has been infinitesimal in relation to need, Cross pointed out that the most creative urban projects have originated with entrepreneurial organizations, often dominated by a creative businessman skilled in taking risks and in entering seemingly unpredictable market situations. These are companies that are highly innovative and successful, constantly seeking new opportunities.

Business should be fully involved in developing the ghetto, not only because it represents earnings and manpower creation opportunities, but because the public expects business to become involved. There is a growing public reaction against big business based on the feeling that business is exploitative and not developmental, that it is eminently powerful but undemocratic. If big business does not respond to the desires and aspirations of the public which provides its revenues, if it fails to employ its vast resources in leading the way to social economic justice, it first will be cut off from a supply of talent, the non-self-generating factor of production, and ultimately will be subject to growing pressure for increased legislative control. If business and other institutions do not become more responsive and attuned to the just demands of society, we soon will see the formation of new, white-collar unions. These unions will not seek increased personal remuneration; instead, they will try to apply internal corporate and institutional pressure to achieve broad-based social objectives. They will demand personal sabbaticals at full pay, in order to apply the talents of industrial experience to solving the problems of poverty. They will systematically withhold educated talent from socially unresponsive institutions. And they will publicize data ranking the developmental attitudes of industrial and educational institutions competing for the same talent.

However, if farsighted business management does intend to involve itself, if the visionaries intend to commit their institutions, they must learn that business must first *earn the right* to participate in this great challenge of the 20th century. The record for selfless business development has been so dismal that big business is not trusted by the young people or by the urban community leaders; it is thought to be hypocritical, insincere, and inconsiderate of the public interest.

What can the Urban Coalition do? To answer that, let us look at the strengths and assets of the Coalition:

First: The Urban Coalition is founded on the principle of coalition. It is held in high but perhaps fading esteem by both established institutions and the leaders of the poor. As Mr. Gardner remarked at a White House dinner this past June. "The Coalition is a unique organization, bringing together diverse elements of American life."

Second: Because of its stature, the Urban Coalition should be capable of raising far more money to rebuild America than its present annual budget of $4.4 million. However, to do so, the Coalition will need a concrete plan with specifically identified goals and objectives.

Third: Because of studies such as that presented here today by Bill Kaye, and because of its field experience in various cities, the Coalition should be a comprehensive repository of acquired skills and knowledge on urban problems around the county.

In view of these assets, I suggest that the Urban Coalition redirect its major thrust along the following lines:

1. That it select six to twelve urban ghetto communities from around the country which are reasonably well organized, possess a clear understanding of their community needs, and are willing to participate in a massive community development project.

2. That the Coalition then invite several major business and educational institutions to submit bid proposals for each of the target communities. The proposals would recognize the right of community control, and would spell out in specific detail the goals, plan of action, scope of work, method of organization, financing, talent resources, and ownership sharing concepts which the institution would use in a systematic redevelopment of the community, recognizing not only the corporate need for profit, but the community's need to possess a self-generating source of profits and talent to finance and operate a variety of necessary or supplementary local social services, such as medical and day care, recreation, education, etc.

3. The Coalition would then award a development contract of sufficient size to allow that institution with the best proposal in each community to assemble staff and begin operation. In effect, the Coalition award would provide all or a portion of the risk capital required to begin the regenerative process. Thereafter, with private financing and government grants for existing programs, this type of comprehensive systems oriented rebuilding process should be self-generating. Ideally, the Coalition's initial investment would be returned over the long term from housing and business profits.

Obviously there is no guarantee that this approach will work, but there is evidence to show that it works in other applications. We cannot wait; the time for waiting has passed. We cannot go slow; we have been doing that for too long. Whole generations of Americans have been born poor and have died poor as the United States moved slowly. The Urban Coalition still has the opportunity to mold the common faith that our urban problems can be solved, but it must move. The proposal just presented allows for innovative approaches to urban problem solving. It would release the creative talents of American industry and education on our most wretched national problem.

This past spring my wife and I visited the beautiful and ancient city of Bath in southwestern England. As we were touring The Royal Cresent, a residential area of great beauty and architctural unity, we came upon this graffiti which I think is worthy of our continuing reflection: "The city is dying—look to your heads."

AMENDMENT OF RAILWAY LABOR ACT—NATIONAL RAILROAD ADJUSTMENT BOARD

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 18, 1969

Mr. STAGGERS. Mr. Speaker, I have introduced a bill to amend the Railway Labor Act to adjust the membership of the first division of the National Railroad Adjustment Board. As a result of the merger of four unions out of the five formerly represented on that division, it has been impossible for the strict requirements of the law with respect to the composition of the first division to be complied with. Legislation is necessary to adjust the law to the prevailing situation relating to the membership of the first division, but there has been disagreement among the parties as to the terms of that legislation.

Agreement has finally been reached between the two unions involved and representatives of all the carriers involved, and this bill reflects the exact terms of that agreement.

I anticipate expeditious action on this bill, so that it can become law early during the next session of the Congress, so that this first division can get back to work handling its backlog of claims.

SENATE—*Saturday, December 20, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

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

As we approach the Christmas celebration, I shall offer as our convening prayer today the first prayer from space made by American astronauts as they orbited the moon in Apollo 8 on Christmas Eve, 1968.

Let us pray:

"Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith to trust the goodness in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts, and show us what each one of us can do to set forward the coming of the day of universal peace. Amen."

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 20, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 19, 1969, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amend-

ments of the House to the bill (S. 2577) to provide additional mortgage credit, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15209) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. BOLAND, Mr. FLOOD, Mr. STEED, Mrs. HANSEN of Washington, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, and Mr. RHODES, were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the bill (S. 2325) to amend title 5, United States Code, to provide for additional positions in grades GS–16, GS–17, and GS–18, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore:

S. 59. An act to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Army National Guard facility, Ethan Allen, and the U.S. Army Materiel Command Firing Range, Underhill, Vt.;

S. 2917. An act to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes;

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes;

H.R. 14580. An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes; and

H.R. 15090. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 616.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (H.J. Res. 764) to authorize appropriations for expenses of the President's Council on Youth Opportunity.

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

There being no objection, the joint resolution 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. 91–621, explaining the purposes of the measure.

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

PURPOSE

The purpose of House Joint Resolution 764 is to authorize appropriations for the operation of the President's Council on Youth Opportunity. Senate Joint Resolution 116, which is identical to House Joint Resolution 764, was introduced by Senator Mundt on June 2, 1969, and referred to this committee.

The President's budget for 1970 includes an estimate of $357,000 for the expenses of the Council and the appropriation of this amount is dependent upon the enactment of authorizing legislation as required by Public Law 90–479, which provides:

No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

THE PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

The President's Council on Youth Opportunity was established by Executive Order 11330 on March 9, 1967. The Executive order was issued on the recommendation of an interagency task force which had studied existing youth programs in the summer of 1966.

The Council is responsible for the coordination, evaluation, and encouragement of the many youth opportunity programs of employment, education, and recreation administered by various departments and agencies of the Federal Government, and for assuring their effectiveness. A related responsibility is to work closely with the State and local governments and the private sector, to encourage greater participation in youth opportunity efforts, particularly among disadvantaged youth.

The Executive order designates the Vice President as Chairman of the Council and provides for a membership consisting of the Secretaries of Defense, Interior, Agriculture, Commerce, Transportation, Labor, Health, Education, and Welfare, Housing and Urban Development, the Attorney General, the Chairman of the Civil Service Commission, and the Director of the Office of Economic Opportunity.

The establishment of the Council grew out of the need for coordination of all youth opportunity programs at all levels. In the cities federally funded programs were found to be operating out of numerous separate and distinct agencies. There were State-funded programs, city-funded programs, business programs, school programs, voluntary programs, self-help programs, and others. There were hundreds of such programs in each large city—nearly all operating in relative isolation, unaffected by and unaware of similar or related programs. There was both duplication and disorganization, and the net result in many cities was that the young people who needed help the most were not being involved in the countless programs which were intended to serve them.

The following was determined to be essential in making summer youth programs more effective:

First, early and firm decisions by the Federal Government on the assistance it will make available to communities for summer youth programs.

Second, early and effective local planning.

Third, imaginative and innovative programing at all levels that take full advantage of the existing capabilities and resources of individual communities.

Fourth, involvement of young people themselves in the planning, implementation, and evaluation of programs.

Fifth, linking summer programs to ongoing, year-round programs.

Sixth, sound evaluations upon which to base future programs.

Seventh, fuller involvement of private sector resources.

The PCOYO staff was organized into four divisions to respond to these needs:

(1) The Federal program planning and coordination division maintains continuous liaison with Federal agencies. The staff of this division collects and compiles information on Federal youth programs available to the cities and also feeds back to the Federal agencies staff findings and recommendations. The major effort is to provide information on available Federal funds early enough to make it possible for the cities to effectively and meaningfully plan for the use of those funds.

(2) The State-local relations division is the Council's field staff through which technical assistance is provided to cities and States and information is obtained from the cities pertaining to their needs and the impact of Federal programs. This provides the cities and States with one centralized contact covering the full-range of available Federal and national assistance in the youth program area.

(3) The voluntary organizations division maintains continuous liaison with the national offices of about 150 voluntary groups such as the Boys Clubs, United Fund, Boy Scouts, Girl Scouts, and YMCA. Through this office many of the same functions are achieved within the voluntary sector as are achieved at the Federal and local levels by the previously mentioned divisions.

(4) The research and public affairs division is essentially a data gathering and informational clearinghouse. Through it information is collected on all programs at all levels and disseminated to Federal agencies, State and local government, voluntary organizations, and youth program leaders.

The House report contains examples of the impact the work of the Council has had, as follows:

(1) Local communities now have much earlier knowledge of available Federal assistance. In Neighborhood Youth Corps, for example, Secretary of Labor Shultz announced approximate funding levels and slots on March 24. This contrasts with late May in 1967. Also, the Office of Economic Opportunity now makes its summer program funds available to local community action agencies as part of annual refunding rather than as a separate funding process. This makes information available much earlier and is also helping to impress upon local community action agencies the concept of year-round youth programing.

(2) Each of the 50 major cities and many smaller communities now have summer youth programs coordinators and coordinating units composed of representatives of various public and private agencies involved in youth programing. No such local coordination existed prior to establishment of the PCOYO.

In the major cities, where coordination is a particularly difficult undertaking, small Fed-

eral planning grants have been made available to enable the hiring of a full-time coordinator and supporting staff within the mayor's office. The grants were secured through the efforts of the PCOYO.

These steps at the local level have helped to better coordinate Federal assistance, and have had a substantial impact on utilization of existing local resources.

(3) The use of Federal resources other than funds has been significantly expanded. One outstanding example is that more than 600 military installations and National Guard units provided activities or equipment and facilities to 250,000 poor youth in the summer of 1968, an increase of 100,000 youth from the previous summer. Another example is provision of medical services by the Public Health Service to poor youth employed directly by Federal agencies in the summer months.

(4) Private sector efforts have been greatly expanded. This is particularly true of voluntary organizations with which PCOYO has maintained continuous liaison. The Boy Scouts, for example, provided free resident camping for 50,000 poor, non-Scout youth in 1968, compared to 265 in 1966. This summer, the goal is 75,000. In their annual reports, the Boy Scouts have credited PCOYO with stimuating these changes.

The PCOYO obtained the voluntary assistance of local advertising executives in the 50 major cities to work with city officials in promoting youth programs and informing the public of youth activities. The photographic industry is providing equipment and photographic skills training for inner-city youth. Free tickets have been obtained for poor youth to attend movies and professional athletic contests. Free airplane rides were provided for more than 10,000 poor youth in 1968.

