IN PHARMACY

(This article is based upon part of an unpublished Ph. D. dissertation, "The Welfare Effects of an Antisubstitution Law in Pharmacy on the State of Oklahoma" (Oklahoma State University, 1972). The author wishes to thank his principal adviser, Joseph M. Jadlow, for his enduring support and comments on an earlier draft of this paper.)

(By James R. Green, Assistant Professor of Economics)

(NOTE.—Figures referred to are not printed in the RECORD.)

I. INTRODUCTION

The United States prescription drug industry has twice in the last decade been investigated in lengthy Congressional Hearings for an alleged lack of competition among drug producers.[1] This study investigates a specific piece of legislation known as an antisubstitution law and views its possible impact upon price competition in the prescription drug industry. Where less competition results in higher prices of products and smaller quantities purchased, there is a loss in economic well-being to consumers. The focus of this study is on the antisubstitution law of the State of Oklahoma. The law itself is investigated and an attempt is made to measure the possible loss in economic welfare to the consumers of prescription drugs in Oklahoma.

II. DRUG INDUSTRY STRUCTURE AND CONDUCT

The drug industry consists of 1300 drug firms, about half of which produce ethical (or prescription) drugs. Out of these approximately 650 ethical drug producers, 136 account for 95 percent of the ethical drug sales.[2] Furthermore, 314 of the top 500 drugs were produced and sold by only twenty-four drug firms.[3] These same twenty-four firms were the producers of 129 of the 200 largest-selling drugs.

When the generic name-trade name breakdown is used, fifty of the top 500 drugs were sold by their generic names; the remaining 450 were all trade-name products.[4] So 314 of the 450 trade-name drugs on the list were sold by only twenty-four firms. Sixteen of the top 200 drugs were listed by their generic names. Thus 129 of the 184 trade-name drugs on the top 200 list were sold by the twenty-four firms.

It is clear that the majority of the largest selling drugs are trade-name drugs and that

Footnotes at end of table.

these trade-name drugs are sold by a relatively small number of firms. The twenty-four firms alluded to are listed in Table I. The market shares listed in column three are those which were calculated by the author. For comparison, market shares calculated by Arthur D. Little are listed in column four. Apparently, a large share of the ethical drug market is held by these twenty-four firms for whom relatively good sales data are available.

TABLE I.—RELATIVE SIZE OF 24 DRUG FIRMS

Firm	Sales in 1968 (millions)[1]	Percent of—[2]		Assets (millions)[1]
		Total	Sales	
	(1)	(2)	(3)	(4)	(5)
Chas Pfizer	$725.816	12.8	7	$260.624
Warner-Lambert	717.750	12.7	.....	335.389
Merck, Sharpe & Dome	583.108	10.3	7	298.338
Eli Lilly & Co	479.618	8.5	7	260,624
Warren-Teed	423.361	7.5	.....	185.993
American Home Products	379.964	6.7	7	425.535
Sterling	366.632	6.5	.....	220.257
Abbot Labs	350.955	6.2	3	167.879
Pittman-Moore	297.447	5.2	.....	775.856
Smith, Kline & French	282.986	5.0	5	134.007
Upjohn	249.930	4.4	.....	176.561
Parke-Davis	250.983	4.4	.....	244.608
Squibb	238.980	4.2	4	254.293
Schering	179.099	3.2	.....	106.469
Bristol-Myers	178.633	3.2	.....	307.143
G. D. Searle	147.724	2.6	3	97.479
Richardson-Merrell	123.114	2.2	.....	134.737
Baxter	122.153	2.2	.....	59.571
A. H. Robins	115.428	2.0	3	50,690
W. H. Rorer	114,010	2.0	.....	59,571
Carter-Wallace	84,944	1.5	.....	47.827
Syntex	73.752	1.3	.....	52.658
Massengill	19.870	.4	.....	7.574
Alcon	15.748	.3	.....	6.570

[1] Source: Moody's Industrial Manual (New York, 1960).
[2] Source: Personal Communication, Arthur D. Little, Inc. May 15, 1970.

Unfortunately, information and data for the small drug producers are scarce. Over 400 of the 650 U.S. ethical drug firms are relatively small and are often labeled as "the generic producers," although they do, in some cases, sell their products under trade names.[5] Few of the generic firms conduct research and development or hold patents on their products. The companies' sales in this group ordinarily range from one to ten million dollars.[6]

Most drugs which are developed can be patented and for seventeen years can be sold by only the manufacturer holding the patent if he so chooses. During the seventeen year period many large drug concerns promote their drugs primarily by using their trade names, although they are required by law in written advertisement to include the generic name in at least one-half size the type of that used for the trade name. Physicians then write prescriptions using only their trade names. The physicians may or may not even be aware of the generic name of the drug.

After the patent period has elapsed other manufacturers can, and in many cases do, begin to manufacture the drug. The entering firms may assign their own trade names to the drug or they may simply sell it by its generic name alone. It would thus appear that a growing amount of competition in a particular drug would develop after its patent has expired. This, however, for many drugs, has not resulted.

The picture drawn above of concentration and the composition of the drug industry is inadequate to determine the degree of competition in the industry. The above evidence gives a description of overall concentration whereas the more relevant concept for economic analysis is that of industry concentration—with the "industry" defined on the basis of cross elasticity of demand. A particular drug is obviously not a good substitute on the demand side for every other drug.

Ethical drugs may be classified in a number of ways. The major breakdown of drugs is by therapeutic category. However, certain contra-indications may prohibit the use of some drugs if others are already being taken. Among drugs in a certain therapeutic category there still exists a degree of substitutability. Even though this is true, drugs in a single therapeutic category may differ by potency, toxicity and number and nature of adverse reactions. The point to be made here is that for any particular drug there usually is a substitute, although it may be a relatively poor one. Certainly, between therapeutic classes the degree of substitutability is negligible.

A relevant drug market then, from an economist's standpoint, is a therapeutic category which includes drugs with varying degrees of substitutability. The demand curve for a particular drug would not be perfectly inelastic, although the demand curve for an entire therapeutic class might approach this. Thus the price elasticity of the demand curve for a particular drug would depend upon the willingness of doctors to prescribe it, and upon their knowledge of other drugs in the class. The degree of elasticity would also depend on the various other factors (adverse reactions, etc.) mentioned above and the consumer's willingness and ability to have a prescription filled.

III. THE ANTISUBSTITUTION LAW

This section presents the nature and economic implications of the antisubstitution law. It discusses the manner in which the law came into existence and the possible economic effect of the law.

History

The Oklahoma antisubstitution law was enacted in 1961. The law itself states:

"It shall be unlawful for any pharmacist being requested to sell, furnish, or compound any drug, medicine, chemical or other pharmaceutical preparation, by prescription or otherwise, to substitute or cause to be substituted therefor, without authority of the prescriber or purchaser, any other drug, medicine, chemical, or pharmaceutical preparation." [7]

Substitution, as the physical act was originally conceived, meant to substitute literally one generic drug for another. For example, if a pharmacist received a prescription for penicillin, it would be deemed illegal substitution if he dispensed another antibiotic such as tetracycline. The practice of this type of substitution obviously could have adverse repercussions. With substitution defined in this way, the pharmacist is obliged under an antisubstitution law to dispense the drug which the physician has prescribed. References to substitution, under this definition, have been occurring for hundreds of years. The first historical reference to it was made in 880 B.C.[8]

The above definition of substitution was used for many years until, in the early 1950's, some firms of the ethical drug industry sought to have the definition enlarged. In the words of a prominent physician:

"In 1955 the National Pharmaceutical Council was kind enough to give to all the world a new definition of substitution. Substitution previously was understood to be to substitute one drug for another. But in 1955 the National Pharmaceutical Council, as part of its program, enlarged this definition and has been pushing it ever since." [9]

The "new" definition, as it was espoused by the National Pharmaceutical Council (a group of twenty-two trade-name firms), was that substitution meant the substituting of one brand of a drug for another brand, even though the drug involved was physically identical in each case. In other words, one manufacturer's brand of, say, meprobamate could not be substituted for another manufacturer's brand even though in each instance the drug is still meprobamate.

The National Pharmaceutical Council's campaign to get this definition of substitution accepted by state boards of pharmacy is described in detail in the hearings on the drug industry conducted by Senator Estes Kefauver in the late 1950's.[10] The success of its campaign is evidenced by the fact that in 1954 only about eight states had antisubstitution laws and these were written under the "old" definition of substitution.[11] At present, forty-seven states have antisubstitution laws and the practice of substituting is prohibited by professional ethics in two others. In addition to this fact, the *American Druggist* placed the rate of substitution in 1957 at 4.3 percent compared with 14.7 percent in 1953, a substantial decline.[12] Apparently, substitution, as defined for determination of this percentage, includes both types of substitution.

The rigorous efforts of the National Pharmaceutical Council included the compilation of a state-by-state list of the situation regarding the legality of substitution in each state.[13] The list was dated January, 1958. Regarding Oklahoma, it was stated in the list that:

"There is no particular authority in the law but the [State] Board [of Pharmacy] will cooperate to the best of its ability. The Board would like to have some shopping done in the state to determine the extent of the problem."[14]

It was assumed in a National Pharmaceutical Council memorandum dated December 19, 1955 that the incidence of substitution in Oklahoma was not significant. This suggests that there would have been little substitution without the law since the practice of substitution was not prevalent even before its enactment. However, since 1955, much information concerning generic equivalency has come to light and pharmacist's attitudes regarding substitution may have changed or the threat of legal consequences may have always been present.

The legality of antisubstitution laws of various states has been upheld many times. There has been one notable exception. In the State of Michigan, Wayne County Circuit Court Judge Carl M. Weideman held that substituting the generic drug prednisone for the trade-name version. Meticorten was not substitution as defined in the law since chemically and by assay the drugs were identical.[15] However, the meaning of this decision is not clear because, in this instance, the prescribing physician had given prior approval to the substitution.

In addition to rulings under antisubstitution laws, it has been held in at least two cases that substitution of a generic drug for a trade-name drug is a violation of the manufacturer's trademark under the Lanham Act of 1946 and, therefore, constitutes unfair competition on the part of the pharmacist who substitutes.[16]

Effect on competition

If the type of market conduct described above involving large-scale promotional and R & D practices of the dominant drug manufacturers is continued, the antisubstitution law can help these firms maintain monopoly positions for certain drugs. In order for the antisubstitution law to be responsible for any welfare loss resulting from monopoly the following conditions must be present:

(1) Some drug firms must be marketing their drug under trade names. If all drugs were marketed under generic names alone, the antisubstitution law would be inconsequential in stifling competition.

(2) There must be no patent currently in effect for the drug and/or the drug must have generic equivalents available. A patent conveys a monopoly position to the firm holding the patent on a particular drug. Substitu-

Footnotes at end of article.

tion would be impossible since there would be no available substitutes. An exception to this condition exists when the patent is licensed to other manufacturers or if the drug is sold in bulk to other manufacturers to be repackaged and sold under their own trade names or by generic name.

(3) Some physicians must be prescribing drugs, which have generic equivalents, by trade name. If all drugs were prescribed by generic name then the choice of the manufacturers would be left to the pharmacist, although it is possible for the consumers to exert some influence in the decision by "shopping around." This discretionary power would also exist in the absence of an anti-substitution law.

(4) Pharmacists must be willing and able to substitute generic drugs or less expensive trade-name drugs for higher-priced trade-name drugs. Pharmacists, upon receiving a prescription for a trade-name drug must be willing to substitute a lower-priced generic equivalent. Otherwise the absence of an antisubstitution law alone would not engender price competition among brands of a drug. Some people, such as Newell Stewart of the National Pharmaceutical Council, have argued that. "For a pharmacist to impose his judgment upon that of the physician is assuming a responsibility he is not qualified to assume." [17] Others think differently. This question is examined more fully later.

In addition to the pharmacist's willingness to substitute lower-priced generic equivalents, he must have the ability to do so. The ability of a pharmacist to substitute a lower-priced generic equivalent upon receipt of a trade-name prescription is directly dependent upon the pharmacist's inventory. Since many physicians today do prescribe by trade name, it may be that pharmacists do not stock generic-name drugs. In this event, substitution could not occur. The nature of pharmacists' inventories is explored in this study.

The above conditions must be present for a firm to maintain a monopoly position for a drug as a result of the antisubstitution law and product differentiation. The first condition, from evidence already presented, is present to a considerable extent in the ethical drug industry.

The second condition certainly is present in a number of cases. In a recent Task Force study, a list was compiled of the 409 most frequently prescribed drugs for individuals sixty-five years of age and older.[18] Of these 409 drugs, 293 were still under patent and thirty products were available and actually dispensed under generic name. This left eighty-six drugs which were ordinarily sold under trade names but which were also available under their generic names. Therefore, there are several high-volume-selling drugs which satisfy the second condition.

With regard to the third condition, the large drug manufacturers have apparently been successful in their promotion of trade-name drugs. The National Prescription Audit indicates that over 90 percent of all prescriptions were written by use of trade names.[19]

Conclusions on the fourth condition are presented later. The information gathered for this study relates to this question.

IV. WELFARE LOSS MODEL

At least three well-known studies have been conducted to investigate the welfare loss from monopoly elements in the U. S. Economy.[20] The studies of Harberger and Schwartzman found the welfare loss to be inconsequential (less than 0.1 percent of national income). Kamerschen's research turned up a somewhat larger figure of 5.4 to 6.2 percent of national income. The range is a result of varying the assumptions of the analysis.

Footnotes at end of article.

It should be pointed out that, in general, these studies have all dealt with rather broad industry classifications and profit data rather than cost data were used as a means of estimating the misallocation of resources.

The criticisms often made of consumer's surplus as a welfare tool are many times directed at the restrictive assumptions which must be made. Therefore, most of the assumptions involved in the three empirical studies mentioned above are listed below. For the Harberger and Schwartzman studies, Kamerschen has pointed out twenty-three assumptions.[21] It is not necessary to reproduce the entire list here but instead only to give the most salient ones, especially those which concern the present research.

1. All three studies assume that all production takes place at constant costs. This assumption was made for convenience since profit data could then easily determine the extent of the reallocation of resources necessary to eliminate excess profits. The present study also makes this assumption because the nature of the production process gives all indications of a lack of economies of scale.

2. Harberger assumes an elasticity of one, Schwartzman of one and two, and Kamerschen estimates elasticities for the various industries. For the present study, elasticity estimates for the relevant drug have been calculated.

3. All three studies assume the industries are in long-run equilibrium positions. This is also necessary in the present study to insure that prices and outputs are at equilibrium levels.

4. Studies of this type must necessarily assume that whatever redistribution of income occurs is not a welfare loss. This assumption may alternatively be stated as one which provides that the marginal utility of income is the same for everyone or that fiscal adjustments are made to keep everyone's money income the same. This is not the same assumption that Alfred Marshall made when he held the marginal utility of money constant.[22] Constancy of the marginal utility of money was appropriately criticized by Paul Samuelson [23] and was shown to be unnecessary by Winch.[24]

5. It must also be assumed that all the industries are producing for direct consumption. L. W. McKenzie has shown that where intermediate products are involved Hotelling's formula does not apply.[25]

6. In order to avoid complexities which would be introduced by second best considerations, it is necessary to assume that resource misallocations arising from exogenous factors are absent. F. M. Scherer has noted that second-best considerations are of little significanec in the prescription drug industry because of its weak interdependence with other sectors of the economy.[26]

7. Ten of the other assumptions listed by Kamerschen had to be introduced as a result of the profit data which they were using. Since profit data are not used in the present study, these assumptions do not need to be made here.

It was stated above that production conditions in the drug industry indicate that approximately constant costs are present. The actual costs of producing ethical drugs is a closely-guarded trade secret. However, the nature of the production process and the limited volumes in which individual drugs are produced give definite indications that constant returns to scale, accompanied by constant costs, are present in a large part of the industry's production.

The two leading therapeutic classes by new and refill prescription sales in 1968 were antibiotics and hormones, in that order.[27] Batch methods predominate in their manufacture. In order to increase output, the firm must add one or more fermentation vats and these will be identical to those already in use. This implies constant returns to scale.[28]

On the basis of this sort of information, it appears that constant costs are present to a large extent in the drug industry. This apparent lack of economies of scale leads one to the conclusion that smaller drug firms face approximately the same costs of production that the larger firms do.

The market for a particular prescription drug can be graphically shown as that of figure 1. Figure 1(a) shows the demand and cost conditions facing a large producer selling a specific trade-name drug. Figure 1(b) depicts the demand and cost conditions facing all the firms which sell the generic version of the same drug.

The conditions of demand facing the producer of a trade-name drug is made up essentially of two components. First, there are those physicians who prescribe by trade name thus allowing the pharmacist no discretion in filling the prescription (assuming an antisubstitution law is present) regardless of the prices of generic equivalents. Implicit within this component of demand is that a group of consumers will have their prescriptions filled regardless of the price, at least in the portion of the demand curve under consideration. This element of demand is represented by the completely inelastic demand curve $^{d}T_1$ in Figure 1(a). The second component of the demand for a trade-name producer's drug is somewhat more elastic. This element is composed of price-conscious physicians and of institutions (such as some hospitals) who purchase their drugs on the basis of competitive bidding or by government agencies (e.g., the Military Medical Supply Agency) who follow a similar procedure. Consumers of the drugs who follow such alternatives as refusing to have their prescriptions filled or who "shop around" on the basis of price would contribute to this less than perfectly inelastic portion of the demand curve. This component of demand is represented by $^{d}T_2$ in Figure 1(a). As a result of these two components of demand, the total demand for a trade-name producer's drug is shown as $^{d}T_1 + {}^{d}T_2$ which is the horizontal summation of $^{d}T_1$ and $^{d}T_2$.

Since the cost conditions facing the trade-name producer are those of constant costs long-run marginal cost equals long-run average costs. The curve depicting this situation is labeled on Figure 1(a) as LMC=LAC.

The market conditions for producers who sell the same drug by its generic name are pictured in Figure 1(b). The demand curve facing these producers is downward-sloping to the right and is labeled d_G. This is very plausible since, if a drug is prescribed by generic name, the pharmacist can dispense any manufacturer's version of the drug he chooses and it is possible that he will dispense, at least to some extent, on the basis of price. In the event of competitive bidding, price again is a primary factor determining the choice of a particular producer.

Cost conditions for generic producers have also been shown to indicate constant costs with long-run marginal cost equalling long-run average costs. This is labeled LMC=LAC in Figure 1(b). Since the level of average costs for generic producers was the same as that faced by the trade-name producers, the LMC and LAC curves on both graphs are at the same level.

Since conditions which approximate pure competition are present in the market for a particular generic drug, the price and output levels are determined by the market forces of demand and supply. As indicated on Figure 1(b), the price of the generic version of the drug is determined as P_G which is equal to the level of average costs. The output of all generic producers is shown as x_G. Therefore, the equilibrium price level of the generic drug is equal not only to the average costs of the generic producer, but also to the average cost level of the trade-name producer. The level of average costs

for the trade-name producer is, therefore, also labeled as P_G on Figure 1(a)

The price and output levels of the trade-name drug are determined by the trade-name producer in the usual monopoly fashion. The marginal revenue curve associated with the trade-name producer's demand curve is drawn in Figure 1(a) as MR_T. Assuming that the trade-name producer is attempting to maximize profits, he will equate marginal revenue with long-run marginal costs. The price and output levels of the trade-name drug are thus determined to be P_T and x_T, respectively.

In order to describe the welfare loss resulting from the lack of competition for the trade name producer, it is necessary to indicate the level of output and price which would prevail for the trade-name drug if the industry were one of pure competition. If the price level were bid down to the competitive level, it would equal long-run average costs. Given the demand conditions facing the trade-name firm, at a price of P_G the industry would sell an output of x_C. Thus, the resulting welfare loss is shown as the area of the triangle ABC in Figure 1(a).

The analysis described above obviously applies when there is a single firm producing the trade-name drug and there are many firms producing the generic version of the drug. This situation is, of course, only possible in instances where the patent on a drug has expired or when lower-cost generic equivalents are available. In the case of several drugs, however, even though the patent has expired, there still remain several large producers manufacturing and selling the drug under a trade name. In this study, when there are two or more large firms selling different trade-name versions of a single drug, each is considered a monopolist. In the presence of an antisubstitution law, this effectively is the case.

V. THE SAMPLE DATA AND THE WELFARE LOSS

The data collected for this study can be separated into two categories: (1) data relating to the calculation of the welfare loss and (2) information relating to the effectiveness of the antisubstitution law in stifling competition. Both types of data were collected via mailed questionnaires to pharmacists in Oklahoma.

The drug sample consists of eight drugs which have both trade and generic versions available. The eight drugs are all important drugs, in terms of sales, and are drawn from the top ten therapeutic categories by volume. The drugs, their therapeutic categories and their various versions are listed in Table II.

TABLE II.—*Generic versions of drugs by therapeutic category*

THERAPEUTIC CATEGORY AND DRUGS INCLUDED ON SAMPLE
1. Antibiotics:
Tetracycline HCl (250 mg):
Generic:
Achromycin
Achromycin–V
Tetracyn
Penicillin G. Potassium (400,000 U):
Generic: Pentids
2. Hormones:
Dexamethasone (.75 mg):
Generic: Decadron
3. Ataraxics:
Meprobamate (400 mg):
Generic:
Equanil
Meprospan
Miltown
4. Analgesics:
APC/codeine (½ gr):
Generic: Empirin Compound/codeine
5. Cardiovascular Preparations:
Reserpine (.25 mg):
Generic: Serpasil
Digoxin (.25 mg):
Generic: Lanoxin
6. Sedatives and Hypnotics:
Chloral Hydrate (7½ gr):
Generic: Noctec

The questionnaire was mailed to every pharmacy in Oklahoma and 34.6 percent were returned. The responses were reasonably uniform on the basis of size of community, type of pharmacy and size of pharmacy.

The welfare loss estimates required monopoly price levels and marginal cost levels for each drug and the quantities of each drug. The elasticities for each trade-name drug were calculated using the method developed by Kamerschen [29] which is the reciprocal of the Lerner index of monopoly power. Weighted-average prices paid by pharmacists were calculated for each drug and elasticity estimates were found. The elasticity estimates are listed in Table III and are all greater than one in absolute value.

TABLE III.—*Elasticity of demand estimates for the sampled trade-name drugs*

	Elasticity
Tetracycline:	
Achromycin &	−1.387
Achromycin–V	−3,608
Meprobamate:	
Equanil	−1.474
Meprospan	−1.189
Miltown	−1.465
Digoxin: Lanoxin	−8.566
Chloral Hydrate: Noctec	−1.609
Penicillin G Potassium: Pentids	−1.315
Reserpine: Serpasil	−1.231
Dexamethasone: Decadrone	−1.549
APC/codeine: Empirin/codeine	−165.227

The welfare loss estimates calculated from the data extrapolated to 100 percent of the pharmacies for a one-year period are listed in Table IV. The total welfare loss arising from these eight drugs amounts to approximately one and one-half million dollars for one year in the State of Oklahoma. This represents just over 100 percent of the total sales of these drugs during the same period.[30] In other words, the estimated welfare loss on these drugs is larger than the amount Oklahoma consumers actualy spent on them. It should be recognized that this figure does not consider any welfare loss from other trade-name drugs which have generic equivalents available or that arising from the many drugs which are still under patent and thus have no generic equivalents yet available. It is also only the estimated loss for a single state.

TABLE IV.—*Oklahoma welfare loss estimates for 1 month from the sample of pharmacies*

[In thousands of dollars]

Tetracycline:	
Achromycin and Achromycin–V	6.119
Tetracyn	.367
Meprobamate:	
Equanil	13.540
Meprospan	3.359
Miltown	4.645
Digoxin: Lanoxin	.113
Chloral Hydrate: Noctec	.389
Penicillin G Potassium: Pentids	5.334
Reserpine: Serpasil	4.458
Dexamethasone: Decadron	2.592
APC/codeine Empirin/codeine	.009
Total	40.923

VI. EFFECTIVENESS OF THE ANTISUBSTITUTION LAW

Whether or not elimination of the antisubstitution law would bring about price competition among different manufacturers' versions of a particular drug depends upon a number of factors. If the antisubstitution law were eliminated, each prescription for a drug, whether it was written by generic or trade name, could be considered a generic prescription since the pharmacist could fill the prescription with any manufacturers' version of the drug he chose.

Information was therefore collected with regard tothe attitudes of pharmacists in filling prescriptions. Some of the questions asked of pharmacists are shown in Table V. First, if a pharmacist received a generic prescription, would he fill it with the lowest-priced drug? Essentially, the attitude being investigated here is whether or not pharmacists consider the price of a drug when dispensing it to a consumer. The responses to this question are listed in Table VI(a). Of the pharmacists who responded to this question, 38 percent answered that they would dispense the lowest-priced drug on a generic prescription. There were 48 percent who responded that they would not dispense the lowest-priced drug. It is interesting to note that 14 percent entered as a response that it would depend upon what the lowest-priced drug was. Their responses were, in general, that they would dispense the lowest-priced drug consistent with what they considered to be acceptable quality. Many stated that generic versions of a drug produced by "reputable" manufacturers would be of acceptable quality. If this group is added to those who would dispense the lowest-priced drug, the total is brought to 52 percent which is a majority of the pharmacists surveyed.

TABLE V—*Attitudinal questions asked of pharmacists*

1. If you were given a prescription which was written by generic name, would you fill it with the lowest-priced drug?
Yes———. No———.
Why or why not?———.
2. Would you always fill a generic prescription with a trade-name drug?
Yes———. No———.
Why or why not?———.
3. If you were given a prescription for a trade-name drug and if it was legal to substitute a lower-priced generic, would you do so?
Yes———. No———.
Why or why not?———.
4. In those drugs which are usually prescribed by trade name but also have generic equivalents, does your inventory include the generic equivalent?
Always———.
Usually———.
Seldom———.
Never———.

TABLE VI.—*Pharmacists' responses to a generic prescription*

LOWEST-PRICED DRUG ON A GENERIC PRESCRIPTION

Response:	Percent of pharmacists
Yes	38
No	48
Depends	14
Total	100

TRADE-NAME DRUG ON A GENERIC PRESCRIPTION

Response:	Percent of pharmacists
Yes	27
No	73
Total	100

A related question, asked of pharmacists, pertained to whether or not they would always dispense a trade-name drug when given a prescription written by generic name. This question measures, to some degree, the effectiveness of the promotional efforts of the large, trade-name manufacturers. The responses are listed in Table VI(b). Of the respondents to this question, only 27 percent of the pharmacists indicated that they would always dispense a trade-name drug when handed a generic prescription. On the other hand, 73 percent of the pharmacists stated

Footnotes at end of article.

that they would, at least in some cases, dispense a generic version of a drug. A variety of reasons were listed for doing so, including: lower prices, confidence in the quality of generic drugs, and profitability.

The most important question asked of pharmacists for the purpose of this study related to the willingness and ability of pharmacists, in the absence of an antisubstitution law, to substitute lower-priced generic versions of drugs for higher-priced, trade-name drugs called for on a prescription if it were legal to do so. The responses are shown in Table VII(a). Of the pharmacists responding to the question of willingness to substitute, 58 percent answered that they would not substitute one brand of a drug on a prescription written for another brand of the same drug unless it was first approved by the physician. With the physician's approval, substitution is, of course, presently legal. Of the remaining pharmacists, 34 percent stated that they would in most cases freely substitute *brands* of drugs. The remaining 8 percent of the pharmacists said that they would sometimes substitute depending upon their professional assessment of the alternative brands of the drug available.

Table VII.—Pharmacists' responses on generic equivalents

WILLINGNESS TO SUBSTITUTE

Response:	Percent of pharmacists
Yes	34
No	58
Sometimes	8
Total	100

STOCK OF GENERIC EQUIVALENTS

Response:	Percent of pharmacists
Always	0
Usually	38
Seldom	55
Never	6
Total	99

Reasons given by the pharmacists who would not substitute were mainly twofold. First, they did not trust generic manufacturers' products and, therefore, would not be responsible for their distribution, and/or secondly, they felt the choice of a particular manufacturer's version of a drug was to be made by the physician and they would not question that choice.

Pharmacists who stated that they would sometimes or most of the time substitute versions of a drug gave many of the same reasons that were listed for dispensing the lowest-priced drug on a prescription written by generic name. Additional motives were also mentioned. These included: (1) trade-name drugs are "over-priced," (2) it would allow them to compete more effectively with other pharmacies, (3) it would permit them to exercise their professional judgment, (4) the profit per prescription filled is larger when the acquisition cost is lower, (5) it would enable them to reduce their inventories since fewer brands of a single drug would need to be stocked, and (6) quantity discounts could be achieved since they would be able to purchase larger quantities of the fewer necessary brands of a drug.

Reasons five and six listed above would likely alter the current composition of pharmacists' inventories. One of the questions asked of pharmacists dealt with the nature of their current inventories. They were asked to what extent they stocked generic equivalents of drugs which are usually prescribed by trade name. From question four of Table V it can be seen that the alternative responses were, for pragmatic reasons, rather broad.

The reported composition of pharmacists' inventories is shown in Table VII(b). Of the pharmacists responding to this question, only one stated that he always had the generic equivalent for a trade-name drug in stock. On the other hand, only 6 percent responded that they never stocked generically equivalent drugs. The "usually" and "seldom" responses were reasonably close, 38 percent reporting that they usually had a generic equivalent in stock and 55 percent stating that they seldom did. Currently then, many pharmacies do not stock generic equivalents and could not substitute even if it were legal to do so.

The responses to all of the above questions asked of pharmacists indicated that the anti-substitution law is quite effective in blocking competition among different brands of a single drug. A summary evaluation of the responses of pharmacists lists the following important findings:

(1) Most pharmacists will not always dispense a trade-name drug upon receiving a prescription which is written by generic name. Thus, pharmacists apparently think they can, in many cases, rely on generically equivalent drugs from a quality standpoint.

(2) Almost one-half (42 percent) of the pharmacists surveyed would, if given the legal opportunity, substitute lower-priced generic equivalents upon receiving a prescription written by trade name. This would, undoubtedly, foster price competition at the retail or pharmacy level and thus encourage other pharmacists to substitute different brands of drugs.

(3) Over one-half of the pharmacists responding seldom or never presently stock generic equivalent drugs. Since the pharmacists' demand for drugs is derived from the prescriptions they receive, it would be expected that elimination of the antisubstitution law would have a significant impact on the pharmacists' demands. Pharmacists, in the absence of an antisubstitution law, could stock only those manufacturers' versions of a drug that they desired. Therefore, the present nature of pharmacists' inventories could be substantially altered and need not be a discouraging factor in proposing that elimination or revision of the antisubstitution law would engender price competition among various brands of a single drug.

VII. CONCLUSIONS

The welfare loss to consumers as a result of antisubstitution laws is considerable in light of the fact that the estimations of this study are for such a small sample of drugs and such a small section of the country. To recommend repeal of all antisubstitution laws would border on irresponsibility. It is rather recommended that the language of those laws be made such that a pharmacist clearly has the opportunity to exercise his professional judgment in choosing a particular manufacturer of a drug. The results of this study indicate that it would yield definite benefits for consumers both immediately and through the long-run effects of increased competition at the manufacturer level.

FOOTNOTES

[1] See U.S. Senate, Committee on the Judiciary, Subcommittee on Antitrust and Monopoly, Hearings, *Administered Prices in the Drug Industry*, 86th Cong., 2d sess., 1960, and U.S. Senate, Select Committee on Small Business, Subcommittee and Monopoly, Hearings, *Competitive Problems in the Drug Industry*, 90th Cong., 2d sess., 1967.

[2] Pharmaceutical Manufacturers Association, *Prescription Drug Industry Fact Book* (Washington, D.C., 1968), p. 1.

[3] R. A. Gosselin & Company, Inc., *National Prescription Audit: General Information Report* (7th ed.; Dedham, Mass., 1968), pp. 43–47.

[4] When a new drug is discovered or invented by a firm's R and D establishment it is ordinarily assigned three names. The chemical name describes the molecular composition of the drug. The generic name is the so-called common name of the drug and is the official name which is listed in the U.S. Pharmacopoeia. Finally, some drug firms assign a trade-name to the drug which is peculiar to a single manufacturer. To use a non-prescription drug example, the chemical name of a particular drug is acetylsalicylic acid. Its generic name is aspirin and a manufacturer might assign a trade name to the drug of "Aspel."

[5] U.S. Department of Health, Education and Welfare, *Task Force on Prescription Drugs: The Drug Makers and the Drug Distributors* (Washington, D.C., 1969), p. 9.

[6] Ibid.

[7] Oklahoma Session Laws, 1961, Title 58, Chap. 8, Section 21.

[8] Statement of Newell Stewart, Executive Vice-President, National Pharmaceutical Council, Inc. in U.S. Senate, Committee on the Judicary, Subcommite on Anti-trust and Monopoly, Hearings, *Administered Prices in the Drug Industry*, 86th Cong., 2d sess., 1960, p. 8285–8288.

[9] Statement of Dr. August H. Groeschel, Associate Director, The New York Hospital, New York in U.S. Senate, *Administered Prices . . .*, p. 11576.

[10] Ibid., p. 1ff.

[11] Ibid., p. 11714.

[12] Robert A. Hardt, *Journal of the American Pharmaceutical Association, Practical Pharmacy Edition*, XVIII, February, 1967, reproduced in U. S. Senate, *Administered Prices . . .*, pp. 11756–11760.

[13] Exhibit 405 of Statement of Newell Stewart in U. S. Senate, *Administered Prices . . .*, p. 11802.

[14] Ibid., p. 11807.

[15] Ibid., p. 11761.

[16] R. G. Kedersha, "The Impact of Brand Name Prescription Products on the Traditional Practices of High Prescription Volume Pharmacies in Northern New Jersey: A Study of the Brand Name vs. Generic Name Prescription Product Problem" (unpub. Ph. D. dissertation, New Yerk University, 1964), p. 38.

[17] U.S. Senate, *Administered Prices . . .*, p. 11699.

[18] U.S. Department of Health, Education and Welfare, *Task Force on Prescription Drugs: The Drug Users*, pp. 38–57.

[19] Gosselin, p. 22.

[20] Arnold C. Harberger, "Monopoly & Resource Allocation," *American Economic Review*, XLIV (1954), p. 77, David Kamerschen, "An Estimation of the 'Welfare Losses' from Monopoly in the American Economy," *Western Economic Journal*, IV (1966), pp. 221–236, and David Schwartzman, "The Burden of Monopoly," *Journal of Political Economy*, LXVIII (1960), p. 627.

[21] David R. Kamerschen, "An Estimation of the 'Welfare Losses' from Monopoly in the American Economy" (unpublished Ph. D. thesis, Michigan State University, 1964), pp. 68–69.

[22] Alfred Marshall, *Principles of Economics*, 8th edition, (New York, 1950).

[23] P. A. Samuelson, "Constancy of the Marginal Utility of Income," *Studies in Mathematical Economics and Econometrics*, ed. O. Lange (Chicago, 1942).

[24] David N. Winch, "Consumer's Surplus and Compensation Principles," *American Economic Review*, LV (1965), pp. 395–423.

[25] L. W. McKenzie, "Ideal Output and the Interdependence of Firms," *Economic Journal*, LXI (1951), pp. 785–803.

[26] F. M. Scherer, *Industrial Market Structure and Economic Performance* (Chicago, 1970), p. 26.

[27] Gosselin, p. 10.

[28] Henry Steele, "Monopoly & Competition in the Ethical Drugs Industry," *Journal of Laws and Economics*, V (1962, p. 134.

[29] D. R. Kamerschen and Phillip P. Caruso, "Two Shorthand Methods for Estimating

Product Price Elasticities," *Metroeconomica*, XVII, p. 103.

[20] It has been shown elsewhere that P_T must be three times P_G for this over 100 percent of sales welfare loss to occur on a drug. See Appendix to "The Welfare Effects of an Antisubstitution Law in Pharmacy on the State of Oklahoma" (unpublished Ph. D. dissertation, Oklahoma State University, 1972).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SUBCOMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Minerals, Materials, and Fuels may be authorized to meet during the session of the Senate today.

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, H.R. 15495, which the clerk will please read by title.

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 PRESIDING OFFICER. The pending question is on the amendment of the Senator from Ohio (Mr. SAXBE) No. 1336. The time on that amendment is limited to 5 hours, to be equally divided between and controlled by the Senator from Ohio (Mr. SAXBE) and the manager of the bill (Mr. STENNIS).

Without objection, the amendment will be printed in the RECORD at this point:

On page 12, line 6, strike out $3,165,200,000" and insert in lieu thereof "$2,866,200,000".

On page 12, between lines 15 and 16, insert a new section as follows:

"SEC. 102. None of the funds authorized by this or any other Act may be used for the purpose of procuring any items in connection with the construction of the CVN-70 nuclear attack aircraft carrier."

Mr. SAXBE. Mr. President, I suggest the absence of a quorum, and ask that it be charged equally to both sides.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. SAXBE. Mr. President, the Senate Armed Services Committee in reporting this legislation strongly supported the authorization request of $299 million to fund long leadtime components for the CVN–70, the fourth nuclear carrier in our Navy fleet. The ship will ultimately carry a price tag of nearly $1 billion. This cost figure is before the important addition of expensive F–14 airplanes and manpower. I believe that this important issue should be brought before the full Senate for consideration.

The issue, as so ably put forth by the distinguished chairman of our committee (Mr. STENNIS) is whether we will be assured modernity for the U.S. carrier fleet by 1980. I do not question that the CVN–70 will be the most modern carrier in the world, nor that she will be well sailed and effective in the best tradition of the U.S. Navy.

However, I do disagree with the chairman and many officials of the Department of Defense and many Navy officers on the question of whether the carrier will be the backbone of a powerful Navy in the 1970's and 1980's. I am deeply convinced that there are more important priorities for maintaining the U.S. position on the high seas.

Carriers are useful as mobile airfields for conflicts such as we are now engaged in in Vietnam. They show our colors around the world, heralding our presence. But, carriers are extremely costly and, more important, very vulnerable. In times of all-out war our carriers would be prime targets for several weapons in our adversary's arsenal.

In short, to spend so much money on the CVN–70 to accomplish the sea control duties set forth by the chairman seems a great waste. I am talking about cost-effectiveness.

It certainly is not in keeping with what I feel our foreign commitments will be by the time the CVN–70 is commissioned.

The President's Guam doctrine does not call for the addition of more expensive fleet of carriers with sophisticated airplanes and nearly 5,000 men. Instead, the President proposes to assist our allies with material aid rather than intervention. This requires the United States to be able to control sealanes and thereby be able to utilize them to give that vital support to our allies. In that sea control role, the aircraft carrier is far less effective than the attack submarines and missile-launching surface ships developed by our adversaries for just this sea control purpose. They have worked hard to achieve nuclear parity with the United States. They have worked equally hard since 1962 to develop a sea control capability to hinder our ability to project aircraft carrier force. We must face up to this challenge in the sea control role by using our naval resources wisely on ships and submarines designed for the sea control role rather than buying another aircraft carrier which is only marginally good for this purpose.

Because of the factors I have just described to you I oppose the carrier when it was considered before the Armed Services Committee. My opposition continues unabated. On Monday of this week I introduced an amendment to strike the necessary funds from the military procurement bill to provide the long leadtime moneys for the CVN–70.

When we are striving to achieve a realistic defense budget, it appears to me to be pure folly to ask the U.S. taxpayers to bear the cost of the carrier when there are valid reasons for scrapping the program altogether, or at least to delay the initial funding.

First, it is obvious to even the most unsophisticated students of naval logistics that carriers are extremely vulnerable and indefensible targets in this era of sophisticated submarines and missile-launching surface ships.

Second, many of the roles assigned to the carrier in the overall defense policy can be equally served or better served by other weapons systems such as attack submarines, missile-launching destroyers, and the proposed sea control ship.

Further, if I understand correctly the function of this carrier within the overall parameters of our naval defense policy objective, our present carrier capabilities will provide for the force level deemed adequate by Secretary Laird.

In addition to the initial costs, we must be prepared to realistically appraise what the operational costs of the CVN–70 carrier will be. We are talking about an initial cost of $299 million for long-leadtime items of this carrier. Present estimates of total construction costs are in the $1 billion level. Who knows what that figure will actually be when proposed construction starts?

I say this with due regard for the tremendous cost overruns that we have experienced in almost every branch of military construction.

Operating costs over the life of this carrier, fully outfitted, range as high as an astronomical $8 billion when the operating costs of a total carrier air wing are cranked into the equation.

Finally, I stand opposed to this item in the fiscal year 1973 military procurement authorization bill for two more very basic fundamental reasons. One, we will not prejudice our defense posture by not proceeding on this item at this time.

I think it is obvious that this same item was passed over last year because it was deemed that it would not prejudice our defense posture if it was passed over that year; and I suggest it would not be prejudicial if it were passed over this year. To merely delay this for 1 year will not cause irreparable harm. The second basic obvious reason is that, unlike other issues which we will consider later, aircraft carriers are not part of our nuclear deterrent.

For all of the above reasons I submit that this body would be well advised to seriously consider the deletion of this item from the military procurement bill now before us.

Mr. President, I yield the floor to the Senator from Mississippi.

Mr. STENNIS. I beg the Senator's pardon; I was conferring with my staff member.

Mr. SAXBE. I have completed my statement.

Mr. STENNIS. I see. Mr. President, how much time is allotted to each side, please?

The PRESIDING OFFICER. Two and one-half hours to either side.

Mr. STENNIS. Mr. President, I yield myself now such time as I may use.

I want to warn my colleagues, and I hope I shall have a further chance when there are more of them here, that in my opinion this is a highly important matter. It is not just another carrier to please someone. There has been a definite milestone passed in the way of a decision by the Department of Defense as to how many carriers we should have beginning in the 1980's and for that decade, unless something extraordinary happens to change the plan. That decision involves a sizable reduction in the total number of carriers that we have now from 15 down to 12. That is a 20-percent reduction, with attendant savings in the cost of operation. It involves a new pattern of planning as to the role and operation of the carriers.

Since I have been honored by the Senate to be chairman of this committee, I have been greatly concerned about this question of the carriers, how many we need, and how many new ones, if any, will be needed. There was a carrier in the bill in calendar year 1969, and it went out on the idea of a future study. I was a member of that study group. Then in 1970 and 1971, there was not a firm, definite, unequivocal item in the budget for a carrier. I objected, and said I did not favor proceeding unless the President firmly and finally made the request and said "I need it," or the equivalent.

During that period, there has been no decision about how many carriers we would settle on for the future, but something new has happened, and that was that the decision has now been made, and has been outlined publicly by Mr. Laird: Twelve carriers only for the 1980's and beyond, barring some extraordinary event.

That cleared the atmosphere in a great many ways. I am glad that he could see fit to make this reduction, but it underscores, in my opinion, in every possible way, that if we are only to have 12, then we must be certain that those 12 incorporate all or virtually all the modernity that there is available—certainly that the newest ones must carry all the advantages of technology and expertise capabilities, not only as to their own power but in all the things that make the carrier the remarkable instrumentality in the military world that it is.

So I based my argument, and I think the committee based its opinion, in recommending a carrier strictly on that basic concept of a modern carrier fleet for the 1980's.

If that concept is bought, I respectfully say that most of the argument is over; because without starting another one now that is comparable to the two we already are building—and they will be coming off in their time—we would have a fleet that was not up to par or up to the capabilities we could have. I make very urgent the vital need for as many as possible with the utmost modernity.

A great deal has been said, and there have been many arguments, about the place of the carrier. I do not challenge the ability of anyone to make a judgment with respect to that. But let us just consider the matter a little. They say that a carrier just would not last in a nuclear war. Frankly, I do not think anything is going to last that is in the area where the nuclear weapons hit. It does not make any difference whether it is a carrier or whatever, because the atmosphere will be saturated, and for other reasons. Still, it would be more probable that carriers could avoid being hit.

I will pass that for the time being and go to a conventional war. That is all we have ever had so far, except the few minutes at the end of World War II.

We would have these six carriers—these moving airfields, and that is what they are—of the *Essex* class, that is the World War II carrier, plus those that are more modern. I will refer to the record about conventional wars and what the carriers have done and their survivability. I am not talking at random now. I am talking about things that have happened and what I have concluded over the years.

Coming now to the cold war, I do not believe that any single weapon has as much of a deterring effect and a constructive effect, all put together, as a carrier. I believe the fact that a carrier can be shifted from place to place, from ocean to ocean, from sea to sea; that a carrier can be alined with other weaponry, and they can be alined with each other, going from one trouble spot to the other on the shortest notice, is well known. It is a deterrent effect that operates day and night among all the informed people who are in control of the governments all over the world. I think it has been an amazing influence since World War II.

I am talking about the activities in a conventional war—just the fact that we have had them, have improved them, have improved the planes that go with them. Now, right now, this minute, in the Mediterranean Sea, in that area of the world, carriers are the most powerful single factor, day and night, with respect to deterrence. On the other side of the world, at this minute, in a conventional war, President Nixon has recently moved them into action there, and we have plenty of them. Five were there within a very few hours. With all their expertise and the avionics, they have been carrying on in a splendid way. The way those planes have been coming and going, they have been very effective, and they have had a very low rate of loss. Very few planes operating from the carriers have been lost, in this day of radar and related equipment. I do not think we have to search for a better illustration in this troubled time.

We can go back to World War II, when we did not lose a carrier to land-based air. We may hear a great deal in this debate about the vulnerability of the carrier. Let us remember that we never have lost a carrier since World War II. We were up against a very formidable Navy in World War II. Throughout that war, we never lost a carrier to land-based air.

This carrier, CVN–70, would be the most modern of all. The equipment, the nerve center, the avionics, and so forth, add up to an ability to protect itself much better than the *Essex* class, the World War II carrier. The modern carriers have a far better chance to survive in conventional war, and even in nuclear war, than they have had heretofore.

The Navy was very positive, under severe cross-examination, that if the carrier cannot survive, no other ship can survive. I have concluded that that is correct. There is no such thing as invulnerability. But if the carrier cannot survive, no other ship can survive; and as long as we have those carriers and they survive, it increases tremendously the chances for the other ships to survive. We will not have any contest over that.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. AIKEN. I think the Senator is making a very strong argument in favor of not only carriers but in particular a nuclear-powered carrier at this time.

I have noticed that the opposition to the carriers comes, apparently, from three sources: First, from people who are against war, anyway, and apparently believe that if we did not have any weapons, everybody else would throw theirs down. That has hardly been proven by the pages of history. Another group opposes carriers on the ground that they would be vulnerable in the event of a nuclear war, and I do not doubt that they would be. Everything would be vulnerable in a nuclear war, including the Capitol itself.

But, by far, the greater part of the opposition to the carriers seems to come from those who are opposed to a nuclear fueled carrier. They believe that it would be much better to have an oil burning carrier than one which is fueled by nuclear engines.

I have observed that a nuclear powered carrier really runs circles around those which are fueled wth conventional fuel, we might say.

But something else enters the picture: A nuclear-powered carrier requires nuclear-powered escort ships, frigates. I think they used to use destroyers. We call them frigates. They are not as large as a destroyer. They protect the carriers so well that nothing less than a nuclear bomb would be likely to destroy or cripple the carrier itself now.

This campaign that is going on against nuclear powered ships has gone into other countries. There seem to be forces encouraging other countries to deny nuclear powered U.S. ships the right to enter their ports. Of course, I have to admit that a nuclear-powered ship does not go into a foreign port and buy enormous quantities of oil, which would not only yield a good profit to the country but also the companies that provided the oil.

This opposition apparently extends also to the nuclear powered submarine because the nuclear powered submarine and particularly the proposed *Trident* would eliminate the need for foreign bases. It would have a range great enough and a cruising power strong enough so that, if necessary, it could

operate entirely from our own ports. It would not be dependent upon any other country. It certainly would not detract from our defenses in the least.

Until we are assured that there is not going to be any other war, I feel that while we do not have to have an overwhelming superiority over other nations, we do have to have at least an adequate force.

The nuclear powered Navy, in my opinion, has done more to prevent a third world war than any other factor in our entire Military Establishment, and in saying that I am not attempting to downgrade the Air Force, the Army, or the Marines in the least, because they certainly are necessary, too. But, as a deterrent, the nuclear powered submarine I think, has been the greatest factor.

I just do not like to see a campaign going on to require us to build less effective naval ships when other countries are not so hampered.

Mr. STENNIS. If the Senator will yield to me on that point for one comment, I am certainly glad to hear the Senator's statement. His testimony is worth a great deal. The Senator has been a member of the Joint Atomic Energy Committee for many years.

Mr. AIKEN. About 15 years.

Mr. STENNIS. Yes, 15 years at least, and an ex-officio member of the Appropriations Committee for a great number of those years.

Mr. AIKEN. And the Committee on Foreign Relations.

Mr. STENNIS. And Foreign Relations, too.

He has an amazing background there of hard experience and is a man that makes the hard decisions. He does not shun them. I am very much impressed with what he said. I have been there with him in many of the conferences.

One thing I look back on as a mistake that I made, and an outstanding one, was when we had the contest as to whether one of the carriers would be nuclear powered or not. I voted against nuclear power. I believe the carrier was the *John F. Kennedy*, was it not? I have lived to regret that mistake greatly. It was a mistake. I was not convinced, though, then, as I am now. It is one of the 12 carriers we referred to. If it had nuclear power it would be worth so much more.

So I want to thank the Senator from Vermont and to urge him to speak on, along that line.

Mr. AIKEN. We have plenty of uses for all the oil that the world is ever likely to produce—maybe over the next 10, or even 50 years; but if we can conserve that very valuable resource—I do not downgrade the petroleum industry in any way, in fact they are very effective, and effective also in world affairs. In some instances, I believe they have prevented bloodshed in certain countries of the world. In one or two instances, I think that they may have been responsible for it.

Mr. SAXBE. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. SAXBE. I just do not like being lumped into three general classes here. As the Senator says, the opposition stems from three classes, one of which applies to my position.

Certainly I am a supporter of nuclear-powered vessels. We have 16 carriers at the present time. If the Navy wants 12 carriers, which they say they do, under the life of 12 carriers, including *Midway* on which we spent $200 million to modernize, we do not have to get into procurement on any other carrier to keep the 12 carriers going until 1977.

The Russians, I am sure the Senator is aware of, have no carriers and have no plans to build one, yet they are contemplated as being our primary adversary. In fact, no other country is indicated.

But when the Senator says that the opponents of those who think we do not need a carrier or weapons are the ones who oppose nuclear power and are the ones who think that they can be better used, I find myself sitting outside looking in, because I think it is a question now of cost effectiveness and whether what we have done over the past 3 years has been right or wrong in passing over.

Mr. AIKEN. I assume that the efforts of my esteemed colleague from Ohio is to save money perhaps more than anything else. I certainly do not list him as in any of the three categories. But there are those three categories, and we know perfectly well that the oil interests have been concentrating on acquisition of power not only in this field but in many other fields. Sometimes I wish they would devote as much effort to promoting safety in the coal mines which they control as they do to preventing the development of nuclear energy for making electricity.

Mr. SAXBE. One of the strong arguments the Navy uses is that the reason we need to keep a carrier force, on the sea control ship of some kind, is due to dependence on the import of oil. In other words, unless we control our sealanes, we will be embarrassed in getting the tremendous amount of oil necessary into our country. If for no other reason, I have actively supported the development of nuclear power for our domestic needs rather than a reliance on importing foreign oil.

But in this particular carrier, what we are talking about is such a tremendous amount of money, such a tremendous amount of manpower—it takes almost 5,000 men on one of these carriers—it is my belief that with the present carrier force and with the life expectancy of the carriers we have, we will still have a carrier deterrent and then we can turn the badly needed dollars into the development of our sea control ships which cost less than $100 million apiece and are much less costly to operate and do not require a whole flotilla of ships to go with it. At the same time, I do not think we can overlook the fact that we now have five carriers standing off the little country of Vietnam, dumping everything that they can dump on that little country, without any great, obvious effect. I think we have to consider exactly what we are getting done on cost effectiveness, when we are going for another carrier with no greater strike potential into this fleet. Our opposition is not going to be in Vietnam, I do not think. If we are girding for anything, it is for opposition with Russia. And I think that we have to assess the Russian potential. They say that they can sink our carriers with submarines or can launch cruise missiles that cruise at around 3,000 feet.

Mr. AIKEN. Mr. President, Russia has been concentrating on increasing the number of nuclear submarines in their force and also increasing the numbers of other ships greatly. We have before us now the SALT treaty which is supposed to help regulate that to some degree.

Russia has made great progress in the development of the submarines. In some way they achieve the same level we have and have even surpassed us in some ways.

I am aware of the fact, however, that there is a great deal of opposition to nuclear powered submarines, and particularly to the new class of submarines, submarines that we have to develop if we are to keep up with the Russians at all.

As I say, our nuclear powered submarines have been, I think, our greatest deterrent to a world war. I am sure that the small war going on in Vietnam would have been greatly expanded—in what area, I do not know—had it not been for the fact that even with the submarines now in existence we could drop missiles on almost any part of the world.

I hope that we never have to do that. However, if we are equipped with those capabilities, we are less likely to have to do it.

Mr. SAXBE. Mr. President, the Foreign Relations Committee has been holding hearings—as we have also in the Armed Services Committee—on the tremendous amount of information on the SALT agreement. I think it is significant that Russia does not even consider a carrier enough of a threat to include it in the SALT agreement. We must make a certain number of dollars available. And we all recognize that there is a limited amount available, and the question is whether we should not try to live up to our potential under the SALT agreement rather than spending it on something that is outside of the SALT agreement and has very little to do with a nuclear second strike capability or reaction strike.

Mr. AIKEN. Mr. President, I think Russia was very anxious to develop a striking power or superiority in the field of nuclear-powered submarines in a hurry. And it does take quite a while to build a nuclear-powered carrier or any other kind of carrier. I do not know how many years we will take to construct this new CVN 70.

Mr. SAXBE. We would have 16 carriers, and if they contemplate retiring four by 1977, we would still go to 1985 before the life expectancy of the 12 newer ones. That includes the rebuilding of the *Midway* which the Navy says is the most comprehensive overall job that any ship ever had.

Mr. AIKEN. Mr. President, I notice

that two of the carriers returned home from Vietnam waters the other day. The *Enterprise* was one of them.

Mr. SAXBE. They were rotated on station, I believe. I do not have the confirming figures before me, but I believe five carriers are on station in Vietnam. Six are usually in the rotation.

Mr. AIKEN. I think so. I do not like to spend money building up in preparation for war. However, I do feel that we can spend it more advantageously in some ways than in others.

I thank the Senator from Mississippi for letting me express myself because I have felt keenly about this now for many, many years. I have felt that it is desirable to do everything we can to prevent war and that the nuclear-powered Navy offers the best hope we have.

Mr. STENNIS. Mr. President, I thank the Senator from Vermont very much. I wish there were more Senators present to hear him. In view of the importance of this matter, I hope that the Senator can find a way to be here some time later and use some of the time to discuss this matter.

I do not think there is any Member of the Senate who can match the Senator from Vermont in experience and background in this field. And certainly the Senator is no so-called war hawk or any other kind of hawk.

Now, Mr. President, to continue—and I am not going to take a great deal of time—I am told now by the Navy, under their responsibility to our committee and to the Senate, that on this question of survivability, there is no such thing as complete survivability. I have been told that after extensive tests involving 15 torpedoes—and they have ways of making these tests and figuring out the chances of survival—there would be a 50–50 chance of survival under those adverse conditions, using 15 torpedoes directed at a single ship. Part of the test consisted of air-to-surface, as well as surface-to-surface. And the percentage there was the same. And also the cruise missile figured in the test. And it came out with this 50–50 chance of survival.

Mr. President, reference has been made here to the SALT talks and the fact that Russia did not insist on having a limitation upon our carriers. I point out that there is no limitation on any surface ships in the SALT agreement. Everything there was related to nuclear power, and what they were limiting there was the nuclear weapons. And the surface ships of all kinds were not covered. However, there is this major point, too. We have, except in World War II, never had an adversary that had a navy of its own or that had carriers or that had the capacity to really give us trouble. However, now the situation has altogether changed in the last few years. So the Soviets have carried out a very effective effort. They are rapidly maturing and have an effective navy. It does not include carriers. But there are submarines and their other vessels are more and more formidable day by day.

When it comes to keeping the seas open in peacetime or during war, certainly that is important to us. There is no argument about that. It is true that these carriers pose a threat to an adversary. It is true that a carrier and all that goes with the carrier is what we rely on in great measure to keep these sea lanes open, whether for oil or whatever it may be.

As the Senator from Vermont so aptly illustrated, that is not a downgrading of any other weapon or any other kind of airpower. This kind of airpower is just one of the necessities. And this matter is far more urgent and demanding now than it was when we first started taking up the matter of this particular carrier.

It is far more urgent than it was before we reached this decision about having only 12 carriers. On the time element, if we are going to have this nuclear carrier ready after shakedown and so forth by 1980, this is the year we have to move.

I have not jumped into this matter hurriedly. I could relate more in detail my insistence through the years that we not start on it until it was necessary. But I was convinced before this budget was submitted that it was necessary and wise to move now. To make sure on that because the Navy had interpreted my action for 2 or 3 years as being adverse to the carrier, I called them up from my home in Mississippi in December. I said if they made a firm request for a carrier, in view of the whole situation, I would unhesitatingly support it. I give these matters here now by way of review.

Mr. President, I have been on the Committee on Armed Services for a long time. Quite a few Members here have been in this body for only 2, 4, or 6 years. I think they are entitled to know the personal thinking of Senators who have been here longer than that. So let us not think we any longer have a choice to put things off, because we are challenged on the seas. Even though it is not with carriers there is a very formidable threat. I will not repeat that now.

I want to address myself to the *Midway* carrier, and we are glad we have it. I think it was worth the money to modernize it. I do not want to junk it or relegate it to the rear. Whatever usefulness is left in it in 1980, it certainly would be wise to keep it in condition for a while, I would think. That can be done very easily.

Frankly, the facts are in and it is time to sum up and get down to the decision here calling for a review of the situation.

I have just called on these gentlemen in the military who are most knowledgeable on the military, in my opinion. I asked the Chairman of the Joint Chiefs of Staff, Admiral Moorer, as to the situation now as he saw it, and what about the *Midway*. Someone might say, "Oh, well, you know an admiral is going to support a carrier. It is his duty." Do not ever write off Admiral Moorer as just a talk piece or as playing a record. He is one of the most knowledgeable men I have known in the military and I take very seriously what he states as fact and as his opinion. When I ask him, "Do you base your reputation as a professional military man on these conclusions?", he always very conclusively says, "Yes."

Mr. President, I have a letter dated yesterday, July 25, 1972. The letter states:

CHAIRMAN OF THE JOINT
CHIEFS OF STAFF,
Washington, July 25, 1972.

Hon. JOHN C. STENNIS
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN,

During consideration of the advance funding for a nuclear-powered aircraft carrier, CVAN–70, in the FY–73 Military Procurement Authorization Legislation the future role of *Midway* has been questioned. I would like to relate to you my personal knowledge of the overhaul and modernization work accomplished on this ship and the resulting effects on *Midway's* future usefulness.

When *Midway's* modernization was proposed, in March 1965, I recommended to the Chief of Naval Operations that this action not be accomplished. I had served on board *Midway* for two years earlier in my Naval career and was well aware of the fact that *Midway*, together with her sister ships—*Roosevelt* and *Coral Sea*—were constructed at the end of World War II with substandard material and, thus, were difficult to maintain. In addition, I was well aware that the nature of her construction was such as to make the type of major alterations planned in the modernization program very costly.

The reply I received was that it was not a question of modernizing *Midway* versus a new carrier but, rather, modernization of *Midway* versus *nothing*. This was the firm position taken by the Office of the Secretary of Defense at that particular time. Under these restrictions, the Navy agreed to the modernization of *Midway* in order to gain a carrier deck that would be adequate for aircraft of the mid-70's. (I did succeed, however, after becoming the Chief of Naval Operations, in obtaining approval of cancellation of a similar modernization planned for *Roosevelt*).

As you are well aware, the *Midway* modernization was directed to providing effective aircraft handling and control facilities. It could not replace the hull and machinery, which are now twenty-six years old, nor could it compensate for the material shortcomings resulting from wartime construction. As I have stated in testimony before your Committee, the *Midway* is a satisfactory carrier now, but its relative effectiveness will continue to decline in the years ahead.

The sense of urgency which has been felt regarding construction of CVAN–70 is based on the clear need to provide a minimum level of modernization for our aircraft carrier forces. *Midway* of the 1980s—over thirty-five years old—could never substitute for this modern, capable nuclear-powered aircraft carrier.

As you know, I would be more than happy to discuss this matter with you further at your convenience should you desire.

Warmest personal regards.

Sincerely,

T. H. MOORER,
Admiral, U.S. Navy.

Mr. President, that shows the hard nuts and bolts of these matters and these decisions have been made. Here is a man that the President of the United States turns to for advice on the most involved and critical decisions he has to make concerning the military. He turns to others besides Admiral Moorer, but Admiral Moorer is one of them. He not only holds the title, but he is the man at the top for this concern.

He has given us what I wanted, and that is, he has given us the facts of life

with respect to this carrier and whether this carrier deck is adequate for aircraft of the mid-1970's. The length of the deck is determined by the weight of the planes they carry. I have heard people say that that deck is too long. Well, Mr. President, if you are going to have these heavier planes you are going to have these long runways.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SAXBE. Mr. President, I think the Senator has raised an important point here. We are talking about three carriers in the Midway class that have not been converted. We are talking about dollars, and I have here Admiral Zumwalt's contention about the *Midway*.

The *Midway* was originally commissioned in 1945 and was the first of three *Midway* class carriers. Its original cost was $85.6 million. On January 31, 1970, *Midway* emerged from a 4-year conversion which cost almost $200 million. As a comparison, the *Kennedy*, a *Forrestal* class carrier, was completed 2 years earlier at a cost of $279 million. The conversion of *Midway* included such major items as new deck-edge elevators, new catapults and arresting gear, an enlarged angled deck, increased air conditioning, modernized berthing spaces, the Navy tactical data system and a ships inertial navigation system.

At the time the *Midway* was placed back in commission, the Navy issued a press release on January 30, 1970, which, in part, stated:

> *Midway's* conversion was the most comprehensive modernization ever made to a U.S. Navy ship. She will be capable of handling the largest and most complex carrier aircraft and weapons systems in the Navy's arsenal through the 1980's.

I submit they have three more of these comparable ships that they are going to junk. If they need aircraft carriers so desperately as to embark on a $1 billion ship, they could be converted if they are going to handle the most sophisticated weapons systems we are going to put on them. The cost of this is so fantastic it is beyond the grasp of most people.

The cost of this carrier with its planes is $10 for two each man, woman, and child in the United States. The cost exceeds the Federal budget for a year in the State of Ohio. The entire budget for the State of Ohio does not equal the cost of this carrier.

We are talking about cost effectiveness. If we need only 12 carriers, we want them to be the best, but I submit we cannot afford to junk plans for carriers that the Navy says can be converted for $200 million into handling anything they can set up.

I do not question the need for the protection of our sea lanes. I sometimes wonder if the carrier is not the answer to a threat that does not exist. That is because there are no comparable carriers our enemy has any place else in the world, and if we are going to take these carriers around to show the flag, that obviously is in conflict with the Guam doctrine, in which the President said we are not going to stick our nose into other people's business, we are not going to have any more Dominican Republics, we are not going to have any more Lebanons, and we are not going to have any more Vietnams. Therefore, our primary thrust is going to be able to stand up against the Russian threat.