(5) A quota system for the hiring of poor youth by Federal agencies was established. The quota in 1967 was one poor youth for every 100 regular employees. In 1968, the quota was one poor youth for every 40 regular employees. More than 78,000 poor youth were employed in this program in 1968.

(6) The establishment of a summer youth jobs program within the National Alliance of Businessmen, and the implementation of that program in 1968 and 1969, is the result of the work of the PCOYO.

(7) The provision of $750,000 in sorely needed transportation assistance for 1969 summer youth programs by the Departments of Transportation and Housing and Urban Development is the result of PCOYO efforts.

(8) Because of PCOYO encouragement, many cities have established youth advisory boards to work with the mayor and his staff on summer programs. Young people from slum neighborhoods have been employed to staff program coordinating units. A few cities have reserved funds specifically for programs designed and operated by youth.

(9) At the request of the PCOYO, four major evaluations of summer youth programs have been made in the past 2 years, and a nationwide survey has been made of camping opportunities for youth in the summer months.

(10) The report of a National League of Cities survey of summer youth programs in 86 cities published in the June issue of Nation's Cities magazine said: "One of the side benefits of the Nation's summer youth programs has been the continuance on a year-round basis of some activities that originally were exclusively summer activities."

These are some of the specific developments which have resulted from the work of the Council. The total effect has been development of a more rational and effective approach to summer youth programs, both within the Federal Government and between the Federal Government, local program sponsors, and the private sector.

Total Federal assistance for 1969 summer youth programs is more than $600 million. These funds will provide jobs for 700,000 and educational and recreational activities for millions more.

The PCOYO staff is presently working with the cities on these programs and will be monitoring and evaluating these programs throughout the summer months. Present staff work also includes preparation of a stay-in-school campaign to reach summer program participants and plans for improving the transition of summer youth programs to the fall months.

In the fall, inter-agency work groups will be established to begin planning for coordination of Federal assistance for 1970 summer youth programs. Recommendations from these work groups will be submitted to the Council and the President for approval and then implemented within the various Federal departments and agencies.

Coordination of Federal youth programs does not happen in the natural course of events. There was little or no coordination prior to the establishment of the PCOYO, and there is little reason to expect that the relationships and coordination which have been developed would continue to exist without the work of the Council staff.

BUDGET JUSTIFICATION

This appropriation will provide funds for the executive director and staff who will direct the development and coordination of summer programs which can contribute to the sound development of youth through special education, employment, recreation, and health services.

OBJECT CLASSIFICATION

[In thousands of dollars]

	1968 actual	1969 estimate	1970 estimate
Personnel compensation:			
Permanent positions	21	28	28
Positions other than permanent	183	142	139
Total compensation	204	170	167
Personnel benefits:			
Civilian employees	9	8	10
Travel and transportation of persons	68	50	63
Transportation of things			1
Rent, communications, and utilities	58	50	66
Printing and reproduction	24	45	20
Other services	129	21	25
Supplies and materials	11	11	4
Equipment	2	2	1
Total obligations	505	357	357

AGENCY REPORTS

Agency reports favoring the enactment of this joint resolution have been received from the Bureau of the Budget, the Civil Service Commission, the Equal Employment Opportunity Commission, and the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, Interior, Justice, and Labor. The General Accounting Office has advised this committee that it has no special information as to the desirability of this measure and therefore would make no comments concerning its merits.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare and the Committee on Commerce be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

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

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

NATIONAL HIGHWAY SAFETY BUREAU

The assistant legislative clerk read the nomination of Douglas William Toms, of Washington, to be Director of the National Highway Safety Bureau.

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

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Gardiner Luttrell Tucker, of Virginia, to be an Assistant Secretary of Defense.

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

U.S. AIR FORCE

The assistant legislative clerk read the nomination of Lt. Gen. James W. Wilson, [redacted] FR (major general, Regular Air Force), U.S. Air Force, to be lieutenant general.

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

U.S. NAVY

The assistant legislative clerk read the nomination of Rear Adm. Eugene P. Wilkinson, U.S. Navy, to be vice admiral, and the nomination of Vice Adm. Arnold F. Schade, U.S. Navy, to be Navy senior member of the Military Staff Committee of the United Nations.

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

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—THE ARMY, THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Army and the Diplomatic and

Foreign Service which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

ELIE ABEL

Mr. MANSFIELD. Mr. President, it was with a great deal of interest that I noted the other day that one of the most sensitive and one of the most active and accurate reporters in the field of journalism, Mr. Elie Abel, has been appointed dean of the School of Journalism at Columbia University.

Mr. Abel has not only made a reputation in the field of TV journalism but also in the media of the press. He is a highly competent reporter, he is a man who has a decidedly good background, he has a reputation which I believe is worldwide, and his experience covers the globe.

I am delighted with this outstanding appointment. I am sorry that the TV segment of the press is losing one of its most distinguished reporters. I am happy that he is turning to a field in which he has had an enduring interest. I congratulate Columbia University on its good judgment in selecting a man of the character, the talent, the ability, and the integrity of Elie Abel.

I ask unanimous consent that an article entitled "Reporter Turns Dean," written by Lawrence Van Gelder, published in the New York Times of Saturday, December 20, 1969, be printed at this point in the RECORD.

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

REPORTER TURNS DEAN: ELIE ABEL

(By Lawrence Van Gelder)

When Elie Abel was 12 or 13 years old, he met a man who seemed to him "a dashing fellow indeed." "I liked the cut of his jib," Mr. Abel said, and he also admired the man's flashy convertible.

"How did you manage all this?" Mr. Abel asked.

"I'm a reporter," came the reply. Mr. Abel's course in life was likely charted right then and there. Looking back yesterday, the 49-year-old Mr. Abel said, "There are not many things in journalism that I have not had a chance to do at one time or another."

Next February, Mr. Abel, whose career in journalism has embraced newspapers, radio and television as a national and foreign correspondent, will enter a new phase of his profession.

His selection by the trustees of Columbia University as the dean of its Graduate School of Journalism was announced yesterday by Andrew W. Cordier, president of the university.

The appointment, effective Feb. 1, will return the tall, graying, Canadian-born Mr. Abel to the 57-year-old institution where he was awarded a master of science degree in journalism in 1942.

"We are gratified that a man of such high stature and broad experience has accepted this post," said Dr. Cordier. "Mr. Abel's ability and leadership in both print and broadcast journalism, which he has demonstrated in this country and abroad, prepare him well for the administration of the journalism school's wide-ranging and innovative programs."

LEAVING N.B.C.

To take up his new duties, Mr. Abel will relinquish his post as diplomatic correspondent for the National Broadcasting Company.

"If you had asked me a year ago if I had any interest in this job, I probably would have said you were out of your mind," Mr. Abel said yesterday. "I decided I had done my share of running around the world and in more recent years of running to airports with microphones in my hand."

But Mr. Abel, whose first named is pronounced ELL-ee, sees a challenge in taking on his new assignment at a time when "the business is changing very fast."

"I think it's hard at this point to see where it will be 10 years from now," he said. "I do feel that in such a period of change a school with the resources of Columbia ought to be out exploring in new patterns of journalism and working as closely as possible with newspapers, radio and television to help prepare young people.

"I think we need to develop new sensitivity and above all the capacity to present a story that is of some significance with all the skill and talent we can find."

The selection of Mr. Abel ends a search for a new dean that began with the resignation in August, 1968, of Edward W. Barrett, who served for 12 years. In the interim, Richard T. Baker has served as acting dean.

BORN IN MONTREAL

Mr. Abel, son of the former Rose Savetsky and the late Jacob Abel, was born on Oct. 17, 1920, in Montreal. While studying at McGill University, where he earned a bachelor of arts degree in 1941, he served as a school-news reporter for The New York Times.

After graduation, he joined The Windsor (Ont.) Daily Star as a reporter for several months before crossing the border to attend the Graduate School of Journalism at Columbia.

His master of science degree, he recalled once, was awarded in absentia, as he had been called to service with the Royal Canadian Air Force. Before leaving school, he also won a Pulitzer Traveling Fellowship, "but it was kept in cold storage for me" until V-E Day.

Mr. Abel, stationed primarily in Scotland, served as a radar man aboard flying boats and later as a combat correspondent, attaining—he fondly recalls—the rank of acting sergeant (unpaid), which meant that he received a corporal's stipend.

A day after his discharge, Mr. Abel joined the staff of The Montreal Gazette, but left after a few months to utilize his traveling fellowship by serving as a correspondent in Europe for the North American Newspaper Alliance, covering the Nuremberg war-crimes trials and the first attempts at four-power government in Germany.

He toured the Soviet Union, was arrested by security police in Poland and returned to the United States where he served for two years, until 1949, as United Nations correspondent for the Overseas News Agency.

WAS TIMES REPORTER

For the next decade, he was a reporter for The New York Times, in Detroit, Washington, Europe and in India. After leaving The Times, he served for two years as the Washington Bureau chief of The Detroit News before joining N.B.C.

In 1966, he wrote "The Missile Crisis" and he is hoping to find some spare time to work on some new book-length projects.

Mr. Abel, who became a United States citizen in 1952, has been married since Jan. 28, 1946, to the former Corinne Adelaide Prevost, the red-haired daughter of a newspaperman.

Mr. Abel and his wife, whom he met on a blind date under the clock at the Biltmore Hotel, have two children, Mark, who is 21 years old, and Suzanne, who is 20.

By taking his new post, Mr. Abel will begin apartment-hunting in New York, leaving behind a Federalistera home in Alexandria, Va. He counts music as his "number one extra-curricular interest" and is looking forward to concert-going in the city.

WHY THE TAX REFORM BILL SHOULD BE VETOED

Mr. SAXBE. Mr. President, last night, on receipt of the basic news of what is in the so-called tax reform bill, I sent a letter to the President, suggesting that he veto this bill. Since that time, a number of my friends who have been interested with me in the so-called new priorities have suggested that there might be a conflict, in that I and others are urging that we spend more money in the area of crime—perhaps as much as we are today—that we go into the areas of pollution; that we spend money there and we urge that the States do likewise, and not only air pollution but also water pollution and in all the environmental problems that besiege our country; that we feed our hungry; that we do away with unnecessary misery wherever it is found in this country; that all this takes money; that I voted for the HEW bill, and will continue to do so, because it would do some of the things that I think are extremely important.

The tax bill, it seems to me, is a complete failure in meeting headon this responsibility for a new priority. Some say, "Well, take $20 billion away from the military." I would willingly do this. I want to cut back on the military spending. I have voted that way in the matters that have come up on the floor with respect to the appropriation—certainly, on the ABM and other questionable projects that will build up into many more billions of dollars than the original indication.

But that does not solve the problem, when we do it here; and the only solution, it seems to me, is to meet our responsibility in new taxes—taxes that would hit those not in the $7,000 and below bracket but the great mass of earners in this country. This money can come from no other place. When we borrow money to tackle these so-called priorities, we are diluting the money that is available to the point that we have lost ground.

I cite an example: The city of Toledo has made an effort to cure the pollution of Lake Erie, which is a very serious problem. I might say in that regard that we could clean up industrial pollution of the lake in 10 years. But the big problem is the pollution of the cities by people, by open sewers. The city of Cleveland

has over 50 outfalls into Lake Erie, and every time there is over a half inch rain, they dump the raw sewage into Lake Erie, and then we wonder why this is a sick lake. The city of Toledo, in having a bond issue, in conjunction with Federal money, to try to build a new sewage disposal plant, cannot even sell the bonds. Yesterday, Pennsylvania tax-free bonds sold for 7 percent. As the rates get up to 8 or 9 percent, I believe this amounts to almost 15 percent for a man in the 50-percent bracket.

So the city is trying to sell bonds to solve a problem. It has found the market has disappeared and that it could not sell the bonds; and when they do get the money from the sale of bonds, it will not accomplish the purpose.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio may proceed for 10 additional minutes.

Mr. SAXBE. I thank the Senator.

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

Mr. SAXBE. In other words, the cost is going up faster than they can get bids to sell the bonds. What is the reason? The reason is inflation.

I heard the argument which took place, and I know that other Members of the Senate have heard the argument, that as long as we increase the indebtedness of this country based upon the gross national product, that this is comparable to a business. It is said that a business must borrow money if it is going to keep going. Those who make that argument refer to General Motors or A.T. & T. and other businesses that borrow huge amounts of money. The difference is that General Motors is not printing money, as we are, and if they were printing money they would have the same problems we do.

Our borrowing is based in good part on credit. It is paper and stands for nothing more than an IOU, a check from our own Government, and as it becomes cheaper and cheaper, people are paying more money for the same thing.

So in this tax bill we come along and say we can do these things and cut taxes without doing irreparable damage. I think many of us want to increase social security benefits. What we have done to older people in this country is a tragedy. People who thought they would live to a dignified old age are public charges because the little money they were able to save and the little money they receive will not do the things that need to be done. One does not have to go very far from here to see old folks living in poorly heated hotel rooms and barely eating because the security they bought with depression dollars will not keep them today.

Mr. President, it could be your parents or my parents because this inflation, once started, affects everyone. Yet we have turned our backs on this problem. We in the Senate have avoided our responsibilities. I do not care if it is politics; and I do not want to denounce anyone. However, it is a plain fact that we have avoided our responsibilities. We have avoided our responsibilities by giving tax relief where tax relief is not needed, by actually cutting rates of taxation, by permitting loopholes to continue, and by avoiding our responsibility. These things seem only too apparent to me.

I do not believe we are fooling anyone and if we are, I do not think we are going to do it very long because an irresponsible Congress simply cannot survive in these times. I want this country to be strong. I want to change the environment for the better. I want the new priorities. I think this is extremely important. I want to give the people hope that we are going to work ourselves out of these differences that are too apparent in this country. But we cannot do it unless we are willing to pay for it, and we have to recognize the only place we are going to get money to do these things is from the graduated income tax. There is not going to be a fairy godmother who is going to come along with a wand.

So we come out with a tax bill in which we say we are going to do these things in connection with health, education, and welfare, and other things on borrowed money, and that the dollar is going to be just as good as it ever was. I do not think that is going to happen.

Therefore, I do hope the President will veto the bill. I do not know that we will be more responsible next year than we have been this year, but I know that if we are not more responsible the people in this country are going to point the finger where it belongs.

PUBLICATION OF "HANDBOOK FOR SMALL BUSINESS"

Mr. BIBLE. Mr. President, early next week the Government Printing Office will publish for the benefit of the American small businessmen everywhere the third edition of the "Handbook for Small Business" which was approved by the Congress recently with its adoption of Senate Concurrent Resolution 46 of which I had the honor of introducing several months ago in my capacity as chairman of the Senate Small Business Committee. The handbook is intended by its sponsors, the House and Senate Select Committees on Small Business, as a comprehensive reference work to explain the programs of the Federal Government which may be of benefit to the Nation's 5½ million small, family, and independent business firms.

Such firms can profit from Federal activity as suppliers of over $50 billion in goods and services purchased yearly by the U.S. Federal Government, as potential buyers of surplus Government property or users of Federal facilities, as entrepreneurs seeking financial and management assistance, as disaster victims eligible for loan help, and as beneficiaries of the $16 billion of annual research and development performed at the public expense. They may also be protected by and subject to regulation by Federal agencies, and should thus be aware of the rules of the game.

In behalf of the committee, I would like to thank all of the administrators, public information officers, and program specialists of the executive branch and independent agencies whose cooperation and work in supplying descriptions of their small-business-related operations made this publication possible. We wish to recognize in particular, the contributions of the Small Business Administration which assisted our two committees in reviewing the material and furnished a series of apt illustrations and a subject matter index which we feel will enable the handbook more attractive and easier to use.

The format of the volume remains the responsibility of our committees. We have expanded its coverage 100 percent, increased its illustrations 200 percent, and its reference systems 300 percent over prior editions. We have included explanations of the most recently enacted assistance programs, such as in the disaster loan, flood, and riot insurance, and strengthened descriptions of already existing aids.

So far as the committee is aware, this handbook is the only volume that draws together the many programs of 25 executive departments, offices, and independent agencies and relates them meaningfully to each other and to the whole picture.

In a world where the sales of the five largest U.S. corporations constitute over 8 percent of the gross national product, and the "Fortune 500" accounts for more than 45 percent, it is important to recall that small business still creates 40 percent of the gross national product and employs 50 percent of the labor force in this country.

In the Small Business Act of 1953, Congress declared as a matter of national policy that—

> The Government should aid counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the Nation.

It has been my privilege to work with many of the men who pioneered this bill, and the Small Business Investment and Tax Acts of 1958, as well as the many perfecting amendments which created the foundation for small business institutions in this country.

The handbook summarizes this work of many years and reflects credit upon its originators. It is also a practical tool for the small businessman to gain a wider knowledge and wider participation by small firms in Federal activities. This, in turn, can help keep the climate in this country favorable for the founding, growth, and independence of business in the future.

Copies of the handbook, designated as Senate document 91–45, are available to Members of the Congress, House and Senate Select Committees on Small Business, and to the general public from the Superintendent of Documents, Government Printing Office, Washington, D.C., at a cost of $1.75.

CHANGE OF REFERENCE

Mr. MANSFIELD. Mr. President, the RECORD of December 3, 1969, at page

36594, shows that the bill, S. 3197, relating to a bridge between the United States and Canada was referred to the Committee on Public Works. It should have been referred to Foreign Relations.

Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the bill (S. 3197) to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y., and that it be referred to the Committee on Foreign Relations.

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

THE REVISED TAX BILL

Mr. GRIFFIN. Mr. President, I do not know whether President Nixon will sign the revised tax bill which has been agreed upon in conference, assuming that both Houses approve the report early next week. On that point, I cannot speak for the President.

But as far as this Senator is concerned, I want to acknowledge with considerable pleasure and relief that the conference agreement is a great improvement over the Christmas tree version of the tax bill which passed the Senate earlier.

In particular, I note that in providing for a personal exemption increase, the conferees rejected the Gore amendment, which would have triggered an excessive first year revenue loss—a loss that could not have been imposed responsibly at this critical stage in the battle against inflation.

On the other hand, I am pleased that the conferees saw the wisdom of the Percy-Dole approach which was offered during the Senate debate as an alternative to the Gore amendment.

The conference agreement, like the Percy-Dole amendment, provides for a very modest first year adjustment in the personal exemption with gradual step increases thereafter until the exemption reaches $750 in 1973. By taking this gradual approach, the revenue loss in the critical first year is minimized—a result which the President is bound to prefer as he considers whether to sign or veto the revised bill.

In the absence of more details, I shall not comment upon other aspects of the complex tax reform agreement. But I do wish to commend the conferees, who represented the Senate and the House, for choosing this more responsible of the two methods for increasing the personal exemption.

And, if those of us who championed the Percy-Dole approach, in preference to the Gore amendment, should feel somewhat vindicated at this point, perhaps it will be understood.

Mr. President, as the chart which follows my remarks will clearly indicate, the provisions on personal exemptions in the conference agreement are much closer to the approach taken by the Percy-Dole amendment than to the so-called Gore amendment. Hopefully, the chart will serve as a useful tool in keeping this issue in perspective in the days ahead.

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

COMPARISON OF GORE, PERCY-DOLE AND CONFERENCE PROVISIONS ON PERSONAL EXEMPTIONS

	1970	1971	1972	1973
Personal exemption:				
Gore amendment	$700	$800	$800	$800
Percy-Dole amendment	650	700	750	750
Conference report	[1] 650	650	700	750
Revenue loss:				
Gore amendment	3,267,000,000	6,406,000,000	6,406,000,000	6,405,000,000
Percy-Dole amendment	1,633,000,000	3,267,000,000	4,839,000,000	4,839,000,000
Conference report	816,000,000	1,633,000,000	3,267,000,000	4,839,000,000

[1] Effective July 1, 1970.

Mr. SCOTT. Mr. President, I am so glad that the assistant Republican leader has made these comments on the tax reform-tax relief bill because, as I have been predicting for days, the ultimate conference report on this matter of the exemptions is closer to the Percy amendment as modified by the Dole amendment than it was either to the House or Senate bills. It does not have the excessively heavy inflationary impact of the Senate bill and yet it recognizes that, for the first time since 1948, some relief in the form of an increase in exemptions is desired. It has eased the impact by raising the exemption to $650 next July 1 so that taxpayers will receive an average exemption of $625 for the next calendar year; then the exemption is raised to $700 on January 1, 1972, and $750 a year later.

This will help people with large families, as well as the elderly who will secure a double exemption. It is a useful and desirable compromise.

Moreover, the difference between the Senate bill and the conference report over an 18-month period will be a reduction in the inflationary impact of approximately $9.5 billion.

Well, that is really a lot of "scratch" as the lingo would have it. That is a tremendous easing of an intolerable inflationary pressure which the Senate-passed version would have imposed.

President Nixon made it clear in some of his conversations that he could never have accepted the Senate version. It would have been vetoed; there is no doubt about that.

The hope of avoiding a veto has, of course, improved considerably by the very wise action of the Senate and the House conferees.

There are some things in the bill which are very good news to the poor and the near-poor. About 5 to 5½ million persons in those categoriees will be removed from the tax rolls. The tax impact on millions of others will be increased. A minimum tax has been set which will affect nearly everyone. Nearly everyone outside the lower brackets will have to pay some tax.

A maximum tax is included, too, so that the incentive to go out and produce and add to the gross national product is retained.

The President asked for tax reform in his April tax message. He has received some of the things for which he asked. I think the bill goes far toward achieving the President's main objective, which is that the poor should pay no tax and that no affluent person should escape paying a tax.

Moreover, something must be done to find a way to improve the housing situation, the credit situation, and the extremely tight money policy, which can be bad, ultimately, unless the fight against inflation succeeds at the other end; namely, in the fiscal effects of the tax bill and by way of holding down the levels approximating the budget and the various appropriation bills, without reduction of the inflationary impact at this end.

By these methods, tight money would continue, but the more we hold down the inflationary impact, the greater the chance we will have, sometime next year, of loosening up the monetary controls which in turn will help the construction industry and the housing industry.

For these reasons, I think it is worth noting that the influence of the President has helped to bring about a better bill.

The President's insistence on tax reform, as far back as late April and continuing throughout the procedures on the tax bill, has attained for us some important tax reform and tax relief.

The President's position on the Senate version of the tax bill, the President's position on the HEW-Labor appropriations, is helping to let out some of the steam from the inflationary pressures in the economy.

Therefore, I have considerably more hope today than I had before for the conference report, as we await the action of Congress and the action of the President on the tax bill, but I believe now that the odds of it being signed by the President are better than the projection that it would be vetoed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Tennessee (Mr. GORE) may have an additional 7 minutes to his 3 minutes.