Mr. STENNIS. Mr. President, I am going to conclude my remarks within a few minutes. The Senator from Maine (Mrs. SMITH) is here. I understand she will speak later. I have sent word to the Senator from Vermont that I would yield time to him next.

Mr. President, continuing with a broad outline of my remarks on this matter, I conferred yesterday, at my request, with Admiral Rickover and asked him about this. We want to get right down to the bottom of things as they are now, not what they were 6 months ago, and so forth. I asked him to give me his hard opinion with reference to the *Midway*, and this is what he has to say in response:

> It is not clear how long the Midway can be retained in service, as no carrier has ever been extended in operation beyond 29 years. She underwent an extensive modernization between 1966 and 1970. When the carrier in the bill joins the fleet in 1981, the Midway then will be 36 years old.

Mr. President, this new naval power and threat of the Soviets is recognized and found all the way through the bill we are considering. The Navy items are really very costly, and a great part is due to this very threat I have referred to.

Mr. President, for the time being, I shall try to conclude. I do not think the basic issue here, though, is whether we have the 12th carrier, CVN–70, which is the way they refer to the present carrier; the issue is whether it will be required to replace the *Midway* in 1980.

The premise of the amendment, as I understand it, to take out the funds for the carrier, is that the *Midway* carrier will be fully capable beyond 1980 and that, therefore, construction of CVN–70 is not necessary at this time in order to have a fully modern force level of 12 carriers at that time.

I greatly appreciate and respect the Senator from Ohio. He is a very valuable member of our committee. He hits hard on the things he believes in. His conclusions are not hastily drawn. He is very sincere in this entire matter. I have nothing but admiration for him in that he would draw this issue.

Let me observe, however, Mr. President, that at no time has any responsible witness testified that we will need less than 12 attack carriers for the 1980's. In fact, in only 1 year—1950—since World War II, has there been a force level of less than 12 attack carriers. In 1950, there were 11 attack carriers and from that point on the number has varied between 15 and 18 attack carriers. Regardless of whether there will be 12 or 15 carriers, testimony to the committee has consistently supported the need for 12 fully capable and modern carriers. And CVN–70 is required as the 12th modern carrier. By 1980, when CVN–70 is ready to join the fleet, the force of fully modern carriers will be limited to 11 ships—eight conventionally powered *Forrestal* class carriers and three nuclear powered carriers. CVN–70 would be the 12th fully capable carrier.

CVN–70, the fourth nuclear carrier, will enable stationing of two nuclear carriers on each coast. These four carriers will provide for rapid reinforcement of naval forces on station in distant waters, or for contingency response in other areas. They will be able to move rapidly to areas of potential crisis without waiting for logistic forces. These carriers will represent a capability to increase naval strength in a distant area with closely controlled, credible, and yet numerically reduced forces.

Despite the recent extensive modernization of the *Midway*, she cannot be considered a modern and fully capable carrier. It may come as a surprise, but even now under some conditions the *Midway* cannot launch a fully loaded and fully fueled A–7 or A–6 aircraft. I will talk more about comparative capability later.

"MIDWAY" USEFUL SERVICE LIFE OF 30 YEARS

Navy experience with ships shows that about 30 years of active service can be expected of a combat ship and the carrier is no exception. Modernization programs help and ships are operated beyond their service life, but at a reduced level of effectiveness. There are some parts of a ship that experience wear and tear that a modernization program cannot overcome.

The *Midway* is now 28 years of age, only 2 years away from the end of normal service life. The fact that the *Midway* can continue to serve through the 1970's is a tribute to the extensive modernization program. But there is a limit to the amount of wear and fatigue a ship can take.

Little can be done to further increase the volume and electrical power that the more modern weapons require.

Little more weight can be added or the ship becomes unstable and modern weapons are heavier.

Piping, hull, and machinery deterioration can be stopped only by complete replacement.

And further modernization cannot be justified in view of the age of the major ship elements that cannot be replaced.

Mr. President, I referred earlier to the *Midway* not being a modern and fully capable carrier. I think it would be of value to take a few minutes to discuss relative carrier capabilities. There were major areas of the ship that simply could not be updated to today's standards during the *Midway* modernization period.

First. Catapults—the *Midway* has two catapults compared to four catapults on the nuclear carrier. And the modern catapults can launch aircraft with greater amounts of fuel and ordnance in lower wind conditions and hotter weather. The four catapults give greater capability and flexibility to speed the launch of a combat strike.

I think all can appreciate the problem if the *Midway* were to lose one or both of her catapults, either from battle damage or malfunction. There is no doubt in my mind that the additional catapults on the modern carriers are of immense value from an operational standpoint.

Second. Elevators—the *Midway* has three elevators compared to four on the

modern nuclear carriers. One more elevator does not seem that important, but one of the real problems on a carrier is repositioning aircraft for successive strike missions. The hotter the action, the more valuable the additional elevator becomes.

Third. Aviation ordnance and fuel—The nuclear carrier has 2.5 times the ordnance capacity and 3.1 times the aviation fuel capacity of the Midway carrier. This makes the nuclear carrier far less dependent on replenishment ships. Said another way, the nuclear carrier can fight for significantly longer periods than can the *Midway*.

Fourth. Torpedo protection—Because of improved design, the nuclear carrier has almost half again more capability to withstand torpedo damage. Neither the nuclear carrier nor the *Midway* can be considered invulnerable, but the modern nuclear carrier has, because of improved design, a far better chance to survive attacks.

In summary, the nuclear carrier has far greater capability—25 percent more aircraft, vastly greater firefighting equipments, better defensive systems—and when you consider the virtually ununlimited endurance of nuclear propulsion, there can be no doubt of the superior qualities of CVN–70.

Mr. President, the earliest CVN–70 can be delivered is 1980. By that time, the *Midway* will be 35 years old, or 5 years beyond the 30-year service life expectancy. The *Midway* is doing a good job now, and she will continue to perform well.

I am satisfied, however, that the Navy needs 12 fully capable and modern carriers. The $299 million in long lead funds in this bill will start the long construction process on CVN–70. And CVN–70 is required as the 12th modern carrier in the 1980's.

Mr. President, I urge defeat of the pending amendment which would effectively deny the required modernization of the Navy carrier force.

Mr. President, I yield 10 minutes to the Senator from South Carolina and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment, offered by the distinguished senior Senator from Ohio (Mr. SAXBE) which would strike from the military procurement bill the Navy's funds for a fourth nuclear aircraft carrier.

Mr. President, the genesis of the Navy's fourth nuclear-powered aircraft carrier has been lengthy and uncertain. This carrier, for which initial funding was originally planned for the 1970 budget, has been delayed by fiscal constraints and high level analyses until now its approval has become a matter of greatest urgency.

As these delays have occurred, we have watched both inflation and the interruption of vital component assembly lines act to drive the construction cost up. Also, we have viewed with increasing concern the now rapidly approaching retirement dates for the World War II carriers in our Navy.

One cannot help but be alarmed when considering the recent reductions in this Nation's naval carrier forces and contemplating the further inevitable reductions in the next few years. Since 1965, the number of carriers in active service has been reduced by one-third, from 24 to the 16 operating today. But with ominous implications of future weakness is the fact that seven of our 16 operating carriers are World War II designed ships, ships now in the last years of their expected 30-year active service lives.

The Navy's replacement program is certainly a limited one—two carriers are presently under construction, the *Nimitz* and the *Eisenhower*, and the third one, CVN–70, is contained in this bill. The initial nuclear carrier, the *Enterprise*, is at sea, and when CVN–70 is completed—about 8 years from now, around 1980—the Nation will have two nuclear carriers for each coast.

By that time, Mr. President, obsolescence will have removed or severely restricted our older ships, and the effective carrier force will be only 12 ships—half the number of 1965.

Will the world situation have changed to reduce our need for a Navy? I doubt it. There is no indication now that our Nation can forego the flexible strength provided by carrier forces. The ability of aircraft carriers to move in international waters to nearly any scene of tension or crisis will continue to be essential.

We can look at the Mediterranean for ready examples of this naval requirement. There the carriers serve as visible reminders of U.S. strength. They symbolize our interest in that critical but turbulent region. They actually provide the balanced force that, in many situations, could only come by sea to aid our friends in their time of need.

Mr. President, it should also be pointed out that after hearings and consideration by the members of the Senate Armed Services Committee, the Defense Department request for this fourth nuclear carrier passed the committee by a decisive 12-to-3 vote.

In closing, allow me to summarize the points for CVN–70:

First. This carrier merely modernizes our carrier force, and with a smaller carrier force likely in the future these fewer ships should have more range and power.

Second. Admiral Zumwalt calls this item "the item of highest priority in the budget." Secretary of Defense Melvin Laird and Chief of Staff Adm. Thomas Moorer also describe CVN–70 as a priority item.

Third. It would cost much more to build a nuclear carrier in future years than now, when the construction line is set up at Norfolk.

Fourth. Carriers show the flag, are the cheapest airbases in the world, and give us a great capability in limited war situations.

Fifth. Our carrier force is getting old. At the end of fiscal year 1973 the average age of the current 16-carrier force will be 18 years, with two ships over 28 years.

Mr. President, I urge my colleagues to reject amendment No. 1336.

Mr. SAXBE. Mr. President, I yield such time as he may require to the Senator from Minnesota.

Mr. MONDALE. I thank the Senator from Ohio. I would like to say, before I comment on the pending amendment offered by the distinguished Senator from Ohio, how deeply I appreciate the fairness and the generosity of the Senator from Mississippi (Mr. STENNIS) in dealing with this issue over the past few years. The first amendment by which I raised the issue some years back posed the question of the proper attack carrier force level. This amendment generated a series of debates, hearings, and other actions surrounding the question of the number of attack carriers which we need. Throughout all of these deliberations, the Senator from Mississippi has been understanding, generous, and thoughtful, and even though we have disagreed on the matter, I did want to say at the outset of my participation in this debate how much I appreciate his thoughtfulness.

Mr. President, I strongly support the pending amendment of the distinguished Senator from Ohio to strike the proposed funding of a fourth nuclear attack carrier, the CVAN–70. A careful review of the most recent testimony has shown again, I believe, that the Navy has failed to make the necessary case for spending the $299 million authorized in this bill for CVAN–70's long leadtime items, or in the larger sense, for spending the $1 billion now estimated as the final delivery cost for this most expensive ship in history.

I want to make it clear that I do not advocate the elimination of the attack carrier from our fleet. Nor have I ever advocated such a position.

Carriers have played an important military role in the past, and they can continue to do so in the future.

I strongly believe, therefore, that we must continue to maintain an appropriate number of carriers. But the basic issue now, as in the past, is how many carriers we need for national defense.

The Navy has tried to justify the CVAN–70 on general grounds of fleet obsolescene. However, even if we accept the Navy's own "rule of thumb" that a carrier is obsolete after 30 years—a very questionable assumption, as I stated in testimony on April 8, 1970 before the Joint Senate-House Armed Services Subcommittee on the CVAN–70—the fleet will still consist of the following 12 fully modern attack carriers until the mid–1980's. Until then, we will have:

Eight large-deck *Forrestal* class carriers, the oldest of which was commissioned in 1955;

One modernized *Midway* carrier, which rejoined the fleet in January, 1970 after a 4-year conversion costing $197.2 million; on January 30, 1970, the Defense Department stated that:

> The Midway will be capable of handling the largest and most complex carrier aircraft and weapons systems in the Navy's arsenal through the 1980's.

I have heard some debate on this floor today to the contrary, but that is the position of the Defense Department, and that is what, in their minds, justified the expense of approximately $200 million.

One *Enterprise* nuclear attack carrier, commissioned in 1961;

Within the next 3 years, two more

Nimitz class nuclear carriers will have joined the fleet.

The oldest of these 12 carriers will not reach the 30-year limit until 1985.

Thus, the burden of proof for this billion-dollar investment in the CVAN–70 is to show why more than 12 fully modern carriers are essential to national security. Yet nowhere has the Navy made that case.

Moreover, since a primary mission of carriers is providing tactical air power, there are several important factors—bearing upon the relative merits of carriers vis-a-vis land bases for tactical aircraft—which indicate that a 13th modern carrier is not essential—and that 12 carriers or even less are adequate to meet our present and future national security needs.

First, there is substantial evidence that carriers are a far more expensive means of delivering tactical air power than land bases.

According to the Navy's own estimates, the CVAN–70 will cost $951 million. However, in light of the enormous cost overruns experienced on the two *Nimitz*-class carriers now under construction—CVAN–68 and CVAN–69—this $951 million estimate for the CVAN–70 cannot be considered a reliable figure.

A March 1972 study by the General Accounting Office disclosed that the projected combined cost of the CVAN–68 and the CVAN–69 is now $1,779.8 million—an increase of $833.3 million—or 88 percent—over the original Navy planning estimate of $946.5 million for both carriers. In other words, there has been an overrun of 88 percent in the cost of those two carriers nearing completion. Thus, it is quite likely that the final cost of the CVAN–70 will also greatly exceed present estimates.

Potential cost overruns reveal only a part of the total cost implications of the CVAN–70. Since every carrier is equipped with an air wing—and since the Navy only operates the carrier with a task force—these procurement costs must also be considered.

According to the Navy's own figures, the initial procurement cost of a carrier air wing is $869.6 million. And the initial procurement cost of four DLGN's, nuclear-powered guided missile frigates—which the Deputy Chief of Naval Operations testified would be an ideal escort for a nuclear attack carrier—is $1,019.6 thousand. Thus, the total initial procurement cost for a carrier task force is just over $2.8 billion.

Even this $2.8 billion figure does not reflect the complete cost implications in authorizing the CVAN–70. Using the Navy's own figures, the total cost for procurement and operation of one complete nuclear attack carrier task force over a 30-year period will be $10,184.9 million. In other words, what we are agreeing to do today is to undertake—if we defeat this amendment—an aircraft carrier whose cost of completion implications over the next 30 years is $10,184,000,000. And this estimate does not include such items as basing costs and the cost of the logistical ships necessary for support of the carrier.

If we approve the authorization for the CVAN–70 contained in this bill, we will be committing ourselves to a $10 billion plus expenditure over the next 30 years.

A land base is a far cheaper operation. According to the Air Force, a base in the Pacific can be built for under $75 million; the bare base support program can convert an existing civilian runway for about $50 million.

It is not surprising, therefore, that studies by the Office of the Assistant Secretary of Defense for Systems Analysis have concluded that a sea-based wing is 40 percent more expensive than a land-based wing. I believe all these cost factors argue compelling against procuring an additional nuclear carrier at this time.

In addition to the comparative cost of land and sea-based air power, there is also the issue of the relative vulnerability of these two means of delivering tactical air power. Again, the evidence indicates that the carrier suffers a major disadvantage in its vulnerability to attack by modern missiles and submarines.

While modern technology has augmented the defense of land bases—including new methods for protection, maintenance, and rapid repair—the latest weapons and reconnaissance developments have made carriers easier to find and to damage to the point of making them inoperable. Furthermore, the necessary compensation for this increased vulnerability—the need to maneuver widely and commit the carrier's air power to defensive actions—diminishes the overall offensive capability of the carrier's tactical strike force.

Experts have concluded, therefore, that carriers would not be suitable for use in any situation where an enemy could concentrate land based aircraft, missiles, or submarines against them. Since this would minimize, if not rule out altogether action in any conflict in which the Soviet Union were involved, vulnerability would dictate that the use of the carrier's force would be limited to those contingencies involving only smaller powers—another strong reason why 12 modern carriers or less would be adequate for our national security needs over the foreseeable future.

In a recent prize-winning essay printed in the July 9, 1972, issue of the Proceedings of the United States Naval Institute, Navy Commander Roy Beavers expressed grave concern about the impact of modern military realities on the role of the carrier—and the refusal of naval planners to recognize these realities.

As Commander Beavers pointed out:

> Carrier air warfare is not the dominant reality of present naval warfare, and the U.S. Navy is being challenged by a foe whose navy is not similarly configured. On the contrary, the Soviets are building a navy which is in closer conformity with the prevailing dominant reality of naval warfare—the combat superiority of the submarine.

After observing that "the advance of submarine technology—since World War II has put the modern submarine out of combat reach by known of foreseeable surface and air ASW techniques," Commander Beavers then posed this question:

> Is it going to take a war at sea to prove that the U.S. Navy's capital ship—the aircraft carrier, though defended by its costly retinue of escorts and umbrella of manned aircraft—is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine?
>
> The history of warfare confirms the dictum that technology cannot be defied with impunity.

In response tc these arguments about the carrier's vulnerability, Admiral Moorer, former Chief of Naval Operations, told a VFW Convention in August, 1969 that:

> In some 50 wars or near wars since 1946, we have not lost a carrier or had one damaged owing to hostile action.

At my request, the Navy sent me a classified list of these wars or near wars.

The list includes six wars or near wars in which a carrier was merely alerted and was not actually present. In at least half of the total incidents, the carrier was only remotely involved, and the alleged enemy had absolutely no capacity—and usually no desire—to damage an attack carrier. Thus, the list included such wars or near wars as the Haiti disorders and the Zanzibar riots. The original classified list submitted by the Navy included other incidents of this type, but the Navy refused to declassify several of them.

The fact that the Navy would resort to this type of argument in response to questions concerning the carrier's vulnerability may be indicative of their uneasiness about this problem. In any event, these questions still remain.

Finally, any effort to define the proper size of our carrier fleet should take into account the existing and potential U.S. capability for providing land-based tactical air power. I believe that the present carrier fleet duplicates and overlaps this land-based capability.

Carrier task forces are assigned to the two major trouble areas of the world—the Western Pacific and the Mediterranean. But our capacity to deploy land-based tactical air power is more than adequate in these areas, as well as in most other parts of the globe where peace or U.S. interests may be threatened.

The U.S. Air Force maintains 21 wings of tactical fighters and bombers in active forces at home and abroad.

The geographical spread of overseas bases either operated by, or available to, the United States gives us an impressive land-based tactical capability, especially in the Mediterranean and the Western Pacific. In Europe, the United States alone—not including NATO forces—has bases in eight countries, with approximately 475 tactical aircraft; at least four of those bases are within striking distance of the Mediterranean. In the Pacific, we have bases in six countries, in addition to our bases in Guam and Hawaii, with about 325 tactical aircraft. In total, there are 47 major U.S. Air Force bases outside the continental United States.

The United States also has the capacity for creating new land bases as needs arise. There are at least 700 overseas civilian air fields which the Air Force, within 3 days time, claims it can convert

to a fully equipped tactical air base using the prepositioned kits of the bare base support program.

Furthermore, the range of modern tactical aircraft is between 2 and 3 times greater than that of the older jets. This increased range is expanded even further by the use of midair refueling. Consequently, our overseas landbased planes are capable of reaching many more targets than they were even 10 years ago; and U.S. based tactical aircraft can be operational anywhere in the world in a short period of time.

The Navy contends that the reduction in the number of our overseas land bases justifies the need for the CVAN–70. While these bases have decreased from 119 in 1957 to 47 at the present time, the number of tactical air wings has increased from 16 to 21 during the same period. More important, the greatly increased range of these planes—both in the United States and overseas—means that far fewer land bases can provide ample tactical air support in any areas of potential conflict. And the bare base support program enables the United States to supplement existing land bases to the extent that it is necessary to do so. Even with fewer overseas land bases, then, carriers still overlap and duplicate our land-based capability.

This point about overlap and duplication was dramatically illustrated in a September 1969 letter and memorandum from the Department of the Air Force to Senator HATFIELD. Senator HATFIELD asked whether the loss of overseas land bases had jeopardized the Air Force's tactical air capability. The Air Force responded that:

> The capability of USAF tactical air has in no sense been diminished by land base inactivations.

The memorandum to Senator HATFIELD also contained an extremely significant statement about the overall capability of land-based tactical air power, which reads as follows:

> There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas.

It may be argued that this statement by the Air Force should be disregarded, since it is merely a reflection of the long-standing Air Force-Navy controversy over the role of land- versus sea-based air power. But before rejecting this evaluation as anti-Navy propaganda, the Senate should consider whether or not the Navy's insistence on funding the CVAN–70 in fiscal year 1973 might also be classified as the effort by one service to maintain its position—with little regard for military realities.

In short, the Congress is faced with conflicting claims; on the one hand, the Air Force asserts that carriers are essentially redundant in furnishing tactical air power; on the other hand, the Navy claims we need a large carrier fleet and argues that the obsolescence of that fleet makes the CVAN–70 essential. Without thorough investigation, I do not believe we can reject as self-serving the claim of one service, while accepting the claim of another service as the complete truth.

My own view is that the truth lies somewhere between these conflicting claims. While I believe that some carriers are necessary to insure flexibility in our overall tactical air capability, I also believe that there is no need for a fleet consisting of more than 12 large modern carriers.

This is a view shared by many defense experts—both within and outside the Government. For example, Rear Adm. Gene La Rocque—a former carrier task force commander who recently retired from the Navy and who is now Director of the Center for Defense Information—has strongly opposed the funding of CVAN–70.

Stuart B. Barber, former assistant director of the Navy's long range objectives group, has expressed similar opposition. And two members of the Joint Chiefs of Staff—the Chiefs of Staff of both the Army and the Air Force—have also questioned the need to fund CVAN–70 in fiscal year 1973.

In order to justify the funding now of the CVAN–70, the Navy must show that a 13th modern carrier is essential. I think it is clear that they have failed to meet this burden.

Refusing to authorize the CVAN–70 until the Navy can justify a fourth nuclear carrier will in no way jeopardize national security. Since our potential adversaries—including both the Soviet Union and China—have no attack carriers and since we now have 16—with the assurance that there will be 12 fully modern carriers under the Navy's own criteria until 1985—we can afford to insist upon a clear justification for such a massively expensive project.

In light of the present deficit in the Federal budget, we should not approve the CVAN–70 on a fund now, justify later basis.

I believe that there are far more urgent and justifiable demands on limited Federal funds, both within the defense budget and in other areas of critical national importance. And I also believe that the hard-pressed American taxpayer wants his tax money directed toward these more urgent needs.

But regardless of my position, the central fact remains that the Navy has failed to make its case for the present funding of the CVAN–70.

I therefore urge the Senate to approve Senator SAXBE's amendment deleting all funds authorized for this carrier.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Drew Middleton, entitled "Nuclear Sub, Not the Carrier, Called Dominant Sea Weapon"; and an article published in the U.S. Naval Institute proceedings for July 1972 written by Comdr. Roy Beavers, U.S. Navy, entitled "The End of an Era."

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

NUCLEAR SUB, NOT THE CARRIER, CALLED DOMINANT SEA WEAPON

(By Drew Middleton)

The aircraft carrier's role as the Navy's primary weapon and the traditionalism of the present naval building program are challenged in this month's Proceedings of the United States Naval Institute, the most prestigious of American service publications.

Comdr. Roy Beavers expresses the fear, felt by many other officers, that the nuclear-powered, nuclear-armed submarine emphasized in the Soviet naval program, is the dominant weapon of modern sea warfare rather than the carrier.

Arguments doubting the carrier's primacy have appeared in Congress and other professional publications in the past. They take issue with the Navy's basic concept of the carrier's superiority to all other sea weapons; a concept originating in the victories of World War II and endorsed by admirals who won recognition as carrier airmen in those victories.

Commander Beaver's views appear in an essay in the July issue of the Proceedings. The essay won second honorable mention in the publication's prize essay contest for 1972.

KEY DISCUSSION SOURCE

The naval institute is a private, professional society of those interested in naval and maritime affairs. Although it is not a part of the Navy Department, articles in the Proceedings often discuss issues that worry professional officers.

Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, is president of the institute.

Commander Beavers bases his analysis of American naval needs on the argument that Soviet policy in this decade will be aimed at limiting American freedom of action.

As evidence, he cites an article in the Soviet journal Soviet Law and Government, by G. A. Arbatov, considered by many to be Russia's leading expert on the United States.

Mr. Arbatov, assessing Soviet and American strategy, wrote that "The matter at issue is essentially that of limiting the freedom of action of imperialism—above all United States imperialism."

Commander Beavers contends that the United States is building the wrong sort of Navy around the wrong capital ship, the carrier, to meet the Soviet challenge to "U.S. command of the seas, i.e., capacity for assuring the use of the seas as required by the United States and its allies."

COMMAND OF THE SEAS

The Soviet challenge, he says, is based upon the submarine and one to two hundred modern Soviet submarines nuclear powered and armed with the latest missiles can deny command of the seas to the U.S. Navy's surface forces.

He himself is not a submariner. His last sea duty was as executive officer of the destroyer George K. Makenzie and he is at present attached to the Arms Control and Disarmament Agency in Washington.

The Navy, the writer says, has refused to recognize that advances in submarine technology have given undersea weapons systems the edge over surface systems such as the carrier.

ADVANTAGE OF SUBMARINE

The modern submarine, Soviet or American, Commander Beavers contends, is "out of combat reach by known or foreseeable surface and air antisubmarine warfare techniques." According to this argument, the carrier is vulnerable to the submarine, but the submarine is not vulnerable to the carriers' surface or air defenders.

"This conclusion may still be disputed by some," the officer writes, "but the record—of futile and costly air and surface programs—is a lengthy one that speaks for itself." The Navy spends about $3-billion on anti-submarine warfare.

THE END OF AN ERA

(By Commander Roy Beavers)

". . . We are at the end of an era. The postwar order of international relations—the configuration of power that emerged from the Second World War—is gone. With

it are gone the conditions which have determined the assumptions and practice of United States foreign policy since 1945.

"No single sudden upheaval marked the end of the post war era in the way that the World Wars of this century shattered the prewar orders of international relations. But the cumulative change since 1945 is profound nonetheless. . . ."[1]

The quarter of a century that began with the end of World War II and extended roughly to 1970 was an era of virtually unchallenged U.S. supremacy in international power. The foundations of that power—which facilitated the accomplishment of both U.S. national security and foreign policy goals—were threefold: nuclear war military supremacy, economic and technological supremacy, and a global military presence. Each of these functioned not only to further U.S. interests throughout most of the world, they also constituted the underpinnings of confidence and mutual commitment which upheld the Western alliance system, sheltering America's allies until the prosperity and vigor that had been lost as a result of World War II was restored. That era of unchallenged U.S. world power leadership is passing. Each of the three foundations cited above is now under severe stress.

Soviet "parity" in strategic weaponry for general nuclear war is being conceded and legitimized via the Strategic Arms Limitations Talks (SALT). The U.S. global military presence is eroding faster than many will admit—but not fast enough for some Senators who insist upon America's unilateral withdrawal from Europe. And—while America's economic and technological strength remains preeminent—it is being challenged on a broad front by friend and foe alike. This preeminence, particularly in the vital military technology area, is not assured in the indefinite future.

The Soviet parity in strategic nuclear weapons and much of the erosion of the U.S. global military presence have occurred because of the evolution of circumstances partially beyond our control, but some of these circumstances—the U.S. stand-down in strategic deployment during the past eight years and a growing American indifference to our global military positions—are also of our own doing. The result is a world in which, as the President has said, U.S. foreign and defense policy must rest on a new set of premises.

Under the "sufficiency" criterion of the Nixon Doctrine, nuclear general war deterrence forces are maintained at levels which guarantee that, even should the enemy attack first with his total strategic nuclear forces, the United States would have sufficient survivable strategic nuclear forces to deliver a counterattack that would inflict equally intolerable consequences upon the attacker. It is evident that in this formulation, weapon survivability is a critical aspect of sufficiency, and this has led—albeit belatedly—to a more widespread recognition of the advantages to be gained by sea-based nuclear deterrent systems.[2]

In his 25 February 1971, "State of the World" report to the Congress and to the American people, the President listed a number of nonmilitary manifestations of the new era in the order of international relations: for example, the regained economic vitality, social cohesion, and political self-assurance of the nations that came out of World War II in a shattered condition. The President emphasized that this regained economic vitality is particularly true of Western Europe and Japan, both of which are now capable of doing more in their own defense. In addition, many new nations have gained independence and growing self-confidence. It is noteworthy that these new nations seem to want to face neither East nor West ideologically. (One might observe that their most consistent ideology is nationalism.) Finally, as the President observed in his "State of the World" report, the nature of the monolithic Communist challenge which America and other Free World allies faced in the 1950s has been transformed. It is no longer monolithic and the direction or target of "Communism" is now more ambiguous. As the President reported to the Congress in February 1971: "In the era of Communist solidarity, we pursued an undifferentiated negotiating approach toward Communist countries. In the new era, we see a multipolar Communism marked by a variety of attitudes toward the rest of the world."

At the same time, the U.S. global presence in the form of bases, forces, and aid and sympathy is being withdrawn, reduced, repudiated by the recipients or the U.S. Congress, and otherwise permitted to expire throughout much of the world. Nevertheless, on the basis of the historical record, serious students of power politics are likely to conclude that there will continue to be situations calling for U.S. global involvement on behalf of our own interests and our remaining commitments to loyal allies—however much America's current crop of neo-isolationists may wish it otherwise.

It is evident to students of geopolitics that the momentous changes now underway in U.S. foreign policy—propelled both by the Nixon Doctrine and a national disillusionment with global politics—portend an era in which the role of seapower is likely to become more critical to national security and foreign policy interests. The dynamics of this situation have focused attention upon America's ability—or deteriorating ability, as the case may be—to provide for its national security and foreign policy needs on a global scale that is both within the economic means of this nation and consistent with domestic and international political realities.

The Nixon Doctrine. America's new foreign policy has been characterized in many ways, ranging from "a return to isolationism," manifested by charges of withdrawal from commitments, to "a reinvigoration of the Cold War and Containment of the Soviet Union" under a new policy name. A few have suggested that the Nixon Doctrine means surrender to America's enemies of the past two decades. Some, of course, assert that our new foreign policy is little more than a public relations gimmick.

None of the above explanations are very perceptive. The fundamental break with America's foreign policy in the recent past, as contained in the Nixon Doctrine, is its emphasis upon the more realistic assumption that foreign policy should be pursued primarily on the basis of national self-interest as perceived in terms of national security and survival, rather than in terms of ideological missionaryism.

"National security and survival" is, in itself, a very broad concept that should encompass all elements of national power, such as economic soundness and strength, technological leadership, political, diplomatic and psychological (national willpower) viability, and, of course, the military dimension. American foreign policy has always been more or less cognizant of these interrelated factors. But the important fact to note here is the departure which the Nixon Doctrine represents from America's historic foreign policy obsession that it was essential to America's national security to remake the rest of the world in our own image and convert all peoples to our own system of government. There are many flaws in this historic presumption, not the least being that such a policy has failed to further America's national security and survival prospects. It should have been evident, long before the U.N. vote on China membership, that America's policies were creating more antagonism against the United States, or at best disinterested ho-hums on the part of allies who now feel secure, than have these policies actually advanced the "free-world" concept which ideologically governed America's postwar foreign policy through 1968.

The Nixon Doctrine attempts to come to grip with this condition on a more realistic basis. It is not afraid to view the world in "balance of power" terms rather than the "good guy"/"bad guy" perceptions of the past 25 years. It recognizes that we now live in a world where virtually all ideologies, except perhaps chauvinistic nationalism, have lost much of their previous force. It is a dynamic world with much potential for the shifting of allegiances as national and regional power centers vie for access to the world's human and material resources. This writer suggests that "victory"—i.e., survival—in such a world is likely to be governed by this "access" criterion.

As one would expect, in this balance of power world of shifting allegiances, international competition loses much of its bipolar character. The number of competing global power centers is on the increase, and the readiness of weaker states to cross ideological lines for political, military or economic gain (self interest) is also more evident.

A balance of power foreign policy world heightens the opportunities for imaginative and creative diplomacy. Indeed, it renders imperative such diplomacy. This kind of diplomacy, in turn, calls for alert and open-minded public support; predicated on a thorough understanding of the balance of power national interests involved.

The President's China policy, which has generated so much interest of late, is a case in point. Most Americans are aware that China is a nation of considerable importance to the peace of Asia today, but the important fact for all Americans to understand about China is its potential for power and influence not only in Asia, but also throughout the world in the future. We do not yet know the exact goals of the President's China policy, but one can surmise that they ultimately will include the achievement of a U.S.-China relationship emphasizing shared interests rather than excessive concern over differing governmental systems.

Opportunities for similarly creative diplomacy under the Nixon Doctrine are evident elsewhere—the arms control scene, for example. The Nixon Doctrine emphasizes that is an "era of negotiation," setting forth the hope that the present decade may lead to genuine détente between East and West. The negotiation portion of the Nixon Doctrine is a consistent extension of the balance of power realities cited earlier. We seek greater participation by other countries—particularly, but not exclusively, our allies—in the formulation of policies affecting the peace of the world and the enrichment of human life via the development of the world's human and material resources. Perhaps the letter clause should now define the Free World. Such a definition, for example, could include Yugoslavia, Romania, perhaps China, and many others, as well as the traditional Free World grouping of the past.

In spite of the hard realism bespoken by the Nixon Doctrine, vestiges of America's missionary-like foreign policy remain. As this essay is being written, in November 1971, the U.S. Senate is engaged in a debate over the future of America's foreign aid program. One block of Senators—some of the same who undercut U.S. policy in Vietnam—now argue

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[1] The President's February 25, 1971, Report to the Congress, *U. S. Foreign Policy for the 1970's* (U.S. Government Printing Office, Washington, D.C., 1971).

[2] This thesis was expounded some 13 years ago. *See* Roy I. Beavers, Jr., "Seapower and Geopolitics in the Missile Age," U.S. Naval Institute *Proceedings*, June 1959, pp. 41–47.

that their particular standards and opinions, concerning the policies and political systems of U.S. aid recipients, should be the controlling criteria. Their standards would rule out some of America's most steadfast allies. This is a retreat from the realities of the present world environment. The application of this kind of a morality test to foreign policy is a luxury only affordable by nations clearly mandated—in terms of power as well as righteousness—to impose as well as judge the national policies and political systems of other sovereign states. This presumptuous, albeit altruistic, approach cannot govern America's international posture in the decades ahead. If it does, we may find ourselves with few allies and a great many enemies.

The Soviet Doctrine. A brief examination of the Soviet view of the present world is instructive. In a comprehensive discussion of "socialist" foreign policy, appearing in the Soviet Journal *Soviet Law and Government*,[3] Russia's foremost American expert, G. A. Arbatov, is explicit. Writing about what he describes as "the era of transition from capitalism to Sovietism," Arbatov tells us that Washington's past "global political strategy" is untenable. He cites as the main evidence for his thesis the U.S. experiences in Vietnam, which he calls "U.S. imperialism" and describes as a socialist victory. While predicting further progress for the world's socialist forces, Arbatov advances the thesis that "imperialism" is able to go "only so far as it is permitted to go—permitted by the objective situation and by the strength of the resistance of its adversaries."

Then he states:

"It is precisely this understanding of political reality that underlies the tactics of the communist movement and of all anti-imperialist forces at the present stage. (p. 146) . . . The matter at issue is essentially that of further limiting the freedom of action of imperialism—above all, U.S. imperialism." (p. 147)

Aside from the usual polemics—his Marxian hypnosis with the "imperialism" bogeyman—Arbatov has told it straight. The coming decades mark a period in which Soviet strategy towards the West appears to be aimed mainly at "limiting the freedom of action" of the United States.

In *Between Two Ages*, Professor Zbigniew Brzezinski of Columbia University has summarized the future U.S.-Soviet rivalry thus:

"American-Soviet rivalry is hence likely to become less ideological in character, though it may become more extensive geographically and more dangerous in terms of the power involved. Increased direct contacts between the two nations, restraints imposed by mutual recognition of the destructiveness of present weapons systems and lessened ideological expectations for the Third World could make American-Soviet relations more stable. Nevertheless, more and more areas on the globe could become the objects of moves and countermoves if the growth in long range Soviet military forces, particularly conventional air-sea-lift capabilities, extends American-Soviet rivalry to areas previously considered beyond the Soviet reach."

Pursuit of a policy by the Soviets aimed at "limiting the freedom of action" of the United States—the ongoing Soviet naval buildup and deployment is perhaps the best signal of their intentions—would in effect mean continued conflict between East and West in the lower regions of the spectrum of conflict, i.e., limited/cold war, where the issue is access to the world's human and material resources. In short, continued Soviet insistence upon an "era of transition from capitalism to Sovietism" does not bode well for détente. Such insistence ultimately would also be expected to undermine that portion of the Nixon Doctrine which seeks an era of negotiation.

The foregoing observations do not argue that the United States should abandon its efforts at negotiation. They do suggest that negotiation, too, must be pursued on a realistic "balance of power" basis. Realistically we might recognize, for example, that even negotiation can be aimed at "limiting freedom of action." The Soviet party leader, Leonid Brezhnev, recently hinted that such is his goal, by suggesting that the U.S. Navy should withdraw from the far oceans of the world.

"But at the same time American politicians consider it normal and natural that their 6th Fleet is constantly in the Mediterranean—next door . . . to the Soviet Union—and the 7th Fleet off the shores of China and Indochina. We have never considered, and do not now consider, that it is an ideal situation when the navies of the great powers are cruising about for long periods far from their own shores, and we are prepared to solve this problem, but to solve it, as they say, on an equal basis."

If the need should arise, the United States cannot project power into Europe and Asia by land and by air as easily as can the Soviet Union, Soviet lines of communication are interior to virtually all of its "allies," while the Western World is in essence a maritime alliance.

Brezhnev's proposal, therefore, is a one-sided one that, if adopted, would set the stage for added Russian encroachment upon the world's human and material resources—such as recently carried out under the "Brezhnev doctrine" in Czechoslovakia, and as historically pursued by the Soviet Union throughout Eastern Europe.

A Navy for the New Era. The readers of this journal will recognize that Brezhnev, as well as Arbatov and Brzezinski in quotations cited earlier, is high-lighting a world in which the decisive edge in military power will go to the most versatile and flexible projection at the "limited" and "cold" war levels—in essence, naval power. Additionally, the Nixon Doctrine shift in the U.S. military posture worldwide—the cutback of American troops and bases overseas, accompanied by a shift in much of the military manpower burden away from the United States—places added emphasis upon naval power for the welding together and sustenance of the Western alliance.

Not surprisingly, then, the Soviet Union is now embarked upon a naval expansion program that is rapidly overtaking the United States. The Soviet submarine force—nearly three times the U.S. Navy's in number of boats—is improving in quality, and may already pose a challenge to U.S. command of the seas, i.e., capacity for assuring the use of the seas as required by the United States and its allies. Order dimensions of Soviet naval power are also being dramatically expanded. The newest surface-to-air missile (SAM) armed Soviet surface combatants are proving that they are capable of independent operations in a moderately hostile air-war environment. Prior to the introduction of these SAM missile combatants, the Soviet surface navy had traditionally confined its operations to waters contiguous to its own shores. Simultaneously, the Soviets have gained the right to use naval and air facilities at key strategic locations in the Mediterranean and Indian Ocean regions. The rapid growth of the Soviet merchant marine, at a time when the U.S. merchant fleet is aging faster than it is being replaced, completes a total picture which suggests that Arbatov's description of Soviet policy, as one which seeks to limit U.S. global freedom of action, is well on its way to fulfillment.

Primary military responsibility for meeting this Soviet challenge falls upon the U.S. Navy. This statement can be modified by whatever extent the Nixon Doctrine succeeds in reviving naval power elsewhere in the Western Alliance.

The U.S. Navy has begun to rebuild to meet this challenge, but it is rebuilding along the traditional lines of the past. New ships are replacing old ships of like type, better armed, many times more costly, marginally more seaworthy—still essentially on a type-for-type basis that is leading in the end to a navy that promises to look very much like the U.S. Navy after World War II.

Principal reliance for command of the seas still evolves upon carrier air power, screened by missile-armed surface units,[4] yet it is uncertain that our carriers will confront any significant surface or air challenge. The Soviets are circumventing that challenge via their emphasis on the submarine. This prospect of a minimal surface or air challenge would be fortunate if it gave the U.S. command of the seas by default—but it does not. One to two hundred modern Soviet submarines, nuclear-powered and armed with the latest missiles, can deny command of the seas to the U.S. Navy's surface forces. This appears to be the direction the Soviets are taking. The Soviet Navy now has some 400 submarines, and they are building—both SSNs and SSBNs—at a rate surpassing present U.S. submarine construction capabilities. The majority of present Soviet submarines are not "modern." Only a few are equipped with the advanced missiles. Thus, there is still time. But many readers will share the uneasiness felt by this writer and expressed by the question: Will the navy we are now building prove to be ill-conceived, in terms of its force configuration, for meeting the Soviet challenge cited above?

The investment in new destroyers will not meet that challenge. Yet destroyers continue to be designed and produced on the basis of, and charged with, the primary mission of countering the forthcoming Soviet submarine force. A recent, now famous, article appeared in this journal and brought to light some serious misgivings about the ASW inadequacies of the U.S. Navy's most modern destroyers and destroyer escorts.[5] Possibly that author dwelt upon the wrong issue. He might better have asked: Why are we building destroyers for ASW?

The U.S. Navy's investment in air ASW is only marginally more hopeful. The well known CVS (ASW carrier) issue is perhaps enough of a dead horse that it need not be flogged further here. But, in that matter, also, the issue is the same. The present state of air and surface ASW technology, combined with pressing cost considerations, raises uneasy feelings and grave questions about the inordinate portions of our limited rebuilding budget and manpower resources which are being invested in such marginally effective programs.

The point here is not to point the finger of guilt at some hard-working and much maligned project officer—or at any of the Navy's vested interests. We are all in this Navy guilty of refusing to abide by the dic-

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[3] Translated and reprinted under the title "American Foreign Policy on the Threshold of the 1970s" in *Orbis*, Spring 1971, pp. 134–153. All page citations in the text are from this issue of *Orbis*.

[4] "We control the seas with our aircraft carriers, capable of sinking surface ships, surfaced submarines, shooting down aircraft and, with our F–14 aircraft, shooting down the missiles from any one of those enemy sources," Admiral Zumwalt said in the 13 September 1971 issue of *U.S. News & World Report*.

[5] *See* Robert H. Smith, "A United States Navy for the Future," U.S. Naval Institute *Proceedings*, March 1971, pp. 18–25. Captain Smith's most pregnant observation seems to have been overlooked in the ensuing controversy. ". . . we have clung to the fiction of a primary, and even offensive, ASW role for the surface ship long after it has become obvious that it cannot fulfill that role against the modern submarine." (p. 22)

tum of the most intolerant taskmaster of all—the technological state of the art. The well known fact is that the advance of submarine technology (operating characterictics, armament and sonar capabilities) since World War II has put the modern submarine out of combat reach by known or foreseeable surface and air ASW techniques. This conclusion may still be disputed by some, but the record—of futile and costly surface and air ASW programs—is a lengthy one that speaks for itself.

Naval warfare has been so dramatically altered by the advance of submarine technology over the past 25 years as to have essentially reversed the role of the submarine from one primarily of interdiction to that of representing the ship of the line in terms of command of the seas. The modern, nuclear-powered, fast, quiet, long-endurance, deep-diving, perhaps cruise missile-armed attack submarine not only promises to drive from the seas those surface units that dare to opposite it; *the submarine is also proving to be the best of all platforms for ASW.*

Is it going to take a war at sea to prove that the U.S. Navy's capital ship—the aircraft carrier, though defended by its costly retinue of escorts and umbrella of manned aircraft—is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine? The history of warfare confirms the dictum that technology cannot be defied with impunity. As a consequence of World War I, the French learned that the *élan* of attack—the offense—was not adequate to overcome the technology of the then dominant defense—the machinegun. Applying that lesson to their policies between the wars, the French came to rely for their national security primarily on the defense fortifications of the Maginot Line. But, in the meantime the technology of land warfare had changed. The offense had become dominant in the shape of the fast, armored warfare which comprised *blitzkrieg.* This misplaced French confidence in a technology of warfare that was out of date for its task, led to Vichy.

The U.S. Navy could be making a similar mistake. We won command of the seas at Midway, the Coral Sea, and the Philippine Sea with the aircraft carrier task force. We opposed a similarly configured navy, and there was no doubt that naval carrier air warfare was the dominant reality of that time. But carrier air warfare is not the dominant reality of present naval warfare, and the U.S. Navy is being challenged by a foe whose navy is not similarly configured. On the contrary, the Soviets are building a navy which is in closer conformity with the prevailing dominant reality of naval warfare—the combat superiority of the submarine.

There is a case to be made for carriers and destroyers in our naval program, but it is not the one most often advanced, and it doesn't support the "Cadillac" versions of those ships the U.S. Navy now seeks, certainly not so long as the higher priority, submarine, "command of the seas" requirement is unfulfilled. (It may also make a better case for the Marines and the "amphib" Navy than is currently in fashion.) It is the cold/limited war case as articulated above by Brezhnev, Arbatov, and Brzezinski.

While the cold/limited war scenarios of East-West conflict are not the worst case assumptions, the mutual balance of terror that makes general war a non-option, leads rather obviously to the cold/limited war scenarios being the most probable kinds of conflict. That is where the action is almost certainly going to be. The issue is access to the world's resources; and the contest is, first, one of command of the seas, and second, projection of power and influence in the Mahan tradition when political decisions so dictate. Ultimate victory can be lost or won without a general war ever taking place.

Given current fiscal limitations, the latter dimension of naval planning may require greater compromise than the command of the seas (submarine) role vis-a-vis "ideal" ships and hardware. Remembering that nuclear general war has become a non-option through mutual deterrence, the command of the seas task will merit next highest priority, for it preserves survival against the ultimate limited war challenge—the physical isolation of America from its allies.

Thus the third priority, the U.S./power projection navy, is the logical area for compromise of "Cadillac" ambitions in favor of economy and more units at less unit cost—rather than to stint our command of the seas submarine forces—if funds provided by the Congress are not adequate to legitimate needs in both areas. We can take some comfort that the power projection task by surface forces is the task wherein the most support from the remainder of the maritime alliance can be expected. The Nixon Doctrine highlights that aspect as well. Imaginative programs, like the "Personnel Exchange Program" with allied navies, recently instituted by the U.S. Navy, can fortify the Nixon Doctrine on this score.

The new era of American diplomacy, the Nixon Doctrine, derives from a forthright recognition of the changes that have taken place in the world since 1945—the new realities that now govern the domestic and international political environments. America's new naval policy must start with a clear understanding of those same realties.

In addition, America's new naval policy must—as forthrightly—acknowledge the technological realities that now govern naval warfare, and proceed from the premises dictated thereby. To paraphrase the President's words, quoted at the beginning of this essay: *No single sudden upheaval or technological event has marked the end of the World War II era of naval warfare in the way that world wars often shatter pre-existing assumptions about warfare. But the cumulative changes in naval warfare since 1945 are profound nonetheless.*

We are indeed at the end of an era—in the technology of naval warfare as well as in foreign policy. The question is: Are we now building a new navy that is as realistic as our new foreign policy?

ALTER THE ALTERATIONS

(By Captain Ben W. Blee)

A week after taking command of an aging Navy landing ship dock (LSD), the new commanding officer received an official letter from his force commander: "Altogether too many unauthorized alterations have been made to your ship in past years. You will immediately restore the ship to her original arrangement."

The new CO called for the blueprints and compared them with the ship. The charges were all too true, but to put the ship back in original condition would be a staggering job, making the ship much more comfortable than when she was first built according to World War II Royal Navy specifications.

The next day, the CO called on the staff officer. "Commander," he asked, "do you really mean I am to rearrange the ship just as she was according to these old British Admiralty plans?"

"You read the letter," came the terse reply.

"All right," exclaimed the CO. "Then here is my requisition for 460 hammocks to replace the bunks and foam rubber mattresses, and here's another for eight casks of rum to go in what is now the barber shop. That was the spirits room, you know, so the crew could have its grog." With that, he left the flabbergasted commander and returned to his ship.

Not another word was ever heard about the matter.

Mr. SPONG. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I am glad to yield to the Senator from Virginia.

Mr. SPONG. The Senator from Minnesota has been consistent in his opposition to aircraft carriers throughout the past 5 or 6 years, but I would like to ask a question or two as to his attitude at the moment on the carrier question. Two or three years ago, when one of our more extensive debates took place, perhaps not the Senator from Minnesota but some of those who were contesting the authorization of an additional carrier and pressing for a study of the carrier situation questioned the aircraft carrier as an effective instrument of national security or as an effective weapon. Does the Senator from Minnesota question that today?

Mr. MONDALE. No, I do not. I think we need a naval attack carrier force. What I am questioning is the size of the force. I do not believe, nor do I think that the Defense Department any longer maintains, that the carrier has a strategic role. It is basically a tactical weapon. In the mid-1960's, Secretary McNamara stated that the Defense Department no longer saw the carrier as having a strategic nuclear role but instead viewed it basically as a tactical weapon. I think that is correct. I accept that. I question whether we need 13 fully modern attack carriers through the middle of the 1980's.

Mr. SPONG. The Senator used the figure of 12 or less in his remarks earlier this morning. Would the Senator give me some idea of what he considers the minimum carrier force necessary to achieve the tactical needs he foresees in the world today?

Mr. MONDALE. I do not know what that number should be. What we are debating here is, do we need a 13th modern carrier. The burden is on the Navy to justify that need. I do not think they have sustained it. How much below 12 I would go, I do not know. I am not in a position to say.

Mr. SPONG. I am pleased we have come to certain conclusions, that a 12-carrier modern force—and this is the Navy's position—will be necessary.

I want to make a few remarks that may have been covered. The fact is that the *Midway,* which is the 13th carrier in the Senator's computation, is a carrier that is 28 years old regardless of its refurbishing. We are now talking about a carrier that will not join the fleet until 1980?

Mr. MONDALE. That is correct.

Mr. SPONG. Well, on that basis, it is the view of the Senator from Virginia that the *Midway* by 1980 will not meet what I consider to be the minimum need of 12 modern carriers. Now the Senator from Minnesota is aware that insofar as the catapults are concerned, the fuel situation, and other factors with regard to the *Midway,* they simply do not measure up to what the modern carrier should have.

Mr. MONDALE. I agree that this is a fact in dispute, one that each Senator will have to resolve in his own mind.

The argument I made is based on the statement issued by the Defense Department on January 30, 1970, in which it said:

> Midway's conversion was the most comprehensive modernization ever made to a U.S. Navy ship. She will be capable of handling the largest and most complex carrier aircraft and weapons systems in the Navy's arsenal through the 1980s.

That is a statement by the Defense Department made on January 30, 1970. Thus, it seems somewhat illogical that they would spend $200 million outfitting a ship that they would expect to become obsolete within a few years.

The Senator from Virginia may be right, but that is my case and I suppose each Senator will have to decide for himself.

Mr. SPONG. Of course they will. I do not agree with all the Navy said. Second, I believe we are going to need modern carriers that meet the minimum requirements with regard to elevators, torpedo protection, and catapults. The *Midway* is a carrier that has a 27-year-old hull, regardless of the repairs made.

Mr. SAXBE. Mr. President, will the Senator from Virginia yield?

Mr. SPONG. In just a minute.

It is the position of the Senator from Virginia that we are faced now with a decision whether to go forward with a carrier that will be ready in 1980. In my judgment, we need 12 modern carriers.

Mr. MONDALE. If the Senator believes that we need 12, as I believe the Navy does, the *Midway* is adequate to be the 12th.

Mr. SPONG. I do not agree. It will not be adequate because of the time frame in which we are operating.

Mr. MONDALE. That is a factual difference we have. My case does not go beyond that.

Mr. SPONG. I am glad to yield now to the Senator from Ohio.

Mr. SAXBE. The Senator indicates that this fleet of modern carriers he contemplates is necessary. Does that mean we have got to continue to lay one down every year until we turn them all over?

Mr. SPONG. I do not say that is necessary. I believe in the broad picture of today's security needs, and also the broad picture of diplomatic needs throughout the world, we should go forward with this carrier.

That is my own opinion. I will face up to the factual situation with regard to future construction when we come to it. I regret that the Navy hesitated for one year insofar as this carrier is concerned. I regret the enormous expenditure. However, I see these modern carriers and the need for a fourth nuclear carrier as a necessary part of our security needs if we are to have credibility throughout the next 15 or 16 years when hopefully negotiations will lead to a peaceful world.

Mr. SAXBE. Mr. President, where would the Senator draw the line in negotiations if the carriers increase in cost next year to $2 billion?

Mr. SPONG. When I believe the costs exceed the need, ther I will have to face up to it when we debate future carriers. However, so far as this carrier is concerned, insofar as the need for a fourth nuclear carrier, I doubt that the *Midway*, as I have said, will meet the needs I envision in the early 1980's and I feel this request is justified and, therefore, I support it.

The purpose of my earlier questions was that the argument has shifted because at one time we were arguing whether we should build any more carriers. I believe that we should have a minimum of 12 effective aircraft carriers in the 1980's. That opinion is subject to review and change each year.

To answer the Senator's question, based upon the present cost estimates and allowing even for some of the overruns, I believe we should sustain the committee's recommendations with regard to this carrier.

Mr. MONDALE. Mr. President, I think there may have been some parts of that debate in which there was an implication that some here opposed all aircraft carriers. I have always stated that there was a role for the aircraft carrier. I have raised questions concerning the proper size of the aircraft carrier force and the relationship between sea-based and land-based airpower.

Mr. SPONG. I am pleased the Senator from Minnesota has clarified that. However, when the debate took place 3 and 4 years ago, we found ourselves arguing about why the Russians were not building carriers. And implicit in that debate somewhere was the fact that the British had abandoned carriers because they did not believe they remained an effective naval instrument.

We brought into the debate the British debates that showed what stopped them was the fact that they could not afford carriers any longer. It did not reflect a diminished opinion of the aircraft carrier as a tactical weapon.

Mr. MONDALE. Mr. President, I do not have my earlier statement here. However, I do recall referring to the fact that the Russians did not have an attack carrier in their Navy and that as far as I then knew, and as far as I now know, they have no plans to build an attack carrier.

At that time, we had 16 attack carriers in our fleet. Today we still have 16. However, some of them are close to being outmoded.

The question I raised then—and now—concerned the proper size of the U.S. naval attack carrier force level. I believed then—and I believe now—that the fact that the Russians do not have a single attack carrier has great bearing on the question of the number of carriers we need.

Mr. SPONG. Mr. President, I appreciate the Senator's remarks.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PASTORE. Mr. President, I do not pretend for a moment to be a military expert or historical prophet nor do I have the omniscience to say whether we need 12 or 13 nuclear carriers if America is to have a future. I leave it to men more knowledgeable on military strategy to determine that for me. However, I do know as Chairman of the Joint Committee on Atomic Energy that one of the fortunate things we did in 1961 was to put in operation the *Enterprise*. When we had the critical situation in the Middle East, it was well that the *Bainbridge*, the *Long Beach*, and the *Enterprise* were there and they sped ahead. Their maneuverability is without question. We had their skippers before our committee and we were gratiful for their testimony. There is no question that the ultimate thing will be a nuclear Navy. Half the Navy today is conventional. We only have one nuclear carrier in operation. The *Nimitz* will not be in operation until 1973, if they meet their schedule. As to the *Eisenhower*, that vessel will not go into operation until 1975. We are talking about this new one, the CVN–70. As I understand it, the projected date is 1980. And we will be lucky if we get it then.

It might well be, as the carriers that we have get older and older and we have to put them in mothballs, that we will need to have 13. However, there is not any living soul that can tell us—today—in 1972 what the world situation will be in 1980.

If we look around, we will find that we can rely less and less on land air bases. We are committed in Spain and we find fault because every time we have to renew that lease, we have to make a bigger contribution. We pay more and more—and we have been told that in several parts of the world we are being pressed in the same way.

I do not think that we can properly compare the American Navy with the Russian Navy. I think their complex is entirely different from ours. The aircraft carrier has always been an integral part of the U.S. Navy. We are a two-ocean Nation and since great carriers cannot go through the canal, we must adequately patrol both oceans. Yes—by 1980, if we are going to employ nuclear aircraft carriers, we ought to have two in the Atlantic and two in the Pacific if we are going to have proper protection.

That is the reason for this CVN–70. I know that we can argue and wrestle in a paper bag until the cows come home as to whether we need it or not. We can never know until the time comes. However, I hope that we will not fall into a sense of false security. This is still a very tense and critical world.

I assume that we have certain détentes with Red China and with Russia. I applaud that. However, the Russians are building more missiles and warships. The Red Chinese will be building them, too. And in time Japan will be building them.

The point is that the survival and security of our Nation depends on our supremacy of the seas. We learned that from the experience of England. How does that relate to the Russians when we are being pushed around on land and our fishermen are being pushed around at sea in different parts of the world? It is good to have an aircraft carrier at hand with adequate planes to make troublesome people understand that America is not going to be pushed around.

That is what that is all about. We are talking about priorities—the price of

peace through adequate power. I realize that this is going to cost a lot of money. However, let us not wind up by being the richest nation in the cemetery. We have talked about the cost. I know that it runs into billions and billions of dollars. I realize that. Some things have been abused, and some things have to be cut out. However, after all, the Joint Chiefs of Staff have said these nuclear carriers are absolutely necessary. The head of the U.S. Navy has said that this is a must.

Mr. President, I am telling you, whether he is right or wrong, I am going to give him the benefit of the doubt, because I am afraid, if today we are wrong, the only thing we can say in time of peril to come is, "God help us."

Mr. STENNIS. Mr. President, I estimate that the Senator from Rhode Island used about 10 minutes, and I ask that the time he consumed be charged to my time.

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

Mr. STENNIS. I yield 10 minutes to the Senator from Vermont.

Mr. STAFFORD. Mr. President, I appreciate the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) yielding to me. I had the privilege 2 or 3 years ago to serve on the Joint House-Senate Committee on the Construction of the CVN–70, which was led by the Senator from Mississippi. My convictions with regard to him that I held at that time I still hold, and with regard to the construction of the CVN–70. I appreciate the opportunity to listen to the distinguished Senator from Virginia (Mr. SPONG), and I heartily agree with what he had to say about the construction of this carrier, also.

CVN–70 AND SURVIVABILITY AT SEA

I fully support the distinguished chairman of the Armed Services Committee in providing funds for advance procurement on a new carrier. The question of vulnerability has been raised so often that a detailed analysis is warranted to dispel the arguments that persist.

The total threat to a naval carrier force at sea is very much a function of the type of war or type of challenge considered. In a nuclear war, anything struck by a nuclear warhead, whether it be a ship or a city, will be destroyed. The tremendous advantage of a carrier is that it is not a fixed target which can be carefully programed for ballistic missile attack. The mobility of the ship target offers considerable protection, which increases with the range—and time of flight—of the weapon considered. Against ICBM attack, the aircraft carrier, in contrast to cities, industrial complexes, land air bases, missile sites, and similar fixed targets, is virtually immune to pretargeting. It can move 12 miles or more during the time of flight of an ICBM. If its position is precisely known at a given time, 3 hours later the carrier is somewhere in the area of a circle of more than 25,000 square miles. Because of the mobility of the carrier forces and the complexity of their defenses, the probability is very high that many of these ships would survive to deliver their own punch.

A general war fought with conventional weapons, a more likely possibility because of nuclear parity in the world today, would not be the short exchange assumed for the nuclear war. The survivability of naval forces at sea would develop during the extended, coordinated operations of all naval forces. The primary threat to surface ships in general war is antiship missiles launched by submarines, both surfaced and submerged; long-range aircraft; and surface ships.

The effectiveness of these systems can be significantly reduced by a concentrated effort of naval forces. No carrier travels alone. Indeed, as tensions develop larger grouping of ships randomly disposed are concentrated to give a defense in depth providing multiple opportunities to destroy the incoming enemy. One or more carriers provide air-to-air defense while other ships serve as surface-to-air missile, gun, antisubmarine, and electronic platforms. Submarines are included with their inherently more capable sonar to counter hostile submarines.

Not the least of the enemy's problems is to detect the carrier task force in the vast ocean operating areas. Assuming that the force could be located, the enemy has an additional problem of identifying the individual ships to determine which is the carrier as the force maneuvers, changes composition, courses, and speeds. A submarine must maneuver to firing position, which may be extremely difficult to do if the carrier is traveling at high speed. Aircraft must come into visual range to identify the carrier. Hostile air, surface, and submarine forces can be detected long before they enter the carrier's operating area. The detection of the missile launch vehicle can be accomplished by various carrier, escort, and carrier aircraft sensors.

An attacker must penetrate a defense in depth comprised of various combinations of aircrafts, surface ships, and submarines. The task force has a number of defenses that can engage the enemy before he launches his weapons, after they are launched, and during their flight. Initial defense is the detection and destruction of the delivery vehicles. The guided missiles themselves become the primary target in the next defensive phase. Some of these missiles are not dissimilar in general size and performance to aircraft, and are therefore vulnerable to the task force's antiaircraft defenses. To reach the carrier, the antiship missiles must evade fighter aircraft, and then successfully penetrate the surface-to-air missile defenses of the screening guided missile ships in the task force. Finally, any surviving enemy missiles are exposed to the highly effective fire of short range, point defense missiles and to automatic gunfire from ships of the task force.

If a modern carrier should sustain hits from conventional bombs, torpedoes, or missiles, damage will occur, but that does not mean that the ship will be sunk or even put out of action. Modern carriers are extremely tough ships. The *Essex* class fought through the aircraft, kamikaze, and submarines attacks of World War II without a single loss to enemy action. Subsequent carrier designs have incorporated even more extensive protective features, such as armored flight decks, improved torpedo protection systems, and internal damage limiting features which make them very difficult to sink or put out of action.

Mr. President, it is worth noting that the strength of a modern carrier to resist damage was demonstrated in 1969 when the *Enterprise* sustained damage to its flight deck during a training exercise. Nine bombs were detonated. On that occasion all essential systems in the ship were maintained in operative condition, they controlled the effect of the fire, and they could have resumed all scheduled operations in hours after the debris was cleared from the flight deck.

The carrier gives our forces the best protective capability we can build into our ships. The *Nimitz* class carriers are the best protected and least vulnerable ever designed. The added protection is provided by the extensive use of armor plating against bombs and guided missiles and improved antitorpedo hull design.

These built-in protective systems include:

Extensive armor protection for the flight deck, sides, and underwater body designed to have a high probability of defeating high order contact and penetrating explosives.

The watertight compartmentation throughout the hull which divides the ship into more than 2,000 watertight and shock resistant compartments designed to confine damage to small areas.

Redundancy of essential systems for command and control, aircraft operations, ship control, ship propulsion, and damage control designed to provide means for continuing effective offensive and defensive action while limiting damage, extinguishing fires, and restoring casualties from hits.

In addition to consideration of open warfare, as discussed to this point, it is instructive to examine carrier vulnerability in a "cold war"a— time of political tension without open conflict. Here the aircraft carrier faces no real threat. It operates in international waters, under complete and unquestioned U.S. control. This is in contrast to the threat posed to overseas land bases. These have been found vulnerable to political attack—our overflight privileges have been revoked, our base operating privileges restricted as host nations have examined their own interests during periods of rising tension.

Vulnerability is not a simple subject—it has many aspects. But a modern aircraft carrier such as CVN–70 is designed to carry out its assigned mission in the face of intense opposition. It is designed to go in harm's way. Its survivability is high.

I urge the defeat of the amendment by the Senator from Ohio. I yield back my time.

Mr. SAXBE. Mr. President, I yield myself such time as may be required.

CVN–70 will be the biggest, most expensive ship ever built. While the United States has built a Navy around an aircraft carrier capable of bringing tactical intervention to any part of the globe, the Soviet Union has built a Navy of

attack submarines and missile launching destroyers designed to give control of the sea lanes. It is these missile launching ships and submarines, combined with Soviet naval aviation capabilities, which pose such lethal threat to the U.S. carriers.