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

THE TAX BILL

Mr. GORE. Mr. President, I listened with surprise and amusement at the pleas in confession and avoidance by the distinguished Senator from Pennsylvania, the able minority leader (Mr. SCOTT), and the distinguished junior Senator from Michigan, the able assistant minority leader (Mr. GRIFFIN). I would like

to remind them of the well-known quotation, "Of all sad words of tongue or pen, the saddest are these: 'It might have been.'"

After their unsuccessful attempt to steal in broad daylight the middle position—an increase to $800—from the senior Senator from Tennessee with respect to the amendment increasing the personal exemption during the course of Senate consideration, which was noticeably and notably abortive, they now attempt jointly to steal from the senior Senator from Tennessee credit for the increase in personal exemption. Indeed, they go so far as to express glee that the conference committee, in their words, rejected the Gore amendment.

Quite to the contrary, Mr. President. The Gore amendment is the principal feature of tax relief in the bill as to which, it is hoped, both Houses will approve a conference report on Monday.

The increase in personal exemption is not as much as the senior Senator from Tennessee sought. The increase is to $750. The amendment approved by the Senate was $800. But, in compromise with the conferees representing the House of Representatives, the conference took those portions of the House bill favorable to the average taxpayer—to wit, a low-income allowance and an increase in the minimum standard deduction—and combined them with the low income allowance, the single individual's tax and the increase in personal exemption, of the Senate bill to produce a tax bill that is slightly more beneficial to the average low and lower middle income taxpayer than the bill that passed the Senate. It is roughly equivalent in benefits to the Senate bill, but for a typical taxpayer in the suburbs with a taxable income of $10,000 or $12,000 and a wife and two children, there may be a few dollars' advantage in the conference report, at least in some instances. It is generally equivalent, however, in tax relief for the mass of our people to the Senate-passed bill.

Mr. President, I ask unanimous consent to include in the RECORD a table of the tax reduction for typical taxpayers that will occur on January 1, 1970, and July 1, 1970.

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

AMOUNT OF TAX TO BE WITHHELD UNDER CONFERENCE BILL, H.R. 13270[1]

Wages and salaries			Monthly			Weekly		
Annual	Monthly	Weekly	1st half calendar 1970	2d half calendar 1970	Calendar 1973	1st half calendar 1970	2d half calendar 1970	Calendar 1973
Single person								
$6,000	$500	$115.38	$75.42	$71.30	$61.70	$17.46	$16.51	$14.28
$9,000	750	173.08	127.92	123.80	111.70	29.58	28.63	25.82
$12,000	1,000	230.77	191.22	184.89	163.16	44.17	42.71	37.69
Married with 2 dependents								
$6,000	$500	$115.38	$39.08	$35.64	$24.21	$9.09	$8.28	$3.47
$9,000	750	173.08	82.42	76.14	62.54	19.10	17.63	12.17
$12,000	1,000	230.77	128.41	119.13	102.54	29.72	27.55	21.40
Married with 4 dependents								
$6,000	500	115.38	22.68	17.39	5.88	5.33	4.07	1.40
$9,000	750	173.08	64.42	57.72	42.96	14.96	13.38	9.96
$12,000	1,000	230.77	109.42	100.22	82.54	25.35	23.19	19.10

[1] Based on percentage method of tax withholding.

Mr. GORE. Mr. President, this is a Democratic tax bill—make no mistake about that. This tax reduction for the mass of American taxpayers has been brought about by a Democratic Congress, without aid of either the Republican leadership of this body or of the Treasury of the United States or of the President of the United States or of the Vice President of the United States.

Mr. SCOTT. Mr. President, will the Senator yield at that point?

Mr. GORE. Not yet.

Mr. SCOTT. Since he has referred to the leadership?

Mr. GORE. Not just now. I will in a moment. Let me complete my brief statement on this particular point and I will then yield.

Until the very last night, indeed, at about 3:30 in the morning of the last night of the conference, the Assistant Secretary of the Treasury informed the conferees on the part of both the House and the Senate that President Nixon, to the last, opposed, and then opposed, and it was then stated to us he did oppose, and a statement from the President was read to the conference opposing, any increase in the personal exemption.

So, Mr. President, let the taxpayers of the country know that the increase in take-home pay they will receive in their paychecks of the first week in January, and a still larger take-home pay in the first paycheck they receive in July, is the result of the Democratic Congress, over the objections of the President, over the objections of the Vice President, over the objections of the Treasury Department, and without the assistance of the leadership of the Senate on the other side.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, if the Senator is finished, I will seek the floor in my own right.

Mr. GORE. I yield to him, if he wishes.

Mr. SCOTT. I have listened with some interest and would have been appalled except I recognize a reelection speech when I hear one——

Mr. GORE. Mr. President, I yield for a question, not a political speech.

Mr. SCOTT. There was no question about that, but I now ask a question. The question is, if the Senator seeks to secure for himself all the credit for an amendment which largely represented the efforts of the Senator from Illinois (Mr. PERCY) and the Senator from Kansas (Mr. DOLE); but if he seeks for himself and the majority of the Congress the credit, he should also accept the blame for the inflationary impact in every appropriation bill. If you are a majority for one purpose, you are a majority for all purposes.

Mr. GORE. I am glad the Senator raised that question, because the record will show that this Congress has reduced the budget requests of President Nixon by more than $5 billion. Ten of the 14 annual appropriations bills passed by the Congress have been in amounts less than those requested by the President. I hope the news media will carry that story to the American people.

Who is responsible for the inflation in expenditures? Not the U.S. Congress. The Congress, let me repeat, has reduced 10 of the 14—I repeat, 10 of the 14—annual bills, to a total reduction below that recommended, requested, and urged by the President, of more than $5 billion.

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

Mr. GORE. I yield.

Mr. MONDOLE. Would it not be a fair interpretation of the President's position to say that he is not objecting so much to what he calls the inflationary direction of the expenditures—because we are $5 billion below his budget—but to the way we choose to apply the resources of this country to human needs? That is where the objection is.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GORE. Mr. President, I ask unanimous consent to have 5 additional minutes.

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

Mr. GORE. Mr. President, I had not intended thus to speak today, but when I came into the Chamber, the distinguished assistant minority leader was acclaiming to the Senate that the conferees had rejected the Gore amendment.

I do not like to stand here and claim credit, but before the eyes of the entire country, my friends on the other side attempted to steal from the senior Senator from Tennessee the amendment to raise the personal exemption to $800; and now they are attempting to steal credit for the final approval of such an amendment.

It is not that I wish to claim credit, but I do not wish to be stripped of it, nor do I wish to see a false claim for credit laid to it by those who tried to gut it and defeat it, and deny it to the taxpayers who need it so badly.

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

Mr. GORE. I yield.

Mr. SAXBE. There are those of us, I am sure, on both sides of the aisle, who have an entirely different attitude from that of the Senator from Tennessee. There are those of us who would like to

have seen the President's budget approved, those who feel there are priorities that require additional expenditures in such areas as pollution and aid to our hungry. That money is needed.

I do not find fault with the HEW bill. I do not find fault with these proposed expenditures. They are very necessary expenditures. What I find fault with is trying to run with the hare and hold with the hounds, where we go into a tax reform bill and wind up with a tax reduction bill, at the same time when we are crying for needed expenditures that the President sees and I think most Senators see and realize that we need.

If we cannot face up to our responsibilities by saying, "Yes, we need these things in this country, and we are going to pay for them rather than giving tax relief to me, tax relief to the Senator from Tennessee, and tax relief to the general taxpayer—not the poor, not the underprivileged, but by giving tax relief so that a fellow can say, 'I got $3 off this month, therefore I am going to vote for this candidate,' " I do not think this is good government, and I think it is an abdication of our responsibility here, because we know that inflation is going to take away, at the grocery store, what we refuse to collect to pay our honest debts. We cannot borrow money to do all the things and correct all the things that harm us in this country—and they are many—and I hope, not on the basis of the expenditures, but I hope that we do not fail to chin the limb when it comes to paying for these things.

Mr. GORE. I appreciate the statement of the able junior Senator from Ohio. I must confess to him that I had doubts that we should have a big tax reduction this year.

But that was not the choice that was presented to the Senate. The President had recommended a big tax cut; but he had recommended the big tax cut mostly for those in high-income brackets, and if we must have a tax reduction, I believe—and now it is established that an overwhelming proportion of the Democratic Congress believes—that the tax reduction should go primarily to those who need it most. That is the victory that was won, over the last 3 months, in the committee, on the floor of the Senate, and in the conference committee at 3:30 in the morning; and credit for that victory does not belong, in any part, to the leadership on the other side of the aisle.

They tried to prevent it. The President tried to prevent it. The Treasury Department tried to prevent it. Yet there will be a tax reduction in the withholding tax, an increase in take-home pay, of almost every taxpayer, beginning with his first paycheck in January 1970, and a still larger take-home pay when the personal exemption goes into effect in July of 1970; and they can thank the Democratic Representatives for that. They cannot thank the Republican leadership, who today are attempting to steal away from the lowly Senator from Tennessee the credit which he does not claim. [Laughter.]

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I yield first to the Senator from Florida, though I am barely able to restrain my tears until I have an opportunity to speak further.

Mr. GURNEY. Mr. President, I should like to answer some of this argument about the Democrats being entirely responsible for this increase in the personal exemption. I should like to point out that the first offering of the Senator from Tennessee in committee was for an increase in the personal exemption to $1,250. With stout Republican opposition, aided by some Democrats, we managed to stave that off. It would have resulted in a loss of $18 billion plus—utterly unacceptable.

Then the Senator came to the floor, when the tax bill was open for amendment, with an offering of a $1,000 personal exemption—again with a totally unacceptable loss of revenue. The President could not possibly have lived with it, and it would have added all kinds of gasoline to the fires of inflation.

Then the Senator came up with $800, which we bought, in an amendment of the Senate. I must say that I voted for the Percy amendment, because it was sound, it made sense, and it is now pretty much in the tax bill. It was the Percy amendment the conferees bought.

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

Mr. GURNEY. No; I do not yield. The Senator has had plenty of time. He can get the floor later.

Mr. SCOTT. That is why I have the floor.

Mr. GURNEY. Then finally, in the conference, the conferees came up with a figure of $750, which comes close to the $800 figure that the Senator from Tennessee offered in his amendment, but the timing is entirely different in how it goes into effect, and the end result closely resembles the Percy amendment offered by the Republicans and supported by the Republicans when the tax bill was before the Senate and open for amendment.

I think credit ought to be given where credit is due. Probably had not the Senator from Tennessee offered his amendment, the personal exemption might not have been raised. But it is also true that Republicans, in the committee, on the floor, and in the conference, finally got the thing down to where it could be accepted and where it would make sense; and if there is any kind of a personal exemption that means anything, it was the Republican Party that made is so.

Mr. GORE. Mr. President, will the Senator from Pennsylvania yield on a point of personal privilege, since the Senator has made reference to me?

Mr. SCOTT. I have not referred to the Senator. I am about to refer to the Senator, however. I am wondering if it is not a fact, as I have understood, that the Senator is not a lion——

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

Mr. SCOTT. I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. SCOTT. I wonder if it is not a fact that the distinguished—by no means lowly, but distinguished—senior Senator from Tennessee, who is reputed to be and was indeed a lion on the floor for the vast expenditure of Federal funds; and who seems to have subdued his critics here with notable success as to the excessive cost involved, lion though he was on the floor, he was a lamb in the conference, since the conference preferred, not the Gore amendment at all, but virtually the Percy amendment.

I am sure that will be contested, and therefore some time later today, we shall be prepared to offer some figures and tables that will show that the conference report was indeed much more near the Percy-Dole amendment than the amendment of the Senator from Tennessee, the Gore amendment.

I think we are all inclined to a little politics around here from time to time. But when the categorical imperative enters this Chamber, reason flies out of our nonwindows and the categorical imperative is that all good is on one side of the aisle and all evil is on the other.

"That ain't so, never was, and never will be."

Both sides labored and brought forth what was a monstrosity. And we sent this eight-headed, 11-legged animal over to conference. It lost some of its more horrendous appendages and has returned in somewhat more human form.

That is the point we were trying to make.

Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, very briefly, the resemblance of the conference agreements to the Percy-Dole substitute which was considered is the fact—and much more—the ultimate fact, that the personal exemption represents $750, which was the case in the Percy-Dole amendment.

The important point, even more than that figure, is what happens the first year in the development of the Percy-Dole substitute.

We were trying to provide for a revenue loss the first year—when the battle against inflation is so critical—that might be acceptable to the President.

The conference agreement provides for an increase in the personal exemption, as I understand it, of only $50 in the first year. And that is only effective during part of the year.

The Percy-Dole substitute provides for an increase of $50 in the first year.

On that point, the conference agreement provision represents a revenue loss of only $816 million in the first year. By contrast, the Gore amendment would have involved an increase in revenue loss by nearly $3 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 additional minutes.

Mr. SCOTT. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, that is the crucial difference between the con-

ference agreement and the so-called Gore amendment, and also I think it underscores and underlines the similarity between the approach of the Percy-Dole amendment and the conference agreement.

Mr. SCOTT. Mr. President, I have checked with the Treasury in the course of this colloquy and with persons interested in the conference. I am told that the conferees and certainly the Treasury feel that they have excised from the bill with malice prepense the fiscal irresponsibility heretofore imbedded in it by the Gore amendment.

They regarded that as fiscally irresponsible, and I do. And it is out of the bill. And the distinguished senior Senator from Tennessee can labor mightily by voice and speech from now until election day, 1970, or any other date certain.

And perhaps he will convince some. That is the name of the game. But he will never convince me that the Gore amendment is in the bill. It is out of the bill. It has been given a decent burial and what is in the bill is the Percy-Dole amendment for which I am immensely grateful.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I have just listened to the peroration of the distinguished minority leader. I think it was appropriate that during this colloquy the senior Senator from Wyoming (Mr. McGEE) introduced the subject of supergrades for the civil service system. That causes me to comment that in this day of ours, characterized as it is with the rapidity of change and elevated opinions on super-duper tax bills, it is also the time of super civil service grades and super dum-dums.

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

Mr. GORE. I yield.

Mr. HARRIS. Mr. President, this rather ridiculous argument against calling the Gore amendment the Gore amendment reminds me of a story. I cannot remember exactly how it goes. However, it is to the effect that defeat is an orphan, but victory has many fathers.

This is what it now looks as though they are trying to do after they have fought so hard against everything. The workingman wants this tax reduction. And tax relief is a part of tax reform. And I think that the working people of our country well know that we would not have ever gotten to this point except for the efforts of the distinguished senior Senator from Tennessee (Mr. GORE).

Mr. GORE. Mr. President, I thank my able friend, the Senator from Oklahoma.

I would really not like to extend the colloquy much longer. I just want to close it by reminding my friends, the leaders and the assistant leader on the other side, of another reference in our literature to the effect that a rose by any other name would still smell the same.

DEATH OF FORMER SENATOR JAMES H. DUFF, OF PENNSYLVANIA

Mr. SCOTT. Mr. President, it is with extreme sorrow that I report to the Senate that a former Senator from Pennsylvania and former Governor of our Commonwealth, the Honorable James H. Duff, died today. A spokesman for George Washington Hospital announced that Senator Duff, aged 86, collapsed at National Airport, was taken to the hospital, and pronounced dead at 9:43 a.m. We have no further details, so I shall say nothing further now except that I was a longtime friend, associate, and admirer of Big Jim Duff. We will miss him greatly. We shall have more to say in the form of a memorial tribute at a later date.

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

Mr. SCOTT. I yield.

Mr. JAVITS. I should like to join the distinguished Republican leader in expressing my sadness at the death of Jim Duff, an old friend of mine. He lived a very rich life and died at a ripe old age. We shall miss him.

Mr. SCOTT. He died as he always wished to—with his boots on.

Mr. JAVITS. I extend my condolences to the members of his family.

Mr. SCOTT. And so do I.

GREEK-TURKISH ECONOMIC COOPERATION

Mr. JAVITS. Mr. President, on several occasions, I have brought to the attention of the Senate the work which was initiated by the NATO Parliamentarians Conference, now the North Atlantic Assembly, looking toward Greek-Turkish economic cooperation. Reports on this matter were presented to the Senate on June 3, 1965, October 20, 1965, January 19, 1967, December 15, 1967, January 28, 1969, and some remarks on the subject were included in my report on a trip abroad which was presented to the Senate on July 2, 1969.

A number of important developments have taken place during calendar 1969, which I should like to lay before the Senate.

At the outset, to put the work which has been done on this project in its proper context, requires some brief comment on the political situation in the area, and of the relationship of this project to that situation.

The project for Greek-Turkish economic cooperation, although launched by an inter-parliamentary body, was conceived of as essentially a private effort. Through its good offices, working with the private sector, but with governmental support and approval, possibilities in economic development yielding mutual benefits to Greece and Turkey could be expanded. The effort was designed to function in the economic and not in the political sphere.

Thus, the major thrust of the project has been to bring together participants from Greece and Turkey, where possible mainly from the private sector, to work together in such areas as tourism, the cooperative exploitation of such natural resources as fish, the increase of agricultural exports to Western Europe, and the common development of the border region between the two countries along the shores of the Meric/Evros River. It is, I think, fair to say that although the emphasis of this effort was thus in the noncontroversial area of economic benefit to both sides, the parliamentarians had in mind, when the project was initiated, not only the fact that Greeks and Turks were among the less-developed members of the NATO alliance, but also the fact that work on mutually beneficial development projects would tend to increase contacts between the peoples of Greece and Turkey, and hopefully to ameliorate the tensions which at the time existed as a consequence of the Cyprus dispute.

In these objectives, it is fair to say that the project initiated in 1965 by myself and by my Greek and Turkish parliamentary colleagues, Messrs. Kasim Gülek and Alexander Spanorrigas has been eminently successful. Despite much initial skepticism it has, in fact, proved possible to bring Greeks and Turks together and to produce useful and cooperative work. And that has been done even at a time when tensions in the area were extremely high. The result, I believe, has been a substantial contribution to U.S. foreign policy objectives and, I may note, the U.S. Government has consistently supported this effort. So also has there been a contribution to the security which is the aim of NATO itself. In this latter belief, I am, incidentally, reinforced by the comments on several occasions of the Secretary General of NATO, Manlio Brosio.

The recent course of political developments in Greece cannot pass unnoticed—as I am, also, chairman of the Political Committee of the North Atlantic Assembly—a committee which had occasion to consider a deeply troubled report on this situation as recently as October last.

It has been my hope, as it must be the hope of all friends of human liberty and of the Greek ideal of moderation and tolerance which forms so large a basis of our own political system, that swift progress would be made in Greece, toward restoration of a representative parliamentary system, and that present restrictions on essential liberties would quickly be removed. It remains my conviction that this must come, and that it would greatly contribute to the security, stability, and welfare of the Greek state, and of the Greek people.

In this context a continued and increased measure of cooperation on projects leading to the economic and social betterment of the peoples of Greece and Turkey, and to peace in the southeastern area of NATO continues to be vital. As the project for Greek Turkish Economic Cooperation is such a project, it benefits all. For this reason, I continue the support which I have given in the past to the objectives of the project which are designed to bring together, the peoples of that often-troubled area of the world, to ameliorate the relationships between them, to increase their cooperation on mutually beneficial works, and to set up institutions which can serve as channels of communication between the Greek and Turkish peoples.

With this introduction, Mr. President, I should like to deal with some of the attainments of the project during 1969,

and with some of the prospects for its future work.

First. The project has been administered over the course of the past several years by the Eastern Mediterranean Development Institute, a nonprofit unincorporated association. The board of directors consists of nationals of the NATO countries, with a large majority being nationals of Greece and Turkey.

In the course of the past year, indigenous sister organizations have been set up in Greece and in Turkey themselves, and funds have been raised in local currency to meet their necessary expenses. Work has been going forward on various projects of the sort mentioned above.

In several of these areas, there has been substantial progress.

In the field of tourism, a notable success was achieved when, in March 1969, the Greek National Tourist Organization and the Turkish Ministry of Information and Tourism held a meeting in Istanbul, at which were present as observers the deputy chairman of the EMDI, the Honorable Kasim Gülek, and its executive director, the Honorable Seymour J. Rubin. At the March meeting, the two sides approved, subject to ratification, the first intergovernmental document signed between Greece and Turkey since the eruption of the difficulties over Cyprus. This was a procès-verbal which is intended to lead to a formal agreement on cooperation in the field of tourism. The agreement which is contemplated would call for the establishment of a permanent consultative committee before which can be laid various proposals of mutual benefit in touristic endeavors.

Subsequent to the meeting of officials in March, further meetings of a less formal sort have been held. The most recent of these was held in Athens on December 5, 1969. At these meetings, the private sector of both countries has strongly expressed its support for cooperation on tourism, and has agreed that the lifting of visa restrictions for tourists of Greek and Turkish origin would be of mutual benefit to the two countries. Were this to be done, it would largely restore the freedom of transit between the two countries which had existed after the farsighted arrangements which were made in the mid-1920's by the two great statesmen of the area, Venizelos and Ataturk.

Additionally, others outside the region have expressed strong interest in participating in touristic developments. A meeting thus was held under the sponsorship of the Deutschebank in Frankfurt on October 13, at which various German and Italian interests, together with a representative of the International Finance Corporation, discussed the possible organization of research and financing entities which might help to promote tourism in the region.

Tourism in this region is of great importance. It is already a major source of income so far as Greece is concerned; it promises to be an equally useful source of foreign exchange on the Turkish side. Moreover, the touristic area of the Aegean is so interlaced between the Turkish mainland and the Greek islands as to make regional development not only attractive to tour operators and to developers of touristic areas, but practically at least in the long run, inevitable.

The administrative arrangements which are contemplated under the procès-verbal of March 1969, should make a continuing contribution to this development and should help to develop continuing working relationships between the two sides.

A major endeavor of the project for Greek Turkish Economic Cooperation and the Eastern Mediterranean Development Institute has been that involving the Meric/Evros River. In previous reports, I have noted that this work has moved forward extraordinarily well, with a heavily documented prefeasibility or reconnaissance study having emerged in late 1967 from the joint work of a large group of Turkish, Greek, and German experts. This report was revised and in its final form approved, subject to slight modification, at a large international meeting held in Frankfurt in September 1967. It was then put in the hands of various international financing bodies such as the World Bank and the European Investment Bank, and has been extensively discussed with the United Nations Development Programme which, with the IBRD, had been kept au courant at all stages of the research and study work. After a considerable amount of preparatory discussion, both the Greek and the Turkish Governments have officially notified the UNDP of their desire to move forward with further developmental work on the Meric/Evros, with the help of the UNDP. As of early December 1969, a senior representative of the UNDP has visited both Greece and Turkey for discussions with experts and governmental officials there. These discussions are expected to lead to an official proposal to be laid before the next governing board of the UNDP in the spring of 1970.