The United States has allowed this situation to occur for a number of reasons. At the end of the Second World War we were really the only significant Navy left in the ocean. We did not have to worry about sea control, and operating under our own nuclear umbrella, we could send an aircraft carrier anywhere we wanted to intervene.

In face of this threat the Soviet Union developed a fleet of defensive naval bombers. Developing first the propeller-driven, Bear, the later jet, Badgers Bombers, the Soviet deployed these land-based bombers as a defense against the United States' almost unlimited ability to project its power into Soviet soil.

However, the Soviet Union found this situation unacceptable. The U.S. policy of containment was most certainly containing Russian national influence as well as containing ideological communism. The Russians set out to redress this balance. They have now achieved parity in strategic areas.

Of course, we know about this in the SALT talks.

While the United States spent over $100 billion in a counterinsurgency war in South East Asia. The Soviet Union in that same time period was building a sea control navy. The Russians' policy drew great fire from the Chinese, who accused them of no longer caring about revolution but being concerned only with their position as a great power. The Chinese were probably correct. The Russians endured the criticism and went ahead to build a navy which might in the future be able to prevent the United States from conducting air operations in places like Gulf of Tonkin. But more seriously the Russians created a navy that eventually be able to prevent us from being able to continue commerce with our European allies.

I will go into more detail on the vulnerability of our carriers due to the Soviet development of a sea control force.

The Soviet Naval Air Wing consists of approximately 500 bombers. Most of these are based near north-west and Black Sea coasts of the U.S.S.R. The remainder are located near Ylodivastock on the Pacific coast. These include 300 TU–16, Badger bombers, 100 TU–16 Badger reconnaissance tankers—some of these reconnaissance planes have been replaced with more modern T–22, Blinders—50 IL–28 torpedo equipped Beagle light bombers, and 50 TU–95 Bear reconnaissance aircraft. The Blinder and Badger are capable of launching cruise missiles. The Badger as the heart of threat is capable of launching 2,200 mile Kelt missiles: Two 80 mile range Kennel missiles; or one 200 mile range Kipper missile; and possibly a new Mach–3 missile with a 300- to 400-mile range.

Most of these are what is known as cruise ranges, most difficult to detect and certainly most lethal against any carrier.

The 920 miles per hour Blinder bomber is capable of launching the 300 mile range Kitchen missile which is extremely difficult to defend against.

The Soviet Union's subsurface threat consists of 235 torpedo firing attack submarines, of which 25 are nuclear powered. Many of these subs carry the very effective acoustic homing torpedo. The Soviets also have approximately 66 cruise missile launching submarines, of which 35 are nuclear powered. The Soviets are presently engaged in a construction program for Charlie class submarines, capable of subsurface launching of cruise missiles.

Finally, the Soviet surface threat includes a total of 58 cruisers and destroyers equipped with surface to surface cruise missiles or with surface to air missiles. These include *Krest, Kynda,* and *Sverdlov* class cruisers. It includes *Krivak, Kavin, Krupny, Kildin, Kashin* and *Katlin* class destroyers. In addition to these missile launching destroyers, the U.S.S.R. has 63 of the more traditional gun carrying destroyers.

The combination of this Soviet air, surface, and subsurface threat makes our carriers extremely vulnerable.

I think that we have to take into account that whistling in the dark on the carrier's invulnerability is not going to solve the problem of putting over $1 billion into one target and $3 billion into one small carrier group. It seems to me that we must take note of this, and we must try to spend our money where it will be most useful; that the sea control ships that we now have on the boards can accomplish what the carriers can also do, but they can accomplish it at the cost of less than $1 billion, and also that we can make a sufficient number of these for the tremendous cost of this one carrier that we are debating here today.

I think it was significant that the junior Senator from Virginia, in whose State they make these ships, and where, I am sure, it is of prime interest to keep the shipyards going, commented on the fact that England finally gave up making the carrier because, they said, they could not afford it.

I submit that there is a cost that we cannot afford, and I think we are there right now. In other words, this country, as rich as it is, cannot afford to lay out a projected $10 billion—I repeat, $10 billion, an amount which is needed for so many things in this country—and lay out this amount for one carrier with a questionable survivability, with the tremendous threat being built up against it.

We want this country to be strong. I want it to live up to the capacity of its SALT agreement, which I question we are going to be able to afford—in other words, to live up to what we have limited ourselves to. This carrier is not in the SALT agreement. It is outside it. The Russians do not consider it as a basic threat, or certainly not to the type of warfare they plan. I am convinced the type of warfare they plan involves the use of nuclear power—not as actually utilizing it, but as a threat of nuclear power and the supremacy of nuclear weapons to permit them to achieve by peaceful means the supremacy of Europe and the supremacy of the Far East.

I think the SALT talks and the SALT agreement obviously are going to give them that opportunity. But this is something we can ill afford. This is something we are making a very hard decision on.

It is interesting to me that when I first announced that I was going to sponsor this amendment and speak on it on the floor, the only people I heard from in the country who asked me to back off were the people—some in Ohio—who say, "Well, our business depends on supplying stuff for this carrier. Our projected work schedule for the next several years depends upon this carrier."

I am sure that on all defense spending the commercial interests are bound to trickle in, and there are even some who go so far as to say that perhaps this is a way of seeding the economy, in other words, that this money spent on defense in our airplane factories, our space programs, and our military spending for the Navy, the Air Force, and the Army is the best way of giving private enterprise a shot in the arm, because it results in jobs.

But I submit that even in this area—and I do not discount this contribution to our economy—there are ways that we can benefit our economy much more. The building of a carrier at a cost of $1 billion for the ship alone, $3 billion for the planes that goes with it, and a projected 10-year cost of $10 billion, is just beyond our means at this time.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

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

EXCESSIVE SPENDING—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. HART) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

This is an urgent appeal for the Congress to join with me to avoid higher taxes, higher prices and a cut in purchasing power for everyone in the Nation.

Just when we have succeeded in cutting the rate of inflation in half, and just when we have succeeded in making it possible for America's workers to score their largest real spendable income gains in eight years, this tangible, pocketbook progress may be wiped out by proposed excessive spending.

Specifically, Federal spending for the fiscal year 1973 (which began on July 1, 1972) already is estimated to be almost $7 billion higher than was planned in my budget.

That figure by itself is bad enough. But even more spending beyond the budget—and beyond emergency flood relief funds—appears to be on the way.

The inevitable result would be higher taxes and more income-eating inflation in the form of higher prices.

I am convinced the American people

do not want their family budgets wrecked by higher taxes and higher prices, and I will not stand by and permit such irresponsible action to undermine the clear progress we have made in getting America's workers off the inflation treadmill of the 1960's.

While specific Federal programs are important to many people and constituent groups, none is more important to all the American taxpayers than a concerted program to hold down the rate of taxes and the cost of living.

In view of this serious threat I again urge the Congress—in the economic interest of all American citizens—to enact a spending ceiling of $250 billion. I urgently recommended a spending ceiling when I submitted the fiscal 1973 budget earlier this year.

Our concern with sustaining the increasing purchasing power of all the people requires and demands such responsible action. Our concern with the cost of living requires and demands such responsible action. Our determination to avoid higher taxes requires and demands such action. The basic fiscal integrity of the Nation requires and demands such action.

At fault is the hoary and traditional procedure of the Congress, which now permits action on the various spending programs as if they were unrelated and independent actions. What we should have—and what I again seek today—is that an annual spending ceiling be set first, and that individual program allocations then be tailored to that ceiling. This is the anti-inflationary method I use in designing the Federal budget.

The present Congressional system of independent, unrelated actions on various spending programs means that the Congress arrives at total Federal spending in an accidental, haphazard manner. That is no longer good enough procedure for the American people, who now realize that their hard-won economic gains against inflation are threatened by every deficit spending bill—no matter how attractive the subject matter of that bill might be. And there are impressive gains which I am committed to help guard:

—*We have achieved a substantial success in our battle against the inflation we inherited in 1969. Instead of the more than 6 percent of 1969, we are now down to a rate of 2.9 percent per year. Inflation has been cut in half.*

—*We have cut the personal income tax so that a family of four with an income of $5,000 has had its individual income taxes reduced by 66 percent since 1969, and a family of four with an income of $10,000 has had its income tax reduced by 26 percent since that date.*

—*We have thus brought about conditions in which real, spendable weekly earnings have risen 4 percent in the last year, the largest such gain since 1964.*

If we permit unbridled increases in Federal spending to go on month after month, however, we are in real danger of losing the advantages of the tax cuts and our victories in the battle against inflation.

These are the compelling reasons which require me to ask again in the most urgent and explicit language I can frame that the Congress enact at the earliest possible opportunity a spending ceiling—without loopholes or exceptions—to force Government spending back to the $250 billion level in fiscal year 1973.

I again remind the Congress of the situation I cited last January, when I submitted the fiscal year 1973 budget:

> It will be a job-creating budget and a non-inflationary budget only if spending is limited to the amount the tax system would produce if the economy were operating at full employment.
>
> Those who increase spending beyond that amount will be responsible for causing more inflation.

Since that time, various congressional actions and inactions have heavily underscored all of the reasons I then made for speedy passage of a spending ceiling.

Such a ceiling cannot be completely effective unless the Congress enacts it as I have requested—without exceptions and without loopholes. But if the Congress fails to do this, I do not propose to sit by and silently watch individual family budgets destroyed by rising prices and rising taxes—the inevitable end to spending of this magnitude.

With or without the cooperation of the Congress, I am going to do everything within my power to prevent such a fiscal crisis for millions of our people.

Let there be no misunderstanding: If bills come to my desk calling for excessive spending which threatens the Federal budget, I will veto them.

It is now generally recognized that the national economy is in a period of vigorous expansion. The gross national product soared at an annual growth rate of 8.9 percent in the second quarter of the year—the best such increase since 1965. About 2½ million additional civilian jobs have been added in the last year.

We do not plan to reduce or restrict the very substantial fiscal stimulation we have already provided. But *further* massive Federal stimulation of the economy at this time—whatever its superficial political attractiveness—is certain to lead to the kind of inflation that even wage-price control machinery would find impossible to restrain.

In other words, the American people will have to pay, and pay quickly, for excessive Federal spending—either by higher taxes or by higher consumer prices, or both. Such an intolerable burden would shortly cause an end to the period of economic growth on which we are embarked.

There are desirable features in some of the individual bills now pending in the Congress, but to them have been attached some very excessive spending proposals.

The Federal Government cannot do everything that might be desirable. Hard choices must be made by the Congress in the national interest, just as a family must decide what it will buy with the money it has. Moreover, the experience of the past decade proved that merely throwing money at problems does not automatically or necessarily solve the problems.

I have every confidence that the American people, in this era of wide public awareness of inflation and wide public opposition to its clear causes, understand these realities about Federal spending.

I believe that all of us, the President and the Congress, have a clear duty to protect the national interest in general prosperity—and therefore to resist temptations to over-spend for desirable special programs, or to spend for partisan political advantage.

I favor and have submitted to the Congress responsible and effective programs designed to cleanse the air, to purify the water, to develop and preserve rural America, to improve education, and for many other worthy purposes. No individual and no political party has a monopoly on its concern for the people, individually and in groups. But I am required always to ask:

What is best for *all* the people? What are the hard choices that must be made so that the general welfare is secured? Of what use is it for us to pass these measures, and more, if they are going to destroy the family budget by higher prices and more taxes?

No matter what the political pressures, no matter how frequently I may be told that in an election year a President cannot veto a spending measure, I will simply not let reckless spending of this kind destroy the tax reductions we have secured and the hard-won successes we have earned in the battle against inflation. I intend to continue to do my utmost to preserve the American family budget and to protect it from the ravages of higher taxes and inflation.

The time for fiscal discipline has long since come. The threat demands bold and difficult decisions. Let the Congress make them now.

RICHARD NIXON.

THE WHITE HOUSE, *July 26, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HART) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Repreentatives, by Mr. Berry, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills:

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons in the service academies;

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; and

H.R. 8708. An Act to extend the authority of agency heads to draw checks in favor of

financial organizations to other classes of recurring payments, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. WEICKER).

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.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. SPONG. I thank the Senator from Mississippi.

Mr. President, I support the distinguished chairman of the Armed Services Committee in his continued effort to maintain our maritime supremacy. The advance funding for a nuclear-powered carrier in the report manifests this resolve.

The funds requested in the budget this year for long leadtime contracts for the Navy's fourth nuclear-powered aircraft are an advance commitment by this Congress for important naval strength extending well into the 21st century. The ship we are discussing now will join the Navy in 1980, and can be expected to act throughout the world as an impressive representative of the United States for at least the next 30 years.

It is important that we realize the time frame for this ship. In evaluating the requirement for its construction we must consider the needs of this Nation for proper forces for national defense.

Two primary truths guide our analysis of the future. These are:

First, the United States is a maritime Nation, whose economy is closely linked with overseas nations in all corners of the globe; and,

Second, the course of our progress in our foreign relationships is toward a decreased United States military presence in foreign nations and an increased reliance on foreign military forces to provide for a stable peace.

We are dependent on overseas trade to provide us with essential raw materials and to exchange agricultural products and manufactured goods. A look at the future shows an ever-increasing dependence on this worldwide trade. In energy sources alone we see our already significant overseas dependence increasing to commanding levels. We now import about 20 percent of our petroleum. As the demand for energy increases in the years ahead we can expect our overseas requirements to increase. The National Petroleum Council projects a need for importation of over 40 percent of our petroleum in the next decade. Our increasing dependence on distant Eastern Hemisphere sources is clear. Of course, petroleum is not the only essential import. We depend on overseas sources for an almost endless list of materials: asbestos, chromite, coffee, bauxite, copper, to name a few.

Our economy depends on the overseas export of agricultural products and manufactured goods.

A disruption in the extensive seaborne trade that carries these essential imports and exports would have immediate, widespread effects on this country. This is quite apparent in today's world, and is an assured fact in the 1980's world. Our ever-increasing dependence on world trade means that we cannot permit even a threat of disruption of trade routes.

As we evaluate the effectiveness of our Armed Forces to handle the situations they will meet in the future, we must make certain of their strength to resist coercion in distant, vital trade areas. We must be sure that the Armed Forces we will have will be able to resist threats to overseas trade.

The future course of our Armed Forces, and the military and naval posture we will assume, are evolving now as we give up our overseas bases and reduce the numbers of personnel stationed abroad. Increased reliance on military forces of other nations to maintain a stable peace in distant parts of the world is a proper concept. World stability is to the advantage of all peoples, and all should share in efforts to maintain it. However, our own vital interests are so closely tied to unhindered seaborne trade that we must maintain the flexible strength that may be needed to assist allies to resist distant challenges. So it is apparent that the continuing reduction in our forces stationed overseas will lead to an increased emphasis on the flexibility and responsiveness of our future Armed Forces.

These facts impact directly on the consideration of funds for this fourth nuclear-powered aircraft carrier. A look at the future requirements for Armed Forces has led to emphasis on flexibility and responsiveness. And these are the words that best describe the characteristics of aircraft carriers as we have seen them over the past years.

Aircraft carriers are uniquely capable of providing credible strength in a distant region of the world—strength that can be concentrated as needed to meet any situation. They have the important capability that they can be deployed to an area of rising tensions or potential crisis and held offshore in international waters, thus signaling our interest in the area and our ability to intervent. without actually committing us to land troops.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. SPONG. I yield.

Mr. TOWER. The Senator is suggesting, then, that the carrier is indeed an instrument of diplomacy?

Mr. SPONG. It is.

Mr. TOWER. It is one means of showing the flag without being overbearing or familiar?

Mr. SPONG. Yes. I believe carriers, and particularly nuclear carriers, have a role in the world that I perceive in the next 10 years, during which hopefully negotiations will take place and our posture will not be diminished by the credibility of our force, and, second, where we will be able to show the flag and, if you will, use our Navy as the Russians are presently using theirs.

Mr. TOWER. And is it not true that in spite of the nuclear stand-off, we can foresee possible brush fire situations in which conventional capabilities will be necessary?

Mr. SPONG. I foresee the possibility of those. I certainly hope they are not going to take place, but I see a 10-year period of pushing and shoving. It is going to be necessary that we have this carrier force for those reasons, as well as security needs.

Mr. TOWER. I thank the Senator, and I associate myself with his remarks.

Mr. SPONG. I thank the Senator very much.

Nuclear power has been shown to add an important dimension of timely responsiveness to the carrier's other characteristics. Not only can a nuclear-powered carrier be moved in international waters to the scene of an impending crisis, but it can respond with continuous high speed, unrestricted by concern for any prior establishment of logistic lines of supply. And when a nuclear-powered carrier arrives at a distant station it has a greater amount of jet fuel and other aircraft supplies than a conventional carrier since it does not have to use space in its hull to carry fuel oil.

The need for carriers for this mission will be very important in future years. They will provide us with that essential capability to resist coercion in distant areas with credible strength. The aircraft carrier whose funds are in this budget will be an important member of our future naval forces. It will serve as a stimulus to bolster our aging carrier force. Because of its nuclear power, and its capability to support all modern aircraft, it will be effective well into the 21st century.

The years ahead are fraught with uncertainties. Diplomatic moves do not negate the need for adequate defensive forces. Essential to this is a strong Navy.

If the Nation is dedicated to negotiation in an effort to assure peace in the future, both diplomacy and a strong deterrent capability are necessary to forge a feasible foreign policy. Our discussion and negotiations throughout the world will be credible only if we maintain a persuasive naval force. Our prospects for success through diplomacy will be bright only if other nations respect our capabilities.

We should not be lured into a sense of false security by apparent breakthroughs. This carrier is still a long way off. It will not be built overnight.

Certainly, its cost is great. But the risks involved in reducing our capabilities on the seas is far, fa.: greater. I hope the funds will be approved.

Mr. STENNIS. Mr. President, I am authorized by the Senator from Ohio to yield, for him, 5 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I am

pleased to join with the Senator from Ohio (Mr. SAXBE) and others in cosponsoring the amendment to delete all funds for long leadtime components for CVN–70, a nuclear-powered aircraft carrier.

The committee would provide $299 million for the CVN–70, which would eventually be a billion-dollar project. Currently the United States has 16 fully operational aircraft carriers in service. Two nuclear carriers, the *Nimitz* and the *Dwight D. Eisenhower,* are under construction, and one, the *Enterprise,* is already in service. The Soviet Union has no aircraft carriers and no sea-based fixed-wing aircraft. In fact, I know of no evidence that anybody, any nation anywhere, is planning to build any aircraft carriers. If there was ever an obsolete weapon, this certainly is one. I think one of the reasons why it is obsolete is that the policy which originally justified it is also obsolete.

I was interested in the exchange that the Senator from Texas and the Senator from Virginia just had. This aircraft carrier, it was said, is a precision instrument of diplomacy. What kind of diplomacy? The only thing I can think of that this means is that this is a continuation of the interventionist diplomacy we used to follow in the Caribbean, when we intervened in the Dominican Republic or in any of the so-called banana republics.

It was a period which did not lead to the enhancement of the prestige or influence or standing of the United States. It was a period we have disavowed, when looking back upon it, just as we have disavowed our venture into empire building at the time of the war against the Philippines and Cuba.

In other words, it is true that it is a precision instrument of diplomacy, if the diplomacy is to be directed toward the intimidation and coercion of smaller countries around the world. It is useful for that purpose, and that is the only purpose I can think of for which it is useful.

I do not think anyone believes that in an all-out war with a major country, the aircraft carrier would be very useful, because it is so vulnerable. It is vulnerable, certainly to submarine attacks. That is one reason why I think other countries have not built them and do not intend to build them.

The basic trouble with the aircraft carrier is that the original policy which justified it—sometimes called Pax Americana—is no longer, I believe, the policy or the coming policy of this country. I think we have learned our lesson—I hope we have—in Vietnam and other places.

Recently, we ventured into the Indian Ocean with great fanfare, with the carrier *Enterprise.* Most of the world and many Americans felt that it was a very foolish and shortsighted thing to do.

In any case, I believe that this type of intervention is obsolete and should not be continued. This kind of instrument—that is, this precision instrument diplomacy—the aircraft carrier, would be an incentive, would tend to induce intervention in many places where, with a little passage of time and patience, there would be no need to intervene.

This comes back to the role the United States is to play. Are we going to continue to be the policeman of the world? Are we going to continue to "keep peace" in every corner of the world with our own Armed Forces, unilaterally, or are we going to move to work with the United Nations or with other countries to try to act in a cooperative manner? I believe the latter is the coming policy and is the proper policy for this country. I think that the recent efforts of the President in going to Peking and Moscow indicate a change in the approach of the United States.

I simply do not believe that there is any justification for undertaking this new nuclear powered aircraft carrier. For many years ahead, we will have all the carriers we could need. As I have already mentioned, we have 16. Even when some of the older carriers are retired in years ahead, we will still have at least 12 carriers available for service.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. FULBRIGHT. I am greatly troubled by this "interventionist" nature of aircraft carriers. We have the recent example, which I mentioned earlier, of the *Enterprise* being dispatched to the Indian Ocean last December. That was one of the major steps in a series of inept and unfortunate actions taken by the administration in regard to the India-Pakistan war.

Vice Adm. Jerome H. King, Deputy Chief of Naval Operations, mentioned this episode during his testimony before the Committee on Armed Services earlier this year. Admiral King said:

> In many situations, one of which occurred only recently you will recall in the Indian Ocean, our carrier air power is the only available means by which we can get tactical air power of the highest quality in a position to bear on certain situations of national interest. I refer, of course, to the movement of *Enterprise* into the Indian Ocean. We regard the carrier as vital for sea control in the high-threat areas which Admiral Zumwalt has described, and in the face of a growing Soviet worldwide deployment.
>
> I might add that one would expect that in the future the high threat areas on which we would face Soviet ships backed up by Soviet airpower may expand. There is, as you are, I am sure, aware, some growing Soviet interest in seapower that includes tactical air or at least airpower of some kind at sea in spreading areas of the world.
>
> We regard the attack carrier airpower as essential to combat this present and growing threat. To insure the credibility of our alliances, we must back it up. Our carrier force must not be allowed to stagnate and grow older with time without doing something about modernization.
>
> Finally, of course, the peacetime presence mission of the attack carriers, particularly those which are nuclear powered, is one of our most effective instruments of national power. We must back up the President's decision and be prepared to back them up at any time with effective ready forces that can move out rapidly and deploy in a timely manner.
>
> We learned a few things in the Indian Ocean deployment of *Enterprise.* Perhaps lessons learned is not the way to say that. We established again the validity of some known facts; namely, if you want to move rapidly with a force to a distant point and arrive ready for any required action, the nuclear-powered carrier is the way to do it. *Enterprise* was on her way in a very short time from her position in the South China Sea when the order was passed to move her to the Indian Ocean. She had to wait for her escorts to be fueled, but within 9 hours that had been accomplished and she moved rapidly through the straits to the position directed by the President.

I think the implications of Admiral King's remarks are all too clear, Mr. President. This is an illustration of the prevailing attitude. First, that such a matter is the President's decision. Congress is to have no part in it. No one even thought even to mention that it should be a congressional or a Government decision. It is seen as the President's decision.

With this kind of instrument at his disposal, the President could move immediately, before Congress, the press, or the public knows. We are encouraging the President to undertake such actions by giving him additional instruments of this kind. In a sense, approval of another carrier is an implicit approval of the policy of intervening in anybody's business around the world where the Executive sees fit to do so.

I believe we already have more means than we could possibly use to get ourselves involved in the affairs of other nations. Aircraft carriers are not normally used to evacuate U.S. diplomatic personnel and their wives from troubled areas.

We have maintained a large number of carriers off Vietnam, and before we approve an additional carrier, I think we should consider what the results have been of our 8 years of bombing in Southeast Asia. As retired Adm. Gene La Rocque asked in a letter to the Washington Post:

> What has been the net military effect? At what cost in men, money and aircraft? Has it strengthened or weakened the will of the North Vietnamese? Have eight years of bombing increased our national security? Will more bombing do the same?

Mr. President, other proponents of this amendment have spoken about some of the other reasons why this is such a questionable project. For example, there is the matter of vulnerability, which I mentioned briefly. The carrier is an extremely expensive sitting duck for surface, subsurface, and air-launched cruise missiles, and a variety of other forms of attack.

An article by Navy Comdr. Roy Beavers in the U.S. Naval Institute proceedings has summarized the doubts about the role of the carrier in relation to the submarine. Commander Beavers wrote:

> Principal reliance for command of the seas still evolves upon carrier air power, screened by missile-armed surface units; yet it is uncertain that our carriers will confront any significant surface or air challenge.

Commander Beavers poses the question:

> Is it going to take a war at sea to prove that the U.S. Navy's capital ship—the aircraft carrier, though defended by its costly retinue of escorts and umbrella of manned aircraft—is ill-suited to contest command of the seas against challenges emanating from the capital ship of the Soviet Navy, the attack submarine?

Mr. President, I believe the case against the CVN–70 is overwhelming. I hope the

Senate will approve the amendment to strike funds for this costly project, which is unjustified and which cannot in any way be considered an important priority for our society.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, the distinguished chairman of the Armed Services Committee has my full support in the request for advance funding for a nuclear-powered carrier.

In considering the request for advance funding of the Navy's fourth nuclear-powered aircraft carrier, the present status and the future trend of U.S. oversea presence must be examined. The policy we have proclaimed to guide our change in the structure of our oversea military establishment—the Nixon doctrine—calls for a reduction in numbers of oversea bases, outside of Europe, and an increased reliance by foreign nations on their own forces to provide for their security. We have seen the initial fruits of this policy with our withdrawal from certain oversea bases in such countries as England, Japan, the Philippines, Turkey, Spain, and Korea.

Nevertheless, the United States is an outward-looking nation. Our economy is intertwined with those of other nations of the world. We are vitally dependent on free world trade to provide raw materials and to deliver manufactured goods and agricultural products. As a recognition of this interdependence, we are members of alliances with over 40 nations of the world, thus our policy of withdrawal from oversea bases with a consequent increased reliance on the forces of other nations requires also that we have a capability to support our allies or to prevent coercion, if necessary.

Incidentally, noting what the distinguished Senator from Arkansas (Mr. FULBRIGHT) just said, he seems to imply our policy was one of intimidation of smaller countries. It is certainly not that. Quite the contrary. Our policy is to try to prevent intimidation of smaller and weaker powers by the stronger powers in the world.

It is this vital ability to concentrate strength in a distant area that must be examined to determine the adequacy of our future military forces as the Nixon doctrine is implemented. This examination reveals the urgent requirement for a Navy of adequate strength and flexibility to meet distant challenges in future years.

Our experiences in the Mediterranean serve as possible examples of the future course of events in other areas. We entered the last decade with a strong of land bases nearly surrounding this critical sea. However, during the 1960's the numbers of bases steadily decreased. In Morocco, we were forced to vacate three airbases in spite of having, in effect, paid over $800 million rent over nearly 10 years in the form of economic aid and military assistance. In France, we were asked to leave nine airbases. In 1970, we were forced to leave Wheelus Airbase in Libya, our last base along the North African coastline. Elsewhere our use of overseas bases has been restricted by host governments. News accounts of the most recent renegotiation of our base-use agreement with Spain report that we have consented to "prior consultations" before we use those airbases for actions not directly involving Spain.

Our responses to two different situations in the eastern Mediterranean show the effects of these base losses on our possible actions. In July 1958, we responded to a request for support by the Government of Lebanon. Our actions at that time provided a rapid concentration of Navy, Marine, Air Force, and Army units from the 6th Fleet, from Europe, and from the United States. The total assembled force contained the rising tensions and assured continued stability for the area. In September 1970, after our exensive Mediterranean base structure had been virtually eliminated by closures and restrictions, we were again faced with a period of rising tensions in the eastern Mediterranean. This time our response was to reinforce the Sixth Fleet with an additional aircraft carrier—at sea in the Caribbean when the situation began to build—and with amphibious units. Our response was entirely naval. President Nixon has commented:

> The Jordanian crisis of 1970 demonstrated the importance of being able to employ forces to stabilize a local situation involving great power interests.

The contrasting responses in these two situations foretell of our future requirements for Armed Forces. In 1958, with an extensive supporting base structure, we provided aid with elements of all services. In 1970, after losing this base system, we met a rising crisis with naval power. The flexibility of these naval forces, their capability to move rapidly to reinforce distant units without the prior permission of a foreign nation, their ability to remain offshore in international waters signifying our interest in local developments without committing us in advance—all of these capabilities contributed to the utility of the naval response.

This 1970 experience warns us to look to our future naval strength. The numbers of overseas bases will continue to decline, and our capability to aid our friends or to resist coercion in distant places will depend even more than ever on effective naval units, and, in particular, on the naval strength embodied in modern aircraft carriers.

The nuclear-powered aircraft carrier in this budget is vital to our naval responsiveness in future years. It will replace a wornout World War II carrier in our dwindling fleet. It will have the speed and flexibility of response so essential in the future if we are to be able to provide support for friends and allies without an extensive worldwide base structure.

It has been argued the costs are high. But we must examine what we get for the price. CVN–70 will be a mobile, thus flexible and more difficult to destroy, airbase.

At this point, Mr. President, I should like to say a word about vulnerability. Every conventional weapons system we have, including every air base, every missile silo, has some degree of vulnerability. Every ICBM has some degree of vulnerability to destruction by an antiballistic missile system.

So the argument of vulnerability should not suffice to cause us to cancel a very important and sophisticated weapons system. There is nothing in our inventory that is not, in some degree, vulnerable. Therefore, I do not regard vulnerability as a valid argument.

It will have air superiority, ASW reconnaissance, and close air support weaponry. We will not spend hundreds of millions of dollars on a fixed concrete land base only to lose it when asked to leave. We will not be stuck with fixed airfields when the situation demands flexibility the world over. We will not have a sitting duck airfield, its location known already to the Soviets for a preemptive strike. I ask my colleagues to remember the Second World War carriers that sustained hit after hit and remained afloat in action. I ask you to recall more recently the accident aboard the nuclear-powered *Enterprise* in 1969 when in spite of awesome damage to the carrier it could have been back in action in a matter of a few hours had it been necessary. The carrier is no more vulnerable to attack or nuclear weapons than the fixed base, and, in fact, because of its mobility, is significantly less vulnerable.

My colleague has argued that we do not need CVN–70, because we are already retiring four outdated carriers reducing our force level to 12. Mr. President, by 1980, when CVN–70 is scheduled to be completed, seven out of our current 16 carriers will have served beyond their useful lives. The gap must be filled. CVN–70 will do the job.

Mr. President, I am reluctant to lecture the Senate on the vital nature of sea power and the maintenance of the United States as a major world power.

Everything of bulk importance moves by sea. The sea lanes must be kept free if we are to maintain the degree of commercial intercourse with other countries that is necessary to sustain our own economy. I think it is no argument to say that the Soviets see no particular value in a carrier. It may be that the Soviets do see some value in a carrier, but because we have a strong carrier force they do not believe they could counter such a strong force as our own.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from Texas has expired.

Mr. TOWER. Mr. President, under the authority of the distinguished chairman of the committee, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. I do not believe that we should pattern all our weapons systems or tactics or strategies after those of the Soviet Union.

I do not think that we should assume that the Soviets never make mistakes. It is conceivable that they do. I do not think we ought to assume that the Soviets will never build a carrier of the type we have under discussion today. It is possible that they may have one on the ways at this moment.

The Soviet design is to be able to disrupt ocean traffic in specific parts of the

world or to dominate a specific area and not maintain the type of force necessary to keep all oceans in this world and all of the vital sea passages open to free traffic.

I urge the defeat of the amendment of the Senator from Ohio so that we may continue the modernization of our Navy and so that people like myself, who served in the Navy and are currently in a reserve status, can continue to have great pride in being a part of the greatest Navy in the world.

Mr. SAXBE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I cannot help but note that throughout these speeches today it has been repeated a number of times that not one carrier was sunk during wartime and that they are not vulnerable. There is evidence to indicate that every carrier that was hit during war had to retire from its station.

Mr. TOWER. Mr. President, will the Senator yield at that point?

Mr. SAXBE. Mr. President, I yield.

Mr. TOWER. Mr. President, I do not believe that anyone contended that no carrier was sunk during a war. Certainly carriers were sunk. And certainly they have a degree of vulnerability. But it is right to maintain that it is not vulnerability alone that is concerned. Virtually every weapon in our system has a degree of vulnerability.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. MONDALE. Mr. President, one point that I think is often missed in this debate is that the carrier is vulnerable and is becoming increasingly more vulnerable to air and submarine assault, particularly with modern missiles. The Russians have highly sophisticated nuclear weapons and very speedy missilery which places these carriers in very great jeopardy.

However, there is a second point. Since the carrier is vulnerable to air attack, missile attack, and submarine attack, whenever it is threatened the very serious question immediately rises as to whether it should be deployed to the position of danger. If it is not deployed to such a position, much of its tactical advantage is lost. In addition, it may have to use a tremendous percentage of its tactical wing, that is supposed to be for the purpose of offensive tactical attack, for the purpose of defense. That means that a high portion of the money we spend on a carrier is not going for the purpose of tactical striking power, but instead for the purpose of carrier self-defense.

There have been studies done based on the carrier's experience in the Korean war and World War II to show that a significant portion of the tactical power of attack carriers was absorbed in defending the carriers. And increasingly I think these considerations argue against high numbers of attack carriers.

We now have 16 such carriers, and will have 12 fully modern carriers through the mid-1980's. The CVAN–70 would make 13.

The Russians do not have a single attack carrier and, to my knowledge, they do not plan to build one. We stand alone in the world in insisting on the construction of more carriers.

It must be pointed out as well that we are not just holding our own on carriers; for each new nuclear carrier has about twice as much capability as the carrier it is replacing.

So, at a time when none of our potential adversaries have any attack carriers or plan to build any, we are actually increasing our aircraft carrier capability; and are doing so in light of growing questions about its vulnerability and its usefulness. Much of that information is to be found in some of the documents I submitted earlier.

Mr. President, I am very hopeful that the amendment offered by the Senator from Ohio will be approved.

Mr. SAXBE. Mr. President, one of the disturbing things that comes into any discussion of a weapons system, and particularly something as expensive as this, is when we try to analyze what is said on the floor and the reason for it.

I am almost of an opinion today that the decision that is going to be made on this multibillion-dollar carrier project is not going to be based on how much it will add to the military power of this country, but on other elements—the employment, the business interests, the allegiance of former Navy men to the Navy, and the idea that the Navy concept cannot be abandoned and that they have to have it.

It is very disturbing. And I think that if nothing else ought to be said here, we should call to the attention of the country the fact that this is a questionable expenditure.

AIRCRAFT CARRIER VULNERABILITY

In the period since World War II, carriers have seen extensive combat in Korea and Vietnam. They have also been used on numerous occasions to "show the flag," provide air cover for evacuation of U.S. civilians, and the like. In none of these situations have the carriers been attacked by enemy submarines, aircraft, or surface ships. Although our experience has been in more limited wars, U.S. defense planning continues to be dominated, and rightfully so, by large-scale conventional wars in which the Soviet Union is heavily involved. It is, therefore, crucial that we evaluate the vulnerability of aircraft carriers in such wars, both in absolute terms and relative to land-based tactical aircraft which perform many of the same missions.

Perhaps the most important disadvantage of the aircraft carrier is its greater vulnerability to air and submarine attack than the land-based air wing. On the one hand, we have learned, in recent years, how to build aircraft shelters, how to protect fuel and maintenance facilities, and how to repair runways rapidly so that losses of aircraft on the ground to air attack using conventional weapons can be reduced to very low levels and disruption of operations can be minimized.

On the other hand, technology and other developments have made the aircraft carriers more, rather than less, vulnerable. First, the development by the Soviet Union of large air-to-surface missiles with conventional warheads and terminal guidance has made it possible to launch the equivalent of World War II kamikaze attacks without sacrificing pilots and aircraft.

RECONNAISSANCE DEVELOPMENT

Second, the development of satellite and long-range aircraft reconnaissance has radically reduced the ability of naval task forces to hide in the broad expanses of the oceans. Further, because the carriers will generally be involved in strikes against land targets, they will have to remain in the same general area for long periods of time to have much effect.

Third, these developments, as well as more sensitive submarine sonars and higher speed submarines, make it much easier for submarines to find and attack the carriers. Finally, both antiair and antisubmarine defense, while they can exact high attrition over a long period of time, remain so unreliable in any particular engagement that they cannot guarantee that no more than a few attackers will penetrate.

As a result of these developments, a strong case can be made that the carriers could not remain on station in any situation where the Soviets could concentrate their land-based aircraft or their submarines against them.

Although it is difficult to sink an aircraft carrier—and no modern carrier—*Essex* class or later—was sunk in World War II—it is much easier to damage it enough that flight operations are impossible and to force it to return to port for an extended period of time for repairs. Particularly in the context of current planning for a conventional war with the Soviets lasting not much longer than 90 days, forcing the carrier out of action for 3 months or more is almost as good, from the enemy's point of view, as sinking it.

Mr. President, I have before me a summary showing the results of kamikaze attacks on U.S. carriers—CV's—in World War II, which I ask unanimous consent to have printed in the RECORD.

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

RESULTS OF WORLD WAR II KAMIKAZE ATTACKS ON AIRCRAFT CARRIERS

Number of hits	Number of cases	Number forced to return to port
All aircraft carriers:		
1	10	6
2 or more	4	4
"Essex" class or later:		
1	8	5
2 or more	3	3

Source: Samuel E. Morison, History of the United States Naval Operations in World War Two, Little, Brown & Co., Boston, Mass., 1958–62, vols. 12 to 15, passim.

Mr. SAXBE. Mr. President, we can see that 60 percent of those taking one hit by a kamikaze, and all those taking more than one hit, were forced to return to port for repairs and that the improved damage control features of the *Essex* class and later carriers did not improve these figures.

Based on this evidence and making ample allowance for improvements in damage control since World War II, it appears that four or five hits by Soviet air-to-surface missiles would be enough to force a carrier to retire. Similarly, four or five hits on the carrier's screws by submarine-launched acoustic homing torpedoes can reasonably be expected to cause enough loss of propulsion power to make normal flight operations impossible and to reduce greatly the carrier's ability to avoid further damage.

Because there would only be a small number of carriers deployed, perhaps 10 or 12, and because only a few hits on each, whether by air-to-surface missiles or torpedoes, are needed to force it to retire, it seems unlikely that the carriers could be successfully defended against a concentrated attack by sophisticated land-based aircraft or submarines, regardless of foreseeable technological advances and regardless of the funds, within reasonable limits, devoted to defenses.

No feasible defense will be able to prevent four or five air-to-surface missiles or torpedoes from getting through and hitting the carrier. In fact, both air defenses and antisubmarine defenses typically have a low probability of success on any given engagement, so that, if the enemy needs only a few successful penetrations to accomplish his objective, he will be able to do so.

Some purely illustrative calculations using a simplified model will elucidate the structure of the problem. Suppose the Soviets are willing to lose 25 bombers, each capable of carrying one air-to-surface missile, and perhaps their fighter escorts, to disable a carrier. This is not unreasonable since the Soviets have some 300 air-to-surface missile-capable bombers in their naval aviation force. We assume the air-to-surface missiles have 80-percent reliability and, optimistically, that our fighter defense would have a 40-percent chance of shooting down a given bomber in a single engagement, that all of the bomber losses occur prior to air-to-surface missile launch, and that our surface-to-air missile systems have an 80-percent probability of shooting down an incoming air-to-surface missile.

ELECTRONIC DEVICES

With these assumptions, the bombers would get six hits on the carrier, more than enough to force it to retire. If we are less optimistic and assume that the fighters have a 20-percent kill probability and the missile defenses a 60-percent kill probability, then the expected number of hits would be 32, and a much smaller bomber force would be enough. Thus, even with optimistic assumptions, the carrier cannot be successfully defended against air attack. If the performance of defensive systems does not reach these high expectations, then the level of damage increases rapidly.

Mr. STENNIS. Mr. President, I think there is time to spare for everyone who might wish to speak. I hope we can move forward on this matter and perhaps reach a vote a little earlier this afternoon. If we use all the time now, the vote would not come until about 3 o'clock.

Mr. SAXBE. I do not think we shall need all the time we have.

Mr. STENNIS. I just mention that.

Mr. President, I yield to the Senator from Arizona for 10 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I thank the chairman for yielding.

Mr. President, I rise in opposition to this amendment, although I have to say with all candor and honesty and I have been inclined more against the carrier than for it. But I think in view of the world situation today and the world situation we can see in the coming few years that a carrier force is going to be needed although I think the day is at hand when we can see the end of the carrier as a viable, needed instrument of weaponry.

Mr. President, one of the reasons I have come to this conclusion is the fact that the Navy has spelled out very clearly that the force of carriers is going to be at 12, and the fact we want to build this additional carrier does not mean we are going to wind up with 15, 16, or 18 more. I think we need 12 at the present time because we need at least two carriers in the Atlantic, we need at least two carriers in the Pacific at all times, for the foreseeable future we will need at least one, and possibly two in the Mediterranean, and then we always have the problem of some ships being tied up for alternation, modernization, and so forth.

Mr. President, in arriving at my decision in support of the carrier I tried to answer questions that are, of course, impossible to answer. But in looking at the world today, where could possible trouble spots arise?

Mr. President, even if the war in Southeast Asia ends tomorrow I do not think we can erase that as a trouble spot for years and years to come. I think the Red Chinese are determined to take over Southeast Asia and eventually Asia. This does not mean we are going to get into the act, but in looking over the 57-odd treaties we have around the world, most of them are with countries that could not support large land armies or even large land-based aircraft, so until we can get some understanding around the world I think this force of 12 carriers is certainly going to be needed because of the possibility of wars where we are not going to be able to fight them in a conventional way.

The carrier has been very valuable in the China Sea. I have been on two of them. I watched what they have done.

I heard argument on the floor that the carrier is not a strategic weapon, that it is a tactical weapon. Basically, that is true, but not exactly true in the Southeast Asia war. In this war, carrier-based planes are being used for strategic purposes in that they are daily attacking targets of supply, including pipelines, railroads, highways, bridges, and other targets that would be of value to the North Vietnamese.

So they are operating more as a strategic force than as a tactical force. We have the majority of our carriers now in the far Pacific.

Not long ago during hearings before the Committee on Armed Services I asked the commanding chief of the Navy, "What would happen in the Mediterranean if we were faced with a sudden decision by the Soviets to attack us? Would we survive?" He made this statement—and I am paraphrasing; I do not have the exact words—"We could not survive without augmentation." I asked, "What is augmentation?" He said, "Carriers." Then he added that at that time the closest carrier was a carrier in drydock down in Virginia; the rest of the carriers were on their way to the Southeast Asia theater.

The Mediterranean itself, as far as the need for carriers is concerned, is a spot where we either have carriers or we give up the Mediterranean. I say that because we very foolishly, in the course of history, have given up our friendship with countries around the perimeter of the Mediterranean whose land and whose air bases we could have used for land-based aircraft that could have augmented and supplemented the might of the carrier, until today the entire air effort on the southern flank of NATO, with the exception of Turkish and Greece based American aircraft—if they would still allow us to have them—will have to be carried by aircraft carriers.

The argument is made that these ships are very vulnerable, and as an Air Force man I have to agree that they are. I have serious doubts about their survivability if the Russians have the same type of weapons that we have. But they have some advantages that we are prone to overlook. In their defense, they have great mobility and they have great speed. They have speed faster than any Soviet submarine known at the present time. In fact, we might say that this speed is somewhat of a handicap.

I was in Subic Bay last January when the *Enterprise* reported through the Straits of Malacca into the Indian Ocean, and the entire fleet of accompanying ships had to speed up full draft, and then they could not keep up with the carrier, and this carrier had to reduce its speed.

In fact, I hope we never build a ship in the United States that is not nuclear powered. I do not care whether it has cargo purposes, attack purposes, defense purposes, or submersible purposes. I do not care what its purpose is. I think we ought to say goodby to the oil burner and get along with nuclear propulsion, which we should have done long ago.

The capability of the aircraft carrier has always been one of its great defenses. If anyone is familiar with the pictures, or actually familiar with the maneuvers in the Pacific in World War II, one can recall the wakes of the ships as they moved to avoid attacks made by the Japanese, even the kamikaze, and it added tremendously to the winning of the war in that area.

They are, of course, susceptible to air attack, as is any air base, whether it is on the land or sea, but they do have aircraft to fight back and they have surface-to-air missiles now that are extremely good. And when we bring the Phoenix missile system into operation on the F–14, or whatever aircraft it winds

up on, we will have a very, very fine, highly sophisticated air missile system that will give protection to the carriers.

We have a greatly improved antisubmarine capability. We have an ability that we cannot discuss of knowing where the enemy submarines are. We have the ability of detecting them from the air that we did not have in prior years. And while we cannot erase submarines as a threat to the carrier, nevertheless, it is a greatly diminished threat.

We have developed electronics to a highly sophisticated point, and we are still developing and improving them, to the point where we can use electronics as countermeasures in telling us where the submarine is, the speed at which it is traveling, and so forth.

There is a lot of talk about how much this carrier is going to cost. I realize it is money, and a lot of money—over $1 billion. I recall that the first of our big carriers cost around $300 million. This is over $1 billion. We hear talk about $30 billion over the lifetime of the carrier. I do not know just where these figures come from. We cannot find them substantiated by experience or in the Navy's testimony.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. GOLDWATER. The nuclear carrier does not require the accompanying vessels that an oil burning carrier does. It does not have to be refueled. It does have to be occasionally refueled with aviation gasoline and oil, and it has to take on board supplies, most of which are flown to the deck of the carrier.

I am not going to be able to vote for a carrier forever and ever and ever, but I think the state of our Navy being what it is today requires additional muscle. Frankly, our Navy is in as bad shape now as it was in the late 1930's. We knocked 300 ships out of the line last year. Another 300 are coming out of the line this year. We are a Navy that, in quality, is second to the Soviets; in numbers is becoming second to the Soviets.

I repeat my opening remarks. In the wars that I see possible, which I pray never will happen, I think the carrier is going to be a needed instrument. A war against the Soviets or Red China or any large land mass, of course, would negate that, but I do not see any possibilities of that coming in the future, and I pray that the efforts of our President, with President Nixon's travels around the world, and his efforts to bring about a basis by which we can talk instead of fight, will give us the means of getting peace throughout the world.

Mr. President, I am going to vote for the carrier. I hope it is the last time that I will be asked to vote for it.

Mr. STENNIS. Mr. President, I thank the Senator from Arizona.

I am glad to yield 5 minutes to the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, I support the position of the chairman of the Armed Services Committee and the position of the committee in regard to the need for another nuclear aircraft carrier. The committee, while not unanimous, voted 12 to 3 in favor of this proposal.

The CVN–70 will represent only the fourth nuclear aircraft carrier in the U.S. Navy. It seems to me, Mr. President, if we are going to have a Navy, it is very important that it be a modern Navy. I submit that we cannot have a modern Navy without a reasonable number of nuclear vessels and a reasonable number of nuclear aircraft carriers. We have only one in service today, the *Enterprise*. The *Nimitz* and the *Eisenhower* are under construction. The CVN–70 would be No. 4.

The United States cannot escape its position of responsibility in this imperfect world. I do not favor a policy of intervention, certainly not a policy of unilateral intervention, but I believe in looking at the world as it is, not as we might wish it to be. In the world as it is, the aircraft carrier is an important instrument of national policy.

The existence of the 6th Fleet in the Mediterranean is, I think, a stabilizing influence on what is perhaps the most strategic area in the world. Certainly, it is a very explosive area.

In my judgment, it would be a lot less stable than it is today were it not for the existence of the 6th Fleet. And the 6th Fleet, of course, is built around aircraft carriers.

The aircraft carrier is the principal tactical weapons system through which the Navy carries out its missions of insuring the free use of sealanes and delivering strategic nuclear power ashore. I believe very strongly that we must have a strong Navy, and the aircraft carrier is a vital part of such a Navy.

When we analyze the carriers which we now have, and when we take into consideration that the CVN–70 will not be available for use before 1980, we can better visualize, I think, the importance of approving, at this session of Congress, the long leadtime items for this new carrier.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STENNIS. I yield the Senator 3 additional minutes.

Mr. HARRY F. BYRD, JR. When the CVN–70 becomes operational, most of the carriers now in use will be more than 20 years of age. As a matter of fact, the *Enterprise*, which is the only nuclear carrier we now have, will be 20 years of age itself at the time the CVN–70 becomes operational.

Mr. President, the Senate committee responsible for considering in detail the need for a new carrier is almost, though not entirely, unanimous in the belief that another carrier is needed and is justified. I subscribe to that view. I hope the Senate will approve the long leadtime items, totaling $299 million, which are in this military procurement authorization bill, so that the work can be begun on the CVN–70, which, as I have noted before, even under those conditions will not be available for operation until 1980.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for his contribution to the debate, and I am glad to yield now to the Senator from Maine such time as she may require.

Mrs. SMITH. I thank the Senator.

Mr. President, I oppose this amendment because I think it would impair our national security and would be false economy to delete the nuclear aircraft carrier from the bill.

I have withheld final judgment on this issue for some time because I did not feel that the Secretary of Defense and the chairman of the Joint Chiefs of Staff had been sufficiently definitive and positive on the future plans of the aircraft carriers.

Finally, this year they have shed what I have considered to be vague and nebulous ambivalence in the past on future plans. They now say without equivocation or qualification that this proposed carrier is desperately vital to our future national security. I believe them. I do so because of the following reasons:

First, whether most of us will admit it or not, the Vietnam experience has driven the American people more and more toward a new isolationism—and a part of the result of that isolationism is the rapid decrease in our overseas land bases and our pull-back to a neo-fortress-American policy. This leaves us no choice but to rely on the aircraft carriers as our floating, highly mobile bases that we can project and withdraw at will according to our defense needs and not leave us at the mercy of some foreign country telling us to close our land bases and get out as France did so abruptly and recently.

Second, we need the aircraft carriers to keep the sealanes open. Very frankly we cannot rely completely on the submarines and the surface ships to do this.

Third, of course, this proposed carrier is expensive. But there simply are not any basement bargains in national security. Money saved from false economy means nothing if a nation is so weakened in its national defense that it can be, and is, taken over by an enemy because of the economizing on national defense.

Fourth, we need the submarines but they are no substitute for the carrier. Do not underestimate the psychological importance of the visibility of the carrier in the Mediterranean, the Pacific, the Atlantic, or the Indian Ocean as a stabilizing deterrent to aggression.

Fifth, nor is the proposed sea control ship a complete substitute for the carrier. Its top speed is limited. Its role is limited to low threat situations. Its offensive and defensive capabilities are much less. It is supplementary, not an alternative, to the carrier.

For these reasons, I urge the defeat of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that what time is used be charged equally to both sides.

Mr. SAXBE. That is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. STENNIS. Mr. President, after a conference, the Senator from Ohio and I find that not much more time is needed, and we have agreed that we will ask unanimous consent that the vote on this amendment occur at 2:15 p.m. and that the time between then and now be equally divided between the proponent of the amendment and the manager of the bill.

The PRESIDING OFFICER (Mr. CHILES). Is there objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Ohio for yielding.

Mr. President, the $299 million the Navy is asking for this year for CVN–70 is only the downpayment on the most expensive ship in the world—a billion-dollar carrier. Eight years from now, when this ship is launched, I am certain it will have cost well over a billion dollars. For this staggering investment, we will have purchased just one ship. That $1 billion cost does not include the additional cost, perhaps as high as $2 billion, for its complement of aircraft and supporting ships.

Before Congress can sensibly accept the Navy's arguments in behalf of this carrier, it must also accept the Navy's perception of its military role in the world. The Navy perceives for itself four necessary naval capabilities. Such capabilities ought to be based on a realistic appraisal of the American military role, the American strategy and policy, in the world. But we have no clearly perceived strategy in the world. The Navy's capabilities are instead based on ancient habits and old, discredited policies.

The Navy assumes four necessary capabilities: "assured second strike," "control of sea lanes and areas," "projection of power ashore," and "overseas presence."

There can be no doubt about the first capability. We must have a capable nuclear deterrent. But the carrier has nothing to do with deterrence. It contributes almost nothing to our nuclear defense.

We are told by the Navy that it is "consonant" with the Nixon doctrine to "project power ashore" from the sea. That is the second capability. But I question whether that really is the meaning of the Nixon doctrine—that American forces must be stationed around the globe on carriers for fighter and bomber missions. Are we going to be in brush fire wars everywhere; prepared to put them out at all times and in all places in the world? I doubt that. I doubt that even if this were a necessary capability, the carrier would be an effective means of implementing it. Half of our entire carrier force off Vietnam could not prevent a massive invasion from the north.

It is said, also, that this billion-dollar carrier is needed for another essential naval capability—"overseas presence," deploying force worldwide and showing our flag. That assumption, too, should be tested against the changing realities of the 1970's and 1980's. I believe gunboat diplomacy is a thing of the past. We last tried it in the Bay of Bengal during the India-Pakistani conflict, and we accomplished three things—we prolonged the war, we angered the Indians without benefiting the Pakistanis, and we made ourselves look, in President Nixon's words, like a "pitiful, helpless giant." By showing the flag, we accomplished nothing more certainly than our own humiliation. This kind of gunboat diplomacy is, at best, obsolete; and even if it were not, it is a capability which could be fulfilled with other and less expensive vessels.

Last; it is said that the billion-dollar carrier is required to "control the seas." But must we control the sea lanes to every corner of the world? Is it necessary? It is even possible in an age of nuclear submarines, guided missiles, and nuclear weapons. It is said that we must be able to control the sea lanes in order to import oil. At the same time, we are proposing eventually to import Russian oil in Russian ships. And in the case of oil imports would not any enemy cut foreign oil production at its source?

This carrier's missions simply do not make sense. They are based on 19th century naval capabilities which have little or no relation to the political and military realities of the late 20th century. It is instead, I fear, a monument to interservice politics and rivalry; and, as many naval men are quick to concede privately, it is little more than a multi-billion dollar status symbol for naval men who belong to a different era.

Even if this billion dollars should be spent on the Navy, it should not be spent on another nuclear carrier. We have a dozen carriers already which have many years of life remaining.

We expect to build an entire fleet of "sea control carriers" which will be able to perform all the missions of this carrier. For what we are paying for this carrier, we could get nine "sea control carriers."

By buying one huge platform, we compound the vulnerability of the carrier by giving an enemy one target to aim at. Carriers are vulnerable. Thirty-eight percent of carriers hit once during action in World War II were forced out of action. Seventy-five percent of carriers hit twice were forced out of action. The average time these crippled carriers were out of action was over 2 months.

Carriers are vulnerable to nuclear submarine attack. Repeatedly in naval exercises, including exercises with allied forces, submarines have been able to penetrate carrier defenses undetected.

The carrier is a sitting duck for the nuclear submarine. It is also vulnerable to attack by surface-to-surface missiles; and, as Senator GOLDWATER conceded a moment ago, it is vulnerable to attack from the air. Its vulnerability will continue to increase as technology continues to increase the effectiveness of offensive weapons without compensating improvements in defensive weapons.

It has been said in the course of this debate that all ships are vulnerable to submarine attack. That is true. But nine ships are harder to attack and to knock out than one. Nine smaller ships, at the same price of the CVN–70, could provide more flexibility and more firepower, with far more safety against attack.

Mr. SAXBE. Mr. President, will the Senator yield so that we can ask for the yeas and nays at this time?

Mr. STEVENSON. I yield.

Mr. SAXBE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STEVENSON. Its cost is greatly augmented because it is nuclear. Why? It must be provisioned regularly with food, fuel for its planes, and ammunition. Why not with oil for its engines? Its newly acquired antisub role could be performed less expensively by existing land-based planes and new, less expensive multi-purpose vessels, including sea-based planes and helicopters. Its sea control mission could be performed less expensively by destroyers, patrol frigates, and other less expensive surface vessels—if sea control against the most modern nuclear submarines is possible by any means. Its shore support mission might be performed by surface-to-surface missiles launched from less expensive naval platforms or by planes launched from existing carriers or additional less expensive carriers. Why must we place so many of our eggs in this one most fragile and expensive basket? It is vulnerable to destruction and heavy damage from attack by airborne missiles. The Navy's own exercises demonstrate that it is vulnerable to attack from the nuclear submarine. The Navy has better ways of spending this billion dollars.

Mr. President, I could go on at some length but time is running out. Let me conclude by saying that each new arms program, including this carrier, brings a response from the other side, leaving us by and large in the same relative position military, but a little closer to the flash point, and always poorer economically. If we do not pass this amendment, the billion dollars for the carrier will be lost forever. That money will never be available for public safety, pollution control, or education here at home.

Nor will the billion dollars for this carrier ever be available for development and humanitarian assistance in the rest of the world. All this carrier will ever contribute to the world is "showing the flag" or "protection of power ashore." We have better things to do with our money than to build a fourth nuclear carrier.

Mr. TOWER. Mr. President, I send to the desk an amendment to the one under consideration and ask that it be printed.

I also ask unanimous consent that the name of the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, the amendment will be received and will be printed; and, without objection, the Senator from South Carolina will be listed as a cosponsor of the Senator's amendment.

Mr. STENNIS. Mr. President, I yield myself 8 minutes, or so much thereof as I may use.

I am not going to detain the Senate but a few minutes. We have already

agreed to vote at 2:15 p.m. today. I want to refer to the fact that I stated this morning since the Department of Defense's firm decision to set the carrier force in the 1980's at 12, that this has cleared up the situation considerably. It is a firm figure. We know where we are. The debates on this subject for the past several years have demonstrated that there should be a firm clearing up of the situation. It is a strengthening. It makes it much easier to vote for this carrier with confidence.

We all assert that we must have a carrier fleet. Most of us agree that it should be modern. That means nuclear power and, thus, increased range and time saving and all the other things that go with it.

So I want to say to those who have opposed the carrier, who are now suggesting a reduction, as well as to those who have opposed the idea of a modern fleet, that I think this is a fine illustration of what debate, planning, and replanning can do. The result is strength.

As I said this morning—and I go now to what I think are some of the most important and knowledgeable responsible sources on many of these matters—I conferred yesterday with Admiral Zumwalt. I hold in my hand a letter dated yesterday from him. I asked him to summarize some of the advice he had given me.

Let me read one paragraph from it:

> My strongest initiatives over the past few years have been aimed at the development of small, low-cost systems. It is precisely the umbrella of our more capable, more sophisticated forces such as the CVN–70 that make it possible for us to recommend a mix, including these low-cost systems.

Mr. President, I said this morning that there are many other ships and ship systems in the bill because we are having to strengthen our Navy in a variety of ways. There is no doubt about the correctness of what Admiral Zumwalt said in that paragraph, when he said it serves as an umbrella—the carrier does—protecting the other necessary ships we have in order to make for a balanced Navy.

The Senator from Rhode Island made a telling point this morning, with reference to nuclear-powered carriers, when he vividly portrayed the need for two in the Pacific and two in the Atlantic, to be the leaders, so to speak, in modernity and everything else, for the two carrier fleets, one to the west and one to the east.

This will be the fourth nuclear-powered carrier that will give just that leadership. It will be the fourth part of the umbrella to which I have referred.

I had a conference yesterday, frankly, to review and bring out again in his own vivid way, the recommendations of Admiral Rickover. I read a few of his remarks this morning.

Mr. President, I now ask unanimous consent, in view of the pressure of time, to have printed in the RECORD additional remarks and paragraphs from Admiral Rickover as well as the remainder of the letter from Admiral Zumwalt.

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

CHIEF OF NAVAL OPERATIONS,
July 25, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I wanted to provide you with our latest views on the nuclear aircraft carrier (CVN–70) at this critical time in the Senate's consideration of the ship. As I have stated previously, I consider CVN–70 the highest priority program in the Navy budget. While we are moving out imaginatively on many fronts with new technology—from satellites to lasers—to develop more effective and less expensive ways of accomplishing the vital missions of the Navy, all our work shows clearly that the aircraft carrier will remain the fundamental element of naval forces for the foreseeable future—without which no strategy is viable and no other forces will be effective.

As you know, in recent years our carrier force has experienced the most severe reduction of any major U.S. weapon system, declining from 23 at end FY–68 to 16 at the end of the current fiscal year. Included in the current force of 16 are 7 carriers built during World War II which are of limited combat effectiveness even now, and are near the end of their service life. Our sense of great urgency regarding CVN–70 derives from the fact that this ship has now been delayed three years past its planned start date, and with approval of advanced funding now it will still not join the fleet until FY 1981! By that time, our carrier force level will have dropped to about 12, half that of a few years ago. One of those 12 will be USS MIDWAY, in her 35th year of service, and well beyond any possibility of significant extension. Thus, I would emphasize that CVN–70 represents an absolute minimum replacement effort, already overdue, in a force level that is declining at a dangerous rate, is seriously low now, and is projected to continue dropping. In fact, due to the 8-year construction period, funding of CVN–70 now is essential even for maintenance of carrier force levels below 12 in the 1980s.

Our past experience, our fleet exercises, and our analyses, all show the carrier to be the most basic building block of this country's naval forces for the future. As a maritime nation, leader of the Free World's oceanic coalition, we must have control of the seas to survive.

While a navy oriented strongly to submarines, as is the Soviet Navy, can be effective in denying sea control to others, it cannot exercise this control—as this country must. The carrier force, and CVN–70, are essential both to gaining control of the seas and to projection of forces from the seas. CVN–70 will be vital in major wars, such as a NATO conflict with the Warsaw Pact, and in peripheral wars and confrontations. In fact, in the face of our forced reduction in carrier force level to 12, CVN–70 becomes even more crucial as the linch-pin of our rapid-reaction nuclear carrier task forces. With CVN–70, we will have two nuclear carriers in a ready status on each coast. These fast, powerful, high-endurance ships will offset to a considerable degree our reduced force level, allowing rapid reinforcement of deployed forces in crisis, and serving as a deterrent to escalation through early arrival on the scene of a confrontation. The Jordanian crisis of 1970 was a classic example of the utility of carriers—often the only U.S. forces that can reach the scene in time to prevent outbreak of violence. As this country gradually reduces its overseas forces, carriers provide the flexibility and mobility that allow employment of tactical airpower wherever needed, world-wide.

As you know, my strongest initiatives over the past few years have been aimed at development of small, low-cost systems. Yet it is precisely the umbrella of our more capable, more sophisticated forces, such as CVN–70, that make it possible for us to recommend a mix including these low-cost systems.

While it is fashionable to regard the carrier as being vulnerable to cruise missile and torpedo attack, this is true only in a relative sense. In most forseeable types of confrontation or conflict, the threat to the carrier will be non-existent or minimal. Even in a full-scale war at sea with the Soviet Union, a carrier task force is harder to find, tougher to attack, and more difficult to damage, than almost any other military force. Charged with the responsibility for carriers, I am completely confident of their survivability or I would not recommend them. If our carriers cannot survive, no other U.S. military force is viable.

Finally, as regards cost, I would like to reemphasize that CVN–70 is, in all particulars, essentially the same ship as USS *Nimitz* (CVN–68) and USS *Eisenhower* (CVN–69). The increased cost of CVN–70 over its sister ships is almost entirely attributable to the escalation which has been common to all U.S. industry, and has been most significant in shipbuilding. All possible actions have been taken, and will continue, to acquire the essential capability of CVN–70 at minimum cost.

Warmest regards,

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

DEPARTMENT OF THE NAVY,
Washington, D.C., July 25, 1972.