Hopefully, this work will lead to a full scale feasibility study financed by the UNDP and the Greek and Turkish Governments, with certain small pilot projects included, in areas of land management, irrigation, and small power projects in this sensitive area, the border between Greece and Turkey in Thrace. Should full scale implementation of this feasibility study be undertaken, the final scale of expenditure is estimated in the neighborhood of $100 to $150 million. This is obviously a matter of great importance both to the economies of Greece and Turkey, and to the population of this politically sensitive border area.

It is important to note, as I have mentioned in previous reports, that the Meric/Evros River rises in Bulgaria, where it is called the Maritsa, and that the Bulgarian Government has in several ways expressed interest in the developmental work which I have just mentioned. This interest was expressed, for example, in a visit to me of the Bulgarian Ambassador in Washington. Prior to its recent contacts with the Greek and Turkish Governments, the UNDP consulted with Bulgarian authorities in Sofia. It would be premature to make any predictions as to whether the Meric/Evros project may evolve not merely into a binational and regional development project, but into one which would form a link based on mutually useful development work between East and West. That prospect in any case remains open, and is partially encouraged by a recent amelioration of relationships between Turkey and Bulgaria and between Greece and Bulgaria.

Finally, in this respect, it should be mentioned that one of the objectives of EMDI has been from the outset to stimulate the activities of others on developmental projects in the Greco-Turkish area. This attempt to achieve a multiplier effect with the efforts of EMDI has had more than a reasonable amount of success.

Thus, not only have tourism projects evolved and have physical and business connections with the two sides developed, but a new project has been set in motion in the field of agricultural research in the Meric/Evros region.

This is a project funded by the Thyssen Foundation of Germany, and led by a group of German agronomists to investigate the conservation of soils which on both the Turkish and the Greek side of the river have been eroded over the course of many years by excessive grazing and by improper methods of land management. This project, which is a direct outgrowth of the work done by the German, Turkish, and Greek team on its Meric/Evros study, is at present under way. Hopefully, other aspects of the basic Meric/Evros study will lead to further exploratory and scientific work of this same general sort. The prospect of this happening seems to be quite good, since the basic material upon which further research proposals can be based is already contained in the Meric/Evros report, and since that report itself demonstrates the feasibility of a joint and cooperative research effort.

On other projects of EMDI, it is not necessary at this stage and in this form to say much in detail. Work is proceeding on projects having to do with the export of agricultural produce to Western Europe and on investigation of the ecological conditions affecting fish resources in the eastern Mediterranean. The recent meeting of the board of directors of EMDI received a new suggestion that EMDI could perhaps contribute to the training of Greek and Turkish guest workers in Western Europe, and to the evaluation of methods by which the skills of these workers could be put more effectively to work when they returned to their own countries.

A proposed meeting of industrialists of the two countries is to take place shortly in Istanbul and its program has been expanded to include the development bankers of both countries.

In short, there are ample opportunities for cooperative work, opportunities which can be seized if conditions permit.

Second. I turn now to a new and potentially extremely important aspect of the work which has, until now, been done on the project for Greek-Turkish economic cooperation under the auspices of the EMDI. This arises out of the

recommendations contained in the report of the rapporteur of the Political Committee of the North Atlantic Assembly, the Honorable Erik Blumenfeld, of Germany. This report, which was considered by the Political Committee of the North Atlantic Assembly at its meetings in Brussels in October 1969, under my chairmanship, suggested the desirability of expanding the objectives of EMDI and of establishing a Mediterranean development organization. The recommendation was carefully considered by the Political Committee. It was, therefore, considered also by the Economic Committee of the Assembly, under the chairmanship of Mr. Bishop, of the United Kingdom. During the discussion, it was suggested that, after preliminary work, a governmental conference should be convened with the aim of establishing a Mediterranean development organization "with the ultimate aim that responsibility for furthering the project should be entrusted to the Eastern Mediterranean Development Institute." I append a copy of the resolution which emerged from the deliberations of both the Political and Economic Committees of the North Atlantic Assembly to this statement.

There are many problems as well as many opportunities presented by this recommendation, which was endorsed at the plenary session of the North Atlantic Assembly. Yet any new type of organization in the field of economic development enters an already crowded arena. It is clear, moreover, that cooperation between donors in any such organization is difficult, and a recommendation which contemplates, as this one does, some type of organizational unity between "donors" and "recipients" makes the task even more complicated. Nonetheless, there is at present no specific organization which deals with the developmental problems of the Mediterranean base, nor is there one which expresses those NATO responsibilities which lie in the field of development. It was for these reasons that both the Political and Economic Committees at the plenary session endorsed the recommendation annexed hereto.

Since the adoption of this recommendation, a number of steps have been taken to move forward with this project. I have consulted with Mr. Blumenfeld and with Mr. Rubin, the Executive Director of EMDI, here in Washington. Subsequently, the matter has been discussed by Mr. Rubin with Greek and Turkish board members of EMDI and, immediately thereafter, with the chairman of the Economic Committee of the North Atlantic Assembly, with Mr. Blumenfeld, and with M. Phillippe Deshormes, the Secretary-General of the North Atlantic Assembly.

Based upon an analysis prepared by Mr. Rubin, further work is going forward to explore both the problems and the possibilities with a view toward a meeting at the International Secretariat of the North Atlantic Assembly in March next, which will consider the establishment of a working group, as called for in the recommendation and which will attempt to establish a program of work for that working group. The timetable set up at the Paris meeting of December 9, 1969, suggests that it should be possible to lay a specific proposal before the fall 1970 meeting of the North Atlantic Assembly.

Many difficulties will have to be overcome before one may reasonably say that progress has been made toward the objectives of the recommendation annexed hereto. But work has been started on this project in a good spirit, with a desirable objective in mind and with the first prerequisite of success; that is, knowledge of the difficulties.

In these circumstances, I think it is justifiable to hope that the experience with the project which was begun by the NATO parliamentarians in 1964–65 and which has yielded highly useful results is only the beginning of an enlarged and even more useful experiment in international cooperation for economic and social development.

CONVEYANCE OF CERTAIN MATERIALS TO EMOGENE TILMON, LOGAN COUNTY, ARK.; ENOCH A. LOWDER, LOGAN COUNTY, ARK.; J. B. SMITH AND SULA E. SMITH, MAGAZINE, ARK.; AND WAYNE TILMON AND EMOGENE TILMON, LOGAN COUNTY, ARK.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate messages on S. 65, S. 80, S. 81, and S. 82, in that order, and that the Senate agree to the House amendment in the case of each measure.

These bills are relatively minor items, all dealing with a related subject.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 65) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark., which was, on page 2, line 2, strike out ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract."

The amendment was agreed to.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 80) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark. which was, on page 2, line 2, strike out ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract".

The amendment was agreed to.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 81) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark., which was, on page 2, line 3, strike out ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract."

The amendment was agreed to.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 82) to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark., which was, on page 2, line 2, strike out ": *And provided further,* That such sand, gravel, stone, clay, and similar materials shall only be used on said tract."

The amendment was agreed to.

ADDITIONAL POSITIONS IN GRADES GS–16, GS–17, AND GS–18

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2325.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2325) to amend title 5, United States Code, to provide for additional positions in grades GS–16, GS–17, and GS–18 which was to strike out all after the enacting clause, and insert:

That (a) section 5108(a) of title 5, United States Code, is amended by striking out "2,577" and inserting in lieu thereof "2,727".

(b) Section 5108(b)(2) of such title is amended by striking out "28" and inserting in lieu thereof "44".

(c) Section 5108(c)(1) of such title is amended by striking out "64" and inserting in lieu thereof "90".

(d) Section 5208(c)(2) of such title is amended by striking out "110" and inserting in lieu thereof "140".

SEC. 2. Section 4 of the Act entitled "An Act to provide certain administrative authorities for the National Security Agency, and for other purposes", approved May 29, 1959, as amended (50 U.S.C. 402, note), is amended to read as follows:

"SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to—

"(1) establish in the National Security Agency (A) professional engineering positions primarily concerned with research and development and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

"(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees appointed to positions under section 2 of this Act who may be paid at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule.".

Mr. McGEE. Mr. President, the measure with the adjustment has been cleared with both sides. I move that the Senate concur in the House amendment to the Senate bill which was to strike out a provision for 45 additional supergrades and a provision for eight supergrades specifically allocated to the Smithsonian Institution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

WESTERN HEMISPHERE AFFAIRS

A letter from the Secretary of State, transmitting a draft of proposed legislation to reorganize and strengthen the United States Government structure for dealing with Western Hemisphere affairs (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE DEPARTMENT OF DEFENSE ON REAL AND PERSONAL PROPERTY

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the fixed property, installations, and major equipment items, and stored supplies of the military departments maintained on both a quantitative and monetary basis (with an accompanying report); to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, with amendments:

S. 2694. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, with amendments (Rept. No. 91–629).

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

S. 2289. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes (Rept. No. 91–630).

NINETEENTH ANNUAL REPORT OF SELECT COMMITTEE ON SMALL BUSINESS—INDIVIDUAL VIEWS (S. REPT. NO. 91–627)

Mr. BIBLE. Mr. President, I submit the 19th annual report of the Select Committee on Small Business.

I ask unanimous consent that the report be printed, together with individual views of Senators JAVITS, SCOTT, and HATFIELD.

The PRESIDING OFFICER. The report will be received; and, without objection, the report will be printed, as requested by the Senator from Nevada.

REPORT ENTITLED "THE EFFECTS OF CORPORATION FARMING ON SMALL BUSINESS"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–628)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "Impact of Corporation Farming on Small Business." I ask unanimous consent that the report be printed, together with individual views of the Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The report will be received; and, without objection, the report will be printed, as requested by the Senator from Nevada.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and I ask unanimous consent, in order to save the expense of printing them on the executive calendar, that they lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

David W. Hiller, and sundry other officers, for promotion in the Coast Guard; and

Paul L. Milligan, and sundry other Reserve officers, for appointment to the Coast Guard.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3277. A bill to amend the Mental Retardation Construction Act to extend and improve the provisions thereof, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, and Mr. HOLLAND):

S. 3278. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public school chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 3279. A bill to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BIBLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TALMADGE:

S. 3280. A bill for the relief of Sergio I. Leguizamon; to the Committee on the Judiciary.

By Mr. MONTOYA (for himself, Mr. CANNON and Mr. RANDOLPH):

S. 3281. A bill to amend section 139 of title 23, United States Code, relating to additions to the Interstate System; to the Committee on Public Works.

(The remarks of Mr. MONTOYA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S. 3282. A bill for the relief of Jean Rawls Fairbank; to the Committee on the Judiciary.

S. 3283. A bill for the relief of John L. Clark; to the Committee on Armed Services.

By Mr. KENNEDY:

S. 3284. A bill to authorize the acquisition and maintenance of the Goddard Rocket launching site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. KENNEDY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S. 3285. A bill for the relief of Mrs. Louise Sheridan; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. GRIFFIN, Mr. PEARSON, Mr. PROUTY, and Mr. SCOTT) (by request):

S. 3286. A bill to assist consumers in evaluating products by promoting development of adequate and reliable methods for testing characteristics of consumer products; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under a separate heading.)

S. 3277—INTRODUCTION OF THE MENTAL RETARDATION SERVICES AMENDMENT OF 1969

Mr. JAVITS. Mr. President, I introduce, for the administration, the Mental Retardation Services Amendments of 1969. The bill assures the continuing support of the Federal Government in providing services and expanded facilities for the mentally retarded, including special incentives to encourage these activities in areas having the most critical need.