Hon. JOHN C. STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: Your letter of July 25, 1972 requested my current thoughts as to why we should proceed immediately with the CVN 70 and TRIDENT program requested by the Administration and the Secretary of Defense in the FY 1973 budget now before Congress.

I have attached two point papers which reflect my current views on these programs. I hope they are responsive to your needs.

I would be pleased to respond to any other specific questions you may have.

Respectfully,

H. G. RICKOVER.

JULY 25, 1972.

STATEMENT OF ADMIRAL RICKOVER

NEED FOR THE NUCLEAR CARRIER CVN 70

A primary mission of our Navy is to insure that our first line naval striking forces can carry out their mission against the threats the Soviets are presently developing.

Our major surface warships must have this capability, or we may end up without a credible deterrent to Communist encroachments which do not warrant escalation to a nuclear war. The all-nuclear carrier task force with nuclear powered carriers as the heart of the task force, has the best chance of countering the nonnuclear naval threat the Soviets are developing.

For the foreseeable future the aircraft carrier will be the principal offensive striking arm of the Navy in a nonnuclear war. No other weapon system under development can replace the long-range, sustained, concentrated firepower of the carrier air wing. Torpedo-firing nuclear submarines, cruise missile-firing nuclear submarines, nuclear frigates and antiair and antisubmarine capabilities, all are needed to supplement and augment the capabilities of the nuclear carrier. But it is the carrier which provides the offensive punch.

It is widely understood that American nuclear superiority over the past 25 years has deterred nuclear war; it is not as widely understood that our naval superiority over this period has deterred lesser wars. If we

do not maintain the capability to operate our first-line naval striking forces in all areas required by our national interests, we will have given up the ability to carry out sustained military operations away from our shores, not only by the Navy but by the other services as well. The nuclear powered aircraft carrier CVN 70 is essential to this capability.

The number of U.S. overseas land airbases is declining. We had 105 in 1957. We have less than 50 now, 14 of which are in Vietnam and Thailand. 8 more are in Turkey, Spain, Japan, the Philippines, and Okinawa where political forces are already trying to throw us out, leaving only 28. Sea-based tactical aircraft are required when land bases are not available or do not have the capacity to meet the required tactical needs. The aircraft carriers can provide this sea-based tactical air power.

The only reliable long range weapon system our surface ships have is carrier based aircraft. As new aircraft and aircraft weapons are developed they can be added to a carrier air wing.

Our carriers are vulnerable to attack by Soviet cruise missiles—as are all surface ships and land installations within range. However, the best defense our surface ships have against such missiles is carrier based aircraft. Without the carriers and the aircraft they carry, all other surface warships, replenishment ships, and amphibious forces, will be more vulnerable. The nuclear carrier task force, with the advantage of nuclear propulsion to permit unlimited operation at high speed is the most powerful, least vulnerable surface ship force in the history of naval warfare.

If an opponent is successful in developing weapons that can sink large numbers of our carriers and we are not successful in developing adequate counterweapons—or if we simply do not build sufficient modern carriers to protect our sealanes—the United States will have to change its national objectives to be consistent with the inability to conduct overseas military operations.

The CVN 70 is needed to replace an aging World War II design carrier which cannot cope with the Soviet threat of the 1980s and beyond. The CVN 70 will be able to operate the most advanced models of tactical aircraft. She will increase the number of nuclear powered carriers in the fleet by one-third. She will be operating with the fleet well into the 21st century.

Older carriers have no growth potential left. Even with the extensive modernization accomplished in each class, deficiencies remain in relation to carrier requirements for the 1980s.

If the Navy retires carriers at 30 years of age—the current Navy estimate of useful life of a carrier—we will have a carrier force of 11 to 12 carriers through 1985 with no new carrier construction. Funding CVN 70 now will allow a force of 12 to 13 carriers between 1980 and 1985. The range in force estimates depends on the age when the *Midway* is retired.

It is not clear how long the *Midway* can be retained in service, as no carrier has ever been extended in operation beyond 29 years. She underwent an extensive modernization beyond 1966 and 1970. When the CVN 70 joins the fleet in 1981, the *Midway* will be 36 years old.

Attack carriers are being operated harder than any surface ships in naval history. As the number of carriers is reduced, the requirements placed on each carrier is increased. No carrier to date has been in service more than 29 years. The carriers in the fleet today were designed to specifications which assumed a 20 year ship life. Therefore the assumption that all of our present carriers can provide 30 years or more of reliable operation is questionable.

The reasons for building the CVN 70 *now* are the acute need for force modernization and the fact that while carrier force levels have decreased sharply, the world-wide tactical air strike requirements have not. In addition, for the first time in the quarter century since World War II the United States is faced with a naval threat challenging our ability to maintain free use of the seas. The mobility and sustained fire power available only in a nuclear carrier is required to counter this threat.

With the CVN 70, the number of carriers less than 30 years old in 1981 will be half the number the Navy had in operation in 1966. The declining number of overseas bases coupled with the decline in the number of carriers requires each carrier in the active force to be the most capable, least vulnerable ship it is possible to build—a CVN.

Mr. STENNIS. Mr. President, I revert now to where I started. Someone referred to what kind of diplomacy does the carrier carry in peacetime. May I suggest that it is a silent diplomacy. The carriers speak loudly by just silently finding their way around all over the sea lanes of the world carrying our flag. It is also a preparedness diplomacy which has been proved over and over again.

I frankly worried about this matter of getting a carrier fleet to a definite size. We planned for it and talked about how many ships would be necessary to do what and how many modern ships we would have. I am very happy to see this one now in the bill and I hope it stays there because I think this is the minimum number of nuclear-powered carriers with all the modernity of equipment and facilities and everything that goes with it. This is the minimum number that we should settle for, for the time being. I hope that "for the time being" means it will prove to be several years.

So I urge my colleagues to vote against the pending amendment.

I yield the floor.

Mr. SAXBE. Mr. President, I believe for me to make my concluding remarks it would be necessary for the Senator from Mississippi to yield me some time.

Mr. STENNIS. Yes. I yield the Senator whatever time I have remaining.

Mr. SAXBE. As I recall, the vote is set in 5 minutes and I certainly intend to conclude my remarks by that time.

Mr. STENNIS. I am delighted to yield to the Senator such time as I have remaining.

Mr. SAXBE. Mr. President, I believe that we have had full exposure today on this carrier question. I think we could talk a whole lot longer about it and not say a great deal more.

The issue is one of cost effectiveness. There has been no serious debate on this floor of the fact that we consider the carrier an essential part of our defense system, at least for the time being. However, I think that we must also recognize the serious question of how long can we continue to build carriers as sea control ships when they are not cost effective for this job. Not only are they inefficient as sea control vessels, but they are vulnerable to "smart" missiles which are carried by aircraft and by ships smaller than the carrier. Our competition on the high seas continues to build these efficient sea control tools in increasing number and effect. We will have to assess whether we can afford to put a carrier out there at a cost of $1 billion, and a cost of $3 billion for the air wing, to be a target for these cheaper tactical missiles and delivery systems.

We talk a great deal about the use of these missiles in North Vietnam and say that we can knock out the third plank in a bridge, put one in the mouth of a tunnel, or down a chimney.

With those weapons available to us I am relatively confident that the Soviets possess the know how and the hardware to penetrate even the sophisticated defenses of our carriers should they choose to do so.

So, here we are putting all of our money into this great big carrier. I have never believed that the amendment would carry because too many people are directly interested in getting the carriers going. I prophesy that this carrier will never be completed because sooner or later it will sink in that with the smart missiles that we have, either airborne, seaborne, or submarine carried, we cannot afford to put these targets out there. These smaller, cheaper more cost effective weapons can do the job better. And, I am just talking about conventional warfare. Now, when we get to nuclear warfare, the fact is obvious that a carrier is not meant to survive any kind of nuclear attack. And the fact that it can move 20 miles while an ICBM is in the air is not significant when we think that they are not going to waste a 50-megaton warhead or even a MIRV warhead in hitting a carrier when they can do the same thing with a cruise missile launched not more than 300 miles away.

These are facts that will become increasingly prominent as the years go by.

I prophesy that what we are saying today is the last argument of the Senate on the floor as to whether to build a carrier, because even those who support the carrier will not be brave enough to do it on another go-round. Obviously we are pricing ourselves out of business, $10 billion down the hole with a carrier that can be sunk with a motorboat.

Mr. President, I just think it is a good thing that we have discussed this matter today and brought it up. I think these arguments will be repeated many times and there will be arguments from now on because we point out the fact that the carrier is the dodo, and though there is a great nostalgic feeling among Navy men about the carriers and among the admirals who want to sail them, this nostalgia is not worth $10 billion.

It is great to fly the flag. However, we do not need 3 foot of armor on a flag deck to take it around with a happy crew on it and park it in Hong Kong or in a Mediterranean port when we can do the same thing with a cheaper ship.

For these reasons we have offered our amendment. And, as I say, we have done so without much hope of its being passed. This is the last time the carrier will be debated on the floor. And, as I prophesy, this is a carrier that will never be used. And I hope it never will be used.

I thank the Senator and I believe the hour has come to vote.

Mr. SCOTT. Mr. President, the national budget for fiscal year 1973, now being considered by the Congress, allocates $299 million to long leadtime fund-

ing for a third nuclear-powered aircraft carrier of the *Nimitz* class, CVN–70. Approval of the long leadtime funds this year and of the balance funding in fiscal year 1974 will permit the Navy to proceed with a construction schedule which calls for delivery of the ship in 1980.

Since this ship requires a significant capital investment, its place in our future defense needs is being closely examined and carefully analyzed. The facts emerging from these considerations this year are verifying that principal conclusion known from previous studies—an adequate number of modern aircraft carriers are essential to our national security.

When a prudent man, with concern for his family's future, purchases a new home, his first concern is for insurance coverage sufficient to protect his investment against foreseeable losses. After he has provided this protection, then he may decide what he can afford for his home—necessities, conveniences, and even luxuries. The home air-conditioning unit comes after the insurance policy has been paid for.

The same principal applies to our concern for the future of this Nation. If we are to survive we must provide, with first priority on our resources, an adequate assurance of national security. Only after we have provided for the national defense can we allocate resources to the many desirable projects for improving our way of life.

The nuclear-powered aircraft carrier in this budget is a key element of the forces we will provide for national defense in the 1980's and beyond.

To realize just what this carrier will mean to the Nation we should look at the types and numbers of naval forces we will need in the future. For the past 30 years aircraft carriers have been the principal surface ships of the Navy. They have forged their reputations in war and in peace as mobile, powerful, versatile weapon systems ready for any challenge. As we look to the future, we see we must maintain this type of strength. The aircraft carrier will continue to be the principal conventional weapon that will permit our Navy to exercise its unique capability to respond to threats, to protect our citizens, to deter war.

Our present force of proven aircraft carriers is facing serious limitations due to obsolescence. We have 16 carriers in active service today—and they are responding to all requirements from the Mediterranean to the western Pacific. But of these 16, seven are old World War II-designed ships rapidly nearing the end of their expected 30-year service lives. Our replacement program is limited to three ships—two carriers are being built and will be completed in 1973 and 1975; the third is the ship whose funds are in the budget now, a ship that cannot join the fleet before 1980. These three ships are members of the same class. They will have the same nuclear propulsion system, the same hulls, the same major components. They will serve as replacements for worn-out World War II veteran carriers. In effect, these three ships will replace seven old carriers in the front lines of our naval forces.

These numbers—three new carriers requested or under construction to replace seven aging veterans—underscore the concern we have for the adequacy of our future level of national defense. We are reducing the numbers of ships we will have to lead our Navy, but we must maintain a solid nucleus of these powerful, versatile aircraft carriers. The carrier in this budget represents a construction program stretched out and deferred to the point that our naval strength for the 1980's and beyond is in serious jeopardy.

We cannot permit the forces we have for our protection to become ineffective and weak through unrestrained obsolescence. The duty of Congress is to provide and maintain a Navy—a Navy strong enough to make a key contribution to our total national defense. The nuclear-powered carrier now in the budget will be a vital member of the Navy of the 1980's and beyond. It is part of that essential insurance policy we must provide.

Mr. MOSS. Mr. President, three of the administration's top economic policy makers gave their views Monday on how to reduce spending by the Federal Government.

Herbert Stein, Chairman of the Council of Economic Advisers, Treasury Secretary George Shultz, and Budget Director Casper Weinberger, warned the Nation that our economy is reaching a critical point and urged control of Government spending to prevent another rise in the inflational spiral.

Mr. Stein was quoted in the Washington Post as declaring that one of the first ways to hold down spending is to "stop some of those bills that are floating around Congress." While Mr. Stein did not specify what bills he was referring to, the inference was apparently directed at the categories of health and education, two areas where Congress is voting bigger outlays than the President asked.

Well, Mr. President, I suggest that contrary to Mr. Stein's views, the health, education, and general well-being of the people of this Nation are crucial matters that should not be relegated to offhand treatment either by this Congress or by any administration truly concerned with the direction our country is headed.

Yet to a certain extent I can agree with Mr. Stein. There are some bills "floating around Congress" which do contain great and unnecessary expenses. Congress, as I am sure Mr. Stein would agree, should seek out these specific areas of excess and make reductions accordingly.

It, is indeed, ironic that 2 days after the administration's call for economy the Senate is debating the military procurement bill, H.R. 15495.

The administration does not approve of the Senate appropriating $31.3 billion for labor, health, education, and welfare. At the same time we are urged to rubberstamp a defense budget of over $80 billion and a military procurement outlay of $20.5 billion which includes $299 million for a nuclear carrier, $171.4 million for the SAM–D missile, and more than $900 million for the Trident submarine.

Today we are considering the nuclear aircraft carrier. The Navy is requesting $299 million in the fiscal year 1973 budget for long-lead items for the CVN–70.

Of course, we all know that this is just the beginning. The Navy estimates that the final cost of this ship will be nearly $1 billion. Obviously this does not include a second billion for aircraft to fly from the ship, or a third billion for other ships needed to support it at sea.

There are two major factors for opposing the CVN–70. First, defense planners have realized the true role of the carrier in quick response tactical situations. Rejecting the idea that carriers are strategic strike platforms, they have accordingly reduced the desired force level for carriers from 16 to 12.

Fundamentally, we have learned a cruel lesson from Vietnam: that our foreign policy should be less interventionist. This in turn should lead to even lower requirements for the carrier—the most easily used tool of tactical intervention.

I realize that this is essentially an argument based upon far-ranging and basic questions of our view of the world and our role in it. There is room for disagreement.

But the second factor, is far less complicated: nuclear carriers cost a lot of money. We should pause and examine whether there really is a reason to unnecessarily raise costs to such a high level. Now that the CVN–70 has been delayed 3 years, it is more economical to wait approximately 5 more years to begin replacing our aging *Forrestal* and converted *Midway* carriers. In 5 years we could begin, if necessary, an entirely new program of replacing carriers thereby gaining cost savings due to concurrent construction of replacement carriers.

As I pointed out in a statement June 2, in this body, less than 2 years ago the Navy spent $202 million to refurbish the carrier *Midway*. At that time Navy press releases ballyhooed the accomplishment as extending the 25-year-old ship's life span "through the 1980's."

But in the past 2 years the Navy's position has, to put it mildly, become more modest. Now the *Midway's* lifespan is put at "to 1980."

So what is the Senate to think? Was the Navy guilty of deliberate distortion in order to justify a 240-percent cost overrun on the refurbishing of the *Midway?* Or was it simply a matter of pie-in-the-sky optimism that had no justification in reality?

Either way, the Senate should not be duped again.

I think we would do well to heed Mr. Stein's advice. And I think we should begin today by voting to delete $299 million for the nuclear carrier. Then we should go on to cut $578 million from the Trident and $171.4 million from the SAM–D missile.

By deleting these three items the Federal Government can save more than $1 billion in money that otherwise would not feed one single person, house one single family, or cure one single illness.

Mr. Stein is correct in wanting to trim the budget. But he is wrong in his priorities.

We must stop spending too much money for weapons or capabilities that are redundant at best or harmful at worst.

I suggest that the right way to cut

spending is to save a billion dollars in unneeded weapons that do not add a single significant link in our Nation's security. Let us begin today by voting against the nuclear carrier.

Mr. MUSKIE. Mr. President, I will vote for the Saxbe amendment to delete the $299 million authorization for a new nuclear carrier. I do not believe it is necessary to begin procurement of a new nuclear carrier at this time.

The proposed carrier, CVN–70, is an impressive ship. The cost is equally impressive—a billion dollars. An additional $2 billion will be required for aircraft and escorts that make up the total carrier weapons system. Projected costs over the expected 30-year lifetime of this nuclear carrier are estimated at over $10 billion—30 times more than the initial investment on long leadtime items that we are voting on today.

An investment of this magnitude requires the closest possible scrutiny. I do not believe it is yet clear what our carrier requirements will be during the coming decades. The administration only recently reduced its estimate of force level requirements for carriers from 16 to 12—consistent with the principles of the Nixon doctrine and in keeping with the trend toward more limited security commitments abroad.

It is clear that aircraft carriers today do not have a strategic role—that is, they are not part of our nuclear deterrent force of ICBM's, SLBM's, and strategic bombers. Moreover, it does not seem to me that aircraft carriers have a cost-effective role to play in a sea control mission—even though an antisubmarine capability is now being contemplated for the CVN–70 in addition to its attack role. I believe that this mission would be better handled by the projected new sea control ship—SCS—and by guided missile launching cruisers and destroyers.

The primary mission of aircraft carriers is as a mobile tactical air field for immediate limited response. In view of our changing foreign policy priorities, it is not clear how many carriers will be required to satisfy this primary mission in the future. But even assuming that the administration's estimate of 12 carriers is justified, we would not need to begin replacing existing carriers for at least several more years.

I, therefore, believe it is premature to commit ourselves this year to procurement of a new nuclear carrier. We will have a much clearer idea in future years whether this very expensive investment is truly justified. In the meantime, our security and our interests abroad will be more than adequately protected.

Mr. CRANSTON. Mr. President, I am pleased that my distinguished friend and colleague from Ohio has taken the lead on the issue of the CVN–70. I see no reason for supporting a stepped-up timetable for an enormously expensive project whose value is already in doubt.

The planned force level for carriers is 12. But we already have 16 carriers. Until the mid-1980's, the U.S. fleet will still consist of 12 fully modern attack carriers. These are: the nuclear attack carrier U.S.S. *Enterprise*, two more nuclear carriers already under construction, the U.S.S. *Midway*, and 8 *Forrestal* class carriers. The Soviets and the Chinese have none.

It is true that by 1980 only four of these carriers will be less than 15 years old, and only two will be less than 10 years old. But carriers are designed for at least a 30-year life span, not counting major improvements, modifications, and retrofit programs carried out along the way. Assuming that the Navy is correct that a carrier is obsolete after 30 years, the oldest of the present carriers will not reach the 30-year limit until 1980. And allowing an 8-year leadtime for construction and development, maintaining that force level of 12 would still not require funding the CVN–70 until 1977.

So why all the rush?

Mr. President, it seems to me that we are always being told that some fancy weapon or another is the last word, or that some costly improvement program will solve any problems for a long time to come. No sooner do we vote the money than the Department of Defense comes up with the discovery that our national security requires some vast new expenditure.

The case of the CVN–70 offers a typical example. When the carrier U.S.S. *Midway* rejoined the fleet in January 1970 after a 4-year conversion costing $187.2 million, the Department of Defense stated in a press release that:

> The *Midway* . . . will be capable of handling the largest and most complex carrier aircraft and weapons systems in the Navy's arsenal *through the 1980's*," (Emphasis added.)

But suddenly we are told that our national security requires a new commitment to a multibillion-dollar program this year. So I ask again: Why all the rush?

Mr. President, this years' authorization bill includes $299 million for long leadtime items for the carrier. This money will be mainly for the nuclear propulsion plant. The $299 million is merely an initial commitment. The total construction cost of the CVN–70 will be approximately $1 billion.

But this $1 billion figure does not include operating costs, basing costs, and other logistical ships. If these costs are added, the total figure is at least $2.3 billion. Based on actual experience with the U.S.S. *Enterprise*, estimates of annual operating costs for the CVN–70 are at least $49.5 million. Over a 30-year span, the total operating costs for the carrier alone would be $1.5 billion. Counting the costs of a total carrier air wing—including fighter-bombers, tankers, reconnaissance planes, helicopters, and so on—the total cost of procurement and operating costs over a 30-year period is over $8 billion, and this figure does not even include the cost of escort ships.

Proponents of the carrier have argued that the CVN–70 is necessary to defend Israel. Now, the same thing can be said about any number of different weapons systems. But the truth is that we already have the planned force level of 12 carriers, of which three are or will be nuclear. These three are the U.S.S. *Enterprise*, the U.S.S. *Eisenhower*, and the U.S.S. *Nimitz*.

Surely it does not take much military imagination to see that we could meet any conceivable threat against Israel. I have not yet heard it argued that our present force level is inadequate for Israel's safety. If 12 carriers are enough—and they certainly should be—then the issue of Israel is a red herring.

Mr. President, we should remember that the carrier has no strategic value to speak of. In the event of a nuclear exchange with the Soviet Union, the CVN–70 is a billion-dollar "sitting duck". It is highly vulnerable to missile attack. It would most likely be used in an offshore operation, for which there are already enough carriers.

I am not saying that carriers in general are usless. I am saying that the CVN–70 in particular is simply too much, too soon—and too expensive. The time may well come when it is worth the cost. But that time has not arrived.

Mr. ROTH. Mr. President, since World War II, the maintenance of a stable and peaceful world has depended to a large extent upon the military capability of the United States. For a variety of reasons, I believe that we must maintain our posture of defense preparedness. Among other things, the present uncertainties of world politics entail too much risk for us to do otherwise.

But I am also convinced that we must engage in a continuing reevaluation of the extent to which the United States can maintain the military capability to which we have come to consider necessary. Frankly, the cost of individual weapons has become so great in the past few years that it is becoming increasingly difficult to maintain a viable force at a reasonable cost. The $1 billion cost of CVN–70 is a perfect example of the incredible financial expenditures which are required to perform the role which the United States has assumed.

Appropriating such large sums becomes increasingly difficult to justify when placed in the context of a Federal budget which was in deficit of $26 billion for fiscal year 1972, and which for 1973 has a projected deficit of around $30 billion. Such deficits require that we exercise restraint in Federal spending in the defense as well as the domestic sector. I believe that the administration has provided a framework in the Nixon doctrine which will allow us to realistically evaluate our military requirements while we move into an era of increased understanding and economic cooperation with the U.S.S.R. and China.

Nevertheless, the diminished value of the defense dollar and the difficulty of finding funds for military forces, makes it increasingly imperative that those of us in the Congress understand the military requirements which dictate the selection of one weapons system rather than another. Furthermore, we must insure that the money we appropriate is spent and managed efficient and effectively.

I believe the nuclear carrier, CVN–70, for which $299 million is requested for long leadtime items is an excellent case to illustrate some of the points which I have made. A carrier in World War II cost about $83 million. That cost had risen to $181 million by the Korean war. The two sister ships of CVN–70, CVN–68 and 69, are now expected to cost $628

million and $676 million respectively. CVN–70 itself is estimated to cost slightly less than a billion dollars. This, of course, does not include the aircraft complement at about $500 million and annual operating costs at about $100 million, and the costs of escort vessels.

If a force level of 12 carriers is planned, it appears that for the foreseeable future we must plan on about $1.5 to $2 million a year for replacement and operation of our carrier fleet. Truly an impressive sum.

Mr. President, I do not believe that we can afford that kind of annual expense continuously for the foreseeable future, and I would like the Navy to take a harder look at how they can provide Naval airpower without the kind of price tag that the large nuclear carriers entail. Specifically, I believe that more serious consideration should be given smaller carriers which when mixed with the nuclear CVA's might provide a more flexible and survivable naval air arm for the control of the seas mission. The Navy should be commended for its innovation of the sea control ship which is certainly a step in the right direction.

In spite of my deep concern about the cost of CVN–70 and the long term plan for our carrier forces, I believe that we should provide the funds for this program from the point of view of replacing existing carriers which will be exceeding their useful life by the time CVN–70 becomes operational. To do otherwise would entail reducing our carrier force size below the level of 12 which is currently planned, a reduction which I do not believe has been sufficiently justified, or depending on a naval vessel which has exceeded its useful life, which I think would be unwise.

Mr. President, I support the request for the funds to initiate the CVN–70 program, but in so doing serve notice that I believe that less expensive ways of supplying naval air power must be found and I encourage the Navy to look for them.

CVN–70 AND THE FUTURE CARRIER FORCE

Mr. HRUSKA. Mr. President, I fully support the distinguished chairman of the Armed Services Committee in the need to start construction of another nuclear-powered carrier now.

The genesis of the Navy's fourth nuclear-powered aircraft carrier has been lengthy and uncertain. This carrier, whose initial funding was originally planned for the 1970 budget, has been delayed by fiscal constraints and high level analyses until now its approval has become a matter of greatest urgency. As these delays have occurred, we have watched both inflation and the interruption of vital component assembly lines act to drive the construction cost up. And we have viewed with increasing concern the now rapidly approaching retirement dates for the World War II carriers in our Navy.

One cannot help but be alarmed when he considers the recent reductions in our naval carrier forces and contemplates the further inevitable reductions in the next few years. Since 1965 the number of carriers in active service have been reduced by one-third, from 24 to 16 operating today. But with ominous implications of future weakness is the fact that seven of our 16 operating carriers are World War II designed ships, ships now in the last years of their expected 30-year active service lives.

Our replacement program is certainly a limited one—two carriers are building, one is requested.

For these ships decision time occurs several years before active service time. The carrier whose advance funds are requested now cannot be completed before 1980. By that time obsolescence will have removed or severely restricted our older ships, and the effective carrier force will be only 12 ships—half the number of 1965.

Will the world situation have changed to reduce our need for a Navy? I doubt it. There is no indication now that our Nation can forego the flexible strength provided by carrier forces. Their ability to move in international waters to nearly any scene of tension or crisis will continue to be essential.

We can look at the Mediterranean for ready examples of this naval requirement. There the carriers serve as visible reminders of U.S. strength. They symbolize our interest in that critical but turbulent region. And they actually provide the balanced force that, in many situations, could only come by sea to aid our friends in their time of need.

This fourth nuclear-powered aircraft carrier will be a key member of our Navy of the future. It will replace an overage carrier in the fleet. In effect, as obsolescence takes its toll of so many of our older carriers, a new carrier will have to do the jobs of more than one of our present ships.

We must maintain a powerful and versatile Navy. We must provide effective naval carrier forces for our defense.

For these reasons I urge my colleagues to defeat the pending amendment so that we can continue to maintain our sea strength at the needed level.

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

Mr. STENNIS. Mr. President, if we could do so, I would suggest the absence of a quorum and I will then ask that it be called off.

The PRESIDING OFFICER. The hour of 2:15 has arrived.

Mr. STENNIS. Mr. President, I withdraw that request.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. 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. LONG (after having voted in the negative). Mr. President, I have a pair with the junior Senator from Missouri (Mr. EAGLETON). If he were present and voting, he would vote "aye." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), 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) and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

On this vote, the Senator from South Dakota (Mr. McGOVERN) is paired with the Senator from Georgia (Mr. GAMBRELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from South Dakota (Mr. McGOVERN) 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.

The result was announced—yeas 29, nays 60, as follows:

[No. 315 Leg.]

YEAS—29

Brooke	Hartke	Muskie
Burdick	Hatfield	Nelson
Case	Hughes	Proxmire
Chiles	Humphrey	Randolph
Church	Javits	Saxbe
Cranston	Kennedy	Stevenson
Fulbright	Mansfield	Symington
Gravel	Metcalf	Tunney
Harris	Mondale	Weicker
Hart	Moss	

NAYS—60

Aiken	Dominick	Packwood
Allen	Eastland	Pastore
Allott	Ervin	Pearson
Anderson	Fannin	Pell
Bayh	Fong	Ribicoff
Beall	Goldwater	Roth
Bellmon	Griffin	Schweiker
Bennett	Gurney	Scott
Bentsen	Hansen	Smith
Bible	Hollings	Sparkman
Boggs	Hruska	Spong
Brock	Inouye	Stafford
Buckley	Jackson	Stennis
Byrd, Harry F., Jr.	Jordan, Idaho	Stevens
	Magnuson	Taft
Byrd, Robert C.	Mathias	Talmadge
Cook	McClellan	Thurmond
Cooper	McGee	Tower
Cotton	McIntyre	Young
Curtis	Miller	
Dole	Montoya	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—10

Baker	Gambrell	Mundt
Cannon	Jordan, N.C.	Percy
Eagleton	McGovern	Williams
Ellender		

So Mr. SAXBE's amendment (No. 1336) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ERVIN and Mr. TOWER moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I want to make a few brief words this afternoon about the major issue which will concern us tomorrow—the amendment to delete $508.4 million from the Trident submarine program, and thereby to deny all funds for the acceleration of that program. I have sent a brief letter to each Senator this afternoon outlining the key issues involved in this amendment.

It is important to understand that the funds which are requested for the Tri-

dent submarine program this year are funds which we are eventually going to have to spend in any case. This is not a new and untried strategic concept. The Trident submarine is simply an improvement—an important qualitative improvement—in our existing force of ballistic-missile submarines. It will be quieter and therefore less vulnerable to detection by Soviet antisubmarine warfare forces. It will carry a much longer range missile and will thus be able to operate from bases in the United States. But, building nuclear-powered ballistic-missile submarines is something which we know how to do, and know how to do well.

The important point to remember is that the Soviets not only have many more submarines than we do, but they are building them at a much faster rate. I state this not because we must necessarily match the Soviets missile for missile and submarine for submarine. The potential threat to our own ballistic-missile submarine forces comes not from Soviet ballistic-missile submarines, but from the more than 300 Soviet attack submarines. Many of these are diesel powered, but an increasing proportion are modern, quiet, and nuclear powered. It is these Soviet nuclear attack submarines, and the rate at which they are being built, which could in the future be a serious threat to the survivability of our own ballistic-missile submarine force.

Our ballistic-missile submarines are going to be the backbone of our strategic deterrent. There might be areas of military spending in which we should be able to make reductions. But, I submit that the backbone of our strategic deterrent is the last place where we should be willing to gamble—to try to get by with that which is barely enough. This is one area where we must be absolutely certain that our force will not become vulnerable in the future. And this is one reason why many Senators, however they have felt about some other military programs, have spoken so favorably on behalf of our strategic ballistic-missile submarine force. The growing Sovie' antisubmarine threat—particularly the very large fleet of Soviet attack submarines—means that we should move as fast as we can to insure that our own ballistic-missile submarines will be secure and safe for the foreseeable future.

The funds which are requested in fiscal year 1973 budget will not increase the overall cost of the Trident submarine program—they will merely be used to make the submarine available sooner, in 1978 rather than 1981. This will not be a crash program. It could be done even faster. It is an accelerated program, but a prudent and reasonable one. It will be managed by the same Navy development teams, including Admirals Rickover and Smith, which have so successfully and economically developed and produced the Polaris and Poseidon weapon systems. When it comes into the force in 1978 it can begin to replace the 10 older Polaris submarines which we cannot equip with modern missiles and, later, it will replace the older models of our other ballistic-missile submarines as well.

I know that many Members wish that the savings from SALT agreements could be greater. But largely as a result of the SALT agreements the committee has already been able to reduce the spending on strategic systems in this bill by $931 million. These reductions in the Safeguard ABM program are a beginning step toward further savings that may eventually accrue from arms control agreements. But, until more comprehensive agreements are reached, we simply do not dare to gamble with the potential vulnerability of our ballistic-missile submarines. This is not a subject about which we must only be certain, it is one about which we must be absolutely certain.

I urge you to vote tomorrow against this reduction in funding for this vital part of our strategic forces.

Mr. THURMOND. Mr. President, the Trident submarine amendment, offered by the distinguished junior Senator from Texas (Mr. BENTSEN) would strike from the bill over $500 million allocated for the Navy's new nuclear-powered Trident missile launching submarine.

This cutback would seriously delay Trident, which is a top priority program and represents the only new strategic missile system under development by the United States.

Mr. President, as a strong supporter of the $906.4 million for Trident as approved by the Senate Armed Services Committee, I would like to list a few points as to why this amendment should be defeated.

First, Trident is the only new strategic missile system under development in our strategic arsenal. We have Poseidon in our present missile boats and, of course, Minuteman III in our land-based deterrent. But Trident is the only strategic missile system which will give us a more powerful missile in future years.

Second, all information indicates Trident will become our most invulnerable strategic weapon system in the years ahead because this submarine's increased range will permit it to operate in much larger portions of the world's seas.

Third, the Trident system will be a critical backup in the event new antisubmarine technology by the Soviets reduces the effectiveness of our present sea-based strategic submarine force. The Soviets are known to be conducting intensive research in antisubmarine warfare techniques and this threat must be recognized in our future planning.

Fourth, the Soviets presently have the United States "over the barrel," so to speak, in that during the past few years this Nation has not developed any new strategic missile systems.

The Soviet momentum in the strategic missile area obviously placed them in a strong position during the strategic arms limitation talks. However, in pressing forward with Trident the momentum will soon shift to our side if the Senate approves the funds in this bill.

Fifth, approval of the pending amendment would delay the Trident program from 1 to 3 years. This delay would mean higher costs because of inflation and other economic factors.

Finally, Mr. President, it should be noted that President Nixon and Secretary of Defense Melvin Laird have designated the Trident submarine program as the top priority item in the current defense budget.

President Nixon will be soon negotiating SALT II, and, of course, Secretary Laird must see that we begin today those systems needed to assure our defense in the next decade. The importance they both attach to this program should not be overlooked by my colleagues as they consider the pending amendment.

Mr. President, our sea-based missile launched submarines are a vital part of the Triad deterrent strategic systems. Even the proponents of this amendment recognize we must eventually have Trident as their amendment leaves $398 million in the bill for research and development for this new nuclear submarine.

In closing let me urge my colleagues to reject this amendment as it would result in delaying a top priority program and would also mean higher costs for this system in years ahead.

Mr. President, I ask unanimous consent that a letter dated July 26, 1972, to Members of the Senate on the Trident program be placed in the RECORD following these remarks.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., July 26, 1972.

DEAR COLLEAGUE: The Senate will vote tomorrow on an amendment No. 1348, to reduce the funds for the Trident submarine program by $508.4 million and thereby deny all funds which have been requested for the acceleration of that program. I believe it is important to understand that this acceleration in the program will not add to the overall cost of Trident—it will merely make the submarine available sooner, in 1978 rather than in 1981. And this is a weapon system which it is inevitable that we are going to need. I urge you to join me in opposing the deletion of these funds.

The most important reason for the acceleration is the large and growing fleet of Soviet attack submarines which, together with other Soviet anti-submarine forces, will threaten the survivability of our own Polaris/Poseidon ballistic missile submarines. The Soviets can confront our forty-one Polaris/Poseidon submarines with over 300 attack submarines, and an increasing proportion of these Soviet submarines are modern, quiet, and nuclear-powered. Thus, it is extremely important for us to do everything necessary to continue to have the most modern and quietest missile submarines to be safe from this potential threat to our deterrent at sea. This is one area of military technology with which we must not gamble and try to get by with that which is barely enough. We must be absolutely certain that our sea-based deterrent, which may well come to be the backbone of our strategic force, will not become vulnerable in the future. In short, we need the Trident submarine—which will be significantly quieter than and technologically superior to the Polaris/Poseidon submarines—as soon as we can get it.

The Trident program is not a new strategic concept. It is a program which will be managed by the same Navy teams, including Admirals Rickover and Smith, which have so successfully produced the Polaris and Poseidon weapon systems. It will simply be a superior submarine which will begin to replace the ten older Polaris boats which cannot be equipped with modern missiles. And,

of course, by carrying the longer-range Trident II missile the Trident submarine will be able to operate from bases closer to home and within a much larger ocean area than our older submarines.

It is natural that some might wish for the savings from SALT to be greater, but as we come to rely more and more on the submarines of our sea-based deterrent as the backbone of our nuclear force, we dare not take any chances with the quality of that force. Largely as a result of the SALT Agreements, the Committee was able to reduce spending on strategic systems in this bill by $931 million.

I urge you to vote against this further reduction in funding for this important part of our strategic forces.

Sincerely,

JOHN C. STENNIS.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 26, 1972, he presented to the President of the United States the following enrolled bills:

S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes;

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons in the service academies; and

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

SYSTEM FOR FIXING RATES OF PAY FOR PREVAILING RATE EMPLOYEES OF THE GOVERNMENT

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9092.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McGEE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. RANDOLPH, Mr. BURDICK, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

ORDER TO LAY UNFINISHED BUSINESS ASIDE TEMPORARILY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily and that we return to it this evening at the conclusion of the consideration of H.R. 13324.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I cannot hear a word the Senator said.

SEVERAL SENATORS. We cannot hear the Senator.

Mr. PROXMIRE. Mr. President, I did not hear the Senator.

Mr. GOLDWATER. I did not hear a word.

Mr. MANSFIELD. I asked unanimous consent that the pending business be laid aside temporarily and remain in that status until completion of the maritime bill this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MARINE MAMMAL PROTECTION ACT OF 1972

Mr. MANSFIELD. Mr. President, under the unanimous consent agreement already entered into, I ask that the Senate proceed to the consideration of Calendar No. 824, S. 2871.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read the bill by title, as follows: A bill (S. 2871) to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment by the Senator from Alaska (Mr. STEVENS).

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays on passage were ordered.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment (No. 1360).

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.

The amendment, offered by Mr. STEVENS for himself and Mr. GRAVEL (No. 1360) 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 naturally 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 waters 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 affecting 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 or 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.

(C) 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, I yield myself 5 minutes.

The PRESIDING OFFICER. Will the Senator suspend until the Chair completes making this statement?

Debate on the amendment will be limited to 35 minutes, 15 minutes to the Senator from Alaska (Mr. STEVENS), 10 minutes to the Senator from South Carolina (Mr. HOLLINGS), and 10 minutes to the Senator from Oklahoma (Mr. HARRIS), immediately after which a vote will occur on the amendment, followed by a vote on the committee amendment in the nature of a substitute, as amended, and the third reading of the bill. After the third reading of the bill the Senator from Oklahoma (Mr. HARRIS) will have 10 minutes for debate and the Senator from South Carolina (Mr. HOLLINGS) will have 10 minutes before the vote on final passage.

The Senator from Alaska.

Mr. STEVENS. Mr. President, at the time last evening when we were finishing the consideration of the ocean mammals bill, the manager of the bill, my good friend from South Carolina, real-

ized that he could not accept the amendment I offered.

There is an agreement for a limitation of time of 35 minutes on this amendment. I will attempt to be as brief as possible.

The Senate has already passed this legislation. In the last Congress, it passed S. 1232, which was introduced by Senators Moss, BIBLE, CANNON, and CHURCH, protecting the rights of States to manage fish and wildlife resources within their borders.

This bill is before us today. For the first time, without any scientific findings, the Senate will completely take over from the coastal States and those States which are on the lakes which have ocean mammals in them, the jurisdiction of the management of ocean mammals.

My amendment seeks to confirm to the States the right to manage ocean mammals as a part of their wildlife, and it provides that if the Secretary finds any species may become an endangered species, the Secretary may take over the management of that species, and from that time on Federal law would prevail as to that species.

My State of Alaska has many ocean mammals. Again, so there is no misunderstanding, the States that we are primarily talking about are Alaska, Washington, Oregon, California, the States in the Great Lakes area, and Florida. All we seek is that there must be a finding, before Federal jurisdiction preempts, that a particular endangered species may be endangered.

This bill does not find that ocean mammals are generally endangered species. There has been no finding that States cannot properly manage these mammals.

My friend, the chairman of the subcommittee, quoted the report of the Nation's leading mammalogist that none of these mammals are endangered at the present time; that all of them are in better condition now than they have been for the last 70 years.

The State of Alaska has a very widely known management program, as my colleagues on the Senate subcommittee know. Many of the people who have come into Federal agencies, within the two Departments involved, have served their apprenticeships, so to speak, in the Alaska State Department of Fish and Game.

At the time Alaska became a State, Congress provided that Alaska could not have jurisdiction over its fish and wildlife resources until the Secretary of the Interior in fact certified that we had a management program; a department of fish and game that could manage its fish and wildlife resources.

Mr. President, I ask you not to misunderstand what is going on. There is a group in this country whose basic purpose is to stop the killing of all wild animals. They would stop the hunting of moose, deer, and caribou; the shooting of geese, ducks, and rabbits. Their whole goal is to stop hunting of all wild animals. This ocean mammal bill is the first step.

Unfortunately, the Federal Government is granted jurisdiction in this area. Without scientific basis this grant of jurisdiction would take away from the coastal States the management of their ocean mammals.

Again, there is nothing unique in what I seek to do in my amendment. The Department of the Interior issued, on September 17, 1970, an order, and I ask unanimous consent that the text of this order from the Federal Register be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. STEVENS. It issued a regulation which states this very basic thing. It states that—

> The effective husbandry of such resources—requires the cooperation of State and Federal Government because:
>
> (a) The several States have the authority to control and regulate the capturing, taking and possession of fish and resident wildlife by the public within State boundaries;

We are talking about fish and wildlife resources.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Let me take 5 more minutes, then.

This is an order issued by the Department of the Interior, to which my friend from Oklahoma would have transferred the complete jurisdiction for these mammals yesterday. It provides that the Federal agencies will:

> 1. Within their statutory authority, institute fish and wildlife habitat management practices in cooperation with the States which will assist the States in accomplishing their respective, comprehensive, statewide resource plans;
>
> 2. Permit public hunting, fishing and trapping within statutory limitations and in a manner compatible with the primary objectives for which the lands are administered. Such hunting, fishing, and trapping and the possession and disposition of fish, game and fur animals shall be conducted in all other respects within the framework of applicable State laws,

I repeat that: All trapping, hunting, and fishing, on Federal lands or within the jurisdiction of the States, is today conducted under the Department of the Interior in accordance with applicable State laws. But this bill says that the Federal Government will take over the jurisdiction of ocean mammals completely, wherever they may be located.

I am presenting this amendment primarily, because of the support of the State fish and game commissioners of the individual States. I believe the major wildlife conservation organizations want the States to have jurisdiction. I also believe that they want the Federal Government to have jurisdiction in any area where a particular ocean mammal species may become endangered.

The bill before us covers the blue whale, the gray whale, the bowhead whale, the fur seal, the hair seal, the harbor seal, the ring seal, the gray seal, the leopard seal, the walrus, the sea otter, and the polar bear. Those are all found in my State in great abundance. Notwithstanding the existence of the Endangered Species Act, the taking of not one of them has been prohibited, because they are endangered species. Yet this act would make a congressional finding that the management of all those mammals requires professional jurisdiction now, and for no reason.

There is no reason to support the concept that ocean mammals cannot be managed within their jurisdictions by the coastal States—out to the 3-mile limit. I remind my colleagues that S. 1232, sponsored by Senators Moss, BIBLE, CANNON, and CHURCH; S. 1401, sponsored by Senators FANNIN, BENNETT, ERVIN, GOLDWATER, GRIFFIN, HATFIELD, HOLLAND, THURMOND, and myself; and in the 90th Congress, S. 2951, sponsored by Senators BIBLE, CANNON, CHURCH, COTTON, ALLOTT, HANSEN, MAGNUSON, Moss, BENNETT, and SPONG. all so provided. S. 1232 passed the Senate on December 8, 1969. This has been a basic principle of many Senators, going back to the days when I was with the Department of the Interior.

I remember many such bills. I remember when Senator Frank Barrett, of Wyoming, was the great champion of State fish and game laws within State jurisdiction, affecting their fishing and wildlife resources.

That is all I argue for. I argue for maintaining the status quo with respect to all fish and game laws as they apply to ocean mammals, unless there is some finding to support the concept that such mammals may become an endangered species.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I rise to oppose the pending amendment. I am pleased that the distinguished manager of the bill, the Senator from South Carolina (Mr. HOLLINGS) also intends to speak in opposition to this amendment, because I believe it is contrary to the entire movement in Congress, over the past year particularly, to gain greater protection for ocean mammals. It does not matter whether a Senator supports the unamended committee bill or the package of amendments which I and 13 other Senators yesterday submitted. Those concerned about the plight of ocean mammals should vote against the Stevens amendment.

The Stevens amendment would completely reverse the original purpose of those interested in this legislation. The House bill, for example, calls for Federal preemption of State law. Section 109 of the House bill reads:

> Except as provided in subsection (b), no State may adopt any law or regulation relating to the taking of marine mammals or attempt to enforce any State law or regulation relating to such taking. The Secretary is authorized and directed to enter into cooperative arrangement with the appropriate officials or any State for the protection and management of marine mammals; except that such arrangements must be consistent with the purposes and policies of this title.

I believe that that provision, a stronger provision than in the Senate bill, is preferable to the language in the Senate bill. The Senate bill already weakens this section by providing only that no State may adopt a law inconsistent with the proposed legislation.

Other sections of the Senate bill are weaker than the House version. The Stevens amendment would carry the

process of getting this bill a final step. As Senator STEVENS stated on the floor yesterday:

> 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.

Mr. President, this amendment would deny the protection of the Federal Government to practically every mammal this legislation is designed to protect. Beyond the 3-mile limit, the Federal Government's authority is largely invalid unless confirmed through international treaty. Under the Stevens amendment within the 3-mile limit, the Federal Government's authority would have to bow to State law unless the animal was on the endangered species list.

In short, Mr. President, the amendment we are considering, would nullify the purpose of this entire bill, and I am pleased to join with the distinguished manager of the bill and others in vigorously opposing its adoption.

I reserve the remainder of my time.

Mr. MAGNUSON. Mr. President, will the Senator from South Carolina yield me 1 minute?

Mr. HOLLINGS. Yes.

Mr. MAGNUSON. Mr. President, I would like to speak against this amendment which I would argue would greatly weaken the thrust of the bill. Throughout our deliberations in committee and on the floor it has been emphasized over and over that our objective is to reach an optimum sustainable population for every species of marine mammal. We have set up a moratorium on the taking and importation of marine mammals to enable us to reach that objective.

What the Senator from Alaska's amendment would do would be to provide a clear way around the moratorium and the objective it is designed to achieve. As I read the amendment, it would allow States to ignore the moratorium whenever they choose unless the Federal authorities make findings that a particular marine mammal species within State jurisdictions "may become endangered." In other words we are saying that unless a marine mammal species is endangered or likely to become endangered the mammals can be taken, the States willing, as freely as is desired.

Does this not change the entire objective of the bill? Would we not be accused of saying throughout the bill that optimum sustainable population is our objective and that then with one amendment wiping out that objective? Put another way, would we not be accused of merely reenacting the Endangered Species Act, with slight modifications, so that we protect only those species which may become endangered.

I say, Mr. President, that we should not change what has been our goal all along in the waning minutes of debate on this bill. If the Senator from Alaska seeks cooperation between the Federal and State authorities in the administration of marine mammal programs, that cooperation is already adequately provided for in the bill as reported. The committee expressly considered the possibility of allowing States to repeal the moratorium and rejected that idea as inconsistent with the purposes of the bill. I strongly urge Mr. President, that we reject it again and preserve what in my view is a very excellent conservation measure.

Mr. HOLLINGS. Mr. President, the reference made by my distinguished colleague from Alaska is somewhat misleading. He is appealing to the Senate on the basis that this is the first time we are going to take such authority away from the States; that untouchable State rights have been an adopted principle accepted and approved by the U.S. Senate for lo these many years, and specifically on a voice-adopted measure, S. 1232, back in 1969.

The fact is that in 1969 we did voice-vote a bill, but we do not have to go back that far. It never passed the House and became law. The Department of the Interior, the very authority invoked by the Senator from Alaska to persuade the Senate, opposed it, and it died in the House of Representatives. It would die again in this Congress if it were really debated upon its merits.

Let us go to the merits of the bill, and show that it was not for the first time. I think the distinguished Senator from Alaska should know that less than a year ago he appeared on this floor, when we had before us the prohibition of shooting wild animals from aircraft—preempting the States, if you please, and not for the first time. We have done this with the bald eagle, with the golden eagle, and we have done it many other times when there has been an overriding interest on behalf of the people of this country. Under the commerce clause it has been held time and again that Congress and the Federal Government have the authority to preempt the States in these cases. The Senator from Alaska cooperated in the preemption by Federal law, and he did it so enthusiastically. He said:

> On the other hand, I would like to prohibit the taking of all animals by any person from any motor vehicle.

Not just airplanes; he wanted to preempt the States from allowing the taking with motorized vehicles, where the States have the authority to regulate their motor vehicular traffic.

So this is not the first time, and my distinguished friend is completely familiar with the legal background here. The Senators will see that this was admitted into the RECORD last night during our debate, the case of Zabel against Tabb, citing the Submerged Lands Act, on which our late colleague Senator Holland and Price Daniel of Texas took the leadership. We turned over to the several States the jurisdiction and the authority over the submerged lands. The question arose as to the water column above, the fish and wildlife, and the courts held, after considering the Submerged Lands Act, that Congress intended to retain and did retain all its constitutional powers over commerce and the territorial sea and did not relinquish certain portions of that power.

So we have a court decision in 1970 reaffirming this, and the Senator from Alaska, by his vote in November, reaffirming the exact principle.

Now let us get to the philosophy, because I think this is where the danger lies. If we only go to the Senator's amendment and read the last phrase of this three-page amendment, which I thought at one time I could accept and found I could not, he says:

> 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. . . .

That is not the philosophy of this bill. This is not an endangered species act. This is not just a species depletion act. This is a special animal act whereby the Congress of the United States comes in and says:

> The marine mammals covered herein are special. We are not going to allow them to be depleted. We are not going to allow them to become endangered. We are going to have them maintained to the optimum sustainable population under the terms of the Act.

We give special treatment to these particular mammals, and we take jurisdiction within Federal law.

As section (D) of the amendment says:

> 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 everything else included. That is absolutely contrary to this bill. It is the intent of this bill to preempt, displace, and otherwise deprive the several States of the authority until such time as the Federal Government grants such authority to continue consistent with this act.

We have an international interest. The polar bears wander all over the pack ice of the Bering Sea and come into Alaska, which used to be Siberia, as well as Soviet Russia, Canada, and Greenland.

From my front door, in Charleston, I can see porpoises as close to my house as the door to this Chamber. I can see porpoises out of my front window every morning and every evening.

They cannot be considered simply under statewide jurisdiction—and neither can the polar bears, the manatees, sea lions, seals, sea otters, the whales and other marine mammals.

If we could obtain international control, we would do it. But the first step is to have a national policy and provide world leadership, and that is what Congress is doing in this act.

So we develop that national policy and admittedly deprive the several States of authority, saying that we are going to operate a program until we are satisfied that State policy is satisfactory, and then we can allow State law to be maintained. If we do not do this, what occurs? If we were to adopt the amendment of the Senator from Alaska, we would have gone through a very deliberate, thought out, ordered process whereby the Senate has established a moratorium. Not just 15 years, because under the Magnuson amendment, which was adopted last night, it is a perpetual moratorium unless repealed by Congress. The exceptions to the moratorium are for the Natives, for

the fur seal treaty, for the matter of research and public display; and the other exceptions have to do with commercial fishing, and that is only for 2 years, and to allow national wildlife management decisions in the best interest of the animals.

As to the general authority given to the Secretary of Commerce and the Secretary of the Interior, we use very careful language to say:

Mr. Secretary, you can only waive the moratorium under certain circumstances; you have to promulgate regulations; and in promulgating those regulations, you have to have public hearings, you have to have consultation with the Marine Mammal Commission. Thereupon, after the regulation, with hearings, findings, appeals, and court review, if necessary, you then issue your permits, again in accordance with the amendment of the Senator from Virginia which was adopted last evening, offering the opportunity of a further hearing.

The Senator from Alaska says, here on page 52:

Let that all apply beyond the 3-mile limit. Within the 3-mile limit and within the several States, let it not apply.

If you talk about a do-nothing Congress, we showed it on Monday, in my judgment, after having 14 rollcall votes and doing nothing; and we would prove it conclusively if we were to adopt the amendment of the Senator from Alaska and say:

Oh, no; within the 3-mile limit and within the several States, we have not changed anything. We have not touched the walruses, the seals, the manatees, the polar bears while they are within the 3-mile limit. With all the discussion we have had in Congress, all we have done is to protect the hump-backed whale or other such mammals out in the middle of the ocean, most of which are already an endangered species.

That would be an exercise in futility. It would ruin the structure of the bill. It is directly the antithesis of the philosophy of this measure, and I hope the amendment will be defeated.

I say to my colleagues that we have worked out and desire Federal cooperation with the States. We say that the State laws or regulations relating to marine mammals can be sustained if any State adopts or enforces regulations that are consistent with this act.

It is encompassed in this act, as stated in the report; and there is no better way to do it than to read that part of the report, to show what was on our minds:

The reference in section 109(a) to section 101 is designed to emphasize that, in order to qualify, a state's laws must provide for a moratorium of the same nature required under the Act. However, the discretionary judgments and rulemaking activities during the moratorium which the Act provides for could be carried on by state authorities and not the Secretary.

So we encourage and seek a teamwork arrangement between State authorities and the Federal Government, if it is approved by the Secretary. This does not, of course, waive all Federal jurisdiction under this section. In fact, I point to the report which says:

Whenever the Secretary finds that a State is not in substantial compliance with either section, as the case may be, he may resume the responsibility under this Act.

So what we are trying to do is to work with the fish and game and wildlife people. The State of Alaska has maintained authority and capability in this field. In fact, every time I ask a technical question, I find that there is some Alaskan Native with experience who came south and got into our Department of the Interior or Department of Commerce. I have no fear that the Departments of Interior and Commerce are going to work with the departments in California, Oregon, Washington, Florida, and particularly the State of Alaska.

I am convinced that we will not have any difficulty with the State of Alaska being permitted to maintain its outstanding marine mammal program under the provisions of this section so long as they go along with the permit procedure, the regulation procedure, adhere to the moratorium, and keep up to snuff.

The PRESIDING OFFICER. All time of the Senator from South Carolina has expired.

Mr. STEVENS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 5 minutes.

Mr. STEVENS. I yield myself 5 minutes.

Mr. President, I am indebted to the Senator from South Carolina for mentioning the prohibiting shooting from aircraft bill. That regulates the means of taking. It does not regulate the taking per se.

As a practical matter, State laws have applied within the 3-mile limit. Contrary to what the Senator from Oklahoma says, Federal law applies beyond the 3-mile limit. We have the 12-mile zone, including the contiguous zone. Beyond that we have the jurisdiction declared by President Truman in connection with the creatures of the Outer Continental Shelf. We have jurisdiction. We have jurisdiction declared by Congress many times in various ways, pursuant to the North Pacific Fisheries Treaty Act, and pursuant to the Fur Seal Treaty.

In any event, we have never before taken away from any State its jurisdiction over wildlife within its borders with out a finding that was substantiated by some type of scientific evidence. That is all I ask.

The Senator from South Carolina fails to mention that, for the first time, my amendment would grant to the Secretary the right to take away the jurisdiction of any State over the mammals within its jurisdiction if he fears that the mammal may become an endangered species. The Endangered Species Act itself already would permit the protection of anything that was an endangered species.

The Senator from South Carolina quoted from my amendment, and I am happy he did that, because I took that language directly from S. 2312, the bill that was introduced by the Senator from Utah (Mr. Moss) and by the Senator from Nevada (Mr. CANNON) both States that have expressed great concern over this in the past.

Mr. President, I have a number of letters on this subject. I do not have time to read all the letters I have before me. They are letters received from fish and game commissioners from Idaho and Oregon, from the president of the department of natural resources in Minnesota, from various States that have been involved, including Kansas, which has written to its two Senators, the Minnesota Conservation Federation, the department of natural resources, St. Paul, Minn. I ask unanimous consent to have these letters printed in the RECORD.

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

GAME COMMISSION,
OFFICE OF THE DIRECTOR,
Portland, Oreg., April 4, 1972.

Hon. ERNEST F. HOLLINGS,
Chairman, Oceans and Atmosphere Subcommittee, Senate Commerce Committee, Washington, D.C.

DEAR SENATOR HOLLINGS: Your Committee's favorable consideration of S. 3161 (Marine Mammals) as introduced by Senator Stevens is respectfully requested.

We in Oregon are proud of the progress we are making in development and management of coastal marine resources, including seals, sea lions and sea otters, and can see no logic or reason in the proposed federal preemption of constructive state programs for those species as provided in S. 2639.

We recognize the need for federal initiative in management of pelagic marine mammals that are outside state boundaries and support that objective.

Your cooperation in this important matter is appreciated.

Sincerely yours,

JOHN W. MCKEAN,
Director.

STATE GAME AND
FISH COMMISSIONERS,
Boise, Idaho, April 12, 1972.

Hon. TED STEVENS,
Member, Ocean and Atmosphere Subcommittee of the Senate Commerce Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR STEVENS: In February I had the privilege of testifying before the members of the Oceans and Atmosphere Subcommittee of the Senate Commerce Committee on several bills having to do with management of marine mammals. At that time you were in the process of introducing S. 3161, and I did not have the opportunity to comment on it.

I have carefully reviewed S. 3161 and strongly support this legislation. It not only clarifies jurisdiction of marine mammals, but clearly gives the states presently carrying out sound marine mammal management practices the authority to properly continue their present marine mammal programs. In addition, it provides for a close, cooperative program between the states and federal government in this area. S. 3161 has been reviewed by other member states of the Western Association, and we strongly urge the passage of this legislation. This bill will provide for the federal government to continue its proper role outside of state jurisdiction areas and not pre-empt state rights where they are presently being properly managed.

Your consideration in the furtherance of S. 3161 will be greatly appreciated.

Very truly yours,

CARL N. CROUSE,
Chairman, Legislative Committee.

APRIL 21, 1972.

Hon. THEODORE F. STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I am writing to you as a member of the Senate Commerce Committee because of the concern of the International Association of Game, Fish and Con-

servation Commissioners over proposed legislation on marine mammals. The Subcommittee on Oceans and Atmosphere is wrestling with a number of bills intended to further the protection of marine mammals, and it is my Association's strong desire that the resulting legislation will embody the principles of enlightened wildlife management to which the Association is dedicated.

The Association would be among the first to affirm that man's treatment of the vast resource represented by the marine mammals has for the most part been reprehensibly wasteful and shortsighted. This has been largely due, we believe, to the international aspect of their occurrence. A resource that belongs to everyone is too often cared for by no one. There is the utmost needs to establish effective international protection for many over-exploited and endangered species, particularly the larger whales. Lacking international accord, the United States must act unilaterally to restrain its own nationals from taking depleted species and to restrict the importation of products derived from such animals.

At the same time, we strongly oppose "shotgun" or "blanket" legislation which allows for no discrimination between species in need of complete protection against further harvest at this time and those whose welfare permits or even needs a continuing regulated utilization. In short, a proper enactment of total protection to benefit the highly endangered blue whale could be seriously damaging if applied to the northern fur seals of the Pribilof Islands. We strongly oppose a blanket legislated moratorium on the taking of all marine mammals by U.S. nationals and urge legislation to allow the appropriate Secretary to establish flexible regulations geared to the status and requirements of each separate species.

To insure that regulations established for the management of each species are kept current with the welfare of each species, the Association urges the enactment of wording similar to the following:

"Within six months from the date of enactment of this Act and every 12 months thereafter, the Secretary shall report to the public and the Congress on the current status of all marine mammal species and populations subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the establishment or removal of moratoria on taking, to assure the well-being of such marine mammals."

Unquestionably, the proper protection and management of mammals whose normal habitat is the open ocean demand federal regulation and international cooperation. Nevertheless, many marine mammals spend all or a large part of their normal lives in waters close to shore, or even hauled out upon land. These mammals have properly been of great concern to the states whose jurisdiction includes these shorelands and near-shore waters. Most of these ocean-bordering states have legislation or regulations, management programs, and research projects dealing with these near-shore animals. Some of the bills before the subcommittee would so preempt state authority that these productive programs might be abruptly halted before federal programs could be implemented to replace them. It is very important that adopted legislation provide for the utmost cooperation between federal and state agencies, to keep what is good in present programs and to provide for full coordination with desirable new programs relating to marine mammals. My Association earnestly recommends a provision for federal-state cooperation like that in Section 109 of S. 3161 and a provision for federal grants-in-aid of marine mammal research like Section 110 of S. 3161.

Finally, the International Association of Game, Fish and Conservation Commissioners is convinced that the welfare of marine mammals and of man requires that the legislation to be adopted incorporates both the concept and the definition of "management", such as the following:

"The term 'management' means 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. Management includes 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 this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking."

I apologize for the length and detail of this letter, but I consider the subject before us so important as to necessitate a careful, considered effort from all of us who are concerned.

Sincerely,

RALPH A. MACMULLAN.

APRIL 26, 1972.

HON. EARL F. HOLLINGS,
Chairman, Subcommittee on Oceans and Atmosphere, Senate Committee on Commerce, Washington, D.C.

We are vitally concerned with legislation presently before the Subcommittee on Oceans and Atmosphere of the Senate Committee on Commerce which preempt the rights of the states to manage wildlife resources within the territorial limits of the coastal states. We are concerned because of the continuous erosion of the rights of the states to manage its fish and wildlife resources. We therefore, urge you to adopt the provisions for Federal-State cooperative programs as set forth in Sections 109 and 110 of S–3161 which was introduced by Senator Ted Stevens of Alaska.

JOSEPH C. GREENLEY,
Director,
Idaho Fish and Game Department.

FORESTRY, FISH AND GAME COMMISSION,
Pratt, Kans., April 27, 1972.

Senator ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: S. 3161, an Act concerning the conservation of marine mammals, is being considered by the Senate Commerce Committee.

This bill (1) recognizes the role of scientific efforts necessary to formulate management programs and develop international treaty recommendations, (2) provides authority for the Secretary to impose moratoria on those species or segments of populations needing protection, and (3) would provide a vehicle for strong State-Federal cooperative research and management programs.

S. 3161 is a positive bill whereas H.R. 10420, recently passed by the House, is weak in these areas.

I also understand the Subcommittee on Oceans and Atmosphere, chaired by Senator Ernest F. Hollings (S.C.) is considering legislation even less desirable than H.R. 10420.

When S. 3161 is passed out of committee for action on the floor, I urgently and respectfully request your support.

Respectfully,

RICHARD D. WETTERSTEN,
Director.

FORESTRY, FISH AND GAME COMMISSION,
Pratt, Kans., April 28, 1972.

Senator JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: House and Senate bills, H.R. 10420 and S. 3161, are directed toward the conservation of marine mammals.

S. 3161 is much to be preferred in that it (1) recognizes the roll of scientific data gathering necessary to formulate managemen programs and develop treaty recommendations, (2) provides authority for the Secretary to impose moratoria on those species or segments of populations needing protection, and (3) would enable State and Federal agencies to work together in a strong cooperative program of research and management.

I also understand the Subcommittee on Oceans and Atmosphere, chaired by Senator Ernest F. Hollings (So. Carolina) is considering both bills but that H.R. 10420 is receiving the most attention. This bill recently passed by the House is weak in the important areas where S. 3161 is strong. We look at H.R. 10420 as a negative bill in that it ignores scientific findings on the management of certain marine mammals.

Your support of S. 3161 and your opposition to H.R. 10420 is urgently and respectfully requested.

Best wishes,

Sincerely,

RICHARD D. WETTERSTEN,
Director.

DEPARTMENT OF NATURAL RESOURCES,
St. Paul, Minn., April 27, 1972.

Senator WALTER F. MONDALE,
Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

Re marine mammal legislation

DEAR SENATORS: Our Department has received information on proposed marine mammal legislation from the International Association of Game, Fish and Conservation Commissioners, the Wildlife Management Institute, and other sources.

We understand that the Senate Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee is considering H.R. 10420, which was approved by the House on March 9, 1972, and S. 3161. Although Minnesota is not directly involved in marine mammal management, we are interested in seeing that the proper type of management for these wildlife species is carried out on a scientific basis. We are concerned that H.R. 10420 will result in poor legislation in that it would declare a blanket moratorium and states' rights would be pre-empted. Because of this, we hope that you will oppose H.R. 10420 in its present language.

S. 3161, introduced by Senator Stevens of Alaska, is a sound marine mammal bill which we recommend be supported. It calls for a strong federal-state cooperative program with authority for the Secretary of Interior to impose selective moratoria as might be necessary.

Your help and assistance in arriving at sound marine mammal management legislation which will not pre-empt states' rights will be appreciated.

Sincerely,

ROBERT L. HERBST,
Commissioner,
Department of Natural Resources.

MINNESOTA CONSERVATION FEDERATION,
Hopkins, Minn., May 8, 1972.

Hon. ERNEST HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: The 12,000 member Minnesota Conservation Federation is adamantly opposed to H.R. 10420, the Marine Mammals Bill.

While there is a need for additional protection for some of the marine mammals, an outright ban on taking all marine mammals has little scientific, economic, or moral justification.

The Bill is obviously pointed toward the eventual elimination of all hunting, everywhere, and if passed would be the first step toward that goal.

Senator Ted Stevens of Alaska has introduced S. 3161, this bill is realistic in that it

extends protection where needed and also provides for cooperative Federal-State research and management.

The Federation strongly urges your assistance in defeating H.R. 10420 and in passing S. 3161.

Sincerely,

AL FARMES,
Chairman, Legislative Committee.

JEFFERSON CITY, MO., *April 27, 1972.*

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to express the support of the Missouri Department of Conservation for S. 3161 relative to the conservation of marine mammals.

As you know, a number of bills dealing with this subject are under consideration at the present time. Many of them would eliminate sound and effective scientific management in favor of complete protection in the continental United States. There is every reason to believe that the ultimate result of such legislation would be detrimental to the resource because of its probable effect on exploitation on the high seas by citizens of other countries.

We feel very strongly that any successful wildlife conservation program must be based on a scientific approach, and that it must be a joint cooperative effort between the States and the Federal government. It seems to us that S. 3161 would accomplish these objectives, and we urge your favorable consideration of this bill rather than other proposals.

Sincerely,

LARRY R. GALE,
Associate Director.

SOUTH CAROLINA
WILDLIFE RESOURCES DEPARTMENT,
Columbia, S.C., April 28, 1972.

Senator ERNEST F. HOLLINGS,
Senate Office Building, Washington, D.C.

DEAR FRITZ: I tried to call you yesterday and again this morning and was unable to reach you. I am very concerned over the proposed legislation in Congress that I understand is now in your Committee on marine mammals.

I think we are all in thorough accord that more attention should be given these mammals. I feel very strongly that complete protection of these mammals is not in their best interest and will defeat the purpose that we all seek. A scientific management of this resource should be provided and include a regulated harvest of only the surplus. Experience in other species indicates that when a specie is placed on complete protection, which does not include a good management program, it usually results in a further decline in population. This is a very important resource and can be scientifically managed to sustain a strong, healthy population rather than having complete protection where the surplus die of starvation, disease or old age. I also feel that the states that have a program for the protection and management of these mammals should be permitted to continue to manage them and other states who do not have such a program be encouraged to establish one. The legislation should provide, however, that if the states having jurisdiction over these mammals do not provide such a program for management and protection of this resource, that the Secretary of the Interior would intervene and provide such a program. I hope that you will revise your Bill S-3112 to conform with most of the provisions of S-3161.

I know that you will do all you can to provide adequate management for this very important resource and not be led by the complete protectionist group that opposes the harvest of anything.

If I can do anything for you here in South Carolina, please let me know. With kind personal regards, I am

Sincerely,

JAMES W. WEBB,
Executive Director.

DEPARTMENT OF GAME, FISH, AND PARKS,
Pierre, S. Dak., April 28, 1972.

Hon. WARREN MAGNUSON,
Chairman, Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to express my concern over proposed legislation involving the taking of marine mammals. It is my understanding that the House has recently passed H.R. 10420 which is considered by most marine mammal experts and leading conservationists to be inadequate and to reflect the extreme and ridiculous (albeit well-meaning) view of the anti-hunting and protectionist groups.

I am advised that a sound marine mammal bill has been introduced in the Senate—S. 3161. I am also advised that the staff of the Subcommittee on Oceans and Atmosphere is marking up the bill to amend it. I believe such amendment would be unwise if it follows H.R. 10420.

Two matters of most serious concern are that the marked up bill will contain either a five or fifteen year moratorium on the taking of any marine mammals and the possibility of federal preemption of states rights relating to those marine mammals that are in the normal jurisdiction of the coastal states. It is extremely important that these amendments be deleted in order that scientific and proper management programs may be maintained. States rights should not be preempted in this case and no blanket moratorium should be established, but rather the law should allow for the Secretary of the Interior to apply selective moratorium based on scientific conservation.

I respectively request that you call this matter to the attention of members of the Subcommittee on Oceans and Atmosphere and the Committee on Commerce so that the Congress of the United States does not give voice to the ridiculous principle that "complete protection is good conservation."

Sincerely,

R. A. HODGINS,
Director.

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., April 28, 1972.

Mr. BERNARD W. CORSON,
Director, Fish and Game Department, State of New Hampshire, Concord, N.H.

DEAR BUCK: Thank you for your letter of April 14 concerning the preemptive aspects of the marine mammal legislation pending before the Subcommittee on Oceans and Atmosphere of the Committee on Commerce.

I am enclosing for your inspection a copy of *Staff Working Draft No. 2* of the "Marine Mammal Protection Act of 1972". I wish to emphasize that this is all it is—a "Working Draft". It is an attempt by the Committee staff to formulate a legislative proposal based upon the several approaches embodied in the bills referred to the Committee, and the testimony received during our hearings on the legislation. It does not represent the official Committee position.

You will note that on page 30, section 109, provision is made for Federal preemption but with an exception which would permit the States to adopt standards more stringent than those issued pursuant to the Federal law. In addition, the Secretary is authorized to enter into cooperative arrangements with individual States for administrative and enforcement purposes.

I would like very much to have your comments on Staff Working Draft No. 2, as well as information concerning the marine mammal protection laws of the State of New Hampshire so that I might watch carefully the effect of Federal legislation upon our own State programs.

Thank you for informing me of your interest in this matter.

With best wishes,

Sincerely,

NORRIS COTTON,
U.S. Senator.

NEW HAMPSHIRE FISH AND GAME DEPT.,
May 3, 1972.

Hon. NORRIS COTTON,
U.S. Senate, Washington, D.C.

DEAR NORRIS: Thank you for the copy of the Working Draft No. 2 of the "Marine Mammal Protection Act of 1972". I have read it over carefully and find it confirms reports that preservation rather than sound scientific management is the direction this bill is taking. This, therefore, makes Section 109 quite meaningless since it would be hardly likely that any state would find legitimate cause to adopt more stringent regulations.

From New Hampshire's point of view this bill will supercede our seal protection law (RSA 210:3b) which presently exempts commercial lobstermen and commercial fishermen who take them accidently in the process of fishing and on purpose when they are destroying fishing gear. We do not believe that more stringent regulations are necessary to protect our seals, but if we did I feel we are quite capable of prividing such regulations in state controlled waters.

As written, I have to feel that Staff Working Draft No. 2 sets a very dangerous precedent of establishing federal jurisdiction over mineral resources historically under state control and does so with no evidence that state control has been responsible for a decline in the resources. I have little argument with federal regulations controlling the interstate shipment or importation of marine mammals or by-products, where such animals require protection, but I fail to understand the language of Sction 2 "Findings and Declaration of Policy". Item 5-b which stretches credibility and under the same rational could include every living organism, and Item 6 where its states management "to achieve an optimum sustainable population keeping in mind the health and stability of the marine ecosystem". In the first place, every "ecosystem' is dynamite in nature, ever changing and never stable. This leaves Item 6 in a completely subjective state and subject to a wide variety of interpretations.

Although marine mammals may not be as important to the state of New Hampshire as they are in some other states, we certainly have some valuable marine rsources that could become subject to similiar federal regulations once the precedent is set. I have to feel that we can best look after the interest of the state of New Hampshire if we are allowed to retain historic jurisdiction over such resources that we have accepted the responsibility for, both legally and morally, for well over one hundred years. I am very concerned that the final mark-up of this bill will not be in the best interests of some scientific management of not only marine mammals but of other marine living resources as well.

Thank you for your consideration in this matter.

Sincerely yours,

BERNARD W. CORSON,
Director.

THE QUACK,
May 2, 1972.

Hon. ERNEST F. HOLLINGS,
Chairman of the Subcommittee of Oceans and Atmosphere, Senate Office Building, Washington, D.C.

DEAR MR. HOLLINGS: The Oregon Duck Hunters Association-Mallard Chapter, an

organization of sportsmen dedicated to the conservation of migratory waterfowl, wildlife resource, and outdoor recreation, are deeply concerned with H.R. 10420 now pending in Congress.

This organization strongly recommends legislation that requires good sound management for the protection, growth and survival of marine mammals. However, H.R. 10420 by preempting the coastal states in the management of resident marine mammals is not, in our opinion, the sound legislation required to accomplish the desired goal.

Washington, Oregon, California, and other coastal states are deeply concerned with the welfare of their resident marine wildlife, which includes such mammals as the sea otter, seal, sea lion, etc. Their fish and wildlife commissions are well staffed with dedicated personnel, especially trained in the management of marine wildlife. Their involvement includes research, constructive programs such as rehabilitation and personnel work with commercial fisheries, and outside interests to secure their cooperation.

These mammals need the good sound management that can and should be provided by coordinated Federal-State programs.

S. 3161, also in the Senate, is a more realistic bill. It gives the Federal Government the authority to assure ample protection for the survival of our marine mammals. It also vests in the states the responsibility of managing the resident marine mammals within their coastal jurisdiction. In so doing, it encourages and offers an incentive for the Federal and State agencies to work together in providing the management this type of marine wildlife requires and deserves.

The membership strongly recommends S. 3161 and urges your support in its passage.

Sincerely Yours,

HENRY G. HELBER,
Legislative Chairman.

ARKANSAS GAME AND FISH COMMISSION,
Little Rock, Ark., May 4, 1972.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The Arkansas Game and Fish Commission recently joined numerous other conservation agencies and organizations in expressing adamant opposition to the House-passed Ocean Mammals Protection Bill, H.R. 10420.

Commission opposition to this proposed legislation is based on the following reasons:

1. This legislation would institute a "hands off" policy toward ocean mammals with either a five or fifteen year blanket moratorium on the harvesting of any of the specified animals. A preservationist attitude reflecting emotionalism rather than fact is discernible in the proposed moratorium. The moratorium is totally unnecessary and unacceptable to professional biologists and resource managers throughout the country who have examined this legislation.

2. This legislation would be preemptive of states' rights to manage resident wildlife populations.

3. This type of legislation is a "foot in the door" for federal management of all wildlife, including resident populations of inland states.

4. To provide for sound and proper management of wildlife resources, it is necessary to apply scientific methods and procedures developed over many years through research, experience and knowledge of professional biologists, and specialists of many other scientific disciplines. It should be noted that these professionals are invariably opposed to this non-scientific, unprofessional, emotional approach to wildlife management.

H.R. 10420 is entirely inadmissible as factual or useful legislation for the management of an important natural resource.

Yours very truly,

ANDREW H. HULSEY,
Director.

FEDERAL PREEMPTION OF MARINE RESOURCES MANGEMENT IN STATE WATERS—AN IMMEDIATE THREAT THAT DEMANDS IMMEDIATE ACTION

BRIEF BACKGROUND NOTES

Ever since John McKean brought in his emergency proposal on marine mammal legislation and PMFC approved it unanimously as Resolution 8, this office has been busy pressing for modification of objectionable sections in pending legislation which would pre-empt state research and management inside the three-mile limit. I learned on my Washington visit that the Anderson-Dingell bill (H.R. 10420) had gone so far through the Congressional mill that it was not likely to be modified now, despite any impact by our arguments for states rights.

I was advised by both House and Senate staff to concentrate on influencing Senate attitudes—that if the final Senate-approved bill included proper State-Federal interaction in research and management, we then had a good chance that the Senate view would prevail in Conference Committee. (*We have good indications of support for our views on the House side too—as I see it, this is now a strategy matter, with good chance for success if the Senate goes our way.*

Subsequent events on the Senate side include introduction February 22 of a new bill (S. 3112) by Senator Ted Stevens of Alaska. This bill had been "drafted by a group of professional wildlife conservationists and environmentalists" (Stevens: Congr. Record) and includes language on state-federal relations which properly recognizes state authority within territorial waters (see attachment). The Subcommittee on Oceans and Atmospheric (of the Commerce Committee) has held a series of hearings on the seven marine mammal bills before it, and has heard testimony from Carl Crouse representing the Western Association of Game and Fish Commissioners, the National Association, and PMFC; also from Ben Hilliker representing the State of Alaska. Senator Packwood's testimony included insertion of our PMFC letter of February 9 into the hearing record. (Senator Stevens is a member of that Subcommittee.)

RECENT DEVELOPMENTS

On February 16 I wrote Senator Stevens commending his action, and requesting his support of the PMFC position (cf. attachment). His two responses endorsed our stand, and requested our help in reaching other Senators of our delegations (copies of his letters attached).

Yesterday I called Washington, D.C. and learned that the Subcommittee still is deliberating on these bills. The word was that Ted Stevens was fighting hard within the Subcommittee for his position, and had a good chance of success, but that if he failed there, he probably would carry the issue to the floor of the Senate.

FEBRUARY 16, 1962.

Hon. TED STEVENS,
Senate Office Building, Washington, D.C.

DEAR SENATOR STEVENS: I have read recently of your concern for the seal-hunting rights of Alaska's Aleuts in the face of Federal legislation which seeks to supplant the international treaties under which the fur seals are harvested. Since it is well established that this harvesting is consistent with good management practices, and since it sustains an historic way of life for an important segment of our population, this championship of the Aleut cause seems both just and equitable.

We believe you also will be concerned about the language and intent of certain of these marine mammal protection bills to pre-empt State authority and responsibility to manage living resources within the three-mile limit of the territorial seas. You may recall that PMFC's Resolution 8 spoke strongly to this issue, pointing out that State ownership and responsibilities within the three-mile limit had been established by the Submerged Lands Act of 1953.

I recently prepared a letter to Senator Bob Packwood (copy enclosed) commenting on his bill S. 2639, which does not appear to contain the objectionable pre-emption concept and language of H.R. 10420, and presumably S. 3112. We commend to your consideration, and hopefully your support, the general rationale developed in this letter, and particularly the tentative alternative language we have suggested on page 3.

You will note that in Senator Packwood's letter I used examples from California to illustrate the magnitude of State investment which could be dismantled and wasted if Federal pre-emption of responsibility were to take place. I know that equivalent examples could be developed for Alaska. We feel confident that you will wish to exert your own influence as member of the key Subcommittee on Oceans and Atmosphere to assure that Federal legislation does not needlessly undermine present State conservation policies and practices, particularly where these are demonstrably efficient, and are consonant with Federal goals and policies.

Your comments and reactions concerning our stand of this issue will be most welcome. We count on your influence and support to see that the language of these bills is modified so that they do not threaten dismantlement of our extensive State commitments of manpower and other resources to existing effective programs of marine mammal management within territorial seas.

Yours sincerely,

JOHN P. HARVILLE,
Executive Director

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., April 3, 1972.

Hon. ERNEST F. HOLLINGS,
Chairman, Oceans and Atmospheric Subcommittee of the Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLINGS: As your Subcommittee continues its deliberations on marine mammal legislation, we respectfully urge that full and favorable consideration be accorded the enhancement of effective federal-state interactions in management of these important marine resources. We believe that state-federal cooperative action is a cornerstone of the American governmental system, and that threats of federal pre-emption in areas of established state jurisdiction dangerously undermine the balanced responsibilities inherent in that system.

We emphasize further that pre-emption of State authority for research and management of marine mammals could only result in disruption and waste of the initiative, long-term effort, and considerable commitment of manpower and resources already invested by many of our states in on-going effective programs for marine mammal conservation and management. For example, the State of California presently assigns two biologists full time to continuing researches on the California Sea Otter, a species brought back from near extinction by State initiative, and long under intensive study. California also invests some 12,000 man-hours yearly in patrol activities designed to protect marine mammals, near-shore game fish, and marine plants. Marine mammal protection accounts for about 15% of this total patrol effort. Clearly there are economies and major efficiencies in this kind of multi-purpose action by a State's organized patrol force. Your Subcommittee has heard similar testimony from the State of Alaska indicating the great investments by Alaska in marine mammal conservation and management.

We cannot believe that Congress would wish to dismantle existing strong State programs having obvious operational values and

cost-effectiveness. Neither do we believe that federal pre-emption of all marine mammal management automatically will produce the enlightened long-range program the American people are demanding. For these reasons, we are opposed to the federal pre-emption concept articulated in H.R. 10420, and presumably in the Senate companion bill. We support instead the concept of separate jurisdiction but shared research and conservation concerns which are enunciated in paragraph 109 of Senator Ted Stevens' S. 3112 bill.

These specific comments are based upon earlier formal action by the Pacific Marine Fisheries Commission at its November 1971 annual meeting. At that time our five compact states unanimously adopted a resolution which stated that the Submerged Lands Act of 1953 had confirmed state title to and ownership of natural resources within the three-mile limit, and therefore that PMFC strongly opposed any federal intent to pre-empt state responsibilities for managing marine mammals within state waters (text of resolution attached).

We respectfully request your support and your leadership in assuring that the bill endorsed by your Subcommittee will enhance, not undermine, productive State-Federal interactions. The real goal for all concerned is the welfare of our priceless marine mammal resources. We believe this shared goal can best be served by a bill that sponsors and supports cooperation, not conflict, among responsible jurisdictions.

Yours sincerely,

JOHN P. HARVILLE,
Executive Director.

APRIL 21, 1972.

Hon. THEODORE F. STEVENS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: I am writing to you as a member of the Senate Commerce Committee because of the concern of the International Association of Game, Fish and Conservation Commissioners over proposed legislation on marine mammals. The Subcommittee on Oceans and Atmosphere is wrestling with a number of bills intended to further the protection of marine mammals, and it is my Association's strong desire that the resulting legislation will embody the principles of enlightened wildlife management to which the Association is dedicated.

The Association would be among the first to affirm that man's treatment of the vast resource represented by the marine mammals has for the most part been reprehensibly wasteful and shortsighted. This has been largely due, we believe, to the international aspect of their occurrence. A resource that belongs to everyone is too often cared for by no one. There is the utmost need to establish effective international protection for many over-exploited and endangered species, particularly the larger whales. Lacking international accord, the United States must act unilaterally to restrain its own nationals from taking depleted species and to restrict the importation of products derived from such animals.

At the same time, we strongly oppose "shotgun" or "blanket" legislation which allows for no discrimination between species in need of complete protection against further harvest at this time and those whose welfare permits or even needs a continuing regulated utilization. In short, a proper enactment of total protection to benefit the highly endangered blue whale could be seriously damaging if applied to the northern fur seals of the Pribilof Islands. We strongly oppose a blanket legislated moratorium on the taking of all marine mammals by U.S. nationals and urge legislation to allow the appropriate Secretary to establish flexible regulations geared to the status and requirements of each separate species.

To insure that regulations established for the management of each species are kept current with the welfare of each species, the Association urges the enactment of wording similar to the following:

"Within six months from the date of enactment of this Act and every 12 months thereafter, the Secretary shall report to the public and the Congress on the current status of all marine mammal species and populations subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the establishment or removal of moratoria on taking, to assure the well-being of such marine mammals."

Unquestionably, the proper protection and management of mammals whose normal habitat is the open ocean demand federal regulation and international cooperation. Nevertheless, many marine mammals spend all or a large part of their normal lives in waters close to shore, or even hauled out upon land. These mammals have properly been of great concern to the states whose jurisdiction includes these shorelands and near-shore waters. Most of these ocean-bordering states have legislation or regulations, management programs, and research projects dealing with these near-shore animals. Some of the bills before the subcommittee would so preempt state authority that these productive programs might be abruptly halted before federal programs could be implemented to replace them. It is very important that adopted legislation provide for the utmost cooperation between federal and state agencies, to keep what is good in present programs and to provide for full coordination with desirable new programs relating to marine mammals. My Association earnestly recommends a provision for federal-state cooperation like that in Section 109 of S. 3161 and a provision for federal grants-in-aid of marine mammals research like Section 110 of S. 3161.

Finally, the International Association of Game, Fish and Conservation Commissioners is convinced that the welfare of marine mammals and of man requires that the legislation to be adopted incorporates both the concept and the definition of "management", such as the following:

"The term 'management' means 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. Management includes 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 this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking."

I apologize for the length and detail of this letter, but I consider the subject before us so important as to necessitate a careful, considered effort from all of us who are concerned.

Sincerely,

RALPH A. MACMULLAN,
President.

APRIL 26, 1972.

Hon. EARL F. HOLLINGS,
Chairman, Subcommittee on Oceans and Atmosphere, Senate Committee on Commerce, Washington, D.C.:

We are vitally concerned with legislation presently before the Subcommittee on Oceans and Atmosphere of the Senate Committee on Commerce which preempt the rights of the states to manage wildlife resources within the territorial limits of the coastal states. We are concerned because of the continuous erosion of the rights of the states to manage its fish and wildlife resources. We, therefore, urge you to adopt the provisions for Federal-State cooperative programs as set forth in Sections 109 and 110 of S–3161 which was introduced by Senator Ted Stevens of Alaska.

JOSEPH C. GREENLEY,
Director, Idaho Fish and Game Department.

WESTERN ASSOCIATION OF STATE GAME AND FISH COMMISSIONERS,
Boise, Idaho, April 12, 1972.

Hon. TED STEVENS,
Member, Oceans and Atmosphere Subcommittee of the Senate Commerce Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR STEVENS: In February I had the privilege of testifying before the members of the Oceans and Atmosphere Subcommittee of the Senate Commerce Committee on several bills having to do with management of marine mammals. At that time you were in the process of introducing S. 3161, and I did not have the opportunity to comment on it.

I have carefully reviewed S. 3161 and strongly support this legislation. It not only clarifies jurisdiction of marine mammals, but clearly gives the states presently carrying out sound marine mammal management practices the authority to properly continue their present marine mammal programs. In addition, it provides for a close, cooperative program between the states and federal government in this area. S. 3161 has been reviewed by other member states of the Western Association, and we strongly urge the passage of this legislation. This bill will provide for the federal government to continue its proper role outside of state jurisdiction areas and not pre-empt state rights where they are presently being properly managed.

Your consideration in the furtherance of S. 3161 will be greatly appreciated.

Very truly yours,

CARL N. CROUSE,
Chairman, Legislative Committee.

STATE OF OREGON GAME COMMISSION,
Portland, Oreg., April 4, 1972.

Hon. ERNEST F. HOLLINGS,
Chairman, Oceans and Atmosphere Subcommittee, Senate Commerce Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLINGS: Your Committee's favorable consideration of S. 3161 (Marine Mammals) as introduced by Senator Stevens is respectfully requested.

We in Oregon are proud of the progress we are making in development and management of coastal marine resources, including seals, sea lions and sea otters, and can see no logic or reason in the proposed federal preemption of constructive state programs for those species as provided in S. 2639.

We recognize the need for federal initiative in management of pelagic marine mammals that are outside state boundaries and support that objective.

Your cooperation in this important matter is appreciated.

Sincerely yours,

JOHN W. MCKEAN,
Director.

ARKANSAS GAME AND FISH COMMISSION,
Little Rock, Ark., May 17, 1972.

Re: S. 3161.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Arkansas Game and Fish Commission has been engaged in the review of proposed Ocean Mammal legislation since the inception of earlier legislative efforts to this effect in the House.

In evaluating the various bills introduced

before the House on Ocean Mammal Protection, the Commission was cognizant of a preservationist attitude which essentially substituted emotionalism for scientific fact in bills drafted. Much of the context of existing Ocean Mammal legislation would preempt states' rights in the management of specific marine mammals and would constitute a dangerous precedence with regard to management of resident wildlife populations in all of the United States. H.R. 10420, the House-passed Ocean Mammals Protection Bill, was officially opposed by the Commission as being entirely inadmissible as factual or useful legislation for the management of an important natural resource.

Upon examining Senator Stevens' Marine Mammals Bill, S. 3161, the Commission finds many desirable clauses which reflect the recommendations of professional wildlife managers. Highly important in this respect is the section of Senator Stevens' Bill which would substitute selective moratoria for blanket legislative action which could result in a 15-year moratorium. The terms "optimum sustained yield," "optimum carrying capacity" and "management," as defined under Section III, are particularly useful and well adapted to the application of scientific knowledge in the management of marine mammal resources.

Sections 109 and 110 of Senator Stevens' Bill covering cooperation with the various states is especially gratifying to the Arkansas Game and Fish Commission. S. 3161 is certainly much more palatable and acceptable to the Arkansas Game and Fish Commission than other accompanying legislative proposals.

Very truly yours,

ANDREW H. HULSEY,
Director.

STATE OF WEST VIRGINIA,
DEPARTMENT OF NATURAL RESOURCES,
Charleston, May 15, 1972.

Hon. ROBERT C. BYRD,
New Senate Office Building, Washington, D.C.

DEAR SENATOR BYRD: Legislation for the protection of marine mammals is currently under consideration by the Senate Committee on Commerce. The West Virginia Department of Natural Resources would like to solicit your support in successful passage of S. 3161 which calls for a strong federal-state cooperative program, with financial assistance for approved work; authority for the Secretary to impose selective moratoria, as deemed necessary, to give protection directly to species or population segments that may need it; and a large role for science in obtaining necessary information, designing management approaches, and developing treaty recommendations.

We also would like your support in opposing H.R. 10420 which would impose a blanket five-year moratorium on the taking or import of any marine mammal; would have the Federal Government preempt all marine mammals, including those frequenting state lands and waters; minimizes opportunity for state input into coordinated federal-state programs; and is generally deficient in recognizing the strong contribution science can make to the well-being of marine mammals.

Your favorable consideration of these suggestions would be greatly appreciated.

Sincerely,

IRA S. LATIMER, Jr.,
Director.

Mr. STEVENS. Mr. President, every one of the State departments of fish and game is worried about this precedent. Well they might be, because the same group that the Senator from Oklahoma is working with wants to stop killing all wild animals. This would be just the first step. Next would be the brown bear, then the moose, and then the caribou.

I ask my good friend from South Carolina, with the Senator from Washington sitting in the Chamber, what law governs the salmon when they come into the State of Washington after they have been out to sea for 4 years?

It is the State law of Washington.

Then, when they go into Idaho, what law governs them then?

It is the State law of Idaho.

Mr. President, we have always respected, in our State, great concern for fish and wildlife within our borders.

For the first time, I am very sorry to disagree with my friend from South Carolina. This bill will bring about a very dangerous precedent.

In closing, I would again say that the reason the bill was introduced is that S. 1232 was passed by the Senate and that is the bill that is the model for my amendment. However, S. 1232 was not passed by the House. The reason was that the Department of Interior in its regulations incorporated provisions of that bill. I have already placed Interior's order in the RECORD.

In 1970, the Department of the Interior acceded to the request of the public land States and said that, henceforth, it will be State law that governs hunting and fishing within the boundaries of any area that is under the jurisdiction of the State. I think that should be the same policy here.

I would point out to my friends that we are not talking about something that affects other people's lives very much.

But there are 300,000 bearded seals in Alaska. Three hundred thousand, and they are not an endangered species. They are not in any danger.

Some 1 to 2 percent of the bearded seals are harvested annually by nonnatives. That is what we are talking about here. These people can no longer harvest the seals.

Half the coastline on the west coast is in Alaska, my State. There is no way the Federal Government can enforce the provisions of this bill. Our State has protected ocean mammals by its enforcement officers in the Department of Fish and Game. We have done so creditably, I believe. There are more ocean mammals in Alaskan waters today than there were when we became a State. That should be an example to the rest of the country of what can be done with enlightened management under an efficient State fish and game program.

EXHIBIT 1

PRESERVATION, USE AND MANAGEMENT OF FISH AND WILDLIFE RESOURCES

On July 17, 1970, notice of a proposed regulation was published in the Federal Register (35 F.R. 11526). The proposed regulation was issued by the Secretary of the Interior. Its purpose was to strengthen and support the missions of the various States and the Department of the Interior in the cooperative preservation, use and management of the Nation's Fish and Wildlife Resources.

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 30 days following its publication in the FEDERAL REGISTER.

Views received have been considered in the final regulation which is published below:

Regulation of the Secretary of the Interior Relating to Certain Responsibilities of Interior Agencies and the States in the Preservation, Use and Management of the Nation's Fish and Wildlife Resources.

The Secretary of the Interior recognizes that fish and wildlife resources must be maintained for their aesthetic, scientific, recreation and economic importance to the people of the United States, and that because fish and wildlife populations are totally dependent upon their habitat, the several States and the Federal Government must work in harmony for the common objective of developing and utilizing these resources. It is the policy of the Secretary of the Interior further to strengthen and support, to the maximum extent possible, the missions of the States and the Department of the Interior in the attainment of this objective.

The effective husbandry of such resources requires the cooperation of State and Federal Government because:

(a) The several States have the authority to control and regulate the capturing, taking and possssion of fish and resident wildlife by the public within State boundaries;

(b) The Congress, through the Secretary of the Interior, has authorized and directed to various Interior agencies certain responsibilities for the conservation and development of fish and wildlife resources and their habitat.

Accordingly, the following procedures will apply to all areas administered by the Secretary of the Interior through the National Park Service, Bureau of Sport Fisheries and Wildlife, Bureau of Land Management and Bureau of Reclamation (hereinafter referred to as the Federal agencies). These Federal agencies will:

1. Within their statutory authority, institute fish and wildlife habitat management practices in cooperation with the States which will assist the States in accomplishing their respective, comprehensive, statewide resource plans;

2. Permit public hunting, fishing and trapping within statutory limitations and in a manner compatible with the primary objectives for which the lands are administered. Such hunting, fishing, and trapping and the possession and disposition of fish, game and fur animals shall be conducted in all other respects within the framework of applicable State laws, including requirements for the possession of appropriate State licenses or permits. The Federal agencies may, after consultation with the States, close all or any portion of land under their jurisdiction to public hunting, fishing, or trapping in order to protect the public safety or to prevent damage to Federal lands or resources thereon, and may impose such other restrictions as are necessary to comply with management objectives;

3. Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:

(a) In carrying out research programs involving the capturing, taking of possession of fish and wildlife or programs involving introduction of fish and wildlife;

(b) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State permit requirements infeasible;

(c) In the disposition of fish and wildlife taken under (a) or (b) as provided above.

4. Exempted from this regulation are the following:

(a) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is a party;

(b) Any species of fish and wildlife control over which has been ceded or granted to the United States by any State;

(c) Areas over which the States have ceded exclusive jurisdiction to the United States.

5. Nothing contained herein shall be construed as permitting public hunting, fishing, or trapping on National Parks, Monuments, or Historic areas of the National Parks System, except where Congress or the Secretary of the Interior has otherwise declared that hunting, fishing, or trapping is permissible.

6. The Federal agencies and States will enter into written cooperative agreements containing the plans, terms, and conditions of each party in carrying out the intent of this regulation when such agreements are desired by the States. Such agreements will be reviewed periodically by both parties and, when appropriate, adjusted to reflect changed conditions.

Dated: September 10, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-12340; Filed, Sept. 16, 1970; 8:45 a.m.]

Mr. GRIFFIN. Mr. President, if the amendment proposed by the distinguished Senator from Alaska (Mr. STEVENS) were adopted, this marine mammal bill would not apply to the taking of mammals in the United States of America. It would apply only to the importation of mammals taken outside the United States.

I opposed similar proposals in the Committee on Commerce, and I oppose this amendment. If this amendment were to pass, it would make much of the entire legislative effort to protect ocean mammals something of a futile gesture.

Either we need a marine mammal bill or we do not. I believe the evidence clearly indicates we do need a national policy to provide some measure of protection for these precious and unique creatures of the sea.

Obviously marine creatures recognize no State boundaries. Neither their protection nor sound conservation practices would be achieved if we were to deliberately apply one set of rules to the taking of mammals within the 3-mile territorial limit and another set beyond that limit.

Mr. President, the Federal Government already has the authority to protect endangered species, including marine mammals. It also has authority to regulate the taking of fur seals under international treaty as well as enforcing the prohibition against the shooting of animals from aircraft.

This authority is interrelated with the purpose and provisions of S. 2871, and the scope of Federal jurisdiction under the pending bill and existing law should be coextensive.

As the Deputy Assistant Secretary for Fish, Wildlife and Parks of the Department of the Interior, Mr. Curtis Bohlen, pointed out in testimony before the Subcommittee on Oceans and Atmosphere, most of the marine mammals are a truly international resource.

An effective program to protect marine mammals will require not only U.S. leadership, but international cooperation. It is hard to see how this cooperation can be achieved if we pass discriminatory legislation which sets a tough standard for foreign countries, but at home would allow the States to do as they please.

Mr. President, I urge the Senate to reject the amendment.

The PRESIDING OFFICER (Mr. ROTH). All time of the Senator has now expired.

Mr. GRAVEL. Mr. President, is there any time left at all?

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

On this question the yeas and nays have been ordered, and the clerk will call the role.

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 Nevada (Mr. CANNON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

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), the Senator from New York (Mr. BUCKLEY) 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 New York (Mr. BUCKLEY) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 26, nays 63, as follows:

[No. 316 Leg.]

YEAS—26

Allott	Dole	McGee
Bellmon	Dominick	Metcalf
Bennett	Fannin	Pearson
Boggs	Goldwater	Saxbe
Brock	Gravel	Scott
Burdick	Hansen	Stevens
Cook	Hatfield	Tower
Cotton	Hruska	Young
Curtis	Jordan, Idaho	

NAYS—63

Aiken	Ervin	Mansfield
Allen	Fong	Mathias
Anderson	Fulbright	McClellan
Bayh	Griffin	McIntyre
Beall	Gurney	Miller
Bentsen	Harris	Mondale
Bible	Hart	Montoya
Brooke	Hartke	Moss
Byrd, Harry F., Jr.	Hollings	Muskie
	Hughes	Nelson
Byrd, Robert C.	Humphrey	Packwood
Case	Inouye	Pastore
Chiles	Jackson	Pell
Church	Javits	Proxmire
Cooper	Kennedy	Randolph
Cranston	Long	Ribicoff
Eastland	Magnuson	Roth
Schweiker	Stennis	Thurmond
Smith	Stevenson	Tunney
Sparkman	Symington	Weicker
Spong	Taft	
Stafford	Talmadge	

NOT VOTING—11

Baker	Ellender	Mundt
Buckley	Gambrell	Percy
Cannon	Jordan, N.C.	Williams
Eagleton	McGovern	

So Mr. STEVENS' amendment was rejected.

The PRESIDING OFFICER. The question now occurs on agreeing to the committee amendment in the nature of a substitute as amended. [Putting the question.]

The committee amendment was agreed to.

The PRESIDING OFFICER. 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. Who yields time?

Mr. HOLLINGS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, I intend to vote against the bill.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Oklahoma will proceed.

Mr. HARRIS. Mr. President, I intend to vote against the bill. I believe the Senate has passed up a historic opportunity. If the amendment offered by the senior Senator from New Jersey, myself, and others to impose a firm 5-year moratorium, without the loopholes this bill provides, had passed then the Senate would have written a new chapter in environmental policy and would have saved these wonderful ocean mammals for all time. But we did not do that.

One firm in South Carolina which processes seal skins now receives a subsidy from the Federal Government and as a side effect might lose this money if a firm 5-year moratorium had passed. As yesterday's debate revealed, the Fouke Fur Co. not only wants the special exemption to kill seals in the Pribilofs, as the bill now expressly provides, but it also wishes to import seal skins from South Africa and Uruguay. Under the proposed legislation it will be permitted to apply for a waiver to import the day after the bill is signed into law.

The major defense offered against a firm 5-year moratorium was the example of a small British island which allegedly suffers from an overpopulation of seals after a 20-year moratorium. The Senator from Idaho (Mr. CHURCH) effectively demolished this argument when he pointed out that citing the example of a 20-year moratorium under circumstances which remain unclear to everyone in the Senate is not proof that a 5-year moratorium is unwise. Indeed, no one has yet named a mammal that would get "out of control" in a 5-year period. On the contrary, there is solid evidence that animal populations are regulated

effectively by nature and we are below optimum populations in the kinds of mammals covered by this bill.

Mr. President, I state again that I stand ready to support efforts which would compensate parties adversely affected by a decision to cut off the seal kill in Alaska. I would support legislation to assist such people in finding new jobs—the 240 employees of Fouke in South Carolina and the 600 inhabitants of the Pribilofs.

But I cannot in good conscience support a bill which perpetuates the slaughter of seals and other mammals simply on the grounds that we cannot do the right thing, because some people will lose their jobs. Where will such an argument lead us on defense spending? Our country is able to provide our people with better, more useful jobs. We cannot support arrangements for providing jobs that are badly managed and so costly to the taxpayer.

The Natives benefit very little. By most Government accounts only 40 of the 600 inhabitants of the Pribilofs have full time work, because of the seal kill. There are 157 temporary jobs. A 1970 report by the marine mammal resources program puts the figure for Native employment from the Pribilof Islands themselves at only 22.

Figures in the annual report of sealing operations for 1970 show that in recent years recruitment of the Pribilof people for the hunt has decreased by 41 percent while recruitment of people from the continental United States has risen 200 percent.

Fouke, Mr. President, has had a total monopoly over this trade since the early 1920's. In 1965, GAO tried to press for competition. Fouke took the issue to court and GAO backed down.

In 1971 Fouke's profit was 23 percent, according to the Department of Commerce. Meanwhile, the U.S. Government lost several hundred thousand dollars on this business arrangement with Fouke.

The contract with Fouke provides that the U.S. Government even pays part of the advertising costs for Fouke. For all we know, Fouke's ads against congressional action in this area may have been paid by the U.S. taxpayer.

Although the U.S. Government has had a contract with Fouke since the early 1920's, no one knows who owns Fouke. In the House hearings, requests to receive a list of stockholders were denied. So the U.S. taxpayer is in the position of handing money blindfolded to a special interest.

Mr. President, I am opposed to this bill and I intend to vote against it, because it is deficient in several particular respects. We did not provide for the killing of porpoises and to put that at a zero rate as we should have done, in a 2-year period, although we made progress in that regard by the amendment which we were able to work out with the Senator from South Carolina.

We did not provide for the forfeiture of vessels as we should have, although we did make some progress in that regard in the bill. I am grateful for those improvements.

The bill also is fatally deficient in that primarily we did not agree to a firm 5-year moratorium to stop all this killing. We did not stop the killing of seals in the Pribilof Islands and we did not transfer jurisdiction from the Secretary of Commerce to the Secretary of Interior.

We should stop killing all these marine mammals, but I particularly want to call attention to the continued killing of the polar bear in Alaska.

Mr. President, I ask unanimous consent to have printed in the RECORD an article dated April 3, 1972, which was published in Anchorage, Alaska, entitled "How Guides Can Tiptoe Around the State Game Laws."

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

HOW GUIDES CAN TIPTOE AROUND THE STATE GAME LAWS

(By Dan Gross)

Ray Loesche's career as a hunting guide has been hit and miss in Alaska's judicial arena, but the hits haven't been very hard.

He was nailed in 1963 for wanton waste of game meat, found not guilty in 1965 for guiding without a license, escaped a charge of not being present when his client was hunting in 1968 (dismissal), and got pinched in 1969 for failure to punch a moose ticket. Fine $25.

But this year it looked, momentarily, like real trouble. Last spring one of his assistant guides, Ron Lawson, and client, Don Breckenridge, shot a brown bear on the Alaska Peninsula after Loesche dropped them off in his Super Cub. Lawson didn't have a license, wasn't a resident, and according to Alaska Hoyle you aren't supposed to do some other things like shooting bear fresh off a plane.

Lawson didn't have something else, the $1,800 to pay for the fines. Loesche did and paid. Afterward the magistrate in King Salmon told Loesche that if he ever appeared in court there again he (the magistrate) would confiscate his (Loesche's) airplane.

Loesche's situation got worse. He appeared before a hearing of the Fish and Game Board in Anchorage, up for revocation of his license. But just about the time his case was launched it turned out that the key testimony was hearsay and the case was shelved on a technicality. Hearsay not usually admissible in court, is generally admissable at hearings.

A local taxidermist revealed recently that "one of the bandit guides worked for Egan's re-election, got some money coming in and received promises that the governor would ease up on the harassment of some of the guides by the fish and game enforcement division."

Who the guide might be is anybody's guess.

But in a piece of literature sent out by Loesche to some of his clients, he said.

"There were a total of 300 (polar bear) permits drawn Sept. 4 (1970) . . . Not one of my hunters was drawn.

"Now for new developments. Prior to the election, gubernatorial candidate Bill Egan assured a number of Alaska guides that if he were elected, he would throw out the current basis for issuance of polar bear permits for the coming season. As a result, a number of us did what we could to help him get elected. He was successful and will take office in December. He still assures us that one of his first actions will be to make the necessary changes and the season will be open. So, we are going ahead and confirming our hunts, and getting signed permit applications on hand, so we are ready to comply with whatever the new regulation is going to be. So, get in touch and let's have these polar bear hunts confirmed and ready to go when the time comes. We do have space available."

The political animal also plays the game in another way, juggling seasons, closed and open areas, not necessarily for the benefit of the animals.

Recently the Kodiak Island brown bear season was extended five days by "emergency" order of the Fish and Game Board.

The reason is a mystery.

One source offered the suggestion: "Ask (Fish and Game Commissioner Wallace) Noerenberg. It's probably one of his friends or Egan's who can't get up here in time for the regular season. With spring and fall seasons there are 70 days to hunt bear there and there's not one damn biological reason to extend it five more days."

The emergency order itself, however, gives a reason. It says that the Kodiak bear (shot as vermin by island ranchers and, together with the Alaska Peninsula bears, subject to the most intensive pressure on any of the big bruins on the North American continent) is underharvested. The order was recommended by the Kodiak Advisory Board. It may be only incidental, but Oscar Dyson, chairman of the Fish and Game Board, lives on Kodiak Island.

While politicians may play game with game, guides on the Arctic coast have boiled their procedures down into a science. There are roughly five methods used to bag a white bear. Here is a brief do-it-your-self guide.

One. A non-resident hunter has money but no polar bear permit. A resident has a permit but not enough money to afford the hunt, so a guide takes both on a hunt in two planes. They get back and the resident claims to have killed the bear. Guide pays off resident. the hide later is handed over to non-resident.

Two. The guide buys the permit from someone who has drawn one fairly. Black market cost—$500 to $1,000. The hunter claims to be going on a photography sightseeing trip or a wolf hunt and kills the bear. The hide is skinned and cached out on the ice. Later the guide gets original permittee to sign the paperwork. Hide is then relayed through taxidermist to the hunter.

Three. Guide tells the hunter he has a permit the hunter can use. The hunter, who doesn't know any better, kills the bear. The guide then has the second plane conceal the skin, then gets the hunter out of town before he can do any barroom bragging. The guide then ships the hide to a taxidermist for shipment to the hunter.

Four. The biggest. Taxidermists, mostly outside firms, sometimes working with guides, work together with other taxidermists. The hunter shows up at the taxidermist and says. "I don't have a permit, but I want a bear and am willing to pay for it." The taxidermist checks out the hunter to make sure he is clean, not a ringer for state or federal enforcement agencies. The taxidermist then bargains with a guide for a kickback. (They usually average around $1,000), or extracts a promise of getting the trophy contract. The hunter comes to Alaska for a wolf hunt or photographic outing. Some of these "photographers" who are investing upwards of $3,000 on their expedition have been seen carrying Instamatics.

The hunter is met at the village, flies out, kills the bear and the skin is shipped out of state as "wolf hides" or "personal luggage."

Five. Guide takes out the hunter who has honestly drawn a permit. Hunter kills trophy. The party later spots a bigger bear and the hunter says. "I'd rather have that bear." Guide says. "Okay, but it will cost you more. I have a permit to get a bear for a museum and we could use it for the first bear." Hunter kills the second bear, pays the extra tab. Guide peddles the first on the black market, $600 to $1,500 green or between $2,000 and $3,000 finished.

Mr. HARRIS. Mr. President, that article makes clear that polar bears continue

to be killed against the law; they should not be killed, but they will be killed under this bill, as will a great many other mammals.

Mr. President, I wish to call attention to a letter I received today from Alice Herrington, chairman of the Committee for Humane Legislation. The first paragraph of the letter states:

We hope that you will cease all efforts with respect to S. 2871. What started out as a measure to stop the needless slaughter of ocean mammals has become a bill to legalize that slaughter. The moratorium in the amended bill is absolutely meaningless, with is present loophole of "general permits."

Mr. President, I intend to vote against the bill.

Mr. HOLLINGS. Mr. President, I yield 1 minute to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, while I wish my amendment had been agreed to, I accept the judgment of the Senate and I intend to support the bill, because I think it is a good bill under all the circumstances. I feel we have a workable amendment to protect Alaska Natives under a system to provide for regulated taking under the Department of Interior and the Department of Commerce.

I think under this bill we have just increased the budget for NOAA by five times to provide for enforcement that has been previously provided by State fish and game agencies, but I am certain we will see this budget increased.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement which was prepared by one of my constituents, Henry Kanayurak of Barrows, Alaska, the northernmost village in the United States and one of the few remaining native whaling villages.

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

STATEMENT OF HENRY KANAYURAK

Honorable Senators, members of the Senate Commerce Committee, I would like to point to you some facts and points of interest on behalf of my people, the Eskimos, who at this time are very discontent due to the amended legislative passage which is now in progress at this time in the hands of the Senate Commerce Committee.

First of all, I would like to tell you a little about an Eskimo. The Eskimo inhabits both coastal and interior regions in Alaska and are solely dependent on the animals both on land and sea for survival and livelihood in their small but bland communities during the jobless years.

Some communities are solely and completely dependent on the Native arts and crafts made from the byproducts of the sea mammals involved in the proposed Senate bill.

Eskimo in his every day life is a meek and gentle person who only wishes to live his own life style, irregardless of the environment around him.

They are a smiling and happy people so long as they are assured of their food stores in their ice cellars and their winter's supply of clothing and bedding on hand.

We are a poor race moneywise, but on the other hand, you could consider us the richest of the rich because we are happy in the way we live and you can't buy happiness with money. But this is also about to be taken away from us, with nothing to fall back to but the bleak and bleary tundra, which cannot offer us anything such as vegetation besides the few migratory animals.

We are but few in our proud race and the Eskimo population up to date is in the neighborhood of 14,000 in Alaska. In comparison to the population of the Bowhead Whale which is reportedly in the neighborhood of 52,000 and on the increase, which is reported to be in the declining and extinction status, then under all deliberations should constitute a re-enactment to the Senate bill on sea mammals in progress to provide for this proud race and give them complete freedom for the taking of these animals which they only take for survival and livelihood, which in turn is the basic backbone of their traditional customs as well as their elite culture.

You must look to these people as an elite group, for they are the ones who are near extinction in comparison to the population of sea mammals you so consider to be declining and near extinction.

Mr. STEVENS. Mr. President, in answer to the Senator from Oklahoma, I wish to point out that the Alaska limits of taking bear provide one polar bear may be taken every 4 years. There are 20 being taken by Alaskans at this time. I do not see that that is depleting the resources of bears at all.

I wish to thank the chairman of the committee for his cooperation.

Mr. HOLLINGS. Mr. President, specifically as to the charge that this is a fur seal bill, obviously it is not a special interest bill. The word "Fouke" does not appear in the bill. The word "subsidy" does not appear in the bill. There is a procedure whereby the Department of Commerce negotiates a contract with the processor, which simply happens to be Fouke. Russia would not like to have to bring its furs to Greenville, S.C., but they must do that to get the desired quality. Uruguay, Canada, Japan, and every other country has failed to duplicate the process of Fouke, as the records of this small family company would so show. The contract was open for the period of 1961 to 1966. The Department of the Interior sought other bidders for the processing. As a result of that, the United States lost hundreds of thousands of dollars. I think the figure was about $500,000 worth of seal pelts, which had to be thrown out. It so happens that this contract is renegotiated annually at the insistence of the Department of Commerce. With reference to the money received for the fur seal processed by Fouke Fur, the furs belong to the United States and the company simply receives payment for processing.

It is unfortunate to raise that red herring and say that what we are really doing is passing a red herring bill. I am indebted to the Senator from Oklahoma for his persuasiveness on this marine mammal bill, to the Senator from New Jersey (Mr. WILLIAMS), and many others, as well as to the House members involved, the Fund for Animals, the Friends of Animals, and many different organizations who sought legislation. Their interest certainly precedes my own modest drive to bring this measure before the Congress.

I notice that the Senator from Oklahoma put a New York Times editorial into the RECORD which reads in part:

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.

And therefore it is a weaker bill.

That is absolutely false. In the House bill, we do not have the strict procedures for waiving the moratorium. Second, there is no marine mammal consultation required under the House bill as required by the Senate bill soon to be passed, I hope, by the Senate. Next, on page 13 of H.R. 10420, it can be seen that the Secretary has general authority to grant a hearing. Not so under the Senate bill and the amendment of the Senate.

Now, when we come to commercial fishing, under the House version there is only general cognizance of this problem. In the Senate version we have a $1 million annual research program under the Secretary of Commerce, and then we have a strict procedure for requirements with regard to the types of nets and observers on board the ships and other regulatory provisions regarding all the nations involved, for example, in the yellowfin tuna fishery.

These were provisions that were hammered out by the various staffs and Members and the various agencies that came before us. I think we have an excellent bill to present to the American people that finally brings into legislation affecting marine mammals principles much like those proposed by the Senator from Maine (Mr. MUSKIE) on water quality, which took State jurisdiction because of environmental concern, an overriding concern, at the Federal level, and we have preempted the States on environment.

In this case we have preempted the States on marine mammals until the Federal Government assigns responsibility to State authorities, when warranted. We have said very strongly that we cannot allow these mammals to be depleted, as well as allow them to be endangered, before we act. We are going to say, here and now, that they are special mammals and we are going to give them protection under national law, international treaties, and under research legislation.

Mr. President, I urge passage of the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on passage of the bill. All time has been yielded back or has expired. The yeas and nays have been 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 Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. JORDAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY) 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 New York (Mr. BUCKLEY) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 317 Leg.]

YEAS—88

Aiken	Fannin	Moss
Allen	Fong	Muskie
Allott	Fulbright	Nelson
Anderson	Goldwater	Packwood
Bayh	Griffin	Pastore
Beall	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hatfield	Ribicoff
Boggs	Hollings	Roth
Brock	Hruska	Saxbe
Brooke	Hughes	Schweiker
Burdick	Humphrey	Scott
Byrd, Harry F., Jr.	Inouye	Smith
	Jackson	Sparkman
Byrd, Robert C.	Javits	Spong
Cannon	Jordan, Idaho	Stafford
Case	Kennedy	Stennis
Chiles	Long	Stevens
Church	Magnuson	Stevenson
Cook	Mansfield	Symington
Cooper	Mathias	Taft
Cotton	McClellan	Talmadge
Cranston	McGee	Thurmond
Curtis	McIntyre	Tower
Dole	Metcalf	Tunney
Dominick	Miller	Weicker
Eastland	Mondale	Young
Ervin	Montoya	

NAYS—2

Gravel	Harris

NOT VOTING—10

Baker	Gambrell	Percy
Buckley	Jordan, N.C.	Williams
Eagleton	McGovern	
Ellender	Mundt	

So the bill (S. 2871) was passed, as follows:

S. 2871

An act to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

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 "Marine Mammal Protection Act of 1972".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stock 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 mammals 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 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. 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.

(3)(A) The Secretary, on the basis of the best scientific evidence available and in consultation with the Marine Mammal 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 mammal, 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 mammal is in accord with sound principles of resource protection and conservation as provided in the purposes 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 for 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 handicrafts 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 his 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 effecive 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 im-

porting 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 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) 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.

(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 applicant for a permit 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.

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.

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; (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) 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 superceding 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 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 Adminis-

trator 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 centum. 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 (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 establish-

ment, 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 service 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 year 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.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged——

Mr. ROBERT C. BYRD. Mr. President, may we have order, so that the manager of the bill can be heard, and his request?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 10420.

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 10420.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of H.R. 10420.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the language of S. 2871, as amended and passed, be inserted in lieu thereof.

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

The question is on the engrossment of the amendment and third reading of the bill.

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

The bill (H.R. 10420) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 10420) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ROTH) appointed Mr. PASTORE, Mr. HOLLINGS, Mr. INOUYE, Mr. HART, Mr. STEVENS, Mr. COOK, and Mr. WEICKER conferees on the part of the Senate.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that S. 2871 be indefinitely postponed.

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossing of the bill, to correct any technical or clerical changes.

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

GRANTS FOR COMMUNICABLE DISEASE CONTROL

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3442.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendments of the House of Representatives to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes which were to strike out all after the enacting clause and insert:

That section 317 of the Public Health Service Act (42 U.S.C. 347b) is amended to read as follows:

"GRANTS FOR VACCINATION PROGRAMS AND OTHER COMMUNICABLE DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, with the approval of the State health authority, to political subdivisions of States to assist in meeting the costs of communicable disease control programs. In making a grant under this section the Secretary shall give consideration to the relative extent, in the area served by the applicant, of the problems which relate to one or more of the communicable diseases referred to in subsection (h)(1) and to the level of performance of the applicant in preventing and controlling such diseases.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Except as provided in paragraph (2), such application shall be in such form, submitted in such manner, and containing such information, as the Secretary shall by regulation prescribe.

"(2) An application for a grant for a fiscal year beginning after June 30, 1973, shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the programs he proposes to conduct with assistance from a grant under this section;

"(B) contain assurances satisfactory to the Secretary that, in the fiscal year for which a grant under this section is applied for, the applicant will—

"(i) conduct such programs as may be necessary to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases referred to in subsection (h)(1) of the importance of immunization against such diseases, to encourage such persons to seek appropriate immunization, and to facilitate access by such persons to immunization services; and

"(ii) where appropriate, conduct such programs as may be necessary for the detection and treatment of venereal diseases in persons in the area served by the applicant, including persons who have venereal diseases

but who do not have the symptoms of such diseases; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any communicable disease referred to in subsection (h)(1), and (ii) the communicable disease control programs of the applicant.

"(3) Nothing in this section shall be construed to require any State or any political subdivision of a State to have a communicable disease control program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program.

"(c)(1) Payments under grants under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(2) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished to such recipient and by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based.

"(d) The Secretary shall develop a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under his jurisdiction may be effectively utilized to meet epidemics of, or other health emergencies involving, any disease referred to in subsection (h)(1). There are authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for costs incurred in utilizing such resources in accordance with such plan.

"(e)(1) There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to venereal diseases.

"(2) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs relating to tuberculosis.

"(3) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control program for measles.

"(4) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs other than communicable disease control programs for which appropriations are authorized by paragraph (1), (2), or (3).

"(5) Not to exceed 50 per centum of the amount appropriated for any fiscal year under any of the preceding paragraphs of this subsection may be used by the Secretary for grants for such fiscal year under programs for which appropriations are authorized under any one or more of the other paragraphs of this subsection if the Secretary determines that such use will better carry out the purposes of this section.

"(f) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

"(g) The Secretary shall submit to the President for submission to the Congress on January 1 of each year a report (1) on the extent of the problems presented by the diseases referred to in subsection (h)(1), (2) on the effectiveness of the activities, assisted under grants under this section, in preventing and controlling such diseases, and (3) setting forth a plan for the coming year for the prevention and control of such diseases.

"(h) For the purposes of this section:

"(1) The term 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough, or other communicable diseases which are transmitted from State to State, are amenable to reduction, and are determined by the Secretary to be of national significance. Such term includes vaccination programs, laboratory services, and studies to determine the communicable disease control needs of States and political subdivisions of States and the means of best meeting such needs.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia."

SEC. 2. The amendment made by the first section o fthis Act shall apply to grants made under section 317 of the Public Health Service Act after June 30, 1972, except that subsection (d) of such section as amended by the first section of this Act shall take effect on the date of enactment of this Act.

And amend the title so as to read: "An Act to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendment of the House on S. 3442, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT conferees on the part of the Senate.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3323.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendment of the House of Representatives to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, which was to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars; and

(7) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart and Lung Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung, and Blood Disease Program (hereafter in this part referred to as the 'Program') to expand, intensify, and coordinate the activities of the Institute respecting heart, blood vessel, lung, and blood diseases (including its activities under section 412) and shall carry out the Program in ac-

cordance with such plan. The Program shall be coordinated with the other research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment, and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to such diseases;

"(5) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(6) the education and training of scientists and clinicians in fields and specialties (including computer sciences) requisite to the conduct of programs respecting heart, blood vessel, lung, and blood diseases;

"(7) public and professional education relating to all aspects of such diseases and the use of blood and blood products and the management of blood resources;

"(8) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(9) the establishment of programs for study, research, and evaluation of emergency medical services for people in critical condition in connection with heart, blood vessel, lung, or blood diseases.

The Program shall give special emphasis to the continued development in the Institute of programs relating to atherosclerosis, hypertension, thrombosis, and congenital abnormalities of the blood vessels as causes of stroke, and to effective coordination of such programs with related stroke programs in the National Institute of Neurological Diseases and Stroke.

"(b) (1) The plan required by subsection (a) of this section shall (A) be developed within one hundred and eighty days after the effective date of this section, (B) be transmitted to the Congress, and (C) set out the Institute's staff requirements to carry out the Program and recommendations for appropriations for the Program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the Program during the preceding calendar year and a plan for the Program during the next five years.

"(c) In carrying out the Program, the Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provision of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain heart, blood vessel, lung, and blood disease laboratories and research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

"(d) The Director of the Institute shall conduct a program to provide the public and the health professions with health information with regard to cardiovascular and pulmonary diseases. In the conduct of such program, special emphasis shall be placed upon dissemination of information regarding diet, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary diseases.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

"SEC. 415. (a) The Director of the Institute may provide for the development of—

"(1) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, and blood diseases; and

"(2) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for chronic lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children).

Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law. The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraphs (1) and (2) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and change of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

"SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-one members as follows:

"(1) The Secretary and the chief medical officer of the Veterans' Administration (or their designees) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Nine of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the science relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and seven of the appointed members shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs.

"(b)(1) Each appointed member of the

Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and eleven members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Secretary (or his designee) shall be the Chairman of the Council.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as Executive Secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there are authorized to be appropriated $350,000,000 for the fiscal year ending June 30, 1973, $400,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975."

AUTHORITY OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out "National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the heading) and inserting in lieu thereof "heart, blood, vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD".

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b)(1) The Council shall advise and assist the Director of the Institute with respect to the Program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the Program.

"(2) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f)) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE".

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program, established under part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendment of the House on S. 3323, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ROTH) appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. SCHWEIKER, Mr. JAVITS, Mr. DOMINICK, Mr. PACKWOOD, Mr. BEALL, and Mr. TAFT conferees on the part of the Senate.

MARITIME PROGRAMS

The PRESIDING OFFICER (Mr. ROTH). Under the previous order, the Senate will now proceed to the consideration of H.R. 13324, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 11, after the word "modern", strike out "breakbulk" and insert "or reconstructed"; on page 2, line 11, after "New York", strike out "$7,670,000" and insert "$7,854,000"; after line 14, insert a new section, as follows:

SEC. 2. Section 905(a) of the Merchant Marine Act, 1936, is amended as follows:

(1) By inserting after the words "except that" the words "in the context of section 607 of this Act concerning capital construction funds and".

(2) By striking out the words "to the extent provided in uniform regulations promulgated by the Secretary of Commerce".

(3) By inserting before the period at the end thereof the words "in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Commerce pursuant to section 204(b) of this Act".

And, on page 3, after line 2, insert a new section, as follows:

SEC. 3. Section 901(b)(1) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241 (b)(1)), is amended by inserting in the first sentence after the words "or commodities" and before the words "the appropriate agency", the words "or shall issue to any person, firm, or corporation, on a quota basis, allocations or licenses for the importation of crude and unfinished oils and finished products, not including residual fuel oil to be used as fuel and Number 2 fuel oil".

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

The PRESIDING OFFICER. On whose time?

Mr. LONG. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. 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. LONG. Mr. President, H.R. 13324 would authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce. Section 1 of the bill is the authorization of appropriations and provides slightly in excess of $556 million for construction and operation of ships, research and development programs, expenses of the National Defense Reserve Fleet, and maritime training at the U.S. Merchant Marine Academy and State marine schools. The committee made only two amendments to the authorization of appropriations, one of a minor technical nature and the other an increase of $184,000 to cover certain Federal pay increases as requested by the administration. Section 2 of the bill makes a technical amendment to the Merchant Marine Act, 1936, as amended, to correct certain deficiencies in the act we adopted in 1970—Public Law 91–469—as it relates to bulk cargo carriers. The committee report, No. 92–841, explains these two sections in detail and, since I believe that there is no controversy with respect to these provisions, I would like to address my remarks primarily to section 3 of the bill which is a committee amendment.

That section would amend section 901(b)(1) of the Merchant Marine Act, 1936, to require that at least 50 percent of certain oil imports brought in on a quota basis be carried on U.S.-flag vessels to the extent such vessels are available at fair and reasonable rates. Residual fuel oil and No. 2 fuel oil are excluded from the requirement. The effect of this amendment would be to add oil imports which are licensed by the Government on a quota basis to those classes of commodities which are already required to be carried on U.S.-flag vessels, including certain cargo shipped for the account of the Government or financed by the Government.

I would like to outline briefly why the committee took this action and the benefits that are expected to flow from enactment of the legislation.

First, enactment of the legislation is necessary for our security in order to maintain the tanker capability to move our emergency oil requirements. We have had the capability to do this in the past. Enactment of this legislation is necessary to preserve it;

Second, it will result in a balance-of-payments benefit estimated at $300 million next year, $500 million annually by 1980, and $800 million annually by 1985;

Third, it will provide 100,000 goods jobs for American workers that would otherwise be surrendered to foreign labor;

Fourth, it will provide additional badly needed protection for our marine environment;

Fifth, it will not increase consumer costs; and

Sixth, unlike the various proposals under study by the administration, it will not increase subsidies for construction and operation of ships. Instead of increasing the burden on our taxpayers, it will finance these ships out of the large profits made on foreign oil.

The primary reason for this amendment is national security. At present, virtually none of our oil imports are carried on U.S.-flag vessels. While this situation was perhaps tolerable so long as our Nation was largely self-sufficient with respect to its emergency petroleum requirements, it is no longer. When we were largely self-sufficient in oil, American vessels carried the total waterborne movement of oil; for example, from production facilities in the gulf to consumers on the east coast.