Included among the activities for which grants could be made under the bill are the provision of services for the mentally retarded—operation grants—construction of mental retardation facilities; development and demonstration of new or improved techniques for provision of services for the mentally retarded; training of personnel to work on the various problems of the mentally retarded; and State and local planning, administration, and technical assistance.

I am pleased that the administration bill provides:

First, the maximum on the Federal share of the costs of new projects, including construction projects, shall be 75 percent except in poverty areas where 90 percent would be permitted;

Second, the duration of support for projects providing mental retardation services is to be extended from the present 51 months to 8 years except for poverty areas where support could be granted for 10 years; and

Third, the Federal share of support for projects providing services would decline gradually, from a maximum of 75 percent in the first 2 years to 10 percent in the 8th year, and in poverty areas from 90 percent in the first 2 years to 10 percent in the 10th year.

Other major features of the bill provide that operational support would continue to be provided to recipients who have already received commitments for future support under the existing law; Federal funds for all types of mental retardation projects in a State would not be less than the amounts allotted to the State in fiscal year 1970 for construction of community mental retardation facilities; joint funding arrangements with other Federal programs could be entered into; and before grants are made, States must be given an opportunity to review and make recommendations on projects in their jurisdictions.

In order to meet the problem to which the President called attention in his

message of April 30, 1969, to the Congress on improving the administration of Federal programs, the Department of Health, Education, and Welfare has provided in the bill for consolidating the present separate categories of grants for construction of mental retardation facilities, for construction of university affiliated facilities, and for initial staffing of community mental retardation facilities into a single, flexible program of grants to public or nonprofit agencies covering facilities and services for the mentally retarded.

Appropriations authorizations are requested for 3 years.

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

The bill (S. 3277) to amend the Mental Retardation Construction Act to extend and improve the provisions thereof, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 3279—INTRODUCTION OF A BILL TO EXTEND BOUNDARIES OF THE TOIYABE NATIONAL FOREST

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to extend the boundaries of the Toiyabe National Forest in Nevada.

The purpose of the bill, is to aid in the protection, improvement, and proper maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, much of which is already embraced within the boundaries of this national forest. The bill would extend the national forest boundary to include 12,920 acres of largely undeveloped, privately owned lands along the Nevada side of the lake.

Lake Tahoe is a unique body of water set in a basin which, despite encroachment by urban development, still retains much of its natural environmental beauty. It is one of the Nation's outstanding natural assets.

The stability of the natural conditions contributing to the clarity of the lake waters and the natural beauty of the surrounding area is being threatened by expanding urban development. These lands should not be overdeveloped. Overdevelopment will occur if present trends continue. Outside of the already planned or developed subdivision areas, the land reasonably suitable for development is limited. The portion I am concerned with in Nevada should be made available for the use and enjoyment of the general public through careful development of outdoor recreation facilities and full protection of the area's natural beauty and attractiveness. All of the resources in this and other critical watershed areas within the basin need planned and coordinated management, to provide protection, improvement, and maintenance of the natural environment. This can best be achieved through the controls that can be exercised through additional public ownership.

One of the critical problems is time. The lands covered by this bill are all private, and should be acquired now as parts of the national forest before urban development has expanded to the point where properly planned protection and development would be difficult or impossible.

The terrain surrounding beautiful Lake Tahoe is mountainous. Most of it is steep and rugged but with some relatively level areas along the shorelines and ridgetops. Most of the area is covered with second growth stands of timber, varying in age from 40 to 80 years. A few virgin stands exist in some relatively inaccessible areas.

The watershed is very important for its yield and quality of water. Frequent flood conditions require the maintenance of a healthy vegetative cover to stabilize the soil.

All this area needs to be managed for the protection of important recreation, watershed, timber, wildlife, and other resources. Public ownership and administration would enhance and maintain the natural environment and scenic values so important to the Lake Tahoe area.

The Forest Service administers 48.2 percent of the land within the basin surrounding Lake Tahoe, but only 2 percent of the shoreline. They have an established organization that could assume administration of the particular area with which this bill is concerned.

Adjacent areas are intensively used for residential purposes. There are approximately 4,000 yearlong residents most of whom live adjacent to the Douglas County portion of the area. The main residential areas are at Kingsbury, Tahoe Village, Elk Point, Zephyr Cove, and Glenbrook. In the summer months, the resident population doubles to approximately 8,000 people, and the transient summer population using the recreational resources in the basin is probably over 100,000 per day. There are approximately 10 million people within a 6-hour driving distance of the area.

The Nevada State Legislature passed Nevada Senate Joint Resolution No. 15, February 26, 1969, requesting me to introduce legislation to expand the Toiyabe National Forest boundary to include this area. The Governor of Nevada and other officials also favor the addition and feel action must be taken promptly to bring these critical private lands into public ownership. The Carson City Nevada Board of Supervisors and the Douglas County Board of County Commissioners—both representing directly affected communities—have passed resolutions favoring this proposed forest boundary extension. Also on September 17, 1969, the Nevada-Tahoe Regional Planning Agency endorsed the proposed extension of the Toiyabe National Forest.

This proposed extension of the national forest boundary will preserve the natural beauty and environmental quality of the Lake Tahoe shoreline in Nevada for the benefit of generations to come. This is enlightened, farsighted legislation, and I hope we will be able to move ahead with it expeditiously.

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

The bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3281—INTRODUCTION OF A BILL RELATING TO ADDITIONS TO THE INTERSTATE HIGHWAY SYSTEM

Mr. MONTOYA. Mr. President, I introduce on behalf of myself and Senators CANNON and RANDOLPH, a bill to amend section 139 of title 23, United States Code, the highway law of the United States, which would provide a means for designating additions to the Interstate System.

This legislation is the result of hearings held by the Subcommittee on Roads at Carson City and Ely, Nev., and Roswell, N. Mex., in October and November of this year. In many places in the United States, of which the New Mexico and Nevada examples are only representative, there are highway routes which should be part of our National System of Interstate and Defense Highways but which are not because of the mileage limitations imposed by the basic law. Without committing the Congress or the Nation on a large scale extension of the interstate program, this measure together with the existing provisions of section 139 will give to the States greater flexibility in deciding where their highway funds should be expended.

The communities not now located on the Interstate System are at a severe competitive disadvantage with respect to those which are. Many changes have taken place in the growth of cities and the development of industries since the system was originally laid out over 20 years ago. The bill, which I introduce today, will in no way commit the Federal Government to spending great amounts of money on another interstate highway program. It will, however, provide States which believe that additional links are needed to use their regular Federal-aid highway funds to construct roads to the standards set for this great national system.

As the chairman of the Committee on Public Works, Senator RANDOLPH of West Virginia, has clearly indicated, next year we will give serious consideration to the further development of our highway program. It is my hope that this legislation which we introduce today, will be part of the explorations and deliberations of the Congress as it provides the statutory framework for meeting our national transportation needs.

Under the bill, the choices will lie with the States and the States must make written commitments to build these roads. In the interim, the areas served by Federal-aid primary highways can be designated as part of the Interstate System and proper community planning and industrial development can be fostered and facilitated. I ask that a copy of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately re-

ferred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3281) to amend section 139 of title 23, United States Code, relating to additions to the Interstate System, introduced by Mr. MONTOYA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing language of section 139 of title 23, United States Code, shall be designated as subsection (a) and a new subsection (b) added as follows:

"(b) Whenever the Secretary determines that a highway on the Federal-Aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that System in the same manner as set forth in paragraph 1 of subsection (d) of section 103 of title 23, United States Code, he may upon the affirmative recommendation of the State or States involved designate such highway as part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within 12 years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(d) of this title. The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-Aid highway funds otherwise available to the State or States involved for the construction of Federal-Aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System."

S. 3284—INTRODUCTION OF A BILL TO AUTHORIZE THE ACQUISITION OF THE GODDARD ROCKET LAUNCHING SITE BY THE NATIONAL PARK SERVICE

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to authorize the acquisition of the Goddard Rocket Launching Site in Auburn, Mass., by the National Park Service.

In this year of man's first lunar landings, there is special reason to pause and to reflect on the accomplishments of Dr. Robert H. Goddard. He was to the moon rocket what the Wright brothers were to the airplane. His pioneering work—beginning in the early decades of this century—led to his launching of the first liquid propelled rocket on March 16, 1926. It rose 41 feet and traveled 184 feet in 2.5 seconds.

Dr. Goddard was born in Worcester, Mass., in 1882. In later years he became a professor at Clark University in that same city. This man, who has been called the father of modern rocketry, decided on his life's work at the early age of 16. He had read H. G. Wells' "War of the Worlds" and later in a letter to Wells said:

> It made a deep impression. The spell was complete about a year afterward, and I decided that what might conservatively be called "high altitude research" was the most fascinating problem in existence.

We in Massachusetts are particularly proud of the work of Dr. Goddard, but we realize that his accomplishments have significance for the entire country—indeed, the whole world. Therefore I am pleased to introduce this measure which would bring this site of the first rocket launching under the management of the National Park Service.

It is my hope that my colleagues will act on this bill during the next session, so that we can insure that this most notable historic site is not lost to the Nation.

Perhaps the best description of this man's dream can be found among his own writings. Again, in writing to H. G. Wells, he summarized his thoughts on his life's work:

> How many more years I shall be able to work on the problem I do not know. I hope as long as I live. There can be no thought of finishing—for aiming at the stars, both literally and figuratively, is a problem to occupy generations. So that no matter how much progress one makes, there is always the thrill of beginning.

I ask unanimous consent that two articles describing the life and work of Dr. Goddard be printed in the RECORD at this point, and that the text of the bill also be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and articles will be printed in the RECORD.

The bill (S. 3284) to authorize the acquisition and maintenance of the Goddard rocket launching site in accordance with the act of August 25, 1916, as amended and supplemented, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the inspiration of present and future generations the site in the town of Auburn, Massachusetts, on which Doctor Robert H. Goddard launched the first liquid-propelled rocket on March 16, 1926, the Secretary of the Interior is authorized to acquire and maintain such site in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 2. There are hereby appropriated such sums as are necessary to carry out the purpose of this Act.

The articles presented by Mr. KENNEDY, are as follows:

[From the New York Times, Nov. 20, 1966]

ROBERT H. GODDARD: THE FATHER OF MODERN ROCKETRY

(By Milton Lehman)

(The late Milton Lehman was the author of a biography of Robert H. Goddard, "This High Man," published in 1963.)

The turning points in history are seldom turned by the aphorisms that historians attribute to them. Possibly Caesar, crossing the Rubicon, actually said: "Jacta alea est." Perhaps Galileo, recanting before an ecclesiastical court his theory that the earth moves around the sun, said sotto voce: "But still it moves!"

The major scientific events of this century which launched the air age and the space age, however, elicited no such ringing aphorisms.

The first flight of a modern rocket—powered by gasoline and liquid oxygen—took off at midday on March 16, 1926, 40 years ago. Its creator, Dr. Robert H. Goddard, a physics professor at Clark University in Worcester, Mass., conducted his experiment in secrecy, a characteristic which marked one of the most inventive careers in American science and engineering.

March 16 was a clear, cold day in Worcester, with snow on the ground and no promise of spring in the sharp morning air. The rocket professor was bundled in a great-coat, muffler, and woolen cap against the Massachusetts chill, thanks to his wife's concern for his health.

NO COUNT DOWN

In this costume, Goddard left the Clark campus with his machinist, Henry Sachs, driving through town and up Pakachoag Hill to nearby Auburn and the farm of Aunt Effie Ward, his distant relative. Parking near a ravine, the two men slid and eased a number of wooden crates packed with rocket paraphernalia to a secluded spot near a cabbage patch and rigged up their gear.