However our reliance on oil imports is growing. It has been widely estimated that by 1980 we will be dependent on imports for nearly 50 percent for our petroleum requirements and that by 1985, the figure will be substantially over 50 percent. This situation results in a double risk: dependence on foreign sources for our supply of oil and dependence on foreign sources for transportation of our supply. This is particularly serious when it is realized that in the past, oil crises have generally resulted from transportation dislocation such as the closing of the Suez Canal and war or hostile action, rather than problems at the source of the oil itself.

At the same time that our oil imports have been growing, the U.S. tanker fleet engaged in domestic trades is being severely impacted because of the expansion of the Colonial pipeline and other economic factors. Earlier this year, approximately 11 percent of existing U.S. tonnage was laid up. While the recent step-up of war activities in Southeast Asia and a surge of grain shipments to Bangladesh have substantially reduced this figure, this is obviously temporary in nature and after these contingencies subside the general trend of increased layup can be expected to reassert itself. Some have estimated that within 3 years, under normal circumstances, 20 percent of existing U.S. tanker tonnage will be laid up.

Of course layup of these vessels cannot continue forever. Sooner or later they will have to be scrapped or transferred to foreign registry. When that occurs, the surge capability that our domestic trade tanker fleet has provided us in past national emergencies will no longer be available to us.

Clearly, this cannot be allowed to occur. We can assure ourselves of the tanker capability that we need only by fostering a U.S.-flag fleet actively engaged in the carriage of our oil imports.

Of all the major nations, only the United States depends on others to carry virtually all of its petroleum imports. Japan carries about 60 percent of its oil imports. France has laws requiring French-flag carriage of its oil imports that have resulted in its carrying 48 percent of its imports, though its laws require even more. Britain carries 28 percent of its oil imports on its own vessels and Italy 24 percent. While we do not have separate figures for oil for Germany, that nation carries 25 percent of its total imports.

Enactment of this legislation would result in our being on a par with Britain and Italy, though still far below France and Japan. In effect, enactment of the bill would result in about 25 percent of our waterborne oil imports coming on U.S.-flag vsesels since residual fuel oil and No. 2 fuel oil amounting to approximately half of our imports are excluded from the 50-percent requirement.

Those who argue that this bill is not needed on national security grounds have stated that we should rely on the tanker fleets of our NATO allies and U.S.-owned foreign-flag vessels. But a review of these fleets indicates that changes that have occurred, including in their size and other characteristics, would make many of them unavailable to us in times of emergency. Even after enactment of the legislation we would continue to rely in large measure on these vessels. However, as our dependence on foreign oil imports increases, it would be foolish to put all our eggs in a single basket—foreign-flag vessels.

In a sense, enactment of this legislation reflects not a change in policy but a continuation of longstanding national policy. So long as the overwhelming majority of our waterborne movements of oil were in the coastwise trade from one U.S. port to another, the cabotage laws, dating back to the 18th century, saw to it that all the vessels engaged in the movement were U.S.-flag vessels. This assured the tanker capacity we needed. Now, however, with the shift in our sources of oil to foreign imports, the cabotage laws standing by themselves no longer provide that assurance. Enactment of H.R. 13324 will assure that we have at least some capability to carry our

urgently needed petroleum requirements. In addition, having some U.S. tanker transport capability will provide us with the option of shifting from an embargoed oil source to an alternative producer, thus affording some protection with respect to the problems that arise from our increased dependence on foreign sources of oil.

As chairman of the Committee on Finance, I am particularly concerned with another important benefit that will result from enactment of this legislation; that is, the beneficial impact on our balance of payments. One Government agency estimated that the balance-of-payments benefit resulting from requiring carriage of 50 percent of our oil imports would amount to $300 million in 1973 alone. Other estimates indicated that without enactment of this legislation we will have an annual deficit on tanker carriage of crude oil alone of $1.2 billion in 1980 and $2 billion in 1985. The cumulative deficit for the period 1975–85 would be $14 billion. There is no need to remind Senators that last year our Nation had a balance-of-payments deficit of over $22 billion on a net liquidity basis. Clearly, the dollar outflow needed to pay for foreign tankers as our oil imports increase in the future will be difficult to offset in the current state of the Nation's monetary affairs. It would greatly aggravate our already serious problems. It has been estimated that enactment of this legislation would save about 40 percent of these amounts or approximately $500 million in 1980, increasing to nearly $800 million in 1985. The cumulative balance of payments saving for the period 1975–85 has been estimated at $5.6 billion.

Another important beneficial result from passing this legislation would be its impact on domestic employment. I am sure that Senators have heard from representatives of our working people in this regard. Organized labor has estimated that enactment of the legislation will result in well over 100,000 new jobs. As many as 9,000 seafaring jobs would be created, and the balance would be in shipbuilding, manufacturing, and related industries such as steel and manufacture of components.

It should be noted that these are not make-work jobs. Vessels will be built for and operated in our trades in any event to carry our increased oil imports. The question is whether a portion of these vessels will be built and operated by Americans or whether these jobs will all be ceded to foreign labor.

At this time, when we have a high rate of unemployment and economic hardship, and when our Nation is confronted with the task of finding 20 million new jobs over the next several years, I submit that a decision to export 100,000 good jobs is unthinkable. Defeating this bill would do just that.

Another important benefit of passing this legislation will be the additional protection it affords our marine environment. The tremendous projected increases in oil imports and in tankers plying our waters can result in increased potential harm to our marine environment. If these vessels are all of foreign registry, the problem is magnified. U.S.-flag vessels are generally subject to more stringent vessel and manning standards than are foreign vessels. Further, our Government's ability to specify and enforce antipollution standards on foreign vessels is extremely limited. Enactment of the legislation will permit us to assure that the safest standards will be maintained consistent with our own national policies. It will also provide our Nation additional leverage for requiring that foreign tankers calling at our ports meet criteria for a safe, healthy environment.

Having discussed what the bill does, I feel compelled to also set forth what the bill does not do. For there have been a number of wild predictions of dire consequences that would flow from enactment of this legislation.

Foremost among these charges has been that the bill will tremendously increase consumer cost. Because of its special responsibility with respect to consumers, the Committee on Commerce gave careful attention to this matter. The committee concluded that enactment of the bill will not appreciably increase consumer cost, if at all.

Before explaining the reason why it is unlikely that the bill will result in any increase of cost being passed on to consumers, I believe it is important to look at the magnitude of the cost involved. The Department of Commerce presented a range of estimates on the cost involved depending on different hypotheses. The highest estimate was that the added cost of U.S.-flag vessels would amount to approximately 10½ cents per barrel on our oil imports or $24.7 million currently. This amounts to about one-fourth cent per gallon. It should be kept in mind that this cost relates to a part of waterborne imports of oil only. If it were to be spread across all our oil consumption that price increase would amount to less than a penny per barrel.

So even if the increased cost were passed on to consumers, it would not be very significant. However, it is unlikely that it will be passed on to consumers. The committee report contains a substantial discussion of this at pages 11 and 12 and 26–32. I commend it to my colleagues. In brief, the lack of impact on consumer prices would result from the oil import quota program itself. When crude oil is purchased abroad, it is at a much lower price than U.S. oil. But when it is sold here, it sells at prices reflecting domestic production and transportation cost. That is the purpose of the quota program—to keep American prices up to a level where they compensate marginal U.S. production cost, uninfluenced by low-cost foreign supplies. This is intended to stimulate U.S. production and exploration. The difference between low-cost foreign oil and high-cost domestic oil is represented in the value of import tickets that are given away by the Government, but which are freely traded and have a market value. Since the bill would in no way affect U.S. production or transportation cost, it would not increase consumer prices, but only reduce the value of import tickets. This analysis has been adopted in other contexts by the Chairman of the Cabinet Task Force on Oil Import Control, the New England Governors Conference, Consumers Union, Senator PROXMIRE's staff on the Joint Economic Committee, and others. In the specific context of this legislation, that analysis was adopted by the Department of Commerce and a number of noted economists.

As I have indicated, the weight of authority, economic analysis, and empirical data all support the view that this legislation will not result in any increase in consumer cost. However, even if all of the additional cost were passed through to consumers it would not be very substantial. Certainly, it would be far less than the additional consumer costs that are argued to flow from restrictions on importation of textiles, shoes, steel, and other commodities. Nonetheless, quotas on these items have been championed by some of the opponents of this bill. I find it difficult to reconcile those two positions. Certainly, if quotas are merited to protect certain regional interests at the price of some slightly higher consumer costs, they should be merited to protect our national interest in an area vital to our security and balance of payments.

Another charge which I believe requires response is that enactment of this legislation will export our refining capacity. Certainly, the exemption of No. 2 fuel oil will create some economic incentive to refine that oil abroad. However, the Department of Interior has complete control of this matter. If it does not wish to export refining capacity it need only prevent the throwing open of allocations on No. 2 fuel oil and the importation of that oil at the expense at what might otherwise be imports of crude oil to be refined domestically.

Another charge that has been made is that in the short run there will not be sufficient American tonnage available to carry 50 percent of our oil imports. It has been alleged that this will result in an increase in the use of domestic, Canadian and Mexican oil. This is wholly inaccurate. The requirement for using American flag vessels only applies "to the extent such vessels are available at fair and reasonable rates." If they are not available at fair and reasonable rates, the requirement is waived.

Similarly, a shortage of American vessels it has been alleged will result in tremendous escalations in U.S.-flag tanker rates. This cannot occur since if vessels are not available at rates determined to be fair and reasonable based on capital and operating costs, and a reasonable profit, the requirement does not apply and foreign tankers can be used.

One concern that has been expressed by our friends in agriculture is that the legislation may be a precedent for requiring U.S.-flag carriage of agricultural exports. That is wholly incorrect. Trying to mix oil imports and grain exports makes a lot less sense when the proverbial mixing of apples and oranges. Particularly at this time when agricultural exports make up one of the few bright spots in our trade and payments balances, there would be little sympathy for a legislative requirement that would disadvantage our exports. The same is

not true, of course, with respect to oil imports.

In closing, I would like to comment on a letter from the Secretary of Commerce on behalf of the administration dated June 12, 1972 that was recently inserted into the CONGRESSIONAL RECORD. While endorsing the need for developing a strong and vigorous U.S.-tanker fleet, the administration took the position that it was "inappropriate to adopt oil import cargo preference at this time" and that possible amendments to the Merchant Marine Act were under evaluation by the administration to obtain that objective. Further, the administration indicated that it would send its findings to the Congress by September 15, 1972.

Mr. President, while I would always welcome any suggestions by the administration, I do not believe that the administration study proposed is a reason to defeat this legislation. Whenever anyone seeks to delay action, a study is proposed. We have had enough delay for studies. Even if the administration were to submit alternatives by September 15, 1972 as is promised, it would be virtually impossible to enact those proposals into law in the short time that would then be remaining in this Congress. Rather, it seems to me more sensible to proceed with the legislation at hand. What is important to note is that there is general agreement from the administration that the problem exists—that we must develop an adequate tanker fleet.

Further, I think it is important to note that, in essence, the administration proposals amount simply to more Government subsidy. But our Federal Treasury is already overburdened. We are experiencing record deficits. By contrast, enactment of section 3 of the bill would accomplish the objective of building a tanker fleet without additional Government subsidies. No construction or operating subsidy would be involved—in effect, vessels to carry this oil would not be eligible for these subsidies since they would not be in competition with foreign vessels, but operating in a restricted market.

I think it is far preferable to finance the building of the tanker fleet we need out of the windfall profits made on foreign oil—profits that will increase greatly as oil imports increase—rather than further strain our already overburdened taxpayers. This is particularly fair when it is noted that it is the switch in source from domestic to foreign oil that makes this legislation necessary.

I urge Senators to vote for the bill, and specifically section 3. Our security, commerce, domestic employment, and balance of payments require no less.

Mr. President, there are now under construction, mostly in Japanese yards, supertankers which will be longer than three football fields laid end to end. It will be enormously expensive. They are great ships, the great super ships of the future. Not a single one of them is being projected to be built in American yards. However, they will be paid for with American money. They will not have American machinery or American labor aboard those ships.

This amounts to more than $10 million of jobs and a deficit that we cannot afford heaped on top of $20 billion-plus deficit that we now have with no prospect and no hope of correcting it.

The only way we can correct this kind of deficit is in an area such as this where we have power to act unilaterally and say that a certain amount of this business must be done by American firms.

Mr. President, there have been discussions of the cost to the consumers. We propose, and we do so in this amendment, to eliminate the question of residual fuel oil, No. 2 fuel oil, and to protect against any increased cost to New England. As far as the rest of it is concerned, we have studied this matter very carefully. We are satisfied that what determines the price of oil in this country is not the foreign cost. It is not the foreign price. The price of foreign oil landed here is about $2.50 as against a domestic price of about $3.50 or $3.40.

There is almost $1 difference between the domestic price of oil and the foreign price which makes those oil import tickets very valuable. The result would be that there would be about a 10-cent difference in the price of a ticket as a result of requiring that one-fourth of these imports be in American bottoms.

Mr. President, it has been suggested that this might have some small impact on small independent refineries. I believe that an amendment will be offered—and as far as I am concerned, I would be willing to accept that amendment—to make it clear that the smaller refineries will not be affected by this legislation in any respect whatsoever. With reference to the oil import quota system, they would continue to operate to their advantage.

I do not think that the same argument will be made to benefit the major refineries, some of which are situated in my own State, the most efficient refineries and the largest in the world. I do not think that we can make too much of an argument for them. In fact, the weakest kind of an argument, I think, is to argue that there should be tickets for these major refineries.

Why should we have to go to the largest and most efficient refineries on God's green earth to give them oil import tickets and give them a competitive advantage.

Mr. President, I represent a State in which some of these refineries are located. They are run by fine people. Why should we have to give an efficient producer in the business a subsidy? With whom is he competing? He is competing with himself.

I can understand why we should have to give an advantage to some small refineries to help them compete with the giants who have all the advantage of size and economic location. But the 3.5 percent allotted to these major companies, these refineries, along the seaboard, the gulf, the west coast, and the east coast is an advantage that is really not required for those companies to stay in business and make a good profit.

I am for those people. They are good companies. I stood here on the floor and fought for them in every way I knew how when they sustained a $7 million tax increase in their tax bill in 1969.

When the same issue comes up again, I hope to fight for them and for the independent producers also.

This costs these companies $25 million in addition to the $7 million they would have to sustain. This would provide 100,000 jobs to American working people.

How would we go about providing those jobs? I think those same companies would like us to meet this problem by providing enough of a subsidy for ship construction and wage differentials to try to outcompete the Chinese labor recruited in Hong Kong, the Pakistanis hired in the Malay States, or the South Americans hired at 10 cents an hour somewhere around the Caribbean.

Mr. President, this is not the efficient way to meet this problem. To try to meet it in that way would cost $1 billion. We would be taxing the American working people, who are already paying enough taxes, for the benefit of those engaged in other businesses. There is no need to do it in that way.

At a mere cost of $25 million a year to the major companies, these 100,000 jobs can be provided. That is a small price to pay for 100,000 good jobs. That works out to about $250 a job.

What is the alternative? If, under the family assistance plan, we put these same men on welfare, it would cost a minimum of $2,400 a year, or 10 times that much?

Mr. President, there is one point in the Democratic platform on which I would agree. I did not agree with all of the points. However, I agree that we should quit exporting all the good jobs this generates and keep some of them for ourselves. That is what we are talking about here.

As it stands right now, 75 percent of the oil that is produced and moved around in this country is produced by American labor at American wage standards.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. LONG. In a moment, I will.

Some years ago 100 percent of its was produced with American labor at American wage standards and moved around in American equipment and American containers. Now we have lost 25 percent of it. We are projected to lose 50 percent of it. This is going to be the biggest single item in a disaster that will bankrupt America. To provide jobs for whom? The Chinamen, Pakistanis, South Americans, Africas, Indians, Asians, or anyone else the Senator may name.

I am willing to be generous to all of them. They are good fellows. However, I would be generous to them if I had enough money to be generous to them.

Mr. President, we are busted. We are broke. Soon we will realize that we are no longer the Andy Gump of the world. We are no longer in a position to go out and to throw our wealth around profusely.

As it is, we have been running a $20 billion a year deficit for a period of time. I applaud the generous efforts of John

Connally to try to do something about it. I am sorry that he achieved practically nothing.

The balance-of-payments deficit is as bad as it was. These people have been telling us for some time that we had $60 billion overseas in America holdings than there were here. We have been running at a $20 billion deficit, and it will not take any longer than 3 years to use that up. All of these American investments are overseas. If we do not do something about this, these various nations will wind up seizing all of these American refineries and American ships and will wind up holding the whole bunch. And the dollar will not be worth the paper it is printed on unless we do something about this bad situation.

Ask those who are getting the greatest benefit out of our enormous deficit that they share a little of this burden, and I have in mind the major oil companies doing business overseas.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I yield myself such time as I require for a brief statement. I would like to use the first moment of that time to ask the distinguished Senator from Louisiana, the manager of the bill, if in the interest of expediting this matter we should not at this time agree to those committee amendments to the bill that we can agree to, excluding this section 3, which is the subject of controversy, and then, when the time comes, to vote on that particular one.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate might at this point vote on sections 1 and 2 of the bill. I know of no opposition to those sections of the bill.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, can we request a division so that the committee amendments can be adopted with the exception of section 3, which is the subject of this discussion?

Mr. LONG. Mr. President, I suggest we agree to sections 1 and 2 and then divide section 3.

Mr. COTTON. Yes.

Mr. LONG. Mr. President, I ask unanimous consent that we proceed to agree to sections 1 and 2.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and it is so ordered. Those committee amendments are agreed to en bloc.

Mr. LONG. That is on 1 and 2?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. I thank the distinguished Senator.

(The committee amendments agreed to en bloc are as follows:)

On page 1, line 11, after the word "modern", strike out "breakbulk" and insert "or reconstructed"; on page 2, line 11, after "New York", strike out "$7,670,000" and insert "$7,854,000"; after line 14, insert a new section, as follows:

SEC. 2. Section 905(a) of the Merchant Marine Act, 1936, is amended as follows:

(1) By inserting after the words "except that" the words "in the context of section 607 of this Act concerning capital construction funds and".

(2) By striking out the words "to the extent provided in uniform regulations promulgated by the Secretary of Commerce".

(3) By inserting before the period at the end thereof the words "in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Commerce pursuant to section 204(b) of this Act".

Mr. LONG. With regard to section 3, I believe section 3 is the part that the Senator had in mind.

Mr. COTTON. Yes.

Mr. LONG. That would leave section 3 as the pending amendment. Does the Senator care to offer an amendment to strike section 3?

Mr. COTTON. To strike section 3? We who do not want it to be agreed to have only to oppose its adoption.

The PRESIDING OFFICER. The Senator is correct. The question would come on agreeing to the amendment.

Mr. COTTON. Mr. President, I yield myself as much time as I may require for a brief opening statement. I yield this time out of the time allocated to the discussion of section 3, the oil section in controversy.

Mr. Preident, I am not going to make a lengthy dissertation. I merely want to make a few observations and then yield time to other Senators who are waiting to be heard.

Mr. President, for the last three Congresses, certainly the last 6 years, and probably longer—in fact, almost as long as I have served on the Committee on Commerce under the able leadership of the distinguished Senator from Washington (Mr. MAGNUSON)—the Committee on Commerce has stood as the champion of the consumer. I think it can be safely and accurately said there has been more legislation to protect the consumer that has originated from the Committee on Commerce than from any other committee. Much of it has been at the instigation of the able chairman, the Senator from Washington. There has been more legislation to insure the safety of the consumer, to protect the consumer against fraud, to protect the consumer against being exploited, than almost any other subject covered by that committee.

It is rather shocking to me, therefore, Mr. President, to find this language suddenly attached to a bill that was simply an authorization bill for the necessary appropriations to maintain the maritime program of this Government.

The appropriations that this bill authorizes have already passed the House and the Senate. A savings clause has been provided that they shall be effective when this authorization passes, which is all the more reason why the bill must be passed and passed expeditiously. That is why we are here today.

To have attached by the committee suddenly to this bill, which is under the pressure of necessity of passing, to make valid the appropriations to maintain our merchant marine academies, to maintain the Maritime Administration, to maintain our merchant marine subsidies, a rider which is of such controversial nature, is beyond understanding. This is an amendment which in the opinion of this Senator is absolutely contrary to the policy of our great committee through past years. It is a distinct blow at the American consumer, and it is a very distinct blow to all those who live in those sections of the country where they have hard and cold winters and where one of the greatest problems to the householder and the consumer, the citizen, is the matter of heating the house.

In addition to that, we are fast approaching a power crisis. I can speak with some knowledge of this because citizens of New England have written to me and I will put in the RECORD later statements from Governors of three of the New England States protesting this amendment.

In my own section of New England, where we are in grave danger of power shortages of brownouts, we have already had a catastrophic blackout.

I have a letter, which I will insert in the RECORD, which indicates that there are about to be opened two powerplants highly necessary to furnish the required power to heat and to light New England and keep its machinery in motion, each of which will consume 5 million barrels of crude oil annually.

Now, crude oil is not exempted in this amendment, so it is not only a blow to the consumer, the householder who needs to heat his home, but it is a blow to the power capacity upon which our people are so dependent.

I doubt if the New England States differ in their problems—they may in their power problems somewhat—from other States which at times in the year have a rather cold climate.

Mr. President, I merely want to say I have listened with interest to the exposition by my distinguished friend from Louisiana, for whom I have the highest regard. No Senator on this floor is more able or more sincere, nor has anyone contributed more, in my opinion, in the years of his service on some of the most important committees in this body than the Senator from Louisiana (Mr. LONG).

Much of what he had to say sounded good, but it just does not stand the test of commonsense.

He said we will not have the tanker capacity for emergencies unless we force through this amendment on this emergency bill at this particular time.

There are two answers to that.

I have here a letter from the Secretary of Commerce. One answer to that is a letter I have here from the Secretary of Commerce who tells us:

First of all, the Department, in cooperation with the Office of Emergency Preparedness and the Navy Department, is updating the analysis of the nature and size of the U.S. flag tanker fleet necessary to respond to our Nation's requirements. This study . . .

Says the Secretary—

Includes determination of the fleet necessary to respond to changes which may arise in national security requirements from increases in oil imports as a percentage of the national energy supply, and from any decline in the number of naval auxiliary tankers in operation.

Further, the Administration is evaluating various initiatives to bring into being and sustain an appropriate fleet level. As indi-

cated in our aforementioned letters to the Chairmen, we believe the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet. However, our current analysis includes identification and evaluation of further legislative changes to that Act. We have already concluded that the restrictions on the ownership of foreign assets and on trading flexibility should be removed from the Merchant Marine Act. Moreover, we are also evaluating other initiatives including:

Federally-funded ship construction programs permitting government leasing of ships to private operators.

That means oil tankers—

Further construction incentives such as loan guarantees and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset in whole or in part tax disadvantages of U.S. flag operation as compared to foreign operation.

That is the first answer. In his letter he says those recommendations will reach the Congress, he expects, the 15th day of September.

I know, of course, what the answer of my good friends supporting this amendment will be to that, and I share somewhat their view. They will say that is too late, that whatever program for ship subsidy, construction, and operation of tankers reaches the Congress on September 15 cannot be acted on until the next Congress comes in next January. To that I certainly agree.

But there is another answer to this right in the bill that is before us. It is written into the bill before us, which is the authorization for appropriations, and provides $250 million for the construction of ships, many of which will be tankers.

The Maritime Administration has already authorized the construction of 13 tankers, six of them supertankers, those huge tankers that were described to the Senate a few moments ago so eloquently by the distinguished Senator from Louisiana.

In view of that fact, where is this horrible emergency?

I do not blame Senators here on the floor and on the Commerce Committee who represent shipbuilding constituencies. I do not reproach them in the slightest degree for representing their constituents and for striving in every way they can, even to attaching to this emergency bill this amendment, to promote construction of ships in their shipyards. They are just as justified in representing their constituents as I am justified in representing the constituents up in New England who suffer from import quotas on our oil and who have seen prices go up.

The distinguished Senator from Louisiana says that this is not going to cost the consumers, that there is such a differential between what the oil companies pay for their oil imports when they reach this country and the price to consumers, that all this can be absorbed so that the consumer cannot be hurt.

Just get in your car some day and drive, as I drive every day I can go there, due to the lack of air service in northern New England, over the highways from Boston to northern New England and see the long lines of tank trucks transporting oil into the hinterlands, up into the North Country, for distribution to retailers and then distribution to the consumers. Just watch that performance, and then tell me that when you put up the price of oil that reaches our shore it is not going to affect the price of oil when it reaches the home of the consumer.

Anybody who knows, or who exercises plain, hardheaded old horsesense, knows that in trying to protect consumers, there is one thing we must ever bear in mind: That when we put up the cost to the producer, the jobber, the retailer, all of that cost is going to be passed on to the consumer. You cannot have your cake and eat it, too, Mr. President.

The proponents of the bill say that due to the exemptions of No. 2 oil and residual oil, the consumer is not going to be hurt. They talk about doing something to protect the small independent oil refinery. They talk about doing something to protect and lessen the blow on the petrochemical industry of this country. Then they turn around and say that the proposal will create 100,000 jobs, when already these amendments that are being prepared by the proponents of this measure will cut in half all this matter of job protection. I repeat, you cannot have your cake and eat it, too.

The maritime unions, quite justifiably, are depending on this amendment to furnish more jobs. The ship building industry, after reading of this amendment, quite naturally are depending on the amendment to furnish more ship construction. But you cannot have it both ways, I say to my friend from Louisiana. You cannot pass an amendment that is going to start constructing ships more rapidly than the 13 tankers that have already been authorized, and not have the price of oil raised to the consumer. So somebody is bound to be fooled by this amendment. And when it is all said and done, the amendment, Mr. President, is not only a hasty action, but is an unnecessary action in view of what is in the rest of the bill to increase our tanker fleet. Furthermore, let me read this list of opponents of this proposal:

It is opposed by the Commerce Department. I shall later put into the RECORD the letter from the Secretary of Commerce in which he opposes this amendment.

It is opposed by the State Department. The letter from the State Department, Mr. President, deals with all this talk about France, Italy, and these other countries, that have legal restrictions that oil be shipped in their bottoms. This aspect was analyzed by the State Department, and the State Department takes the position that it will be harmful, that we will suffer from the retaliation of these other countries, and that it will not get us more jobs but will cost us jobs.

Then I shall put into the RECORD a letter from the Department of Defense. What does the Department of Defense say? It says that this amendment, if adopted, will be harmful to the security of this country.

Then, Mr. President, I can add to that letters from consumer organizations in this country opposing the amendment.

I can add a letter from the Federal Office of Consumer Affairs, which is now opposing the amendment. And only today—and I never really expected to get any help from this gentleman—I have heard that Ralph Nader is opposed to this amendment, and for once I am on the side of the angels.

So, Mr. President, this in summary is the opposition to this amendment. It is not the kind of legislation that we have a right to expect from the great Committee on Commerce that has stood as a champion of the consumer all through these years. It is hasty. It is unnecessary, because already in other parts of the bill action is being taken to increase our fleet.

Therefore, it is my hope that Congress will reject this particular amendment and give it more studied and careful action later, action which will mean that the cost of any subsidies, construction or operation, will be borne by all the taxpayers, and not just the consumers of oil.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I am glad to yield to my distinguished colleague from Rhode Island.

Mr. PASTORE. First of all, I want to compliment my distinguished colleague from New England for the excellent presentation that he has made with reference to the matter about which he just spoke. I am primarily concerned with the New England consumer. What does it mean to him?

I want to say here and now that we in New England, we who need residual oil and need No. 2 heating oil for our homes, between oil quotas and increased costs incurred by this amendment, would be receiving a double whammy, no matter how you look at it. First of all, this idea of the quotas is an artificial restriction that has caused our consumers to pay outrageously more for their heating oil. The price has skyrocketed to almost a prohibitive level, worsened by the fact that we have had some very cold winters.

It was never intended that residual oil be included within this directive discretion of the President, it goes back to the time of Eisenhower, and has not been changed by the Kennedy, the Johnson, or the present administration. From time to time they have opened up the spigot a little, and poured a little more oil into New England. I suppose this was intended to appease in some way the great clamor of objections being raised by the consumers.

Of course, after all, we realize we have to protect in some degree the domestic oil industry, and we all want to do that. We want to see the oil men prosper. But they have received super-consideration. The oil industry has been a sacred cow, and we have given it protective subsidies. In instances this has been to the extent that some of the big oil companies do not pay a cent of income tax. This is because of some of the gimmicks passed by Congress from time to time giving them special consideration.

Here we are now with a gimmick that adds another cost to the consumer. Now, I realize we have to build up an Ameri-

can transport fleet. I really think that needs to be done—but in a logical way. I think this particular bill is not doing it wisely. As the Senator from New Hampshire has pointed out, it is doing it at the expense of the New England consumer for certainly the oil industry is going to pass along the billions of dollars involved.

If you look at the price we have to pay for oil, with all this inflation and what has happened to employment in our part of the country, this proposal, I repeat, is heaping injury on injury, and I hope the position of the Senator from New Hampshire will be sustained.

Mr. COTTON. I thank my distinguished colleague, the ranking majority member of our committee, for his comments, which are so very true. I now yield 10 minutes, or more if he desires it, to the distinguished Senator from Kentucky.

Mr. COOK. I thank the distinguished Senator from New Hampshire. I appreciate the remarks of the Senator from Rhode Island.

It distresses me to see an anticonsumer bill come out of the Committee on Commerce. I say that to the chairman of the distinguished committee.

Before I read a prepared statement, I should like to have a slight degree of attention from the manager of the bill, because the manager of the bill said that he did not want the major oil companies that are located in his part of the country to have a subsidy. What in the world is this appropriation bill but a subsidy? Page 8 of the report lists about 12 American companies that are receiving a subsidy for the operation of their vessels and their lines as a result of this appropriation.

Second, I should like to read what this bill is all about, because it is in the nature of a subsidy on top of a subsidy. The Federal Government is making the subsidy in the nature of appropriation, and then we are going to impose on the consumer, by a year close to 1980, and perhaps sooner, a billion-dollar additional subsidy to put this into effect.

The Senator from Louisiana waved and waved and said we have to create 100,000 jobs. I want to read from the report on bill, because this has been his for some time.

> The Merchant Marine Act, 1970 (P.L. 91–469), which was approved by the Senate with only a single dissenting vote, provided a new maritime policy, and the most thorough going revision of our maritime program in nearly two generations. The legislation was intended to arrest the disastrous decline in our maritime capability, which had seen our fleet fall from first to sixth among the nations of the world and reduced to carrying less than 4 percent, by tonnage, of our waterborne foreign commerce. In addition to setting forth a program for the construction of 300 modern and efficient merchant vessels over ten years, Public Law 91–469 contained numerous reforms and improvements in existing law.

That is what that bill was intended to do. Now we are told, if we listen to the Senator from Louisiana, that we are not doing that at all; that we are not building any ships; that we have to build more. If he wants to amend it and make it 400, if he wants to amend it and make it 500, if he wants to increase the $232 million to $332 million or $432 million, let us do it. I will support him in the amendment right now.

But let us go to another section of the report, because we are not supposed to let these ships go to other countries and to foreign registries. The report says:

> Meanwhile, the U.S. tanker fleet engaged in domestic trades is being severely impacted because the expansion of the Colonial pipeline and other economic factors. Approximately 11% of existing U.S. tonnage is laid-up and this is projected to increase substantially. As these vessels are scrapped or transferred to foreign registry, the surge capability they have provided in past national emergencies will no longer be available to us.

I can only say that if we are going to make this a subsidy bill, let us increase the subsidy, but let us not do it to the consumer.

We were talking about subsidizing these major companies. The report lists 12 major shipping companies in the United States that receive the bulk of the subsidy that we are about to pass, and obviously we should pass it.

Therefore, I rise in support of the amendment of the Senator from New Hampshire—not the amendments now. It will be a matter of whether we choose to accept or reject title III of this act. This section, which includes the requirement that 50 percent of all imports of crude oil and unfinished oil products under quota be transported by U.S. flag vessels, poses serious national questions.

I think there is another section in the Democratic national platform that the Senator referred to, and that section in the Democratic national platform said that we should get rid of the import quotas on oil, if I am not mistaken. I do not know whether the Senator from Louisiana is going to embrace that part of the platform or whether he just had reference to the part he wanted to emphasize in his remarks.

I concur, of course, in the central purpose of the legislation, which is to enlarge and expand U.S. tanker transport capability, but I have grave doubts as to the soundness and economic advisability of the method proposed in section 3 of the bill before us.

The cargo preference provision would for the first time extend to commercial cargoes a restriction heretofore confined to Government and Government-financed cargoes. Such a break with basic principles of freedom of trade and economic effiiciency is not to be undertaken lightly I greatly fear that we would be making a dangerous departure from the tenets of American international economic policy if we adopt the proposition embodied in section 3.

In this connection, I am seriously concerned about significant disparities between the committee majority and minority reports and other available data on crucial issues of fact and economics. One point dramatically illustrates the differences in economic analysis to which I refer. The majority report computes the increased transportation costs of imported petroleum items under a U.S.-flag preference requirement on the premise that American-flag tankers would be used, and I quote, "For shorter hauls where costs would be minimized in fulfilling the 50-percent requirement." Indeed, the majority report characterizes the use of American-flag vessels for long-haul carriage as "irrational." Since the cost of transporting a barrel of crude is approximately 10 times as great if the crude is brought from the Middle East rather than from Venezuela, the length of haul actually required by the cargo preference provision becomes of critical importance to the validity of any economic projections.

Significantly, and contrary to the premise of the majority report, importers do not have a free hand to restrict use of U.S.-flag vessels to the "rational" short haul. The statute which the proponents of section 3 seek to amend clearly provides that:

> Government officials administering the statute shall insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographic areas.

This proviso, a part of 46 United States Code, section 1241(b)(1), has been consistently interpreted by responsble Government agencies to require cargo preference on a country-by-country or area-by-area basis. In short, if section 3 of H.R. 13324 is enacted, long haul, as well as short- and intermediate-haul, U.S.-flag tanker transportation will immediately be required. Thus, it seems inevitable to me that substantial increases in the cost of imported crude oil will occur.

For these reasons, I cannot take comfort in the committee majority's cost projections, and am compelled to assume the view of Government and industry analyses, which measure the impact of the cargo preference provisions at more than $1 billion annually by 1980. The Senator said that the cost of these programs would be a billion dollars. If he wants the billion dollars to come from the consumer, perhaps that is the way to do it.

I am further distressed at the committee majority report's conclusion that, whatever the magnitude of increased transportation costs caused by enactment of the cargo preference amendment for oil, it would in no event affect prices consumers pay for petroleum products. Such a conclusion strikes me as an exercise in theoretical economics without any basis in fact. The Cabinet Task Force on Oil Import Control found that the economic benefits of cheaper foreign crude imported under the mandatory oil import program are passed through to consumers. It seems totally illogical to me, therefore, to assert that increased costs of foreign oil imported under the mandatory oil import program will not also be passed on to consumers. Thus, in a letter of April 20, 1972, to the distinguished chairman of the Committee on Commerce, Assistant Secretary of Interior Hollis Dole, states:

> S. 3404 would substantially increase the cost of imported oil to consumers. American crews are two to three times more costly than foreign crews. The increased cost of imported oil would be borne mostly by east

coast consumers. Assuming that this country's dependence on foreign oil increases at the current rate, S. 3404 could raise the cost of imported oil by as much as a billion dollars annually by 1985.

It appears also that the majority report neglects any consideration of the discriminatory impact of the proposed legislation upon independent refiners—those who have little domestic crude oil production in relation to the quantities required for their refinery operations.

To the extent the substantially increased costs of the 50-percent requirement are not borne by consumers, the independent refiner segment of the oil industry will bear a disproportionately severe impact. The independent refiners have no substantial ownership link with the crude oil supply which they refine, thus being compelled to purchase their raw material requirements principally from their major company competitors. The allocations of imported oil they receive enable the independents to obtain domestic crude, by exchange of their allocations with the majors, and to average down their overall raw material costs. Independent refiners currently are afforded relatively larger import quotas than are their major competitors in order to approach a competitive balance. The principal result of this proposal for the independents will be to substantially decrease their ability to obtain domestic crude oil, and reduce the values of their offshore import allocations. Recent experience as to the effects of increased tanker rates empirically verifies this conclusion.

Thus, the viability and competitive vigor of the independent refiner segment will be seriously undermined, resulting over the long term in increased prices of oil products to consumers.

I am particularly concerned with the prospect of substantial injury to competition in the oil industry arising from impairment of the independent refining and marketing segment which provides a vital competitive influence and a corresponding restraint on price inflation.

Finally, I am deeply troubled by the failure of the majority report to give adequate consideration to the administration's views on national security implications of the cargo preference extension, as set forth in the State Department letter of April 28, 1972, to the Senator from Washington.

In conclusion, I am convinced that the issues raised by the proposed extension of cargo preference require further detailed analysis. The consequences of error are far too serious to permit hasty action. By separating section 3 from the maritime program authorization legislation, any need for action at this time in cargo preference is removed.

By letter dated June 12, 1972, and addressed to the distinguished ranking member of the Committee on Commerce, Mr. COTTON, Secretary of Commerce Peterson publicly reiterated the administration's opposition to the 50-percent U.S. bottoms requirement of section 3 and advised that cognizant Government agencies were evaluating far preferable initiatives to accomplish section 3's avowed purpose of stimulating U.S. shipbuilding and maritime employment. Secretary Peterson stated that this evaluation would be made available to Congress "not later than September 15, 1972," and urged that, in the interim, no action be taken on section 3.

Notwithstanding Secretary Peterson's rationale for postponing consideration of this proposition, I must oppose this measure as one which will work to the severe disadvantage of millions of American consumers, while benefiting a small, isolated special interest—namely manufacturers of supertankers. Even for them the economic benefits will be relatively short lived, while the adverse impact on consumers of oil products will grow steadily worse, as we rely more and more on imported crude oil in the years to come.

Mr. President, I only wish I might have had a shipbuilding facility on the Ohio River so that I could take advantage of this, but I just got the notion that supertankers cannot get down the Ohio River and on down the Mississippi to New Orleans. I do not have an east coast of Virginia and I do not have an east coast of Maryland.

Mr. President, in summary I contend this proposition, while well-motivated, is anticonsumer, protectionist, and inflationary. It is hardly the time to burden our economy and our citizens with such a dangerous precedent. I oppose the provisions of section 3, and urge my colleagues to join in supporting the Senator from New Hampshire in attempting to remove it.

Mr. President, I might say in conclusion, with respect to the opening remarks of the Senator from Louisiana (Mr. LONG), that I thought we were taking up a bill on maritime appropriations, but I find out, after listening to almost the entire speech, that we are taking up a bill on section 3.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3542. An act to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave;

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes; and

H.R. 14911. An act to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

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.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Armed Services:

H.R. 3542. An act to amend title 37, United States Code, to authorize payment of travel and transportation allowances to certain members of the uniformed services in connection with leave;

H.R. 14542. An act to amend the act of September 26, 1966, Public Law 89-606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes; and

H.R. 14911. An act to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes.

MARITIME PROGRAMS

The Senate continued with the consideration of the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. ROBERT C. BYRD. Mr. President, I have an amendment which I hope the manager of the bill will accept, which is an amendment to section 3, and I ask unanimous consent that, notwithstanding the fact that all time on section 3 has not yet expired, I be permitted to offer the amendment at this time.

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

Mr. ROBERT C. BYRD. Mr. President, I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 3, line 10, insert the following: After the second appearance of the word "fuel" insert a comma and delete the word "and" and after the second appearance of the word "oil" delete the quote and period and insert the following: "and petrochemical plant allocations and licenses".

Mr. ROBERT C. BYRD. Mr. President, I offer this amendment—on behalf of myself and Senator RANDOLPH—for the purpose of making an exception for petrochemical plant allocations and feed stocks similar to the exception already made for home fuel oil, which provision, added in committee, requires that 50 percent of all oil be carried in U.S.-flag ships.

The cargo preference requirement which would be imposed by section 3 of

H.R. 13324 would have a direct and significant adverse effect on the U.S. petrochemical industry. Regardless of its impact on consumer prices, the use of U.S. flag tankers would increase the cost of oil imported into the United States.

In the case of the petrochemical industry, this increase in cost of oil imports would directly increase the production cost of petrochemicals. Petroleum—in the form of crude oil or certain unfinished oils, chiefly naphtha—is the basic raw material—or feedstock—which the petrochemical industry converts into chemicals and plastics, and an increase in the cost of raw materials will directly increase the cost of production.

The cost increase which would result from the cargo preference requirement is especially troublesome to the petrochemical industry because it would have to be paid by U.S. petrochemical producers, but not by its overseas competitors. This would give foreign petrochemical producers a cost advantage over U.S. producers.

This cost advantage would have several effects.

First, it would tend to make U.S. exports most costly and therefore, less competitive. Petrochemical exports from the United States have exceeded $2 billion a year for the last 2 years—but these exports have leveled off in the face of rapidly increasing production capacity abroad and rising production costs at home. Production capacity in Europe has increased sixteenfold since 1959, and Japanese capacity has been increasing at a rate of 50 percent per year for the past decade. The combined European and Japanese capacity now exceeds that of the United States.

U.S. exports of petrochemicals account for about 10 percent of domestic production. Exports for 1971 were valued at $2.1 billion while domestic production is estimated at $22 billion.

The disadvantage of higher feedstock costs to domestic petrochemical producers will probably have its most serious effect on exports to third country markets—those without local petrochemical production—where U.S. producers compete head on with European and Japanese manufacturers and these are important growth markets.

Second, the cost disadvantage will tend to increase the level of imports. Imports of petrochemicals into the United States have increased 600 percent since 1964 and are now about $1 billion a year. They now account for 5 percent of the domestic market and the share is rising.

As a result of nearly static exports and rising levels of imports, the petrochemical industry's positive contribution to the U.S. balance of trade has declined in recent years from nearly $1.4 billion in 1968 to $1.1 billion in 1971. The balance of trade in 1972 is estimated to be only $910 million.

In addition, the cost disadvantage, over the longterm, may discourage investment in expanded petrochemical facilities in the United States. Raw material costs are of great importance to the petrochemical industry. In the case of ethylene, for example, which is the primary petrochemical produced and consumed in the greatest volume, raw material costs can amount to as much as 85 percent of the cost of production and any increase in these costs is of real significance.

A cost increase of 25 cents a barrel of imported crude, as estimated by the Interior Department for the cargo preference provisions, would increase the cost of producing ethylene from imported oil by about 5 percent, and would require an increase of some 3 percent in the selling price of ethylene today. Since the petrochemical industry earns an average profit of only 6.3 percent on sales, a cost increase of 3 percent can be highly damaging to both sales and profits. Such a cost disadvantage would, clearly have a dampening effect on new investments in petrochemical facilities in the United States.

The U.S. petrochemical industry, a $20 billion industry with more than 350,000 employees, would be unfairly and needlessly handicapped if the cargo preference applied to its imports of petrochemical feedstocks. At the present time, these imports are small—only about 100,000 barrels per day—out of more than 4 million barrels per day of total imports.

The impact on the State of West Virginia is clear. West Virginia was the home of the petrochemical industry and has long been one of the Nation's leaders in petrochemical production. More than 5,000 West Virginians are directly employed in petrochemical production and thousands more are indirectly affected by the welfare of the industry. An increase in the cost of oil—the raw material for petrochemical production—would damage the ability of this major West Virginia industry to compete for sales and markets. In short—the failure to take account of the needs of the petrochemical industry in this legislation could cost West Virginia jobs.

In the light of these circumstances, I urge the adoption of the amendment adding petrochemical feedstocks to the list of commodities which are excluded from cargo preference.

SENATOR RANDOLPH SUPPORTS PROTECTION FOR U.S. PETROCHEMICAL PRODUCERS

Mr. RANDOLPH. Mr. President, I am gratified for the opportunity to join my able colleague, the majority whip (Mr. ROBERT C. BYRD) in an amendment which will help to protect the petrochemical producers of the United States.

This amednment which will add "petrochemical feedstocks" to the list of commodities to be excluded from cargo preference will aid the petrochemical industry and its 350,000 employees by insuring that the industry is not further restricted in its ability to compete in export markets.

As my distinguished colleague has explained, the higher costs of oil imports under the cargo preference requirement will increase the production costs of petrochemicals. Crude oil or certain unfinished oils constitute the basic raw material utilized by the petrochemical industry, and any increase in the cost of oil imports clearly will impact the cost of production.

The most serious disadvantage of these higher production expenditures for the petrochemical industry involves the very competitive export markets in which the industry does business. Historically, petrochemicals have provided a significant export program for our Nation with a vital contribution to our balance of trade. However, in recent years the trade surplus derived from U.S. exports of petrochemicals has decreased significantly. In 1968, the favorable balance of trade from petrochemicals was $1.4 billion. By 1971, it had lessened to $1.1 billion and the estimate of the petrochemical trade surplus for 1972 is only $910 million.

This critical decrease in trade surplus appears to have resulted in most part from the increased petrochemical production capacity of foreign competitors; rising production costs at home; and a higher level of petrochemical imports into the United States.

Additionally, it should be stressed that the total value of exports—as opposed to the trade surplus—has leveled off in recent years.

Given these conditions, Mr. President, I do not think that the Senate would want to legislate a program which would provide an advantage to those countries competing with our domestic industry in the world petrochemical markets. The cargo preference requirement would do just that—it would impose an unfair restriction on the ability of the American petrochemical industry to compete with foreign producers. Because of the higher costs of oil imports under the cargo preference requirement increased expenditures for raw materials would be paid by U.S. producers but not by their overseas competitors. This advantage to foreign producers would have a particularly adverse effect in third country markets—those countries which do not have petrochemical facilities—where the U.S. industry is in direct competition with other petrochemical producing nations.

Further, any industry already confronted with higher production costs; a leveling of export volume; increased imports; and expanding foreign competition will have difficulty in making determinations to invest in expanded facilities. That very possibly may be the situation in which our petrochemical industry will find itself and the cargo preference requirement will be an additional obstacle to future investment.

Mr. President, I strongly urge the Senate to adopt this amendment to add "petrochemical feedstocks" to the list of commodities which are excluded from cargo preference and I ask unanimous consent that a chart on the balance of trade in petrochemicals be printed in the RECORD.

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

U.S. BALANCE OF TRADE IN PETROCHEMICALS

[In millions of dollars]

	1964	1965	1966	1967	1968	1969	1970	1971	Estimate as of May 1972
Exports	1,584	1,450	1,547	1,594	1,874	1,827	2,092	2,093	2,010
Imports	159	265	341	340	491	545	733	973	1,100
Total	1,425	1,185	1,206	1,254	1,383	1,282	1,359	1,120	910

Source: U.S. Department of Commerce, Bureau of the Census FT110, FT 135 U.S. Imports, FT 140, U.S. Exports and Textile Organon for synthetic fiber trade data, as compiled by Arthur D. Little, Inc.

Mr. LONG. Mr. President, I have no objection to the amendment and I do not believe that those of us who favor the committee amendment would object.

Mr. COTTON. Mr. President, I have no objection to the amendment if it will help to soften the petrochemical industry, which I doubt that it will, but insofar as it will be effective, I am for the amendment.

Mr. ROBERT. C. BYRD. I thank the distinguished manager of the bill and I thank the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. LONG. Mr. President, I yield back my time.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD).

The amendment was agreed to.

Mr. SPONG. Mr. President, will the Senator from Louisiana yield me 5 minutes?

Mr. LONG. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. SPONG. Mr. President, I want to say that the distinguished Senator from New Hampshire (Mr. COTTON) has been ever vigilant and ever consistent in his opposition to this proposal. When the subcommittee hearings were held some months ago, he gave notice that he was very much concerned for the New England consumer. He has demonstrated that concern. He did so in the hearings and most eloquently here on the floor of the Senate this afternoon. But we would be mistaken to label this out of hand as an anti-consumer bill. This bill has eliminated residual and No. 2 fuel oil despite statements made here on the floor by those who, I am sure, feel that they can substantiate them.

There is evidence from the hearings on the bill that the consumer will not suffer in New England.

The Senator from Louisiana (Mr. LONG) has ably covered the three principal reasons why this legislation is needed.

One, it will create employment, and that is certainly a concern to all of us. Two, in addition to creating jobs—and certainly there is some chauvinism and parochialism on my part that more ships be built, and I would be the first to concede that the Senator from Louisiana has in mind the balance-of-payments situation. I yield to the judgment of the Senator from Louisiana with regard to that because I think it is a field in which he has demonstrated special expertise.

Third, I think that the area in which we must show some concern is the question of national security. I am mindful that some reference has been made here to a letter from the Department of Defense, but I want the Senate to be aware of these figures; namely, it is estimated that by 1980, if the present trend continues, we will be dependent upon foreign sources for 50 percent of our oil supplies. Over the past several years our domestic fleet, our domestic tankers, have been laid up to the degree that we are now the only major country in the world which relies upon flag ships of other nations to carry their oil products.

I would say to those who are concerned about the consumers of New England that they had best be mindful of the possibility of an emergency arising in which we would be cut off with no tankers at all for the transportation of any fuel whatsoever.

Let us look at what has happened since 1970 when we passed legislation for which we had the greatest hopes—legislation which was supposed to bring about the construction of many new ships and tankers. How many have been built? I think maybe one or two. I am glad to hear that 13 have now been contracted for.

Listen to this: "As of 1972, 854,000 deadweight tons, 27 tankers, American-flag tankers, were laid up, doing nothing."

This bill concerns cargo. It concerns the necessity for some American-flag ships to carry that cargo. At the present time we have no American-flag tankers transporting oil. We have only two ships under construction despite the subsidy program, because there is little incentive to build tankers when there is no cargo available for them. Admittedly the bill has some protection. But it is not anti-consumer. It has as its basis the national security.

And I would suggest that it would indeed be a sad day for this country, if we had some type of a crisis tying up foreign-flag tankers and we had not one American tanker to fill the gap.

Mr. LONG. Mr. President, will the Senator yield?

Mr. SPONG. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, the argument was made, and made eloquently, that we cannot have it both ways.

The PRESIDING OFFICER (Mr. KENNEDY). The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator from Virginia an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for an additional 2 minutes.

Mr. LONG. Mr. President, if it is the consumer that has to pay for the benefit of the bill, can the Senator from Virginia tell me why those major oil companies are fighting to keep this amendment from becoming law?

Mr. SPONG. I fail to understand that. However, this is not the first piece of legislation which had a variety of opposition and which led me to believe that it was desirable legislation.

Mr. LONG. Mr. President, I have tried time and again to defend and protect those people when I thought I should do so. I will do it again. However, I remember the time when the Washington Post had pictured me in a cartoon, and I had on oil derrick for a hat.

I have represented the oil companies on many occasions. So, I do not think that one would regard me as being an enemy of this group.

It is the estimate of the Department of Commerce—with them—that those costs will be $25 million. They think they will have to pay this $25 million, and so do I.

If they thought the consumers would have to pay it, they would not be this upset about it. This $25 million is less than what we had in conference between the Senate and House on the tax bill, on what these same oil companies were going to pay on foreign oil profits.

So, by the time we get down to it, this is not a big item. I commend their leadership and their executives on the fact that they do not want to pay it. I would not want to pay it if I were they and could get out of it. However, our country is losing $300 million for the lack of having something like this on the statute books. It will be $500 million by 1980 and $1.8 billion more deficit by 1985. We will be losing 100,000 good jobs that we ought to have for American working people.

That is a mighty small price for the oil companies to pay to sustain that $25 million of costs to move this foreign oil and benefit American labor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield 2 additional minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for an additional 2 minutes.

Mr. SPONG. Mr. President, this very day we have debated the problem of whether to build a fourth nuclear aircraft carrier. And one of the arguments implicit in that debate was the protection of the oil routes of the world. We recognized that it would cost $1 billion to build that aircraft carrier.

Mr. President, we can build all the aircraft carriers in the world to guard

the oil routes of the world. And if we have some kind of an emergency where we are utterly dependent on foreign bottoms and foreign oil, not only will the consumers of New England have a problem, but the United States will also have a problem.

Mr. President, the measure now pending—H.R. 13324—contains an amendment which would have a favorable impact on the economy for both the present and the future.

By requiring a minimum of certain petroleum imports to be transported by American-flag tankers, we would be giving a new life to our sadly depleted maritime industry. And we would be opening the door for a minimum of 100,000 new jobs in the shipbuilding and shipping industries.

H.R. 13324 would provide protection for consumers as well. It would guarantee that Americans will have a steady, reliable source of the energy fuels that are necessary to maintain a viable economy.

In addition, H.R. 13324 would enable the United States to keep pace with the rest of the industrialized world by providing the incentive for the development of a merchant fleet that will be capable of serving our own country's oceanborne transportation requirements.

The committee voted favorably on this measure because it recognized the dangers inherent in any threat to our energy-fuel supply, and realized that the greatest problem area is in the field of transportation. Our Nation simply cannot afford to live with the possibility of a prolonged interruption in our flow of petroleum from overseas sources.

Mr. President, every Senator is aware of the depressed state of the American merchant marine and the shipbuilding industry. In just the past 3 years our American-flag fleet has declined from more than 900 vessels to just over 600 ships. Our fleet contains 700,000 deadweight tons of tankers that are idle. They lack charters for the importation of oil. There is no immediate hope for carrying oil from the Alaskan North Slope because of the delay in the trans-Alaska pipeline.

The poor health of our merchant marine has infected the shipbuilding industry. Employment in shipyards in the last year alone dropped by 10,000 jobs. The backlog of orders for new ships in U.S. yards has tumbled so low that several shipyards are in economic difficulty.

Should our shipyards continue to slump, we will have additional thousands of Americans unemployed—and we will see a traditional and proud American industry virtually destroyed.

Enactment of H.R. 13324 could reverse this situation.

American capital is prepared to the extent of $13 billion for construction of the new tankers that would be necessary to supply the transportation for America's oil under this bill. Our Nation would once again have an adequate corps of seafarers, with an estimated 13,000 new jobs opening for the unique skills and abilities of men who, like their ships, are now idle.

So it is obvious that this measure would have a wide-ranging effect upon the Nation's employment picture. The AFL–CIO executive board recognized the potential of the bill to strengthen our employment situation when it declared in February that:

> The construction of the several hundred ships that would be required by passage of S. 3404 would revitalize our shipbuilding industry, providing tens of thousands of jobs for skilled men and women at a time when unemployment is a major problem.

For its employment-producing benefits alone, H.R. 13324 deserves favorable consideration. However, there are several other equally important advantages that would flow from the enactment of this bill.

At the outset, let me say that H.R. 13324 would not add a penny to either the budget of the U.S. Government or the budget of the American consumer. My contention is supported by the fact that oil imports into the United States are governed by a unique and rather complex system generally referred to as the oil import ticket system. Under this program, imported crude is priced by the major oil companies at the level of domestically produced petroleum.

Thus—even though the foreign oil arrives in the United States at a cost that is 90 cents a barrel below the price of our domestic crude—it is sold to the American consumer at the domestic price.

As a result, the oil importer gains 90 cents in profit for each barrel of oil his ticket allows him to bring into the United States under our oil import quota system. This 90-cent profit margin has fluctuated with the price that foreign producers and tanker operators have charged for petroleum and its transportation. However, a significant profit margin for the ticket-holding importer has been the rule.

Today we find that import tickets are a prized possession with a value to the importer of 90 cents a barrel or more—none of which is passed on to the consumer. And the amount of petroleum being imported through this system is growing rapidly as the administration increases the amount of oil that is permitted to be brought into our Nation. As these imports grow, so grows the importer's profits.

H.R. 13324 would not change this system of oil import pricing. The domestic selling price of crude will prevail. The moderately higher cost of utilizing American-flag tankers to transport our petroleum imports will be absorbed in the 90-cent profit margin of the ticket holder—and even here the effect will be slight.

The Commerce Department has estimated that the use of American-flag tankers will add 10.5 cents per barrel to the price ticket holders would pay for transporting foreign crude to our shores. If U.S. ships were used for half of these imports, profit margins would be reduced by half of that amount—or just over a nickel a barrel. This would still leave a ticket holder with a profit of 85 cents between the cost of foreign crude and its transportation. In other words, the east coast landed price for imported oil would remain approximately 85 cents a barrel less than the domestic price.

The Joint Economic Committee has concluded that the quota program in itself prevents the consumer from gaining any benefit from lower-priced imported oil. The committee has reported:

> Imported oil is sold in the United States at domestic prices even though it costs much less and the differential is pocketed by the international major oil companies.

It is clear that the slight additional cost resulting from the use of American-flag tankers would in no way affect the ultimate cost of imported oil to the consumer, so long as the ticket system prevails. The American importer would not have to resort to any type of price increase to protect his profit parity. The same situation prevails for oil imports used by petrochemical companies and farm-product manufacturers, including the makers of fertilizers. Because the selling price of the petroleum products they purchase would remain stable at the domestic price of crude, H.R. 13324 would in no way increase the cost of their products to the consumer.

The Commerce Committee, in approving H.R. 13324, took two steps to alleviate the apprehensions of some, especially in the New England area, about the effects of this bill. We eliminated No. 2 home heating oil and residual fuel oil, used primarily by utilities, from the provisions of the bill. This step was taken even though residual oil represents almost half of all U.S. petroleum imports. The committee felt obliged to take this step to assure there would be no possible change in the price structure of utilities. The committee investigated every possible area of concern for the American consumer before approving the bill.

Mr. President, our seriously deteriorating balance-of-payments condition would be noticeably improved as American workers and American companies—rather than foreign interests—are paid for the transportation of a share of our oil imports. By voting for H.R. 13324, we will be revitalizing an industry, strengthening our economy, and protecting ourselves against future emergencies.

Mr. COTTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 minute.

Mr. COTTON. Mr. President, I want to call the attention of the Senators who have indulged in this colloquy to the fact that since the enactment of the 1970 law, 30 new ships are either under construction or have been constructed, of which 18—more than half—are tankers aggregating 2.2 million dead weight tons, representing $660.7 million in shipyard contracts. This will also reflect itself in jobs.

Mr. MAGNUSON. Mr. President, would the Senator yield to me to ask a question?

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. BEALL. Mr. President, I am not going to read the prepared statement I have on this particular legislation be-

cause I think both the chairman of the subcommittee and the distinguished Senator from Virginia have covered the points to be made about the security of our country and the importance of the bill, the merchant marine, the balance of payments, the jobs involved, and the standard of living involved, and the effects on our economy. They have made their points very well. I will not bore the Members of the Senate by repeating those remarks.

That editorial supports this particular section of the pending bill. However, I want to speak briefly on the points raised by the distinguished Senator from New Hampshire, the ranking Republican member of our committee. And it is with great reluctance that I take the floor to take a position contrary to the views held by the distinguished ranking minority member of the Commerce Committee. I have the highest respect for him and for the leadership he provides on the committee. I understand that he is motivated by the interests of his constituency, and that motivates him to take this position on the bill.

I am concerned when he talks of the bill being an anticonsumer measure. First of all, there has been no testimony presented other than hearsay evidence that in any way substantiates any claim that the cost of oil to the consumer is going to rise because of the enactment of this particular section of the bill. As a matter of fact, we have had evidence presented, both in the subcommittee and before the full committee to the contrary. There is no evidence that the cost to consumers is going to go up.

But I think there is something that should be of concern to the consumer about this section. I think this is a consumer measure and it is in keeping with high standards. It is of interest to consumers whether they are in New England, middle America, or on the west coast. It is in the interest of the consumer to make sure that his supply of oil is guaranteed.

I wish to point out to the senior Senator from New Hampshire that there is no way we can guarantee oil to heat homes in America if we are at the mercy of foreign countries for this 80 percent of oil that is to be needed in the next few years. So I think it is necessary to guarantee this supply of oil and to preserve the consumer interest that we pass this particular amendment to the bill.

I would suggest it is in the consumer interest when we are creating 100,000 jobs because in creating 100,000 jobs we are raising the standard of living of people over the country who are consumers. I think for this reason also this is a consumer amendment and should be agreed to.

I was concerned also when the point was raised about the State Department opposing the amendment because it might bring about retaliatory action on the part of other countries.

I call attention to page 24 of the committee report, paragraph (g) where there is reference to international precedents. It states:

G. International precedents

As has been noted earlier, there is ample precedent in the actions of other nations for the legislation here proposed to require that 50 percent of certain oil imports be carried on U.S.-flag vessels. For example, material presented in the hearings indicated that France demands that two-thirds of her oil imports be carried aboard French ships. Even oil carried by American-owned companies to their own refineries in France must be transported in French-flag vessels. Spain, Chile, and Peru require that oil imported to their lands be carried by tankers bearing their flags. Other material presented at the hearings indicated that Japan, by administrative procedure and various incentives and inducements, guarantees that its fleet carries at least half of all its oil imports.

What kind of retaliatory measure can these countries take? They are already requiring that at least 50 percent be carried in their vessels. I think it is time we took some retaliatory measures of our own and tried to protect our own fleet and suppliers and to see that prices will not go up for the American consumer.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BEALL. I am happy to yield to the Senator from Louisiana.

Mr. LONG. The whole oil import quota system is justified on the basis of national security, to begin with. So if the entire quota system is justified on the basis of national security it would follow that anything you do is for the national security and all these agreements are based on national security.

Mr. BEALL. I agree. I think it is in the interest of national security, in building a merchant fleet, and in the interest of the consumer this amendment should be agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which was published in the Baltimore News-American.

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

VITAL AMENDMENT

Sen. J. Glenn Beall, Jr., R-Md., is cosponsor of an amendment to the Maritime authorization bill which is of vital importance to Baltimore as a seaport and as a shipbuilding center. Rep. Edward A. Garmatz, D-Md., originated it.

The amendment would require that at least 50 per cent of the oil imported to the United States on a quota basis, other than residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on U.S.-flag vessels.

At present, virtually none of the oil flowing into this country from the Middle East, South America and other producing countries is carried on U.S.-flag vessels. This means that the U.S. is almost wholly dependent on foreign-flag vessels to carry oil that makes up an increasingly larger share of the nation's total needs. It is estimated that by 1985—only 13 years away—the U.S. will be dependent on imports for 50 per cent of its petroleum requirements.

If the amendment passes, it will result in a spurt in construction of U.S.-flag tankers which would provide at least a nucleus of a tanker fleet under our control in case of an emergency.

The Senate Commerce Committee estimates that over 85,000 jobs in shipbuilding, manfacturing and related industries would be created by the 50 per cent requirement, and some 9,000 to 13,000 seafaring jobs. The impact in Baltimore would be highly beneficial—to Bethlehem Steel, Maryland Shipbuilding, maritime unions, the port, and others.

By eliminating imports of residual fuel oil from the requirement, the amendment seeks to prevent consumer price increases caused by shipping oil in U.S.-flag tankers, which admittedly are more expensive to operate. As for the other oil, Sen. Beall views the amendment's effect as not increasing costs to consumers but merely transferring part of the existing cost of the mandatory oil import program from one beneficiary to another, i.e., from benefit to refiners to benefit for the tanker segment of the industry. Crude oil is purchased abroad at much lower prices than that produced in the U.S., but it sells here at prices comparable to domestic oil under the oil import quota act. The refineries now benefit from the quota system; the tanker industry would do so under the Beall amendment. We hope it passes.

Mr. BEALL. Mr. President, H.R. 13324 authorizes appropriations for several important maritime programs for the Department of Commerce. It also adopts the provisions of a bill that I cosponsored with our distinguished colleague from Virginia (Senator SPONG) relating to the importation of foreign oil on American flagships. It is this portion of the bill that I want to discuss just briefly at this juncture.

The provisions of this amendment mandate the transportation of 50 percent of all oil imports on American flagships. Before getting into the substance of the amendment let me talk briefly about the exemptions from this requirement which were added by the committee to lessen any chance that this measure would adversely affect the consumer.

First we have deleted from the bill the transportation of home heating oils, commonly referred to as No. 2 fuel oil. I know that this is of the utmost concern to my colleague from New Hampshire and the other Members of the Senate from the northeast section of the Nation.

We have likewise exempted residual crude petroleum, the fuel used by utilities to provide heat, power, and light.

It is further interesting to note that the House committee has exempted approximately 140 small independent refineries each having an imput of 30,000 barrels of crude oil a day or less.

Now, let me move to what this amendment would do.

As an American, I am proud that we are largely self-reliant—able to stand on our own two feet and seldom required to place our future in the hands of other nations. But I am concerned that this might not continue to be the case unless we act now to prevent what I feel to be a serious challenge to our strength and defense capability.

At present, and increasingly in the future, this Nation must rely on foreign flagships to provide us with the oil imports vital to our economic well being. This is an unhealthy situation and in a time of emergency, a potentially disastrous situation. There is no question that our ability to defend ourselves to the fullest is largely dependent on the sufficient supply of strategic materials of which oil is perhaps the most important.

Neither is there any question that in the future we will become increasingly dependent on foreign sources for the oil which we must have. As a result we can

expect the need to transport oil to our shores to increase many times in the coming decades, and unfortunately as matters stand now, we can only look to foreign vessels to bring this oil to us when we need it. Obviously this is a most undesirable situation and this legislation is designed to correct that.

Under this measure we can stimulate the construction of a modern U.S. tanker fleet capable of supplying the needs of the United States in a time of emergency. These ships will be owned and operated by Americans. We will not have to rely on the good will of any foreign government to make certain that our defense capability continues undiminished.

Mr. President, I see no need to recount the statistics presented at the hearings and printed in the report which bear out the need for a modern U.S. tanker fleet. For the adequate defense of our Nation, a fleet that we can control, rely on, and operate is an absolute necessity.

Now let me say just a few words about the other benefits that will accrue from such a fleet.

In an age where our balance of payments is of such deep concern, it would be irresponsible to consider a measure such as this without the fullest consideration of its impact on this balance. I think we can, therefore, be proud of the fact that this legislation will without question lead to a beneficial impact resulting in an estimated $300 million contribution to the plus side of the ledger in 1973 alone. Furthermore, it is estimated that the 50-percent requirement will provide a plus of $483 million in 1980, rising to a plus of $783 million annually by 1985.

Conversely, unless this legislation is enacted, we can expect our oil import program to increase our deficit in coming years. In 1970 tanker payments accounted for an outflow of $393,000,000 in our balance of payments. With the great increase expected in oil imports this negative payment will increase proportionately and we could expect that this factor would generate an annual deficit of more than $1.2 billion in 1980 and as much as $2 billion a year by 1985 with a cumulative deficit for the 1975–85 period of about $14 billion.

Another benefit that will accrue is the expectation that the legislation will increase employment for thousands of Americans in the shipbuilding industry and in related industries such as steel manufacturing and others.

Nine to 13,000 seafaring jobs will be created—26,000 jobs in the shipbuilding industry and nearly 80,000 jobs in related fields, would result from this legislation. From this base, the entire economy would benefit and the United States would regain a measure of the world shipping trade that we have lost over the years to foreign competitors. The alternative is a continued loss of this business to others, and resulting decline in jobs and economic value from this portion of our economy.

Finally, Mr. President, I want to point out that this bill is also significant from the environmental standpoint. Our citizens are increasingly disturbed over the oil spills that have wreaked havoc on our beaches and destroyed wildlife in our waters. In many cases these spills were from foreign tankers not built up to American specifications and therefore not made with the protection of the environment in mind. These foreign vessels are not subject to the strict control needed to minimize these potential hazards to our environment in the future. If all imports of oil are carried on foreign vessels, we will be severely limited in our ability to prevent the kind of accidents that have caused Americans so much anguish in the recent years.

Enactment of the 50 percent requirement would give us better control over at least a major portion of the oil import carriers and provide us with additional leverage to make other flag vessels come up to our higher standards.

Mr. President, I could go on extolling this legislation, but I do not believe that will be necessary. This is legislation that is needed and I urge my colleagues to support this measure so we can send it to the President for his signature, and get this program underway without further delay.

Mr. COTTON. Mr. President, I yield myself 2 minutes. I wish to ask the Senator from Maryland one question.

Who is going to pay for these ships that will have to be constructed under this amendment, which simply forces a percentage of imports to be in American bottoms? Who is going to pay for those ships?

Mr. BEALL. It would be a combination of the people who use the ships and owned them. The people who own the ships are going to pay for them.

Mr. COTTON. They are not building the ships yet. Does the Senator think that they are so filled with philanthropy that if they are required to pay for the ships that they are not going to pass that on to the American consumer?

Mr. BEALL. No; I suggest that argument is answered by the chairman of the committee. He said the cost differential will be provided for in tickets traded between oil companies.

Mr. COTTON. Mr. President, I yield myself 2 minutes to say that anyone who believes that ships that are forced to be constructed, if this amendment is agreed to, will be paid for by the oil companies, and that it will not be passed on to the consumer, believes in Santa Claus.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the State Department.

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

DEPARTMENT OF STATE,
Washington, D.C., June 27, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: The Secretary of State has asked me to reply to your letter of June 16, 1972 requesting the Department's views on H.R. 13324 and the report of the Senate Committee on Commerce accompanying it (Report No. 92–841). The specific question at issue is the new Section 3 of the bill which would require that 50 percent of imported oil, not including residual fuel oil and No. 2 fuel oil, be carried on United States flag tankers.

The Department is opposed to Section 3 of the proposed legislation and believes its enactment would be harmful to our foreign economic relations.

With respect to the statement in the Committee report (p. 24) that there is "ample precedent" for restrictions on oil imports to national flag vessels, we question whether these precedents are either ample or relevant. While France for many years has had the requirement that two thirds of its oil be imported under French flag, waivers of this requirement are frequently granted. Spain, Chile, and Peru are not major shipping nations and their actions can hardly be deemed a precedent for action by the United States. In the case of Chile and Peru, moreover, the reservation of oil cargoes is simply a part of measures reserving half of *all* imports to national flag lines. It is natural to expect that Japan, with by far the largest shipbuilding industry in the world and low operating costs, and totally dependent on foreign sources for its oil, might have a national policy to carry a substantial share of its oil imports in its own ships, but Japan does not have any cargo reservation laws and, so far as we are aware, there is no "guarantee" of a 50 percent participation by Japanese vessels in this trade. In short, it does not follow that the United States should abandon a long established shipping policy of freedom of choice of carrier for commercial shipments because a few other countries have for their own national reasons instituted cargo preferences on oil imports.

The Committee report (p. 25) states that "this legislation is required by our national security, and therefore it is not inconsistent with our treaty commitments." This Department did not agrue that the legislation would be inconsistent with our treaty commitments if there were a justification on security grounds. It simply expressed the belief that the national security need for this legislation had not been demonstrated. As the Department pointed out in its testimony before the Senate Committee on Commerce (S. 3404, May 1, 1972), while recognizing that oil imports will come increasingly from areas which are, politically speaking, relatively unstable, we consider that it is the source of supply, rather than the means of transportation which poses the primary problem from a national security standpoint. We also note that the Secretary of Commerce has written you (June 12, 1972) that his Department, together with the Office of Emergency Preparedness and the Navy Department is now reviewing the national security needs for the United States flag tanker fleet, specifically taking into account the increasing requirements for oil imports. Until this study has been completed it would seem premature to justify the need for this legislation on national security grounds. If it were determined that the national security required transporting half of our oil imports in United States flag tankers, there would still be an option whether to achieve this result through direct subsidies, as intended under the Merchant Marine Act of 1970, or by indirect subsidies (cargo reservations).

The Committee's report (p. 25) states the opinion that a 50 percent oil import reservation "seems no more inconsistent with (treaty) provisions calling for 'national treatment' and 'most-favored-nation treatment' than practices in which the United States and other nations have long engaged." In support of this broad generalization, the report argues that our treaties do not explicitly make any distinction between government-financed or government-generated cargoes on the one hand and commercial cargoes on the other. This Department be-

lieves that the distinction is clear as a matter of treaty interpretation and important as a matter of shipping policy. It is accepted internationally that the treaties relate to government actions which affect normal commercial shipments and do not apply to shipments made by governments for their own account or where they are acting in a proprietary capacity. We have interpreted the latter as covering certain export shipments which would not ordinarily move without special loan terms offered by the government, and this has not been contested. Most of our major trading partners, which are also important maritime nations, share the view that purely commercial cargoes should be free to move in accordance with normal private business decisions and should not be directed through discriminatory government legislation. These are also the nations with whom, for the most part, we have treaty obligations.

It is true that some other nations, especially in South America, have adopted cargo reservation measures of considerably broader scope which may in some cases interfere with what we would consider normal commercial shipments. We have treaties calling for "national treatment" and "most-favored-nation treatment" with only two of these countries (Argentina, 1853, and Colombia, 1846), but these and all other South American nations which have cargo reservations favoring their own national flag shipping lines (Brazil, Chile, Ecuador, Peru, Venezuela) have in fact removed any discrimination against United States flag lines by granting them equal access to all government-controlled cargoes in our bilateral trade. The United States in turn allows 50 percent participation by its trading partner in the carriage of our own "government-generated" cargoes in the bilateral trade. In effect, and without any intergovernmental agreements, each government is giving "national treatment" to the ships of its trading partner so far as government-controlled cargoes are concerned. The governments have also approved, on our side by the Federal Maritime Commission, agreements between the national shipping lines based on the equal access principle and calling for a pooling and equal division of revenues from all traffic actually carried by the parties. These agreements do not in themselves restrict the freedom of all carriers to compete for normal commercial cargoes. They are not, as the Senate report implies, agreements between governments with terms which are inconsistent with our FCN treaty obligations.

It is true as the Senate report points out that certain oil producing states are considering the establishment of national flag tankers fleets to carry a portion of their oil exports. It does not follow, however, that because certain oil exporting states may in the future adopt restrictive measures which we consider uneconomic and ill-advised, the United States should anticipate their example. Carried to a logical conclusion such actions could result in completely bilateralizing the oil transport business. Such a development could destroy the flexibility which has enabled oil importers to use the most efficient and lowest cost vessels for their oil transport needs regardless of flag, a practice which in the long run benefits oil consumers in this country.

Though not mentioned in the Senate report, there is one additional point that we feel should be made. This Department, in collaboration with other interested agencies has for many years protested to foreign governments against the spread of national cargo preference legislation and regulation into the field of commercial cargoes. Though difficult to measure with exactness, we believe that the United States representations to these governments have helped in many cases to maintain a climate of competitive opportunity for United States shipping in our foreign trades and has benefited our merchant marine. The enactment of Section 3 of the proposed legislation would do much to destroy the credibility of any future United States representations along these lines.

If we can be of any further assistance in this matter, please do not hesitate to let us know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. McINTYRE. Mr. President, will the senior Senator from New Hampshire yield to me for 10 minutes on this motion.

Mr. COTTON. Is the chairman of the full committee willing that I should do that and then get out of the way?

Mr. MAGNUSON. I wanted to say something on the bill but no one wants me to do it. [Laughter.]

Mr. COTTON. I yield.

Mr. McINTYRE. Mr. President, I rise in support of the position taken by Senator COTTON, my good friend, and the distinguished senior Senator from our great State of New Hampshire, which I understand to be in opposition to the inclusion of section 3 in this bill.

I commend my distinguished senior colleague for what the Senator from Virginia (Mr. SPONG) referred to as "vigilence," because in matters concerning oil industries and the ramifications thereof, and what they do to consumers in New England we in New England had better be alert.

I must support this motion with some reluctance. Two groups that I have given my strong support to during my service in the Senate, consumers and this Nation's merchant marine, are forced into conflicting positions with regard to this legislation.

The issue here is not the need to strengthen this country's merchant marine—that I have consistently supported. The State of New Hampshire is a coastal State and the fine harbor at Portsmouth has a long and recognized history as a seafaring city. The issue here—as I see it—is not whether there is need to give assistance to our merchant marine but the manner in so doing.

The bill that we are discussing today has taken the importation of foreign crude oil as a vehicle. I am firmly convinced this is not the correct approach. The basis for my position is that crude oil imports into this country are now controlled by a very discriminatory and unfair quota system with a $5 billion to $7 billion cost that is not borne equitably by all the citizens of this country. To attach a 50 percent U.S.-flagship requirement on the import of crude oil on top of an outdated and unfair quota will only increase this unjust burden on consumers.

The operation of the mandatory oil import quota system is particularly unfair to New England and my State of New Hampshire. Since there is no oil production in close proximity to New England and our region is not serviced by any major oil pipeline, we must rely almost totally on ships to bring us our much needed oil supplies. This is not true in other regions of the country which are fortunate enough to have vast quantities of oil close at hand or are serviced by large pipelines.

An amendment offered by the able Senator from Virginia (Mr. SPONG) exempting residual fuel oil and home heating oil from the legislation, was accepted by the committee. This amendment will have a very beneficial effect on the impact of this legislation on consumers of those products.

However, a substantial amount of the oil products used along the eastern seaboard, which includes gasoline, are produced at refineries along the east coast from foreign crude oil. The result of the legislation, if passed, will result in higher prices on literally hundreds of petroleum products and even though Senator SPONG's amendment will somewhat mitigate the impact of the proposal the cost and burden is still too much to justify passage.

The proponents of this proposal are stating that its enactment will not increase cost to consumers.

I understand that the main proponents are the maritime unions and shipbuilders. Their basis for this argument is that prices in the United States are controlled by domestic crude oil prices and not by foreign imports. This is essentially true and has been one of the main considerations in my opposition to the Mandatory Oil Import Quota System. This quota system allows those refiners fortunate to import foreign crude oil to pocket the difference between the cost of foreign crude oil and domestic. This price difference at the present time, I understand, is between 75 cents and $1 a barrel.

Currently, oil producers throughout the United States are pushing for increased crude oil prices on domestically produced oil. The price of domestic oil today is around $3.50 a barrel. If the flagship requirement is passed, the result will be immediate pressure for substantial increases in domestic crude oil prices. So, the end result, in my opinion, of accepting this provision will inevitably result in price increases to consumers for their petroleum products.

The President's Cabinet-level task force that studied the oil import quota system in its 1970 report to President Nixon clearly stated that the cost of this quota is not shared equally among all the citizens of our country. And because of the fact that New England must rely on ships to supply its petroleum needs, this bill today would only add to that unfair and unjust burden.

Recent statements by the Secretary of the Interior, Mr. Morton, have given greater emphasis to what has been termed "our pending energy crisis." It is now estimated that between 1980 and 1985 this country must rely on foreign sources to meet up to 50 percent of its oil demand. The mandatory oil import quota system was implemented in 1959 to discourage reliance on foreign oil sources and to encourage domestic exploration and production. The fact, however,

clearly show that this has not been the case.

While crude oil production in this country and exploration expenditures have remained fairly constant, the opposite is true outside the country. Major international oil companies have greatly expanded their worldwide search for oil, and we are now informed that over the next several years we must increase crude oil imports by 1 million barrels per day per year.

In fact, just recently, the President issued a proclamation increasing crude oil imports by an additional 230,000 barrels a day for 1972 which will mean that for the remainder of this year there will be additional imports of over 400,000 barrels a day.

With regard to this legislation before us, the issue must be raised as to whether it is not time for the President to accept the advice given him by the majority of his Cabinet-level task force to abolish the quota and to replace it with a tariff. This, in my opinion, would be much more equitable for all the citizens of this country.

With regard to the dire situation facing our merchant marine, revenues generated by a tariff could well be used to strengthen the U.S. merchant flagship fleet. But I say again that as long as the mandatory oil import quota system is in existence, it is unfair to place an additional burden on consumers that would result from enacting legislation as reported out by the committee.

Another point should be raised with regard to this legislation and that is the appropriateness of requiring a set percentage of the import of any product that must be brought in by U.S. flagships. Traditionally U.S.-flagship requirements have dealt with exports not imports. While it may be that this approach is necessary, I think we must be cognizant of the possibility of retaliation by the trade partners. If we can impose such a requirement on their imports into our country then what is to stop them from placing similar requirements on goods they purchase from us?

So I close my remarks at this time, and thank my distinguished colleague from New Hampshire for his vigilance and watchfulness in this matter.

Mr. MAGNUSON. Mr. President, will the Senator yield me 5 minutes?

Mr. LONG. I yield 5 minutes to the Senator from Washington.

Mr. MAGNUSON. I did not want to belabor this matter too much, but I think many matters that have been put into the RECORD today should be cleared up.

I just heard the Senator from New Hampshire express some fear of retaliation. Retaliation from what? All these countries have almost 90 percent of their quotas, their shipments and their cargoes, in their own bottoms. When we ask for something for ourselves that we do not have now, what are they going to retaliate with?

Retaliate? It is like suggesting, when someone has been robbing you for a long time and evading taxes for a long time, and he is told, "Wait a minute. We are going to have you pay your fair share and share the burden," what is he going to retaliate?

The oil companies do not want this amendment and they have done a pretty good job lobbying since we put it in the bill. Perhaps it does not belong in the bill, but unless we start to do something, we are going to find ourselves in a dangerous position. We are now 16th in the world in shipbuilding. I expect to pick up a paper some day to see that the Belgian Congo is ahead of us.

The distinguished Senator from New Hampshire says we have provided for shipbuilding in the bill. We have. That is what this amendment is all about. When we do that, we are going to give them some cargo to carry, so they can pay taxes and pay American seamen.

Something has been mentioned here about security. It has nothing to do with security, believe me.

I have a letter here from Admiral Zumwalt saying just the opposite from what the Senator said. I do not know where the Senator from New Hampshire's letter came from, but they have always gone on the theory that what we want is control over our ships and our allies' ships in the world; therefore that we need to build a merchant marine and tanker ships.

The oil companies want to haul under foreign flags. Panama has a bigger merchant marine than we do, tonnage wise. So does Nicaragua. So does Liberia. Who finances them under foreign flags? The oil companies.

The Senator from New Hampshire was there when we used to meet in the little room over here, when we tried to do something about foreign flags, runaway flags, and we were told that most tankers were under foreign flags so they could evade taxes.

The Panamanian Oil Co., which was then owned by them—and this is true of all of them; they have these foreign companies, and when they make a profit, they keep it and bring it in in the year when it is most propitious for them, taxwise. That is your foreign fleet.

But the Defense Department says, "Oh, we have them under control." Some control, shipping in the Gulf and in the Indian Ocean, financed by American oil companies, flying a Greek flag, with an Italian captain and an Indian crew. Some control they will have over that, if something happens.

In World War II, all our allies said, "Oh, we will have a big fleet; everything is under control, with the joint military people all over the world." Those were our allies. And we found, after 2 months, that they wanted all their tonnage for themselves, and we spent $9 billion building up a merchant marine of Liberty ships and other ships that are now obsolete; $9 billion, and we had to do it—sometimes we built them in as little as 60 days. If Senators want to get into that with foreign flags again, that is all right with me.

I do not know about the State Department; they are always against anything. Some days I think maybe we ought to appropriate some money in one of our appropriation bills to hire about six Greyhound buses and take them on a Cook's tour of the United States, to find out what is going on. It would do them good to give them a leave of absence. Sure, they are opposed to this because they might have to dicker with some countries. Those guys might get mad about it.

Retaliation? Retaliation against what? They have been retaliating against us, these foreign countries, with ships' fees, harbor fees, and all kinds of insurance, and they are government subsidized. So let us talk about our own business for awhile.

I am concerned about the balance-of-trade deficit which has been mentioned here. I will not belabor it, but it is the highest it has been in the history of our country, and this has a lot to do with it. If I had my way, I think I would bring them in 100 percent in American ships. We pay money for that oil.

I do not know about the evidence—we did not have any evidence that there was going to be any change in the consumer prices. There may be. I know, as my friend from New Hampshire has said, that when something goes higher, the consumer pays in the long run. But if we make these American oil companies pay, and tell them to bring their own ships back under the American flag and employ American people, it will not hurt the consumer, I will tell you that, and we will get the taxes from them that they are now evading all over the world, every place.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. MAGNUSON. Yes.

Mr. LONG. The Senator knows that right now the domestic price of oil is about $3.50, and the foreign price is about $2.50. There is a dollar difference. Will the Senator tell me how much the consumer is saving out of that dollar?

Mr. MAGNUSON. None of it.

Mr. LONG. He is not saving one penny of that dollar, none of it.

Mr. MAGNUSON. No.

Mr. LONG. So that if the foreign costs goes up somewhat, so that the difference is, let us say, 90 cents instead of a dollar, it still will not make any difference to the consumer.

What is the explanation? When you understand the fact that these little people domestically are competing with these larger companies, that is what is holding the price down. As far as these little people are concerned, their price is as low as it always was, for every domestic producer. They have to use American labor. They have to use these same American working people the major oil companies do not want to hire.

Mr. MAGNUSON. And they do not hire them.

Mr. LONG. Let 'me put it this way: When a little independent company in my State or any other State of this Union produces its oil, it cannot haul it away to the ship; he has got to pay some fellow with a truck, and pay 10 times as much for transportation as these big companies are paying, and that trucker is an American working man. He has got to pay his own people to haul the oil. Suppose he can put it in a ship; he has got to pay an American union at American wages, and he has the same problem of negotiating with a labor union that these major oil companies do not want to be bothered with. He does not have that choice.

As far as any little fellow producing oil in this country is concerned, paying American taxes and American wages, he has got to comply with all of these American standards, and he is having a difficult time competing with these foreign oil companies, many of them American-based, which have all the advantages. That is where the big profits are, but they are not giving the consumer any advantage of the fact that it costs less to produce over there. They are coming in and selling it for the same price as this little fellow can get for his oil, who is paying the American scale of wages every step of the way.

Mr. MAGNUSON. We are just subsidizing cheap labor; that is all we are doing. And the cheapest you can find—someone said, "That's fine, because then the consumer might get a better deal." But if we work on that theory all the way down the line, we should not manufacture one thing in this country, should we, because it would be cheaper to ship it in. Not a thing.

Mr. LONG. But the point is——

Mr. MAGNUSON. We should take everything and ship it all in, because they have cheaper labor, and it will be cheaper if we operate on that theory right down to the end of the line.

Mr. LONG. The Senator and I know that if the consumer was the fellow who had to pay the $25 million, we would not have all this work by the larger oil companies to defeat this amendment. If the consumer were paying it, rather than the oil companies, the oil companies would not have done all this work to try to defeat it.

Mr. MAGNUSON. And another thing I think they ought to take into consideration, if this keeps up, is that we are now down to 4.2 percent of all our exports and imports being shipped in American bottoms—4.2 percent; and we are 14th in shipbuilding.

If they would bring their ships back and pay taxes, we would not have had this situation. They do not want to do that; and they do not want us to pass this little bill. That is the whole nubbin of this thing, and I just think we ought to. I do not particularly like it on this bill, but it is germane to the bill, we have held hearings on it, the Commerce Committee reported it out. But in the meantime, oh, boy, they have been pretty busy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. Will the Senator yield me half a minute?

Mr. MAGNUSON. I want 1 more minute, to take another shot at them.

Mr. COOK. Mr. President, will the Senaor yield?

Mr. MAGNUSON. They get the benefit of oil depletion, but they do not want to fly American flags or employ American workmen. No, they want the benefit, and they want the second benefit of hiring the cheapest labor they can find in the world. Then they con people into saying, "Well, it will be cheaper for you." Well, I say let us quit making anything here, and it will be cheaper for everybody.

I appreciate what the Senator from New Hampshire has said about me and my Commerce Committee activity. For all of us in the committee, I say I think this is the best bill to take care of the people up in New England. And we will make the oil companies buckle down to pay the difference.

Mr. LONG. Mr. President, will the Senator yield me 1 additional minute?

Mr. MAGNUSON. I yield the floor.

Mr. LONG. I would just like to ask the Senator a question. As much as we are interested in consumers, is it not true that we have done everything that we could conceive of to be assured that the consumer would not in any way be injured by this bill? He is protected by price controls as it is, but what is really protecting him is domestic competition, and not the foreign price. And it is not true that that consumer also needs the benefit of a little money to spend?

Mr. MAGNUSON. Yes.

Mr. LONG. We are trying to provide him with 100,000 good jobs.

Mr. MAGNUSON. To pay some taxes, which the oil companies do not pay.

Several Senators addressed the Chair.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

Mr. MAGNUSON. Oh, may I put in the RECORD one more thing?

Mr. COOK. Regular order, Mr. President.

Mr. MAGNUSON. Will the Senator yield me a minute? I want to put in the RECORD something that bothers me considerably up in my country.

I do not want a lot of foreign tankers that are not built right coming into Puget Sound with oil. We get some of them, and the pollution problem is one that the people around here had better think about, because an American tanker is better built and better manned.

Mr. CRANSTON. Mr. President, will the Senator yield me 10 minutes?

Mr. LONG. I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during the time yielded to me I may offer an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask that it be stated.

Mr. COTTON. Mr. President, was there a unanimous-consent request?

Mr. CRANSTON. Yes. I asked unanimous consent, after consulting Senator LONG, that I may bring up an amendment which will not consume any substantial time.

Mr. COTTON. Mr. President, we have a debate here——

Mr. LONG. I suggest to the Senator that he withhold the unanimous-consent request until he has offered his amendment and everyone has had a chance to hear it.

The PRESIDING OFFICER. The amendment would not be in order without the unanimous-consent request.

Mr. COTTON. As a matter of fact, I would like to wind up some of these points. Some assertions have been made, and other Senators want to be heard. I am sure the Senator from California will have ample opportunity to present his amendment and to argue his amendment. We are on the committee amendment. I am sorry, but I am constrained to object.

I yield myself 2 minutes, and then I will yield to the Senator from Kentucky. I must object at this point. I certainly will yield later.

Mr. President, if I am permitted to do so by the manager of the bill, if he does not object, I yield myself 2 minutes.

The PRESIDING OFFICER. The Chair had already ruled that objection had not been heard.

Mr. CRANSTON. Mr. President, I will be glad to withdraw my request.

Mr. COTTON. I did not hear the request.

The PRESIDING OFFICER. The Senator has withdrawn the amendment.

Mr. COTTON. I thank the Senator.

Mr. President, if I am permitted to do so, I would simply say that I was very thrilled by the able speech of the distinguished and beloved chairman of the committee, and the dialog with the distinguished Senator from Louisiana, to the end that what we should do is to haul these oil companies in here and make them pay taxes and make them sail under our flag. If there is one Senator who is in a position to deal with the oil companies and plug up the great loopholes we hear so much about, it is the distinguished Senator from Louisiana, the chairman of the great Committee on Finance. If that is what we should do, let us do it, and we will raise the flag and follow his noble leadership.

But this amendment is not going to do that. This amendment is going to force the oil companies to provide bottoms. And who is going to pay for it? Do not try to tell me that it is not going to be passed on to the consumer.

I am not representing the oil companies here. The Senator from Kentucky is not representing them. The Senators from New England who have spoken and are going to speak are not representing the oil companies. They can take care of themselves. We are interested in the consumer.

Under this bill ships are going to be built, and all the taxpayers will pay for them, not just the people who buy oil. If you want to get hold of the oil companies, go right ahead and do it, instead of putting this amendment into this maritime bill. Go ahead, in the great Committee on Finance, and let us have responsibility and let us have taxes paid by people who are making the money, and let us plug up these loopholes.

It is news to me, and it amazes me, to have my good friend charge us with something which, obviously, if it is true—of course, I would not know anything about those things—could have been handled long ago.

Mr. STAFFORD. Mr. President, I am opposed to the provision of H.R. 13324, the maritime authorization bill, that would extend the 50 percent U.S.-flag requirement of the cargo-preference law to the importation of crude oil.

I oppose the amendment for two major reasons:

It has not been fully considered.

It would force substantial increases in

oil prices in New England—and throughout the country.

The amendment being considered by the Senate today marks a radical departure from prior procedure and policy. What we are considering is direct interference in the private transactions and shipments of private companies. To be sure, the commodity involved, oil, is subject to import quotas, but we are still interfering unnecessarily, and imposing restrictions that cannot be justified under previous precedents with respect to the cargo preference laws.

The amendment has not been fully considered. I understand that hearings were recently held by the Commerce Committee on a separate bill containing the cargo preference provision. Many questions were raised; many were left unanswered. In brief, I do not believe that the Senate has been given enough information on which to make a decision. We are being asked to vote on a bill with major implications without having answers to some very critical questions.

I have several major ones that have not been answered, and I am sure that other Senators do as well.

A prime question involves the impact of the bill on petroleum product prices. Proponents of the bill say that importers could absorb the cost and realize a reduced value for their import licenses; I believe this will not and probably cannot happen so easily and that the increased costs of shipment will be passed on to consumers in the form of higher prices. The point is that no one knows, and we are being asked to pass a bill that may force American consumers to pay hundreds of millions—perhaps billions—each year in additional fuel oil and gasoline costs. Past trends would seem to indicate that the consumer would be the victim.

Another question involves the impact on the cost of domestic shipments of oil from the U.S. gulf coast to the northeastern States. Obviously, the amendment would create a tremendous demand on U.S. tankers, far in excess of the present carrying capacity. This will surely force the cost of domestic shipments of gasoline and No. 2 fuel oil up sharply. The impact on New England, where most oil comes in by tanker and much of it comes from the gulf coast, would be severe. The provision exempting imports of No. 2 fuel oil will be of no help, since only 4 percent of the No. 2 fuel oil consumed in the Northeast is imported; the cost of shipping the remaining 96 percent will, as I have indicated, go up. Once again, the point is that we simply do not know what the impact on shipping costs—both domestic and foreign—will be.

A second critical question involves the administration of this provision. How will it be applied—by company, by ship, by port? Once again, we have no answers.

This is a major piece of legislation, with profound impact. I cannot support it on the basis of so little information, and its tendency for adverse impact on the consumer.

Third, the impact on New England.

As I have already indicated, this bill is certain to force petroleum prices up. At a minimum, I believe that the price of gasoline and heating oil in New England will increase by 1 to 2 cents per gallon; if prices increase by 1 cent, the consumers of New England alone will be forced to bear added expense of $100 million per year.

In New York State alone, a 1-cent increase will cost consumers more than $100 million per year.

Nationwide, the added costs are likely to be several billion dollars per year, adding to the already artificially high oil cost to the consumer.

Mr. President, the implications of this bill for every American citizen are immense. As responsible legislators, we have an obligation to take a closer look, to demand all the facts before we act.

I urge that this provision be deleted from H.R. 13324.

Mr. HANSEN. Mr. President, I fully support the views of the distinguished senior Senator from New Hampshire, and am greatly concerned about the adverse impact on the United States which would result from passage of the cargo-preference provision of the maritime authorization bill.

I believe it can be demonstrated that the provision would inevitably result in increased costs to the U.S. consumer, an argument which has already been convincingly made. I also believe that the provision would of necessity create serious difficulties for our international trade and foreign policies generally, and I would like to draw your attention to some of the problems in these fields.

First, the provision would place the United States in the position of being the first major trading nation which, by law, imposed an outright flag preference on privately owned commercial cargoes. This would, of course, violate provisions in more than 30 treaties with other nations to which the United States is a party. But, even if we were to accept the breaking of these treaties with equanimity—which I am sure we are not—we would in fact be setting a pattern which would be contrary to our interests.

Already, some oil-producing countries are talking about building their own flag fleets. Any action that we might take to restrict the movement of oil may well be the catalyst that precipitates drastic action by the oil-producing countries. Such action would inevitably reduce the availability and flexibility of tanker tonnage we need to insure our ability to meet U.S. demand for oil supplies in the future. At a time when the oil-producing nations are showing an increasing ability and determination to control world markets for their crude oil, it would be foolish indeed to force an extra weapon for this purpose into their hands.

Such countermeasures by foreign countries could easily cancel out any balance-of-payments gains we might achieve by use of U.S.-flag vessels in our international oil operations, apart from the real danger that American ships could be subject to political boycotts in the Middle East and elsewhere.

Certainly no one can disagree that an adequate supply of energy is vital to the American economy and to our Nation's security. To maintain such security may call for such steps as emergency storage, faster siting of nuclear plants, as well as increased American-flag shipping capability. But we must not delude ourselves into the belief that relying on American-flag tankers to supply half our oil imports will automatically give us greater energy security—especially if the proposed action forces a serious migration of ships of the U.S. effective control fleet to the flags of less friendly nations.

Historically, there have been frequent, crippling labor interruptions on American ships and docks. The question is: Can this Nation afford that risk when, in a mere 8 years, one-half of all the oil used in the United States will probably be brought in from overseas?

Also, Mr. President, as the Department of Defense has pointed out in a letter to the able ranking minority member of the Commerce Committee, Mr. COTTON, the burden of "cargo-preference" will fall unevenly on various groups of firms in U.S. petroleum refining and marketing.

The small refiners have enough problems now in competing with the integrated companies who have their own crude production, both domestic and overseas. These smaller refiners will be more damaged than the large ones because they now receive a relatively larger share of crude oil import quotas, and they will correspondingly lose more when their import rights, burdened by "cargo-preference" costs, lose some of their value.

I yield to no one in my contention that the United States needs a strong merchant fleet. But we need to achieve this objective without creating international crises and encouraging retaliation against U.S. shipping interests. I believe that construction remedies for the ills of the U.S. merchant fleet can be found. I do not believe that this piece of legislation will accomplish our objectives.

Mr. BROOKE. Mr. President, I rise to state my agreement with the remarks of my distinguished colleague, the Senator from New Hampshire (Mr. COTTON), who seeks to strike section 3 of H.R. 13324. This section would require that at least 50 percent of oil imported into the United States be transported in U.S.-flag tankers.

For reasons relating not only to the national interest in broad security terms but also to the interests of taxpayers and of all consumers of oil products, I am opposed to the provisions of this bill requiring that 50 percent of our oil imports be shipped in American bottoms.

The Senate is being asked to approve an authorization involving some $555 million for subsidies and other expenses under section 1 of the bill. However, this may not be the only cost involved. Even though we are told that section 3 will not result in additional cost to the Government at least in the near term, section 3 could involve literally billions of dollars of costs in future years—much of it borne by the American consumer. In fact, the Department of Interior has estimated that the additional cost to the consumer could reach $1 billion by 1985.

The committee report says that this

cost will be borne by the oil companies who allegedly can afford it. This may be true in the immediate future, but it will not be long before the costs will necessarily be passed on to consumers.

The costs as estimated in the committee report of approximately 10 cents per barrel of oil for using higher-cost American-flag ships, are valid only if the oil comes from nearby places like Venezuela or North Africa. The real cost may be five times as much, it seems, if most of the oil has to come from the Persian Gulf or points in the Middle East. By 1985, we may have to import as much as half of our total oil consumption—largely from those areas.

I think it is fair to say that the cost of our oil products is going to go up in the future, for a variety of reasons, and some of the causes may not be under our own control. I will not say that passage of this bill, as amended, would be the cause of all those increases. But this bill will help to increase those costs, and that burden will not simply be borne by the oil companies and their stockholders.

Section 3 carefully exempts residual in home heating oil from the 50-percent limitation. However, we still must recognize that substantial quantities of these products are refined domestically from foreign crude oil. Therefore, the price of these products will increase as the cost of foreign crude oil from which they are derived also increases. Every citizen who heats his home with oil must eventually feel the effect of this crude oil cost increase.

We should know what the long-term costs will be and who will bear them. Unfortunately, the Committee on Commerce in its report on this bill—page 31—did not really face up to this issue. It stated that its cost estimates were based on U.S.-flag vessels built and operated without construction-differential and operating-differential subsidies. It went on to say:

> Of course, to the extent that such subsidies were utilized in building and operating vessels carrying cargoes subject to this legislation, the cost differential between foreign and U.S.-flag vessels would be reduced.

It would have been more accurate to say that the cost to the taxpayer would be increased. The report concluded:

> The issue of whether vessels built and operated with these subsidies may carry cargoes reserved to U.S.-flag vessels is currently the subject of an administrative proceeding before the Maritime Subsidy Board, Docket S. 244.

The committee did not express views on this issue in light of the pending administrative proceeding.

Little more than a year ago, Congress overwhelmingly approved the Merchant Marine Act of 1970, the administration's program to help rebuild our merchant fleet, and in so doing agreed for the first time to subsidize the construction and operation of a bulk carrier fleet under the U.S. flag. Previously, for 35 years, we have subsidized only regularly scheduled liner services. We also accepted two important principles; that our merchant fleet, after receiving subsidies to put it on a competitive basis, should compete for new business, throughout the world; and that indirect, hidden forms of subsidy, such as cargo preference, should be phased out in favor of direct subsidies.

Section 3 of the bill would do just the opposite. It would expand the area of hidden subsidy, which is already very large, and it would give tanker operators a monopoly position with respect to a large part of our imports.

It has also been pointed out that this legislation offers significant additional benefits to our shipbuilding industry, to employment and to the Nation's balance of payments. Benefits which I completely support. However, these benefits can also be received if our tanker fleet is built up through subsidies as contemplated under the President's program. The difference is that the cost, and how it will be borne, will be known and can be evaluated and will have to be approved. I believe that it is the proper way to proceed.

The most persuasive arguments which have been advanced by proponents of section 3 are those that relate to our national security requirements. The committee report deals with this subject at some length. But to the extent that these arguments are valid, they do not support the conclusion that a 50-percent cargo reservation is the only way or the best means to achieve the objective.

On the contrary, it would appear that a direct subsidy program would be a far better solution than a cargo reservation requirement, because the matter would certainly encourage other countries—particularly the oil producing countries who already control the sources of supply—to adopt similar measures and extend their control to the transportation of their oil.

Moreover, the 50-percent requirement posed by section 3 of this bill could create a new trade barrier at a time when the United States is urging other countries to dismantle their restrictions against U.S. imports. If such a cargo reservation precedent is set with petroleum products, it would also be applied to other bulk cargoes, for example, farm products. This would increase the cost to the American consumer of many more goods than simply oil and its byproducts.

As matters now stand, we and our NATO allies control about 90 percent of the world's tanker fleet, and this has served us well in emergencies. But if the oil-producing countries insist upon carrying half of their exports in tankers under their own control, we will be faced with a completely new situation. Any such possibility has even greater security implications for our allies, who are more heavily dependent upon oil imports, than it may have for us.

The administration, through Secretary Peterson, has promised to review the security aspects, to evaluate the various alternative ways to sustain an appropriate tanker fleet, and to submit its findings and recommendations to the interested committees of both Houses not later than September 15 of this year.

Given the complexity and the undoubted importance of this matter, I believe the Senate should not act without hearing those recommendations.

Mr. President, anything I say now is anticlimactic, after the very deeply felt speech delivered by the distinguished Senator from New Hampshire (Mr. COTTON). He has practically said it all. He speaks not only for himself but also for the junior Senator from Massachusetts; and though I cannot speak for the other members of the New England delegation. I think he spoke for all the members of the New England delegation when he so clearly and forcibly set forth the position of the New England delegation in regard to the plight of the consumer, the cost of oil over the years, and the continued increases in petroleum prices.

I hope that the eloquent plea of the distinguished Senator from New Hampshire will be listened to and adhered to by all Senators.

Mr. COTTON. Mr. President, I have only 1 minute remaining on the amendment. I yield that 1 minute and 1 minute on the bill to the Senator from Kentucky.

Mr. COOK. Mr. President, I listened intently to the distinguished Senator from Washington talk about all the lobbyists. I want to get the record straight, and I want it in the RECORD, so far as this Senator is concerned, because this Senator has not been talked to by any major oil company in the United States. They have not discussed this matter with me at any time, under any circumstances.

The only conversation this Senator had with anyone other than Members of this body and members of the Committee on Commerce was with a representative of one of the major international seamen's organizations in the United States, who discussed this matter with me in the Senate reception room. I invited the gentleman to come by my office, because I wanted to talk to him about this matter; I wanted his ideas on it. He said that he absolutely would come by, and he did not come by.

So, relative to the great discussion of the distinguished chairman of the Committee on Commerce, that they are all over the halls and have been to see everybody, I want him to know that they did not come to see me.

Therefore, I suppose that if I owe them some allegiance, I wrote a nine-page speech for nothing, because none of them came by to see me.

As a matter of fact, the one organization in the United States that the Senator from Louisiana and the Senator from Washington said would be vitally interested in this, and that is the American workingman, the gentleman who said he would come by my office, but did not come by.

Mr. CRANSTON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. Mr. President, I yield 10 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I renew my request and ask unanimous consent to bring up my amendment at this time.

Mr. LONG. May I suggest that the Senator ask that his amendment be read? He can then ask unanimous consent.

Mr. CRANSTON. Fine. Mr. President, will the clerk please state the amendment?

The PRESIDING OFFICER (Mr. KENNEDY). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 10, after the words "Number 2 fuel oil" insert a comma and the following: "and that portion of imports of crude oil required because of environmental considerations for electric power generation or low sulfur residual fuel oil refined therefrom to meet environmental standards imposed by law in generating electric power and sold for use by electric utilities".

Mr. CRANSTON. Mr. President, if I may briefly explain the amendment——

Mr. COTTON. Mr. President, I assume that we have unanimous consent that such time as is left on the pending amendment will be used by the Senator from California on his amendment; is that correct?

The PRESIDING OFFICER. A request has not been received or granted yet.

Is there objection to consideration of the Cranston amendment at this time?

Mr. LONG. He is using my time right now.

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

Mr. CRANSTON. I thank all Senators for their cooperation.

The PRESIDING OFFICER. The Chair rules that there is 1 hour on the amendment.

Mr. CRANSTON. I shall not take more than 10 minutes, probably less.

Mr. LONG. Go ahead.

Mr. COTTON. The time is being used on this new amendment, but we do not lose our right to whatever time is left on the amendment which is pending; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG. Mr. President, I ask unanimous consent that notwithstanding the unanimous consent agreement, we might consider this amendment an amendment to the amendment. I believe it can be disposed of in short order.

The PRESIDING OFFICER. Will the Senator please state his unanimous consent again?

Mr. LONG. I ask unanimous consent that, notwithstanding the presnt unanimous-consent agreement, we consider the amendment of the Senator from California at this time.

The PRESIDING OFFICER. The amendment is under consideration.

Mr. CRANSTON. Mr. President, I thank all Senators and the Presiding Officer for their cooperation.

Mr. COTTON. Mr. President, I am very sorry, but a parliamentary inquiry——

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. COTTON. Is this an amendment to the committee amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum with the time not to be taken out of anyone's time.

Mr. COTTON. We do not need that now. Go right ahead.

Mr. MANSFIELD. Mr. President, I withdraw my unanimous-consent request.

Mr. CRANSTON. Mr. President, this amendment would exempt public utility companies engaged in the business of generating, transmitting, and distributing electric energy for heating and electric power purposes from the provisions of the section 3 of H.R. 13324.

Electric companies have an obligation to provide at the lowest reasonable cost, indispensable and reliable electric service to meet the requirements of their customers.

In order to fulfill this responsibility they must be able to procure suitable fuels at reasonable prices which will meet stringent air pollution control requirements. The enactment of section 3 of H.R. 13324 in its present form would have the net effect of a significant increase in rates to east and west coast customers of electric companies for the following reasons:

First. Economists have shown that there will be an increase in transportation cost through the use of U.S.-flag vessels. Major oil companies and refiners will absorb this cost on the import quota ticket rather than pass the cost on to the consumer.

Second. Most oil purchase contracts between refineries and utility companies include escalation provisions which automatically pass on to the utility company the increase in crude prices and in transportation cost.

Third. Utility companies do not have oil import quota tickets available to them under import regulations. They would not be able to absorb the increased cost in transportation because the value of the tickets has been included in the price the refiner quotes in his contract with the utility company.

Fourth. The end result of an increase in transportation cost, would be reflected in the cost that utility consumers pay for electricity.

Presently the cost impact on the west coast would be greater than on the east coast. However, as eastern utilities convert more and more plants from residual fuel oil to crude, and air pollution requirements become more restrictive, this conversion will have a similar impact on use of crude oils by utilities on the east coast later in this decade.

The situation in the west coast is different, and the problem is immediate. The pollution regulations require that utilities burn crude oil with 0.5 percent maximum sulfur content. The principal supplies of low sulfur oil of the quality required to comply with air pollution control regulations which are available to west coast utilities are manufactured from crude oil imported from Indonesia. The cost of this oil will increase as more and more U.S-flag ships are used to transport foreign oil.

It is estimated by Southern California Edison that the 50-percent quota requirement would result in a 20 to 30 cents per barrel increase in cost. To the consumer this would represent an increase cost of $30 to $50 million per year. The study of the National Association of Electric Companies, an association which consists of 137 electric light and power companies, agrees that the impact of section 3 will be greatest on the west coast where the supply of low sulfur crude is deficient.

Mr. President, I respectfully urge my colleagues, and address my remarks particularly to the distinguished and able Senator from Louisiana (Mr. LONG), urging support of my amendment which will exempt needed low surfur fuels from flag ship restrictions, and protect the American consumer from this enormous increased cost.

Mr. LONG. Mr. President, I have no objection to the amendment.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. Mr. President, I welcome the amendment. It is a good amendment. However, I want to have the RECORD show one thing so that we will not forget it. When we started out in the Commerce Committee with section 3, it was all inclusive, and then within the Commerce Committee it was amended by exempting No. 2 fuel oil and residual fuel oil.

Now we come to the Chamber this afternoon and we have had an amendment offered and adopted exempting the petrochemical industry. Now our good friend from California has come along with a further list of exemptions. That is all good.

But I just want the Senate to remember that eloquent speech by the Senator from Louisiana (Mr. LONG) and other Senators, when they said that this great amendment would produce 100,000 jobs and help our balance of payments by $5.5 billion.

I ask the Senate to remember that every amendment we add will bring down the 50 percent of oil to be carried in American bottoms—I do not know to what percentage—40 percent, 30 percent, 25 percent. We cannot have our cake and eat it too.

I am almost tempted to object, Mr. President, so that the 100,000 American jobs and that $5.5 billion in balance of payments does not go out the window with this and every amendment.

So, I welcome this amendment. I am for it. Let us have some more. [Laughter.]

Mr. CRANSTON. I thank the Senator.

Mr. TUNNEY. Mr. President, will my colleague yield to me?

Mr. CRANSTON. I am happy to yield to my good friend.

Mr. TUNNEY. I want to compliment my senior colleague from California for introducing this amendment. It demonstrates clearly his great concern for environmental problems in California.

The effect of the amendment will be that air pollution control regulations in California will be met. I am proud to be a cosponsor of this amendment because I think it is critically important to the environmental needs of California.

Mr. CRANSTON. Mr. President, I thank my colleague for his help on this as on so many other matters.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (putting the question).

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I will vote to strike the oil cargo preference provision from the maritime authorization bill for two primary reasons—such a provision would most likely result in higher fuel prices for Maine and all of New England, and it would further entrench the oil import quota system which I have been trying to alter or abolish for years.

We, in New England, have suffered from high fuel prices for too many years. They have eroded family budgets and retarded the economic development of our region. I simply could not sanction any proposal which might intensify these problems.

I have carefully considered the arguments of those supporters of the cargo preference provision who contend that its passage would strengthen the shipbuilding industry. The health of that industry, particularly as it affects Bath Iron Works, concerns me deeply. I have concluded that expansion of our domestic tanker fleet, a worthy national goal, should be accomplished through a program of direct subsidies, financed out of general revenues, that distributes the cost among all taxpayers. That expansion, if indeed it would be fostered by the cargo preference provision, should not be financed solely by oil consumers through increased fuel costs.

We must protect the interests of consumers and promote our shipbuilding industry. These goals can be pursued without conflict. The cargo preference provision needlessly created such conflict, jeopardizing the interest of consumers. I cannot support such a measure.

Mr. MATHIAS. Mr. President, today I rise to express my support for the committee amendment to the maritime authorization bill which has ben advocated by my colleague from Maryland (Mr. BEALL) and by the Senator from Virginia (Mr. SPONG) providing that 50 percent of crude oil imported into the United States be carried in American-flag vessels.

I have long felt that in a period of national economic strain, it is important to shape policies which will maintain the strength of our Merchant Marine and help American vessels compete effectively in the world's markets. While we should never shrink from healthy competition, we cannot ignore the impact of challenges from foreign flag ships which are directly or indirectly subsidized by their governments. To do so is to overlook the tragic object lesson now visible in Baltimore harbor where some of our greatest passenger liners, the pride of our merchant fleet, built with Government assistance, now lie idle and rusting because there is no competitive role for them on the high seas. It is a sad sight to replace the memory of the great Baltimore Clipper Ships.

If this is the fate of ships whose construction was subsidized, how much more perilous is the fate of ships built in American yards, to American standards at American rates if there is no preference given them in carrying American cargoes? The fact that the tankers contemplated by the bill will be built privately with the efficiency that characterizes unsubsidized construction and operated without subsidy, should make it possible to grant a preference at minimum cost. And the cost, whatever it is, will be obvious and honest, and not hidden in Government budgets and tax bills.

There are today about 27 private tankers laid up for lack of cargoes. If we cannot find a way to put them to work neither they nor any other ships built under this or any other bill will survive. They will soon go to the wreckers or to foreign flags.

I have examined the effects the committee amendment would have on our employment, industrial production, national security and balance of payments. While its effect will bring some pluses and some minuses, I think that, on balance, it is a necessary part of our program. I am convinced that it will go far toward assuring that the American shipping industry remains vital, competitive, and healthy.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stands in adjournment until 10 a.m. tomorrow.

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

(Later in the day this order was changed to provide for the Senate to convene at 9:45 a.m. tomorrow.)

MARITIME PROGRAMS

The Senate continued with the consideration of the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

Mr. COTTON. Mr. President, I yield 5 minutes to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from New Hampshire.

Mr. President, I rise to support the proposal of the Senator from New Hampshire.

I have had the opportunity for the last hour to listen to the various arguments and debate on the whole question of the oil import program. We hear from time to time the claim that the oil import program is very important for the national defense. What we fail to realize is that New England has a population consisting of approximately 6 percent of the population of the country and consumes 22 percent of the heating oil.

Mr. President, we need this product in New England. It is as important as food, clothing, and shelter to the people of New England.

Even if there were a legitimate national security basis for the oil import business, why should the people of New England have to pay a disproportionate share for national security?

If there is a national security burden to be met, it should be met by all the taxpayers throughout this country so that the people of New England will not have to pay a disproportionate amount of their consumption dollars for the national security of this country, in addition to what they pay in taxes.

The cost for national security ought to be distributed equally among the taxpayers of the country. And generally it is, except for the oil program which hits so hard on New England. And the real shame is that the oil import barriers cannot in fact be justified on the grounds of national security.

Mr. President, this program, whenever we test the arguments that it is on the basis of national security, has failed time and time again. Under the present administration we had a definitive task force report that said oil import barriers should be terminated, but again the response was that the oil program exists for national security reasons. That argument has been discredited repeatedly. However, every time the facts are stated, they are ignored. The oil import program still limps along.

Mr. President, I do not want to see this provision written into law by any stretch of the imagination. We should be moving away from the import barriers, not writing new law based on them. I do not know why we have to subsidize this expense and put it on the backs of the taxpayers of New England any longer or in new ways. If we want to build a shipbuilding industry, let us spread the responsibility equally among the American people. Let us establish that as a matter of policy, and we will do it and do it equitably. However, this program will put it—again via the price foil—on the backs of the New England consumers. All we have to do is to look at the figures given by the oil industries themselves or by the Interior Department to see that this will mean a higher oil cost for those of us in New England. This is not justified. And let no one assume here on the floor of the Senate that the consumers' interest in this is going to be served by a 50-percent requirement.

I have shipbuilders in my State. We have the Fall River Shipyard, run by General Dynamics. I have heard from them and have heard from those who work in the shipbuilding industry. This is a question on which the feelings run deeply among the people up in my part of the country, among shipbuilders, the seafarers, and a number of the other unions.

But no matter how constructive the goal, we cannot meet it with a device that will add millions of dollars to the consumers' oil bills in Massachusetts and throughout New England. I think we do a great discredit to that part of the country when we try to justify this at the cost of a particular section of the country.

It has no place in this bill.

The Senator from New Hampshire (Mr. COTTON) has pointed out, and I think dramatically and accurately, the facts pertaining to this situation. I hope

that the Senate is going to follow his good judgment and return this matter to the committee.

Mr. COTTON. Mr. President, I yield 3 minutes on the bill to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I shall support the effort of the Senator from New Hampshire to defeat this provision in the committee bill because I believe, although we are not actually located in the New England States, but are more toward the Middle Atlantic States, that we have a great consumer problem, too, in respect to fuel oil. However, more than that, we are a great industrial State which is engaged in imports and exports in a very important way. We are a great financial State and understand something about the working of finance.

Mr. President, this is but another example of restrictive amendments which look so good on their face when it is said that they will help American labor and help American shipbuilding. However, we never figure on the side effects, and it is the side effects that kill us.

At long last, the consumers strike out against these rigidities which the farm people long ago realized the consumers would rebel against. In the final analysis, they ran into trouble, and they are now taking the place of the trade unions as the advocate of reciprocal trade and the trade unions have gone protectionist. This works out so that we have retaliation and more closed doors as well as increasing the cost of living unduly. It taxes the consumers who do not receive the benefits.

The more we have to depend on foreign oil the more that retaliation will come about in many respects, including the matter of ultimate responsibility.

So I believe that the restrictiveness of trade is counterproductive to the interests of the country.

I am glad that the consumers are awakening to that fact, and I want to help them awaken further to it.

For those basic reasons, I support the amendment of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 minute.

Mr. COTTON. Mr. President as I indicated earlier I have a number of letters supporting our position and I ask unanimous consent to have printed at this point in the RECORD, a letter from the Honorable Kenneth M. Curtis, Governor of Maine; a letter from the Honorable Deane C. Davis, Governor of Vermont; a letter from the Honorable Francis W. Sargent, Governor of Massachusetts; a letter from Mrs. Virginia Knauer, of the office of Consumer Affairs; a letter from the Secretary of Commerce; and a letter from the General Counsel of the Department of Defense.

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

OFFICE OF THE GOVERNOR,
Augusta, Maine, June 23, 1972.

Hon. NORRIS COTTON,
U.S. Senator, New Hampshire,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: I strongly share your reservations about the oil import cargo preference provisions Section 3 of HR–13324. The Committee report's attempt to use the logic of our suit in support of this provision is ridiculous. While the oil industry has never hesitated to pocket the difference between low cost foreign oil and more expensive domestic oil, they have also been quick to pass on any cost increases.

If you would like a more detailed discussion of the release between this provision and the New England Governors' suit, I would recommend that you contact Richard Frank at the Center for Law and Social Policy in Washington. Mr. Frank is handling our suit.

Sincerely,

KENNETH M. CURTIS,
Governor of Maine.

EXECUTIVE CHAMBER,
Montpelier, Vt., June 28, 1972.

Hon. NORRIS COTTON,
U.S. Senate, Committee on Commerce,
Washington, D.C.

DEAR NORRIS: I certainly support your position in opposition to the oil import cargo preference provision in H.R. 13324. As you indicate in your testimony, it appears to add greater insult to our injury and would make the Mandatory Oil Import Program even more firmly entrenched—at New England's expense.

It disturbs me to think that the proponents of the bill took our New England Governors' Conference comments out of context to support such a proposal. By copy of this letter I am asking our Conference Director to help straighten out the record on that point.

Your efforts, along with all our New England delegation, are greatly appreciated in trying to bring relief to our region on this agonizingly complex and very burdensome fuel oil problem.

With best personal regards,

Cordially,

DEANE C. DAVIS.

EXECUTIVE DEPARTMENT,
Boston, Mass., July 14, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: I appreciate your thoughtfulness in providing me with a copy of H.R. 13324 and the accompanying report of the Senate Committee on Commerce.

I find the Committee quote on the complaint filed by the New England Governors' Conference in Federal District Court most interesting and agree that section 3 of the bill would obviously result in additional costs to New England consumers.

I, of course, support your efforts to delete the import cargo preference provision from H.R. 13324.

Sincerely,

FRANCIS W. SARGENT.

OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., June 28, 1972.

Hon. NORRIS COTTON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 16, 1972, requesting my comments concerning the oil import cargo preference amendment to H.R. 13324.

As you know, this amendment would require that at least fifty percent of all oil imported under the quota system, excluding residual fuel oil and No. 2 home heating oil, be transported in American flag tankers. The objective of this amendment, to develop and maintain a healthy U.S. tanker fleet, is a laudable one with which I fully concur. I believe, however, that the President's Maritime Program—rather than the oil import quota system—is the appropriate vehicle for achieving this goal.

While I am not expert in the workings of the international oil market, I am convinced that passage of the proposed cargo preference amendment would not be in the best interests of consumers. Notwithstanding the contentions of its sponsors, I believe that this measure would almost certainly lead eventually to a significant increase in the retail price of many oil products.

In addition, it could very well contribute to the further erosion of the financial condition of the smaller independent refiners who currently play a vital competitive role in the gasoline and oil products markets.

Finally, it sets a dangerous precedent by extending the cargo preference concept to the private sector—thus inviting reprisals by foreign nations and possibly stimulating a "shipping war" which could easily lead to the widespread adoption of cargo reservation measures covering a variety of bulk cargoes. For the consumer, this would mean the escalation in consumer prices which inevitably accompanies the impositon of such trade restrictions.

For these reasons, I agree with your characterization of the oil import cargo preference amendment as an anti-consumer measure, and strongly oppose its enactment.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

JUNE 12, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 7, 1972, requesting the position of the Department of Commerce with respect to the oil import cargo preference amendment associated with the bill H.R. 13324.

The Departmental position remains as stated in our letter to Chairman Garmatz of the House Committee on Merchant Marine and Fisheries, dated April 28, 1972, and our letter to Chairman Magnuson of the Senate Commerce Committee, dated May 2, 1972. In those letters, this Department reaffirms its support of the goal of developing and maintaining a strong and vigorous U.S. tanker fleet but also states its view that the President's Maritime Program is the more appropriate vehicle for achieving this goal. We believe further information, set forth below, on the steps being taken by the Administration toward such a U.S. tanker fleet goal would be appropriate.

First of all, the Department, in cooperation with the Office of Emergency Preparedness and the Navy Department, is updating the analysis of the nature and size of the U.S. flag tanker fleet necessary to respond to our Nation's requirements. This study includes determination of the fleet necessary to respond to changes which may arise in national security requirements from increases in oil imports as a percentage of the national energy supply, and from any decline in the number of naval auxiliary tankers in operation.

Further, the Administration is evaluating various initiatives to bring into being and sustain an appropriate fleet level. As indicated in our aforementioned letters to the Chairmen, we believe the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet. However, our current analysis includes identification and evaluation of further leg-

islative changes to that Act. We have already concluded that the restrictions on the ownership of foreign assets and on trading flexibility should be removed from the Merchant Marine Act. Moreover, we are also evaluating other initiatives including:

Federally-funded ship construction programs permitting government leasing of ships to private operators.

Further construction incentives such as loan guarantees and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset in whole or in part tax disadvantages of U.S. flag operation as compared to foreign operation.

We expect to make our findings and recommendations on these and other possible initiatives available to the interested Committees of both Houses not later than September 15, 1972. This report would also include a comparison of such initiatives with the proposal that commercial oil imports be reserved by law to U.S. flag tankers.

Accordingly, the Department and the Administration believe it inappropriate to adopt oil import cargo preference at this time, and therefore would hope that congressional action on the authorization for Maritime appropriations could be pursued independently.

Sincerely,

PETER G. PETERSON.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., July 21, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 16, 1972, requesting comment with respect to certain portions of the Committee report on H.R. 13324, 92d Congress, a bill "To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce." The portions of the report to which you make reference are those justifying the bill's oil import cargo preference amendment on the grounds of national security and the unavailability of vessels of the so-called "Effective U.S. Controlled Fleet (EUSC)."

The growing dependence of the United States on foreign oil is a matter of great concern to the Department of Defense. That dependence poses a threat to the security and well being of the nation, in the event that availability of foreign oil is denied, whether through political, economic or military actions.

A key factor in insuring our capability to move oil over hostile seas, or to provide flexibility of source, is an adequate tanker fleet which can be relied on for delivery of whatever oil is available during periods of political or economic stress of war. U.S. flag vessels with American crews are the most reliable source of ocean transport. Availability of Effective U.S. Controlled (EUSC) vessels or other foreign flag vessels is of course less assured. However, in view of the probable denial of some oil sources, a possible reduction in world civil consumption in times of stress, and the surplus in world tanker tonnage, it does not appear that non-availability of tankers, although of concern, would be the only problem in some future crisis. From a security standpoint, we believe the oil problem centers heavily on the availability of the oil itself, and in time of war, the ability to provide adequate protection for tankers on the high seas.

Even if it were to be concluded that a substantial portion of our oil import should move in U.S. flag vessels for security reasons, we do not believe that H.R. 13324 would accomplish that purpose. By exempting fuel oil from its provisions the bill would leave the East Coast totally dependent on foreign vessels for vital segment of its oil supply. And by financially penalizing the U.S. refiner of fuel oils who would be required to import half his crude oil in U.S. flag vessels, it would discourage increases in domestic fuel oil refining capacity, already in critically short supply, and encourage expanded offshore construction of refineries with attendant security risks.

The bill would lend further encouragement to the already developing trend towards the construction of offshore transshipment terminals, and do much to eliminate the economic pressure for construction of deep water ports in the U.S. In the process, the 50% U.S. flag rule would apply to a declining volume of direct shipments from oil sources to the U.S., and to an increasing volume of short haul relay movements. The total U.S. flag tonnage likely to result from application of H.R. 13324 under those circumstances would be only a small fraction of the total tonnage involved in the delivery of oil to the United States.

The degree of improved security which might accrue from the relatively small gain in U.S. flag vessels would be more than offset by likely developments resulting from application of similar legislation by foreign nations on which we depend for oil. A growing percentage of our imports might then depend on the availability of giant crude carriers wearing the flag of oil supplying nations instead of the third party nations now providing flags of convenience. Thus, a nation which chose to deny supply of its oil, could simultaneously deny us the means to transport replacement oil from other sources.

In view of the foregoing, it is the view of the Department of Defense that the enactment of Section 3 of H.R. 13324, as reported in the Senate, would be inimical to the nation's security.

Sincerely,

J. FRED BUZHARDT.

Mr. COTTON. Mr. President, I am ready to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 3, line 10, strike out "Number 2 fuel oil" and insert in lieu thereof a comma and "Number 2 fuel oil and allocations or quotas to petroleum refiners with inputs of 50,000 barrels per day or less".

The PRESIDING OFFICER. Is there objection to the consideration of the amendment? The Chair hears no objection.

Mr. TUNNEY. Mr. President, Senator CRANSTON and I are calling up an amendment to the Maritime Authorization Act for the purpose of preventing an undue hardship which would be imposed upon a segment of the petroleum industry. Our amendment would exempt small refiners with inputs of 50,000 barrels per day or less from the requirement to import 50 percent of their petroleum imports on American-flag vessels.

Our amendment responds to the fact that small independent refiners would be impacted more severely than large refiners by the cargo preference provision of the bill. These small companies have a greater proportional amount of their raw material needs tied to foreign imports.

The greater dependence upon imported crude oil occurs as a result of the administration of the oil import program which has long recognized that independent small refining companies without crude oil production of their own require treatment under the program which would balance the impact of foreign imports. For example in California over 95 percent of the crude oil production is owned or controlled by the major oil companies which means that the many small refiners in California must obtain their crude oil supplies from their large company competitors. A similar situation faces small independent refiners in other areas of the country.

To balance the impact of foreign imports, the oil import program includes a sliding scale crude oil allocation mechanism whereby the small companies are allowed a larger percentage of their raw material needs to be tied to the foreign imports. For us to pass the Maritime Authorization Act without giving recognition to the need for the small refiner would be to ignore the decade of precedent in the administration of the oil import program.

More importantly, if we ignore the need for the amendment, proportionately higher costs will be imposed upon the small companies. These costs will severely affect their ability to remain competitive. They will jeopardize their ability to remain in business.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. PASTORE. What does this do to the consumer?

Mr. TUNNEY. It will benefit the consumer.

Mr. PASTORE. In what way?

Mr. TUNNEY. It will exempt another 215 barrels per day of oil from the requirement that 50 percent of the oil be shipped in American bottoms.

Mr. PASTORE. Does the Senator mean insofar as the Senator's amendment is concerned?

Mr. TUNNEY. Did I say 215 barrels? I meant to say 215,000 barrels per day.

Mr. PASTORE. What is that again?

Mr. TUNNEY. It would mean 215,000 barrels per day would be exempt from the requirement that 50 percent of the imported oil be shipped in American bottoms. It is a further exemption. I think those from New England would be for the amendment.

Mr. PASTORE. I would hope that the Senator would elucidate further how this will benefit New England. I really do not understand the Senator's logic.

Mr. TUNNEY. Small refineries would be exempted from the provision in the proposed legislation that 50 percent of the oil imported would have to be imported in American bottoms. They would not have to import on American bottoms. They could import it on foreign bottoms.

Mr. PASTORE. I thank the Senator.

Mr. TUNNEY. The amendment would have little effect on the purpose of the bill. We should recognize the need for preserving competition in the petroleum industry by means of this amendment

which would allow the small refiner to compete with the large oil companies.

The amendment would have little effect on the purposes of the bill since the oil import allocations to the 50,000 barrels per day—or less—refiners in 1971 amounted to a very small percentage of the total of all waterborne petroleum imports into the United States.

During 1971, a total of 2,960,621 barrels daily of licensed crude, unfinished oils and finished products were imported by water into the United States and Puerto Rico. Of this total, the crude and unfinished oils allocations to the small refiners totaled only about 215,000 barrels per day.

The amendment already contained in the maritime authorization bill exempting residual fuel oil and No. 2 fuel oil would affect some 1,535,198 barrels per day of residual imports and some 52,043 barrels per day of No. 2 fuel oil using 1971 data as a reference point.

In summary, this amendment is necessary because the bill could have a more severe impact upon small refiners, which impact would add costs which would jeopardize the economic viability of this segment of the industry. The exemption would have a minimal impact upon the purposes of this bill since the small refiner's allocations amount to less than 8 percent of the total waterborne petroleum imports into the United States This minimal impact should be balanced with the beneficial aspect of assisting the small refiners to remain in business and thus preserving their competitive force in the petroleum industry to the benefit of the American consuming public.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. KENNEDY. If there is an exemption for those who produce 50,000 barrels or less is that figure subtracted from the total amount or does it just exclude the 50,000 barrels? In New England, 50 percent would be in foreign bottoms, but the Senator does not include oil imported for small refineries.

Mr. TUNNEY. Oil for small refineries is exempted.

Mr. KENNEDY. But in New England we will have 50 percent of our oil come in foreign bottoms, but this would be confined to those producing more than 50,000 barrels.

Mr. PASTORE. Mr. President, if the Senator will yield, I understand the exemption does weaken the bill.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. LONG. In the committee we exempted residual fuel oil and No. 2. I thought we had done everything we could think of for New England in committee. I do not know how we could do more for them. They do not have any small refineries.

Mr. PASTORE. We have lived long enough to know that when you raise the price of meat you raise the price of poultry and fish, and the whole effect of this is going to be to increase the price.

I want this to be clear because I received telegrams and telegrams from all the labor unions of this country and nobody on this floor has been more amenable to the side of the labor unions than the senior Senator from Rhode Island. But the fact remains that when you begin fooling around with the question of prices and what you are going to exempt and not exempt, and the minute you begin to subsidize anything, unless you do it under the General Treasury you are going to hurt the consumer. All I am saying here is if you are going to give a subsidy to build an American fleet, and I think you should, take it out of the General Treasury but not out of the backs of the citizens of New England.

Mr. LONG. This amendment will not cost New England anything. Here is who is concerned about it. Mobil Oil Co. is concerned. They put an ad in the newspaper opposing this amendment.

Mr. PASTORE. Tell me how much internal revenue taxes they paid last year. Will the Senator tell me whether or not they took advantage of the 22.5-percent oil depletion allowance?

Mr. LONG. If the Senator had his way he would have taxed Mobil Oil on the same tax level or more.

Mr. PASTORE. I would have taxed them on the same level that I taxed you as an individual.

Mr. LONG. I am not arguing about taxes. Here is an assessment. It will cost $25 million to do what we think we should. Our best estimate is that it is worth 25,000 jobs. We have exempted residual fuel oil and No. 2 fuel oil. We do not want to have an impact on the Senator's State but domestic oil sells for $1 above foreign oil and if they must have the advantage let them use American labor.

Mr. PASTORE. Whatever the added cost is it will have to be paid out of the American Treasury and it should not be placed on the backs of the American consumer; then, I will vote for the bill.

Mr. LONG. It cannot be put on the backs of the consumers. The price is fixed by domestic prices and not by foreign prices. That price is $1 below the other price now.

Furthermore, we have price controls nowadays. Has the Senator not heard about that? We voted for that. So it cannot be put on the backs of the consumers.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. PASTORE. After all, all of us have an interest in this matter.

Only a short while ago, John Connally had a big, big party for President Nixon in Texas, and all those small oil dealers and speculators that we are shedding tears for here today flew there, in what? Do you know what, Mr. President? Gulfstream jet planes. Mr. President, do you know how much money they raised for President Nixon? Millions and millions of dollars.

For whom are we crying here tonight on the floor of the Senate? The fellow who drives around in an air-conditioned Cadillac and has a Gulfstream jet airplane, or are we crying here for the poor housewife who has to pay the bill to keep her house warm?

Mr. LONG. The people we are talking about are voting the same way the Senator from Rhode Island is.

Mr. PASTORE. The housewife or Connally?

Mr. LONG. I am talking about the people who attended John Connally's barbecue. They would have the Senate vote the way the Senator from Rhode Island is voting.

Mr. PASTORE. Oh, no; they do not. They are going to vote the way the Senator from Louisiana is going to vote.

Mr. LONG. Oh, no.

Mr. TUNNEY. Mr. President, who has the floor?

Mr. LONG. Believe me, these boys up in New England do not know they are taking the same side that the major oil companies are taking. If the Senator does not know it, he is voting the way Mobil Oil Co. wants him to vote, if he will take a look at the advertisement in the paper.

Mr. PASTORE. I do not care about propaganda. All I know is about the bills that come in.

Mr. LONG. If the Senator does not believe he is supporting the side of the oil companies, he should read the wires I received.

Mr. PASTORE. All I know is that I look at the bills as they come in and they are higher than they have ever been before. When we get through with this bill, they will be still higher.

Mr. LONG. They will not be higher because of this bill.

Mr. COTTON. Mr. President, will the Senator yield to me?

Mr. PASTORE. I do not have the floor.

Mr. TUNNEY. Mr. President, may we have order?

Mr. MAGNUSON. Mr. President, will the Senator yield me just 1 minute?

Mr. TUNNEY. I yield 1 minute to the Senator.

Mr. MAGNUSON. We are getting the Senate all confused. The oil people do not want this amendment.

Mr. LONG. The major companies do not.

Mr. PASTORE. But do they want the bill?

Mr. MAGNUSON. Which bill?

Mr. PASTORE. This bill. Do they want this bill?

Mr. MAGNUSON. No, they do not want the bill.

Mr. PASTORE. Oh, I do not know about that. If they did not want the bill, the Senator from Louisiana would not be handling it.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

Mr. MAGNUSON. Those are the people who do not want this bill, this section 3—the oil people. That is all there is to it. I am just as concerned about the people in New England and what they pay in prices as anyone else. The Senator from Rhode Island knows that, after years of association.

Mr. PASTORE. Of course I do, but I have to pay the bill.

Mr. MAGNUSON. He absolutely knows it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. May I have 1 more minute?

Mr. TUNNEY. I yield 1 minute.

Mr. MAGNUSON. If the Senator carries this to extremes and says we are going to get something cheaper because it is subsidized by cheap labor, then we ought to quit doing everything in the United States and bring in everything that is cheaper.

Mr. PASTORE. I do not say that at all. What we have done here——

Mr. MAGNUSON. The Senator is not going to get me mixed up.

Mr. PASTORE. We have protected the oil industry in this country. We have instituted the idea of quotas.

Mr. MAGNUSON. That is not this.

Mr. PASTORE. But that is what is involved.

Mr. TUNNEY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 17 minutes. To whom does he yield?

Mr. TUNNEY. The Senator from New Hampshire asked me to yield to him. I yield to him.

Mr. COTTON. I thank the Senator and, Mr. President, I ask that the time I take be taken from my time on the bill.

It is my understanding that the amendment offered by the distinguished Senator from California removes the exemption of No. 2 oil?

Mr. TUNNEY. No; it does not.

Mr. COTTON. It leaves that as it is?

Mr. TUNNEY. It leaves that in.

Mr. COTTON. Is it designed to help the small, independent refiner?

Mr. TUNNEY. That is correct.

Mr. COTTON. Mr. President, on my time, I should like to read this letter. Apparently the small independent refiners do not appreciate this amendment, because, unsolicited, to my desk came this letter from the Independent Refiners Association of America:

MY DEAR SENATOR COTTON: I wish to clarify and emphasize our total opposition to Section 3 of H.R. 13324 which would impose a flag tanker requirement on oil imports.

It has come to our attention that some of those favoring the flag tanker requirement are suggesting that an exemption for refiners with capacities up to 50,000 barrels per day may solve the independent refiner's problems. It has even been suggested that independent refiners may support the flag tanker requirement if there is such an exemption.

We wish to state for the record that we oppose the flag tanker requirement even with such an exemption. While exemptions may lessen the impact to some extent for those exempted, only total elimination of the flag tanker requirement will adequately protect consumers and independent refiners.

The figure of 50,000 barrels per day, by the way, does not coincide with the independent refiner group—those refiners who do not own or control to any substantial degree the crude oil required for their operation.

Very truly yours,

EDWIN JASON DRYER,
General Counsel.

I thank the Senator for yielding.

Mr. TUNNEY. Mr. President, in response to what the Senator from New Hampshire has read into the RECORD, I have had the opportunity to meet with a good number of small refiners, and they have indicated that they are opposed to section 3, but, on the other hand, they say that if they do not have this exemption that I am suggesting in my amendment, an exemption on 50,000 barrels a day or less, they are going to be wiped out, that the small refineries in California and other parts of the Nation are going to be wiped out and put out of business.

I think the small refiners are playing a very important role in this country in keeping prices down. They are helping to keep prices down. Therefore, I would think anyone who would like to see more exemptions, as the Senator from New Hampshire would, granted to section 3 would support this amendment.

Mr. LONG. Mr. President, I might say it is easy enough for me to understand the letter the Senator read. It is because the major oil companies run quite a bit of their production through these independent refiners. The small petroleum producers told me they would like to testify for the measure the committee recommended on the House side. They told me they were for this, but they have had a lot of pressure from these major companies since that time and they have to do business with them. So we did not hear from them when we held hearings on the Senate side.

So it is easy for me to understand how major companies are able to put all sorts of pressure on the independent refiners and plead their case for them.

I do not blame them for doing it. I just think it shows their effectiveness and it shows that whoever is looking after their interests is doing a good job. But let us not kid ourselves as to who is really against this amendment. It is the major oil companies. Nobody wants to hurt the small refiners. Nobody wants to increase the cost of oil in New England. No one wants to cause an air pollution problem in California. But we are all aware that the major oil companies are the big beneficiaries of the oil import quota system, and we think somebody else should get some benefit out if it, such as American labor. We do not think there is any point in exporting another 100,000 jobs that could be used in America. That is all there is to it.

I do not want to oppose the Senator's amendment. It is perfectly all right with me. As far as I am concerned, I am willing to vote for the amendment.

Mr. TUNNEY. I thank my distinguished colleague from Louisiana for his indication of support. Mr. President, I have completed my remarks, and am ready to yield back the remainder of my time, if we can get a vote.

Mr. COTTON. For a vote on the Senator's amendment?

Mr. TUNNEY. For a vote on my amendment.

Mr. COTTON. Then we will try to move fast with the other votes.

Mr. LONG. Mr. President, if no one wants to speak against the amendment, I yield back the remainder of time in opposition.

The PRESIDING OFFICER (Mr. BURDICK). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY).

The amendment was agreed to.

Mr. COTTON. Mr. President, I yield myself 2 minutes on the bill. This debate has gone on long enough.

Every time that these proponents of section 3 have squirmed and squirmed and offered amendments to pacify someone, it has served to prove that this section 3 was a rotten apple when it started or whether it is 20 percent, or whether it still 50 percent, or when it is 30 percent, or whether it is 20 percent, or whether it is 15 percent, these great wicked oil companies they have been talking about are not going to pay the bill. The consumer is going to pay the bill, and we can orate from now until hell freezes over, but the fact is there, and we cannot dodge it.

As far as the consumers of New England are concerned, we have been pressed enough. If we are going to build more ships than are already in this bill let the taxpayers pay the cost. As the Senator from Massachusetts so well said:

Let the taxpayers build them; don't make the consumers build them.

I am perfectly willing to yield back the remainder of my time.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I am prepared to surrender back the remaining time on the amendment.

Mr. SPONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPONG. Are we voting on the amendment of the Senator from New Hampshire?

Mr. LONG. No, on the committee amendment as amended.

Mr. COTTON. We are voting on the committee amendment which I oppose.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the committee amendment which is known as section 3, as amended, on page 3, after line 2 of the bill. 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. YOUNG (when his name was called). Mr. President, on this vote I have a pair with the senior Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. MONDALE (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NELSON (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Missouri (Mr. EAGLETON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. JAVITS. (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from South Dakota (Mr. McGOVERN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. PELL (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Georgia (Mr. GAMBRELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY) 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 Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from New York (Mr. BUCKLEY). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 33, nays 41, as follows:

[No. 318 Leg.]

YEAS—33

Allen	Ervin	Metcalf
Beall	Gravel	Montoya
Bennett	Gurney	Moss
Bible	Hart	Packwood
Byrd, Harry F., Jr.	Hartke	Schweiker
	Hatfield	Sparkman
Byrd, Robert C.	Hollings	Spong
Cannon	Hughes	Symington
Case	Jackson	Thurmond
Chiles	Long	Tunney
Cranston	Magnuson	
Dole	Mathias	

NAYS—41

Aiken	Burdick	Fong
Allott	Cook	Fulbright
Bayh	Cooper	Griffin
Bellmon	Cotton	Hansen
Bentsen	Dominick	Hruska
Boggs	Eastland	Jordan, Idaho
Brooke	Fannin	Kennedy
McGee	Randolph	Stennis
McIntyre	Ribicoff	Stevenson
Miller	Roth	Taft
Muskie	Saxbe	Talmadge
Pastore	Scott	Tower
Pearson	Smith	Weicker
Proxmire	Stafford	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—6

Javits, against.
Mansfield, against.
Mondale, against.
Nelson, against.
Pell, against.
Young, against.

NOT VOTING—20

Anderson	Ellender	McClellan
Baker	Gambrell	McGovern
Brock	Goldwater	Mundt
Buckley	Harris	Percy
Church	Humphrey	Stevens
Curtis	Inouye	Williams
Eagleton	Jordan, N.C.	

So the committee amendment on page 3, after line 2, as amended, was rejected.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1355

Mr. SPARKMAN. Mr. President, I call up my amendment No. 1355 and ask that it be stated.

The PRESIDING OFFICER (Mr. MCINTYRE). The amendment will be stated.

The assistant legislative clerk read as follows:

Add at the end of the bill the following:

SEC. 4 (a) Any State may apply to the Secretary of Commerce (hereafter referred to in this Act as the "Secretary") for Liberty ships which, but for the operation of this Act, would be designated by the Secretary for scrapping if the State intends to sink such ships for use as an offshore artificial reef for the conservation of marine life.

(b) A State shall apply for Liberty ships under this Act in such manner and form as the Secretary shall prescribe, but such application shall include at least (1) the location at which the State proposes to sink the ships, (2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3) statements and estimates with respect to the conservation goals which are sought to be achieved by use of the ships.

(c) Before taking any action with respect to an application submitted under this Act, the Secretary shall provide copies of the application to the Secretary of the Interior, the Secretary of Defense, and any other appropriate Federal officer, and shall consider comments and views of such officers with respect to the application.

SEC. 5. If, after consideration of such comments and views as are received pursuant to section 4(c), the Secretary finds that the use of Liberty ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he shall transfer without consideration to the State all right, title, and interest of the United States in and to any Liberty ships which are available for transfer under this Act if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

(4) the transfer would be at no cost to the Government with the State taking delivery of such Liberty ships at fleetside of the National Defense Reserve Fleet in an "as is—where is" condition.

SEC. 6. A State may apply for more than one Liberty ship under this Act. The Secretary shall, however, taking into account the number of Liberty ships which may be or become available for transfer under this Act, administer this Act in an equitable manner with respect to the various States.

SEC. 7. A decision by the Secretary denying any application for a Liberty ship under this Act is final.

Mr. LONG. Mr. President, for the benefit of Senators who have worked so long and hard today, I do not anticipate that we will have any more rollcall votes unless someone wants to insist on one on final passage. So far as I am concerned, the bill will pass on a voice vote. Otherwise, if I thought it would not, I would put the vote off until tomorrow.

I make this statement so that Senators can make their plans. I know of no more controversial amendments.

Mr. SPARKMAN. Mr. President, last year along with my colleague, Senator ALLEN, I introduced a bill, S. 2243, which would authorize the Secretary of Commerce to transfer surplus Liberty ships to a State for use by the State in promoting marine life conservation. Specifically, under our bill, States would be authorized to sink these old ships offshore for the purpose of creating an artificial fishing reef. The ships that will be made available for this purpose will be those that are designated by the Secretary of Commerce to be scrapped.

Similar bills were introduced in the House of Representatives. Hearings were held by the Subcommittee on Merchant Marine of the House Committee on Merchant Marine and Fisheries, and the committee reported the bill late last month. As yet, no further action has been taken in the House.

Mr. President, the amendment that we are offering at this time would accomplish the same purpose as the bill we introduced earlier and the bill which is now pending in the House of Representatives. Our bill was referred here in the Senate to the Commerce Committee. That committee requested comments from the Department of Commerce, the Department of Interior, the Department of the Navy, the General Accounting Office, and the Justice Department. Responses were received from these agencies, and I ask unanimous consent to have these five responses printed in the RECORD.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., November 10, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department concerning S. 2243, a bill—

"To authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs."

S. 2243 would authorize the Secretary of Commerce to transfer certain Liberty ships, otherwise scheduled to be scrapped, to States for use as offshore artificial reefs for the conservation of marine life. A State would apply for these Liberty ships in accordance with regulations to be prescribed by the Secretary of Commerce. Information on the location where the State proposes to sink the ships and the conservation goals sought to be achieved would be required to be included in such application. Prior to taking any action, the Secretary of Commerce would provide copies of the application to the Secretary of the Interior, the Secretary of the Army and any other appropriate Federal officer, and obtain their comments and views. If the Secretary of Commerce finds that such use of these Liberty ships does not violate Federal law and is not frivolous, and the State agrees to the required terms and conditions, including the furnishing of assurances that the vessels will be used for the stated purpose, he would be authorized to transfer without consideration to the applicant State all right, title, and interest of the United States in such vessels.

This Department generally supports S. 2243 as we have vessels in the National Defense Reserve Fleet that would be suitable for the purpose of the bill. Further, sunken ships are known to concentrate fish and other marine life. The deliberate creation of such artificial reefs could enhance marine life habitat, thus providing benefits to sport fishermen and some commercial fishing activities. Such reefs may also be attractive to scuba divers. However, if such structures are not located properly, they can interfere with commercial fishing activities, navigation, or offshore drilling and mining. Sunken ships could also present a special hazard if pollutants, such as lubricants and the remnants of toxic cargoes, were not removed prior to scuttling.

The responsibility to set specific terms and conditions would be assigned to the Secretary of Commerce under section 3 of the proposed bill. However, to assure proper consideration by the Secretary of Commerce of situations such as noted above and to stipulate where, how, and in what condition the vessels would be transferred to applicant States, we suggest the following additions and changes:

Page 2, lines 2 and 3—strike "and (2)" and insert in lieu thereof "(2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3)"

Page 2, line 9—substitute the word "consider" for the word "obtain"

Page 2, lines 11 through 13—revise to read "Sec. 3. If, after consideration of such comments and views as are received pursuant to section 2(b), the Secretary finds that the use of Liberty ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he shall transfer without consideration to"

Page 2, lines 17 through 20—revise to read "(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation."

Page 2, line 21—revise to read "(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law and (3) the State agrees to such other terms and condi-"

Page 3, line 2—insert between the words "the" and "interests" the words "marine environment and other" and add "and" after the words "United States."

Page 3, after line 2—add "(4) the transfer would be at no cost to the Government with the State taking delivery of such Liberty ships at fleetsite of the National Defense Reserve Fleet in an "as is-where is" condition."

There is enclosed an environmental impact statement with respect to this legislation as required by Public Law 91–190.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of this report to your Committee from the standpoint of the Administration's program.

Sincerely,

KARL E. BAKKE,
Acting General Counsel.

[U.S. Department of Commerce]

ENVIRONMENTAL IMPACT STATEMENT—USE OF SURPLUS LIBERTY SHIPS AS ARTIFICIAL REEFS

The legislation proposed to allow surplus Liberty ships to be used by States in marine life conservation programs, would authorize the Secretary of Commerce to transfer certain Liberty ships, otherwise scheduled to be scrapped, to States for use as offshore artificial reefs. These vessels would be placed on the continental shelf in designated reef sites selected by the States with technical assistance from the National Marine Fisheries Service and with proper authorization from the U.S. Army Corps of Engineers.

The environmental impact of the proposed action: The environmental impact of using these vessels to build artificial reefs on the continental shelf would be beneficial if properly located. The shelf off the Atlantic and Gulf States, an expanse of shallow ocean bottom stretching from the coast out to a depth of about 600 feet, is the area inhabited by the majority of our valuable sport and commercial fish. However, much of this shelf area is relatively unproductive with little or no irregular, hard substrate (relief). Such hard substrate, or relief, is necessary for the encrusting organisms such as barnacles, hydroids, corals, and mussels to settle. It also provides protective areas, food sources, and spawning sites for finfish.

Many marine animals need solid substrates to complete their life cycles and it is well known that coral reefs, rock ledges, and other areas of relief on the shelf are effective habitats for numbers of fishes and invertebrates.

These ships could form the nucleus of large artificial reefs which would increase the area of favorable habitat and provide more food and shelter for finfish and invertebrates. The increase in favorable habitat should effectively increase the carrying capacity of the shelf and would potentially increase the survival rate of both fish and some shellfish in these areas.

Most Liberty ships are more than 250 feet long and as much as 80 feet high. Since the Coast Guard regulations require 60 feet clearance for surface vessels, such artificial reef sites must necessarily be located at depths of 150 feet or more. Some reefs ranging up to 200 feet deep have been effective for sport fishing. While the possibility exists that such artificial reefs might conflict with commercial fishing, offshore mining activities, or other potential uses, it is felt that the review mechanism for site selection provided in the proposed bill, as well as legal controls already in existence, can insure adequate resolution of such conflicts. If this bill is enacted, the Department of Commerce would assume the responsibility to assure adequate review of reef sites at the State level.

It should also be noted that there already exist a number of areas where there is no commercial fishing but which meet other requirements for sport fishing reefs. In creating artificial reefs, sites would be selected in areas where there is 1) adequate water over the reef; 2) no interference with commercial fishing; and 3) assured accessibility to sport fishermen and divers. Such requirements would tend to make these carefully sunken vessels beneficial rather than harmful, or at least no more harmful than natural reefs or accidentally sunken wrecks.

In addition, it should be stated that the creation of reefs using surplus ships does not constitute a violation of the Government's anti-dumping policy. Dumping tends to be random, a "non-use" of surplus products. Reef sites, on the other hand, are deliberately selected with definite criteria for use. Construction of a reef requires a permit from either the Coast Guard or Army Corps of Engineers depending on the location. At this time, the reef site is informally identified on all pertinent charts. Before such a permit can be be issued, practice in accordance with the Fish and Wildlife Coordination Act requires that the application be reviewed by the Bureau of Sport Fisheries and Wildlife (Department of Interior) and the National Marine Fisheries Service (Department of Commerce). Furthermore, in the case of any Federal, or Federally-sponsored project such as this would be, the Environmental Protection Act requires the prior filing of environmental impact statements, which again ultimately would receive review by both N.M.F.S. and B.S.F.W.

Coupled with the above criteria for reef site selection, it is important that the final attitude of the sunken vessel on the ocean floor be predetermined to provide the most efficient position as an effective habitat for fish and invertebrates. In the case of Liberty ships, sinking them in an upright position at a precise location will require the flooding of at least two watertight compartments. Opening sea cocks in the machinery must be augmented by additional flooding holes in the forward transverse bulkhead so that the cargo compartment forward of the machinery space will flood progressively. Under such flooding conditions, in which the ship could possibly capsize and land on her side, it may be necessary to flood additional forward and aft compartments to insure that sinking will occur in a reasonably upright position. This could be accomplished by explosive charges in each compartment holing in the shell plating, a procedure which would also permit access for fish into the ship's interior.

In studying this proposal, the National Marine Fisheries Service recommends scuttling by explosion. However, if explosive holing in the shell plating is deemed undesirable from an ecologic point of view, flooding valves can be installed in each hold, fitted with reach rods to the main dock. Before sinking, the vessels should first be detoxified, all portholes and floatables should be removed, and hatches and passages opened. All of these steps will facilitate the later entry of fish. It should be added that scuttling would necessarily take place only in calm weather.

Any adverse environmental effects which cannot be avoided should the proposal be implemented: The activities proposed should not have any significant adverse effect on the environment as long as proper precautions are followed. All hulks made available for this purpose would be carefully inspected

to assure that all toxic materials, fuels, or other contaminants have been removed or rendered non-toxic.

Alternatives to the proposed action: In many areas along the Atlantic and Gulf coasts where 202 of the total Reserve Fleet of 219 Liberty ships are located, the shelf slopes very gradually and the real need is for nearshore reefs in shallow water. For such sites, use of smaller surplus vessels, such as small naval craft, would be more desirable. As noted earlier, Coast Guard regulations would necessarily preclude sinking of Liberty ships in shallow seas.

Other reef materials have been proven to be as good as, or superior to, metal vessels. These include large rocks, concrete block, certain types of building rubble, special concrete structures, and rubber tires. Most of these can be used effectively in shallow water, which would provide reefs more accessible to sport fishermen. In constructing deep water reefs, however, we find no better alternative than surplus Liberty ships, particularly when the cost to the State government is considered.

The relationships between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity: These artificial reefs would provide almost immediate benefit in terms of increased catches by anglers and also help to maintain and enhance long-term productivity of the marine environment by providing more areas of favorable habitat for fish and invertebrates. It is not possible to affix a dollar value to this estimated increase in human well being and marine productivity, however. Ultimately, much of these hulks would disintegrate or be buried in the substrate after which the area would return to its original condition unless additional reef materials were provided.

Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented: In using these vessels, we are scuttling scrap metal which could be reused in industry. The scrap sale value of one of these ships on the world market is estimated to be about $100,000. In addition, it is estimated that the costs to a State receiving Liberty ships to construct deep water reefs would average $40,000 per ship, which includes detoxification, towage and actual sinking operations.

Use of Liberty ships for the formation of artificial reefs may increase our fishery resources. However, at this time it is not possible to project a specific dollar value to the resulting increases to compare with the scrap value of the ships.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 29, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has recently requested the comments of this Department on S. 2243, a bill "To authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs".

The Department has no objection to enactment of S. 2243, if amended as suggested by the Department of Commerce.

S. 2243 would make possible the acquisition by States of surplus Liberty ships for use in the construction of artificial reefs. Upon application by a State, the Secretary of Commerce would be authorized to transfer title without consideration and to impose upon the transfer such terms and conditions as he deems appropriate to protect the interests of the United States. It is further provided that each application would be submitted by the Secretary of Commerce for comments of the Secretary of the Interior, the Secretary of the Army, and other interested Federal officers.

Sunken ships are valued as points of concentration for fish and other marine life. The deliberate creation of artificial reefs could enhance marine life habitat, providing benefits to sport and commercial fishermen. Such reefs may also be attractive to scuba divers. Unfortunately, iron and steel are among the least satisfactory materials for construction of artificial reefs because of their tendency to disintegrate and despoil the marine environment. Sunken ships would present a special hazard if pollutants such as lubricants and the remnants of toxic cargoes were not removed prior to scuttling.

For these reasons, we would suggest that no such transfer as is contemplated by S. 2243 be authorized without careful consideration of the environmental consequences. We also recommend that participating States be required to chart and mark such vessels, once sunken. These precautions would minimize the hazard to navigation and protect against damage to fishing equipment.

We believe that amendments proposed by the Department of Commerce would afford an opportunity to review the environmental consequences of each transfer, and assure that no ship is used in a way that would violate existing or prospective water quality standards. As stated by the Department of Commerce in its report on this bill, the amendments would require approval by the Environmental Protection Agency of each proposed transfer, and would condition approval upon continued compliance with applicable water quality standards.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

DEPARTMENT OF THE NAVY,
Washington, D.C., July 29, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your request for comment on S. 2243, a bill "To authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs," has been assigned to this Department by the Secretary of Defense for the preparation of a report expressing the views of the Department of Defense.

This bill would authorize the Secretary of Commerce, under certain conditions, to transfer Liberty ships to any State that requests them. The ships would be ones designated for scrapping, and the requesting States must intend to sink the ships as offshore artificial reefs.

Under section 2(b) applications submitted for the use of surplus Liberty ships as provided by the bill are to be furnished by the Secretary of Commerce to the Secretary of the Army for comment. The sinking of such ships involves national security requirements in the continental shelf area. Accordingly, the bill should be revised to reflect Department of Defense interest rather than Secretary of the Army interest. It is recommended that the designation "Secretary of Defense" be substituted for "Secretary of the Army" in section 2(b), page 2, line 8 of the bill.

It is assumed that implementation of the legislation would take into consideration such requirements, for example, as marking and charting the derelicts to assure that commercial fishermen will be aware of their presence to avoid fouling their nets on them, and that excess oil, toxic residues and other contaminants be removed from the vessels before they are submerged.

With regard to the impact of this bill upon the environment, the Department of the Navy, on behalf of the Department of Defense, defers to the Department of Commerce.

Subject to the foregoing comments, the Department of the Navy, on behalf of the Department of Defense, interposes no objection to S. 2243.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on S. 2243 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

LANDO W. ZECH, Jr.,
Captain, U.S. Navy, Deputy Chief.

DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 3, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 2243, a bill "To authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs."

This bill has been examined, but since its subject matter does not directly affect the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 12, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of July 14, 1971, requests our comments on S. 2243, 92d Congress, entitled: "A BILL To authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs."

We have no special information as to the advantages or disadvantages of the proposed legislation and, therefore, we have no comments as to its merits.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

Mr. SPARKMAN. Mr. President, none of these agencies opposes this legislation. The response from the Department of Commerce includes an environmental impact statement, as required by law. This statement confirms the beneficial impact upon the environment which will result from the creation of these artificial fishing reefs. As stated in the environmental statement:

These artificial reefs would provide almost immediate benefit in terms of increased catches by anglers and also help to maintain and enhance long-term productivity of the marine environment by providing more areas of favorable habitat for fish and invertebrates.

The Department of Commerce and the Department of the Navy suggested amendments to the bill as introduced. These suggested changes have been incorporated into the amendment that we are offering at this time.

Mr. President, it is well known that sunken ships do enhance marine life

habitat. The creation of these artificial reefs is extremely beneficial for both sport and commercial fishing interests. Several of the States have been able to obtain surplus ships from other sources and have been very successful in improving the sport and commercial fishing off their shores. I hope that the Senate will approve this amendment in order that these surplus Liberty ships can also be made available for this most worthwhile purpose.

Mr. LONG. Mr. President, I know of no objection to the amendment. The committee did not have an opportunity to study it but the Senator discussed it with some of us on the committee. We know of no reason why we cannot agree to the amendment. We will be happy to take it to conference and if anyone in the House has any objection to it, we will take care of it then.

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

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

The PRESIDING OFFICER (Mr. McINTYRE). The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill (H.R. 13324) was read the third time, and passed.

The title was amended, so as to read: "An Act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes."

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 assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FEDERAL SPENDING

Mr. HARRY F. BYRD, JR. Mr. President, today, the President of the United States directed an urgent appeal to Congress to join him in avoiding higher taxes, higher prices, and cutting the purchasing power for everyone in the Nation.

President Nixon has sent the communication to Congress, a copy of which I hold in my hand. It is five pages long and deals with Government spending.

He expresses deep concern that the Federal budget and Federal spending has gotten out of control.

Let me quote one paragraph from his statement:

> The American people will have to pay and pay quickly for excessive Federal spending either by higher taxes or by higher consumer prices, or both—

Then he adds:

> which is an intolerable burden which would shortly cause an end to the period of economic growth on which we are embarked.

Mr. President, I share the President's deep concern about Federal spending. I am convinced that Federal spending has gotten out of control. I am convinced that both Congress and the administration have permitted spending to get out of control.

I welcome the President's statement. I say on the floor of the Senate tonight that I support the President in any endeavor to set the Government's financial house in order.

Mr. President, I am pleased to say that he directed a special communication to the Senate and to the House of Representatives which he called an urgent appeal for the Congress to join with me in avoiding higher taxes, higher prices, and a cut in purchasing power for everyone in the Nation.

Mr. President, if Congress does not get spending under control and if the administration does not get spending under control, then it will mean just what the President says in his communication tonight—higher taxes, higher prices, and a cut in purchasing power for everyone in the Nation.

Federal spending has been out of control for several years now. For fiscal year 1971, the Federal funds deficit was $30 billion. For the fiscal year which ended last month, the Federal funds deficit was $32 billion. The administration estimates that the deficit for the current fiscal year will be $38 billion. The senior Senator from Virginia estimates that it will be $45 billion. However, in any case even if one takes the lower figure, the accumulated Federal funds deficit for the 3-year period—1971, 1972, and 1973—will be more than $100 billion.

I say that there is just reason and just cause for the President submitting today to the Congress of the United States an urgent appeal to get the Federal spending under control.

In the course of this communication, President Nixon urged an enactment by Congress of a spending ceiling of $250 billion.

The distinguished and able Senator from Delaware has been advocating that and has presented legislation to accomplish that. I support the Senator from Delaware and I support the President in the need for the enactment of a spending ceiling. I personally think that $250 billion is too high. However, in any case, I support a legitimate spending ceiling as an attempt hopefully at beginning to get Federal spending under control.

Mr. President, I want to say again that I support and that I applaud the statement submitted to Congress today by the President of the United States. I shall cooperate with him and support him in his endeavors to get spending under control.

As I visualize it, we can only get spending under control if there is a full cooperation between the executive branch and the congressional branch. So far as I am concerned, I shall support the President's recommendation for a spending ceiling, and I shall cooperate fully with the President in any endeavor to bring some order into the chaotic financial conditions with which the Government is faced at the present time.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HARRY F. BYRD, JR. 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.

HOUSE BILL REFERRED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 15635, the Juvenile Delinquency Prevention Act, be taken from the table and appropriately referred.

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

The bill (H.R. 15635) to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

ORDER FOR ADJOURNMENT TO 9:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 9:45 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS HARRY F. BYRD, JR., JAVITS, AND ROTH TOMORROW; FOR ROUTINE MORNING BUSINESS; AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order on tomorrow, the able and distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, Jr.) be recognized for not to exceed 15 minutes; that he be followed by the distinguished senior Senator from New York (Mr. JAVITS) for not to exceed 15 minutes; that he be followed by the distinguished junior Senator from Delaware (Mr. ROTH) for not to exceed 15 minutes; and that following the remarks of the Senator from Delaware (Mr. ROTH) there be a period for the transaction of routine morning business for not to ex-

ceed 15 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

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

ORDER TO LAY ASIDE TEMPORARILY UNFINISHED BUSINESS AND PROCEED TO A SECOND TRACK ITEM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Bentsen amendment on tomorrow, or no later than 5 p.m. tomorrow in the event that the Bentsen amendment has been disposed of prior to 5 p.m., it be in order for the distinguished majority leader to lay aside temporarily the unfinished business and proceed to a second track item and that the unfinished business remain in a temporarily laid aside status until the close of business on tomorrow.

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.

AUTHORITY 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 be authorized to have until midnight tonight to file a report on S. 2161.

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

ORDER FOR 3-MINUTE LIMITATION ON STATEMENTS DURING ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that statements made during the transaction of routine morning business tomorrow be limited to 3 minutes.

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

ORDER FOR ADJOURNMENT FROM THURSDAY, JULY 27, 1972, TO 10 A.M. ON FRIDAY, JULY 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 a.m. on Friday.

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

ORDER FOR ADJOURNMENT FROM FRIDAY, JULY 28, 1972 TO 10 A.M. SATURDAY, JULY 29, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 10 a.m. on Saturday, July 29, 1972. This order may be changed depending upon the circumstances.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows.

The Senate will convene at 9:45 a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, Jr.) will be recognized for not to exceed 15 minutes, following which the distinguished senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes, following which the distinguished junior Senator from Delaware (Mr. ROTH) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 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 military procurement bill. The pending question at that time will be on the adoption of the amendment No. 1348 by Mr. BENTSEN, the so-called Trident amendment. There is a time limitation on that amendment of 7 hours. Whether or not that 7 hours will be utilized remains to be seen.

In any event, there will be a rollcall vote on the adoption of the Bentsen amendment.

Upon the disposition of the amendment by Mr. BENTSEN—depending upon the hour at that time—the Senate will proceed to the consideration of the second track item. At this time, it appears that the second track item will be H.R. 15690, the bill making appropriations for the Department of Agriculture. However, the distinguished majority leader will exercise his options with respect to whether or not he will call up that bill as a second track item tomorrow. It could be that it would not come up tomorrow and it might be put over until another date. However, as things appear now, I would say there is a fairly good chance that the Agriculture appropriation bill will be the second track item tomorrow. In that event, there will be yea and nay votes on amendments and on final passage of the bill.

Mr. President, if Senators and the Presiding Officer will indulge me briefly, I will suggest the absence of a quorum because I want to be sure about the order for tomorrow and the unanimous-consent orders with respect thereto before entering a motion to adjourn.

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.

ADJOURNMENT TO 9:45 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 9:45 a.m. tomorrow.

The motion was agreed to; and at 7:25 p.m. the Senate adjourned until tomorrow, Thursday, July 27, 1972, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1972:

TENNESSEE VALLEY AUTHORITY

William Lewis Jenkins, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 1981, vice Frank E. Smith, term expired.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8607, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (dental)

Mead, John H., xxx-xx-xxxx

To be first lieutenant (dental)

Klish, John W., xxx-xx-xxxx

To be captain (judge advocate)

Olson, Dennis L., xxx-xx-xxxx

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Ahearn, Francis W., xxx-xx-xxxx
Algire, Richard G., xxx-xx-xxxx
Amerise, Leonard A., xxx-xx-xxxx
Anderson, Thomas E., xxx-xx-xxxx
Armstrong, William P., Jr., xxx-xx-xxxx
Arnold, Harry W., xxx-xx-xxxx
Aulabaugh, Stanley E., Jr., xxx-xx-xxxx
Bagley, Alfred R., xxx-xx-xxxx
Baker, Gary H., xxx-xx-xxxx
Baker, Lawrence H., xxx-xx-xxxx
Banning, Thomas M., III, xxx-xx-xxxx
Barbier, Allison J., Jr., xxx-xx-xxxx
Barclay, Douglas G., xxx-xx-xxxx
Barna, Theodore K., xxx-xx-xxxx
Bass, Arnie, xxx-xx-xxxx
Barreras, Allen J., xxx-xx-xxxx
Bauer, Merrill K., xxx-xx-xxxx
Bean, William R., Jr., xxx-xx-xxxx
Beard, Terry L., xxx-xx-xxxx
Beavers, William H., xxx-xx-xxxx
Bell, Donald W., xxx-xx-xxxx
Bell, Robert J., xxx-xx-xxxx
Bellamy, William N., xxx-xx-xxxx
Beli, James H., xxx-xx-xxxx
Bentley, Robert S., xxx-xx-xxxx

Beran, Jeffrey L., xxx-xx-xxxx
Berry, Dennis J., xxx-xx-xxxx
Berry, William E., Jr., xxx-xx-xxxx
Blackman, Johnny N., Jr., xxx-xx-xxxx
Blair, James D., xxx-xx-xxxx
Booth, Thomas R. L., xxx-xx-xxxx
Bowie, Claude P., Jr., xxx-xx-xxxx
Boyle, Jerry D., xxx-xx-xxxx
Branson, Phillip A., xxx-xx-xxxx
Brewer, Myron T., Jr., xxx-xx-xxxx
Brohammer, Ronald G., xxx-xx-xxxx
Bruner, Walter K., xxx-xx-xxxx
Buecker, Robert C., xxx-xx-xxxx
Bugado, Harold B., xxx-xx-xxxx
Bunger, Dixon R., xxx-xx-xxxx
Busch, Howard R., II, xxx-xx-xxxx
Byrne, Mary, xxx-xx-xxxx
Calhoun, Wendell M., xxx-xx-xxxx
Camerota, Peter P., xxx-xx-xxxx
Campbell, William H., Jr., xxx-xx-xxxx
Cantrell, John L., xxx-xx-xxxx
Carruthers, Riley W., xxx-xx-xxxx
Carter, James E., xxx-xx-xxxx
Christensen, Charles R., xxx-xx-xxxx
Clancey, Daniel J., Jr., xxx-xx-xxxx
Clark, Wayne E., xxx-xx-xxxx
Clarke, James B., xxx-xx-xxxx
Clayton, Eugene W., Jr., xxx-xx-xxxx
Cleland, William I., xxx-xx-xxxx
Coffey, Michael D., xxx-xx-xxxx
Collins, Clifton M., xxx-xx-xxxx
Cone, Robert D., xxx-xx-xxxx
Conklin, Hugh R., Jr., xxx-xx-xxxx
Cooey, Robert L., Jr., xxx-xx-xxxx
Cook, John W., xxx-xx-xxxx
Cooley, John D., xxx-xx-xxxx
Cooper, Paul R., xxx-xx-xxxx
Cornwell, Leroy J., III, xxx-xx-xxxx
Cossa, Ralph A., xxx-xx-xxxx
Cottenier, Michael F., xxx-xx-xxxx
Coursey, Richard J., xxx-xx-xxxx
Cox, Herman B., Jr., xxx-xx-xxxx
Cox, James W., xxx-xx-xxxx
Cox, Larry W., xxx-xx-xxxx
Cummings, David D., xxx-xx-xxxx
Cunningham, Joseph M., xxx-xx-xxxx
Cunningham, Richard C., xxx-xx-xxxx
Dauma, Stephen S., xxx-xx-xxxx
Davenport, Michael R., xxx-xx-xxxx
Davis, Charles M., xxx-xx-xxxx
Deak, Robert, xxx-xx-xxxx
Dilling, Paul W., xxx-xx-xxxx
Disrud, Roger G., xxx-xx-xxxx
Dixon, Lonnie D., xxx-xx-xxxx
Domin, Dennis D., xxx-xx-xxxx
Drummond, Dennis M., xxx-xx-xxxx
Duncan, William J., xxx-xx-xxxx
Edwards, Terrell, Jr., xxx-xx-xxxx
Ehrhart, Robert C., xxx-xx-xxxx
Ellef, Peter N., xxx-xx-xxxx
Ellis, John R., xxx-xx-xxxx
Emerson, Kenneth R., xxx-xx-xxxx
Engelbrecht, Donald J., xxx-xx-xxxx
Farnam, Thomas J., xxx-xx-xxxx
Feldman, William M., xxx-xx-xxxx
Fenstad, Terry M., xxx-xx-xxxx
Ferrell, Clyde T., xxx-xx-xxxx
Ferris, Donald F., xxx-xx-xxxx
Fields, Robert E., xxx-xx-xxxx
Finkleman, David, xxx-xx-xxxx
Flaherty, Daniel J., Jr., xxx-xx-xxxx
Fleener, Stanley M., Jr., xxx-xx-xxxx
Flint, Foster J., Jr., xxx-xx-xxxx
Foster, Anthony, xxx-xx-xxxx
Frazier, Robert H., xxx-xx-xxxx
Freeborn, Robert A., xxx-xx-xxxx
Gallagher, Raymond R., xxx-xx-xxxx
Gandy, Murry P., Jr., xxx-xx-xxxx
Gard, Jon A., xxx-xx-xxxx
Gaylord, William W., III, xxx-xx-xxxx
Geary, Jeffrey A., xxx-xx-xxxx
Gembarowski, Charles J., xxx-xx-xxxx
Gent, David C., xxx-xx-xxxx
Georgatus, Jerry T., xxx-xx-xxxx
Geuss, Adam R., xxx-xx-xxxx
Gibson, Donnie C., xxx-xx-xxxx
Gill, Paul F., xxx-xx-xxxx
Girard, Richard N., xxx-xx-xxxx
Godfrey, Larry J., xxx-xx-xxxx
Gonterwitz, Joseph, xxx-xx-xxxx
Goodman, Robert A., xxx-xx-xxxx
Goss, Jerry W., xxx-xx-xxxx
Gothard, James E., xxx-xx-xxxx
Gough, Daniel G., xxx-xx-xxxx
Green, Terry F., xxx-xx-xxxx
Grotheer, Kurt V., Jr., xxx-xx-xxxx
Hair, Stanley V., xxx-xx-xxxx
Hall, Fredrick M., xxx-xx-xxxx
Hamm, Stephen E., xxx-xx-xxxx
Hansen, David B., xxx-xx-xxxx
Harling, John H., xxx-xx-xxxx
Harrington, Marion R., xxx-xx-xxxx
Harris, Lynn A., xxx-xx-xxxx
Hartley, John J., II, xxx-xx-xxxx
Hartman, Donal F., Jr., xxx-xx-xxxx
Hasley, Richard L., Jr., xxx-xx-xxxx
Hawkins, William A., Jr., xxx-xx-xxxx
Hawley, Edwin A., Jr., xxx-xx-xxxx
Hawley, Robert J., xxx-xx-xxxx
Helms, David L., xxx-xx-xxxx
Henderson, Ed J., Jr., xxx-xx-xxxx
Hennessy, Mark E., xxx-xx-xxxx
Hensley, James I., xxx-xx-xxxx
Hind, Edwin A., Jr., xxx-xx-xxxx
Holdsworth, David E., xxx-xx-xxxx
Honda, Melvin K., xxx-xx-xxxx
Honea, William R., xxx-xx-xxxx
Houghton, William D., Jr., xxx-xx-xxxx
Howard, Sidney R., xxx-xx-xxxx
Hoyler, James G., xxx-xx-xxxx
Hrncir, Stanley G., Jr., xxx-xx-xxxx
Hubbell, James T., xxx-xx-xxxx
Hughes, John E., xxx-xx-xxxx
Ingold, Richard R., xxx-xx-xxxx
Innis, David H., xxx-xx-xxxx
Jacobs, John F., xxx-xx-xxxx
Jacoby, Jerome N., xxx-xx-xxxx
Jefferson, Ardell R., xxx-xx-xxxx
Justice, James W., xxx-xx-xxxx
Katu, Ken H., xxx-xx-xxxx
Kelleher, Daniel E., xxx-xx-xxxx
Kessmann, Lois Ann, xxx-xx-xxxx
King, Bruce A., xxx-xx-xxxx
Kittle, James L., xxx-xx-xxxx
Kleinsasser, Vernon E., xxx-xx-xxxx
Knoke, Paul O., xxx-xx-xxxx
Koch, David J., xxx-xx-xxxx
Kohn, George W., xxx-xx-xxxx
Kraai, Gary A., xxx-xx-xxxx
Kraus, David C., xxx-xx-xxxx
Krebs, Frederick D., xxx-xx-xxxx
Kucharczyk, Jerry E., xxx-xx-xxxx
Kuehn, Robert J., Jr., xxx-xx-xxxx
Kuminecz, John P., xxx-xx-xxxx
Lacy, George M., Jr., xxx-xx-xxxx
Lambert, Darrell R., xxx-xx-xxxx
Lambert, Robert W., xxx-xx-xxxx
Lampe, George P., xxx-xx-xxxx
Lampkin, Leonard E., Jr., xxx-xx-xxxx
Lane, Ashley H., xxx-xx-xxxx
Larson, Wayne D., xxx-xx-xxxx
Lawrence, George E., Jr., xxx-xx-xxxx
Lennen, Ralph A., xxx-xx-xxxx
Lepore, Juliann, xxx-xx-xxxx
Lind, David W., xxx-xx-xxxx
Linnevers, Charles M., xxx-xx-xxxx
List, Leonard L., xxx-xx-xxxx
Lloyd, Russell F., xxx-xx-xxxx
Lockhard, Daniel E., xxx-xx-xxxx
Lubelczyk, Chester S., xxx-xx-xxxx
Lunardi, Daniel B., xxx-xx-xxxx
Lundquist, Arthur C., xxx-xx-xxxx
Lux, Louis A., xxx-xx-xxxx
Mackinnon, John D., III, xxx-xx-xxxx
Maddox, Robert A., xxx-xx-xxxx
Marlow, Frederick K., xxx-xx-xxxx
Marsh, John C., xxx-xx-xxxx
Marsh, Larry L., xxx-xx-xxxx
Marshall, Richard J., xxx-xx-xxxx
Martin, Michael A., xxx-xx-xxxx
Martini, Arthur P., xxx-xx-xxxx
Mason, Alonzo C. J., II, xxx-xx-xxxx
Mcafee, Leonard C., Jr., xxx-xx-xxxx
McCarthy, Michael J., xxx-xx-xxxx
McCormick, Samuel D., xxx-xx-xxxx
McVey, Wesley T., Jr., xxx-xx-xxxx
Melching, Howard A., xxx-xx-xxxx
Melhart, Leonard J., Jr., xxx-xx-xxxx
Middleton, Robert M., xxx-xx-xxxx
Middleton, William W., xxx-xx-xxxx
Milewski, Mitchell, Jr., xxx-xx-xxxx
Miller, Daniel T., xxx-xx-xxxx
Miller, Gary L., xxx-xx-xxxx
Miller, Paul H., xxx-xx-xxxx
Mills, David M., III, xxx-xx-xxxx
Mongomery, Terry H., xxx-xx-xxxx
Moore, Douglas A., xxx-xx-xxxx
Muehlberger, Gerald L., xxx-xx-xxxx
Mullen, Russell E., xxx-xx-xxxx
Musser, Thomas S., Jr., xxx-xx-xxxx
Nadeau, Robert L., xxx-xx-xxxx
Nagle, Bruce M., xxx-xx-xxxx
Neill, Joe E., xxx-xx-xxxx
Nevins, Christopher F., xxx-xx-xxxx
Newton, Gary F., xxx-xx-xxxx
Newton, Lester F., xxx-xx-xxxx
Newton, Richard W., xxx-xx-xxxx
Obar, William D., xxx-xx-xxxx
Olson, James I., xxx-xx-xxxx
Olson, Ronald B., xxx-xx-xxxx
Overall, James W., xxx-xx-xxxx
Plumb, Morton V., Jr., xxx-xx-xxxx
Poland, Robert F., xxx-xx-xxxx
Polifka, Karl L., Jr., xxx-xx-xxxx
Polster, Harmon, xxx-xx-xxxx
Porter, Paul W., xxx-xx-xxxx
Potter, Greg A., xxx-xx-xxxx
Pouch, John L., III, xxx-xx-xxxx
Power, William F., xxx-xx-xxxx
Prairie, Maurice R., xxx-xx-xxxx
Price, Michael B., xxx-xx-xxxx
Priddy, Ronald N., xxx-xx-xxxx
Quay, Gary P., xxx-xx-xxxx
Quinn, James D., xxx-xx-xxxx
Rauschuber, Robert F., xxx-xx-xxxx
Reed, David M., xxx-xx-xxxx
Repple, Clair D., xxx-xx-xxxx
Rinderknecht, Lawrence R., xxx-xx-xxxx
Roane, Mack D., xxx-xx-xxxx
Robertson, Anthony A., xxx-xx-xxxx
Robison, Everett J., Jr., xxx-xx-xxxx
Rock, Albert C., III, xxx-xx-xxxx
Rogers, Thomas P., III, xxx-xx-xxxx
Roye, Ronald A., xxx-xx-xxxx
Runyon, David C., xxx-xx-xxxx
Ryan, Thomas W., xxx-xx-xxxx
Samuelson, Norman F., xxx-xx-xxxx
Sarp, James S., xxx-xx-xxxx
Scarboro, William E., Jr., xxx-xx-xxxx
Schollmeyer, Bruce W., xxx-xx-xxxx
Schreiber, David F., xxx-xx-xxxx
Schuessler, Norman G., Jr., xxx-xx-xxxx
Schultz, Karen, xxx-xx-xxxx
Schwab, Howard M., xxx-xx-xxxx
Seals, Wanda H., xxx-xx-xxxx
Seares, David F., xxx-xx-xxxx
Seidman, Robert L., xxx-xx-xxxx
Selby, Michael J., xxx-xx-xxxx
Shapiro, Richard D., xxx-xx-xxxx
Shervais, Stephen, Jr., xxx-xx-xxxx
Shields, Edward J., Jr., xxx-xx-xxxx
Simcox, Lawrence S., Jr., xxx-xx-xxxx
Slaughter, John C., xxx-xx-xxxx
Smidy, Kenneth I., xxx-xx-xxxx
Smith, James H., xxx-xx-xxxx
Smith, Kurt P., xxx-xx-xxxx
Snider, David K., xxx-xx-xxxx
Somers, Richard C., xxx-xx-xxxx
Speckmann, James R., xxx-xx-xxxx
Spire, Mary K., xxx-xx-xxxx
Spitler, William M., xxx-xx-xxxx
Stevenson, Jack L., xxx-xx-xxxx
Story, Donald H., xxx-xx-xxxx
Streich, Elton F., III, xxx-xx-xxxx
Stringer, McNeil S., III, xxx-xx-xxxx
Suggs, John S., xxx-xx-xxxx
Sullivan, Shaun M., xxx-xx-xxxx
Sullivan, Timothy D., xxx-xx-xxxx
Tahnk, William R., xxx-xx-xxxx
Talley, Kenneth R., xxx-xx-xxxx
Tatum, Gail F., xxx-xx-xxxx
Thaten, Peter R., xxx-xx-xxxx
Thomas, David M., xxx-xx-xxxx
Thompson, Jeffrey E., xxx-xx-xxxx
Tilton, Joel T., xxx-xx-xxxx
Toebbe, Nelson E., xxx-xx-xxxx
Tomlinson, Edward M., xxx-xx-xxxx
Treutler, Christian H., xxx-xx-xxxx
Trull, Ronald V., xxx-xx-xxxx

Tuck, William M., Jr., xxx-xx-xxxx
Turney, Kenneth D., xxx-xx-xxxx
Tyler, Stephen R., xxx-xx-xxxx
Ullmann, Wilmer R., xxx-xx-xxxx
Urban, Eric J., xxx-xx-xxxx
Vandecar, Steven M., xxx-xx-xxxx
Verhaeghe, Timothy A., xxx-xx-xxxx
Verna, Philip V., xxx-xx-xxxx
Vernon, James N., xxx-xx-xxxx
Vonsien, Robert R., xxx-xx-xxxx
Vonworley, Warren, xxx-xx-xxxx
Walker, Cole E., xxx-xx-xxxx
Walz, Leslie I., xxx-xx-xxxx
Weaver, Donald R., xxx-xx-xxxx
Webb, Virgil H., xxx-xx-xxxx
Wehrle, John R., xxx-xx-xxxx
Weidler, James H., xxx-xx-xxxx
Weigle, Harold A., xxx-xx-xxxx
Welch, Craig J., Jr., xxx-xx-xxxx
Wells, David M., xxx-xx-xxxx
Welty, Lester F., xxx-xx-xxxx
Werner, Richard C., xxx-xx-xxxx
Wessel, Gregory H., xxx-xx-xxxx
Westenburg, Jack A., xxx-xx-xxxx
Whelan, Robert E., Jr., xxx-xx-xxxx
Wiley, John, III, xxx-xx-xxxx
Wilinski, Gregory T., xxx-xx-xxxx
Willey, Lester R., xxx-xx-xxxx
Williams, James T., xxx-xx-xxxx
Williams, James W., xxx-xx-xxxx
Willoughby, Robert B., xxx-xx-xxxx
Willoz, John L., xxx-xx-xxxx
Wilson, Robert A., xxx-xx-xxxx
Winkle, Stephen N., xxx-xx-xxxx
Wirsing, Francis H., xxx-xx-xxxx
Wolf, Edward G., xxx-xx-xxxx
Woodworth, Richard A., xxx-xx-xxxx
Yager, Thomas L., xxx-xx-xxxx
Yoder, James S., xxx-xx-xxxx
Youngblood, Robert D., xxx-xx-xxxx
Zall, Jonathan E., xxx-xx-xxxx
Zeglis, Frank T., III, xxx-xx-xxxx
Zens, Michael L., xxx-xx-xxxx
Zimmercan, Edric A., xxx-xx-xxxx
Zimmerman, Raymond C., xxx-xx-xxxx

To be second lieutenant

Mentecki, Joseph A., xxx-xx-xxxx
Simpson, Searcy L., Jr., xxx-xx-xxxx

The following persons for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code, and Public Law 92–129.

Lieutenant colonel to colonel

CHAPLAIN

Lawler, Edward R., xxx-xx-xxxx

MEDICAL CORPS

Mahon, Charles B., xxx-xx-xxxx
Neal, William R., xxx-xx-xxxx
Traynor, Joseph E., xxx-xx-xxxx

Major to lieutenant colonel

Anstead, Samuel A., xxx-xx-xxxx
Austin, John L., xxx-xx-xxxx
Barnhill, Mark D., xxx-xx-xxxx
Brannan, Daniel W., xxx-xx-xxxx
Brown, Rubert R., xxx-xx-xxxx
Chandler, Scott T., xxx-xx-xxxx
Daniel, Moncie L., III, xxx-xx-xxxx
Dooley, Floyd R., xxx-xx-xxxx
Ehrichs, Gene J., xxx-xx-xxxx
Fitzgerald, Ralph G., xxx-xx-xxxx
Flanagan, Charles A., xxx-xx-xxxx
Haglund, Ronald L., xxx-xx-xxxx
Heileman, George F., xxx-xx-xxxx
Henderson, Elgie L., xxx-xx-xxxx
Henderson, William L., xxx-xx-xxxx
Hill, Nathaniel L., xxx-xx-xxxx
Jones, Stanley, xxx-xx-xxxx
Krum, Philip L., xxx-xx-xxxx
Kuhlman, Joseph F., Jr., xxx-xx-xxxx
Lesser, Ronald, xxx-xx-xxxx
Lomazzi Gerald J., xxx-xx-xxxx
Lowry, James A. D., Jr., xxx-xx-xxxx
MacDonald, Clifford E., Jr., xxx-xx-xxxx
Maxey, William F., xxx-xx-xxxx
McDaneil, William R., xxx-xx-xxxx
Mead, Richard N., xxx-xx-xxxx
Mendelsohn, Melvin L., xxx-xx-xxxx
Miller, Floyd W., xxx-xx-xxxx
Mizinski, Adam W., III, xxx-xx-xxxx
Moore, Dun R., xxx-xx-xxxx
Obert, Jerry O., xxx-xx-xxxx
Riley, Daniel A., xxx-xx-xxxx
Rosenbarten, Jordan S., xxx-xx-xxxx
Schwertner, Harold W., xxx-xx-xxxx
Smith, Gerald W., xxx-xx-xxxx
Smith, Mark A., Jr., xxx-xx-xxxx
Smith, Ted L., xxx-xx-xxxx
Surber, James A., Jr., xxx-xx-xxxx
Tokanel, Dumiiru, xxx-xx-xxxx
Underwood, William E., xxx-xx-xxxx
Ward Lloyd C., xxx-xx-xxxx
Watson, Billie W., xxx-xx-xxxx
Whelchel, William L., xxx-xx-xxxx
Whiting, Richard E., xxx-xx-xxxx
Zimmet, Laddie L., xxx-xx-xxxx

CHAPLAINS

Jakubiak, Arthur J., xxx-xx-xxxx

MEDICAL CORPS

Sandiego, Armando G., xxx-xx-xxxx
Verwest, Hadley M., Jr., xxx-xx-xxxx

NURSE CORPS

Anderson, Patricia A., xxx-xx-xxxx

The following persons for appointment in the Reserve of the Air Force, in the grades indicated, under the provisions of section 593, title 10, United States code and Public Law 92–129, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated.

To be lieutenant colonel (medical)

Ringler, Harold L., Jr., xxx-xx-xxxx

To be lieutenant colonel (dental)

Shervheim, Myron I., xxx-xx-xxxx

The following persons for reappointment to the active list in accordance with sections 1210 and 1211 title 10, United States Code, in the grade, of lieutenant colonel, Regular Air Force, and for appointment in accordance with section 8447(B), title 10, United States Code, in the grade of lieutenant colonel, U.S. Air Force.

LINE OF THE AIR FORCE

Ellet, Marshall J., xxx-xx-xxxx
Ryan, John E., xxx-xx-xxxx
Zartman, Monroe D., xxx-xx-xxxx
Richard M. Gough, xxx-xx-xxxx Line of the Air Force, for appointment in accordance with section 8447(B), title 10, United States Code, in the grade of lieutenant colonel, U.S. Air Force.

Belisario D. J. Flores, xxx-xx-xxxx for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade of lieutenant colonel, under the provisions of sections 593 and 8351, title 10, United States Code and Public Law 92–129.

HOUSE OF REPRESENTATIVES—*Wednesday, July 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

This commandment we have from Him, that he who loves God should love his brother also.—I John 4: 21.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit that we may perfectly love Thee and worthily magnify Thy holy name. Give to these representatives of our people clear minds, clean hearts, and courageous spirits as they face the demanding duties of this present hour.

In the midst of crucial days may they maintain their integrity and their good will as they continue to labor for justice, unity, and peace.

Grant that they may be one in spirit as they work for—

"The peace that comes of purity,
And strength to simple justice due;
For so runs our loyal dream of Thee,
God of our Nation, make it true."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on July 18, 1972, the President approved and signed a bill of the House of the following title:

H.R. 15869. An act to extend for 90 days the time for commending actions on behalf of an Indian tribe, band, or group.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 15950. An act to amend section 125 of title 28, 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.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2945. An act to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5. An act to promote the public welfare.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15418, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that