The maiden flight rocket consisted of steel tubing, 10 feet long, framing a two-foot motor and nozzle. In a try for added stability, the inventor had positioned the motor and nozzle ahead of, rather than behind, the small fuel tanks. He believed, in error, that the engine would thereby travel more truly, much as a wagon follows the tug of a child. Later, he installed the motor at the rear of the rocket, where it has remained.

Shortly after noon, the rocket was ready, mounted in a launching frame contrived of pipes. There was no countdown, no electrical system to ignite the fragile machine. The mechanic, Sachs, merely lighted an alcohol stove beneath the motor with a flame on a long stick, and then ran toward a makeshift barricade for protection. There Goddard, allowing 90 seconds for ignition, released the cords that held the rocket down, and the device roared up as oxygen and gasoline combusted.

"ALMOST MAGICAL"

Only two others watched the maiden flight. The professor's wife, Esther K. Goddard, stood by with a cranked-up movie camera which unfortunately ran down just before the lift-off. Dr. Percy M. Roope, Goddard's assistant in the Clark physics department, was assigned to operate a theodolite and a stop watch. Roope reported that the rocket climbed 41 feet high and traveled 184 feet in the two and one-half seconds before it crashed.

Of this flight, Goddard later wrote in his journal: "It looked almost magical as it rose, without any appreciably greater noise or flame, as if it said: 'I've been here long enough; I think I'll be going somewhere else, if you don't mind.'"

Goddard's written comment was hardly stuff for history nor was his spoken com-

ment for the record as recalled by Mrs. Goddard: "I think I'll get the hell out of here!"

He was an invalid, as well as a new Ph.D., at Clark University in 1914 when his first two patents in rocketry were granted. Basic to rocket development, these two patent introduced the essential features of every modern rocket, whatever its thrust or trajectory: the use of a combustion chamber with a nozzle; the feeding of propellants, liquid or solid, into the combustion chamber; and the principle of the multiple or step rocket.

In 1916, he was earning $1,000 a year as an assistant professor at Clark, but these funds were no match for the rocket experiments he had in mind. He applied to the Smithsonian Institution for help and sent along a monograph of his theories called "A Method of Reaching Extreme Altitudes." The Smithsonian asked for "some idea of the expense" in making a high-flying rocket.

"I venture," Goddard said, "to name $250 as perhaps a reasonable figure for one of the rockets. It might, of course, be more. . . ."

It was a fantastic miscalculation. The Smithsonian gave him $5,000 initially and, ultimately, more than twice that amount. He received modest support from the Army Signal Corps during World War I; from the U.S. Navy after the war; and, through the intercession of Charles A. Lindbergh in 1930, a foundation grant of about $20,000 a year administered by Harry F. Gugghenheim.

Through 40 years of rocket research, Goddard had only about $250,000 to spend on all his rocket inventions, his crews, salaries, his "hardware," his patent fees, and the maintenance of his household.

To this support, he added the powerful ingredient of his own purpose to produce:

—The progenitor of the "bazooka" before the end of World War I, the device which helped defeat the Panzer divisions of Nazi Germany in North Africa in World War II.

—The stimulus, through his few published papers and his many published patents, to the rocket developments in Germany and Russia.

—The rocket, ignored by the United States, which became the Germany V–1, or "buzz bomb," of World War II.

—The Goddard rocket of 1939—a miniature in detail and components of the German V–2 rocket of 1943 which was fired against England.

—The basic concepts of rockets now on the drafting boards or still to come, employing ionized and nuclear power, and, among future possibilities, employing solar motors and sails to navigate the universe.

[From the Washington Evening Star, July 16, 1969]

GODDARD DESERVES NICHE AS FATHER OF ROCKETRY—A SCIENTIST'S DREAM OUTLASTED THE TAUNTS

(Harry F. Guggenheim, president and editor-in-chief of Newsday, a Garden City, Long Island, newspaper, was for many years a close friend and supporter of Dr. Robert H. Goddard, the father of modern rocketry. Goddard's research and experiments, many of which were supported by the Guggenheim Fund for the Promotion of Aeronautics, paved the way for the Apollo project. Here Guggenheim reminisces on the impact of this pioneer of space flight.)

(By Harry F. Guggenheim)

There is a special place in our thoughts for Robert H. Goddard. He was to the moon rocket what the Wright brothers were to the airplane.

He has been dead now for almost 25 years. He died without the fame that accrued to the Wright brothers in their lifetime. But he died still believing that man would one day shatter the fetters of Earth's gravity and stride majestically into the vast reaches of space. I wish he were here now to share this moment. It belongs to him.

Goddard was a physicist and professor at Clark University in Worcester, Mass., when I first heard of him.

In 1898, when he was 16, he read H. G. Wells' "War of the Worlds" which, as he would later write personally to Wells, "made a deep impression. The spell was complete about a year afterward, and I decided that what might conservatively be called 'high altitude research' was the most fascinating problem in existence."

He devoted himself to that problem with prodigious energy for the rest of his life. It would cost him isolation, ridicule, and eventually years of his life. "God pity a one-dream man," he wrote as he began his work.

Goddard began to experiment with small rockets early as 1908.

Eleven years later he published a paper entitled "A Method of Reading Extreme Altitudes," which espoused a theory that rocket power could lift a large payload to great heights if the rocket were designed to use its fuel effectively.

IDEA OF LUNAR LANDINGS

He was careful to mention the possibility of lunar landings only casually, lest he frighten away potential sponsors. But despite his almost indifferent mention of the subject, the press seized upon the paper with gross exaggeration.

The headlines were all similar to this one: "Modern Jules Verne Invents Rockets To Reach Moon."

It wasn't so, of course, but the effects were to cause Goddard considerable humiliation.

Goddard was embarrassed—he had intended to stress only the scientific aspects of his research—but he was not deterred. He continued his experiments, without public attention, and on March 16, 1926, launched the first liquid propelled rocket. It rose 41 feet and traveled 184 feet in 2.5 seconds.

The flight was so inconspicuous that no one paid any attention. But Goddard considered it a feat equivalent to the Wrights' first airplane flight.

Three years later, on July 17, 1929—almost 40 years to the day before Apollo 11 would take off for the moon—Goddard tried again. This time he had a model 11½ feet long, 26 inches wide, and weighing 35 pounds when empty. It rose 20 feet above the 60-foot launching tower, turned right, rose another 10 feet and then crashed to earth 171 feet away.

Goddard instantly considered the experiment a success. But as he and his associates were surveying the scene, according to his biographer, Milton Lehman, "they heard the shriek of a siren. They looked up to see a police patrol car, two ambulances and a convoy of automobiles stopping in Aunt Effie's farmyard. Two policemen, perhaps expecting catastrophe, inspected the rural scene, saw the steel tower, and asked questions. . . . Neighbors were saying that an airplane had crashed and exploded."

Goddard tried to quiet the policemen's fears, but two reporters who had come with them were already inspecting the charred field.

"The moon-rocket man," one reporter said. "How close did you get this time?"

Again Goddard was adrift in a sea of publicity. Lehman wrote:

"He wanted to tell the public that, yes, the rocket would be man's great prime mover. Yes, it would eventually reach the moon. But the public kept asking the same old question. When would it happen? When will your rocket do what you say it can do?"

"The headlines and front-page stories were all that he feared. They made him out as a reckless moon seeker, a public amusement." His neighbors in Worcester, afraid that "Moony Goddard" was going to wipe them all out in some mad experiment, demanded that he remove his tests. Goddard was distressed.

But, ironically, that very publicity was to give him a new lease.

At that time, Charles A. Lindbergh was a guest in my home in Port Washington, N.Y. I had met him when he came to Roosevelt Field for his historic flight to Paris—from which, I anticipated, he would never return. He did get back, much to my surprise, and subsequently became a consultant for the Daniel Guggenheim Fund for the Promotion of Aeronautics. This was a fund created by my father to promote research and education in aeronautics and to help encourage flying as a means of transportation. I was then the fund's administrator.

Lindbergh and I had talked on several occasions about the potential of spaceflight. He had often expressed the opinion that airplanes, confined as they were to the Earth's atmosphere, would ultimately prove too "limited" for the full scope of man's aspirations. We had discussed rocketry for its potential in delivering large quantities of mail over great distances.

On this particular day, we were discussing the work of the fund, when Mrs. Guggenheim interrupted us to read aloud from the New York Times an item about a rocket exploding near Worcester, Mass., the day before. When she finished reading the fascinating account of the scientist and his problems with his neighbors, I suggested to Lindbergh that he visit this man Goddard in behalf of the fund and discuss his work.

Lindbergh did call and Goddard, quite surprised, invited him to come to Worcester.

In their meeting, Goddard confessed his vision of one day soaring through the Earth's atmosphere into the reaches beyond. He explained the differences between rockets and the techniques he believed could be employed for invading the unknown limits of space.

From this meeting, Lindbergh returned impressed by the scientist and his ideas. We agreed that support should be obtained to underwrite Goddard's experiments. Lindbergh made the case to my father, Daniel, as I left to begin my duties as ambassador to Cuba. Daniel Guggenheim endorsed our proposals and agreed to provide the funds for a 2-year period. After his death, the Daniel and Florence Guggenheim Foundation took up support of Goddard's work until 1941.

These grants made it possible for him to give up teaching and, for the first time, to devote his full energies to rocket research. They also enabled him to move from New England, where his neighbors regarded him as a nut, to Roswell, N.M., where he would have freedom, privacy and open space.

During the years that followed, I was able to observe the man and his work first-hand. I was deeply touched by his modest, self-effacing manner, his cheerfulness, and his optimism.

NUMEROUS DISAPPOINTMENTS

His disappointments were considerable.

Once, in 1935, Lindbergh and I journeyed to Roswell to watch a test flight. It failed. He refused to accept it as any more than a temporary setback, a problem to be solved. He did solve it, and later, in writing to explain what happened he said, with that wry pleasantness that marked his whole demeanor: "I have not yet forgiven fate for bringing the matter of the gasoline orifices to my attention just at the time you and Colonel Lindbergh were here."

His letters were examples of clear and descriptive prose.

By 1940, Goddard had built a rocket that was very similar to the German V2 missiles which were to assault London three years later.

Goddard and I visited Washington to urge military leaders to consider the military potential of rockets, but they were not interested. It was not until the end of the war

that the oversight was obvious. Questioned by Army officers about the devastating V2, a German scientist incredulously replied: "Why don't you ask your own Dr Goddard?"

His investigations, as the American Rocket Society would say after his death, covered almost every principle involved in both the theory and practice of high-power rockets.

Among his inventions are included the first liquid-fuel rocket, the first smokeless powder rocket, and the first practical automatic steering device for rockets. It is no wonder that the rocket society would concede to Goddard the almost single-handed development of rocketry "from a vague dream to one of the most significant branches of modern engineering."

But it goes far beyond that. He left us more than inventions. He left an example of the extraordinary accomplishments that await the man who perseveres. He left a testimony to the power of one solitary individual to effect change and to transform the future.

And most of all, he left a vision.

"He never lost the dream," his wife, Esther, has said.

"He knew that he would build something that would go higher than anything had gone before, and that eventually man would explore space, with the moon only the first step."

I have thought of him often in these days of preparations for that "first step." When he died his work was generally unrecognized; now it is about to be fulfilled.

"How many more years I shall be able to work on the problem I do not know," Goddard wrote to H. G. Wells in 1932. "I hope as long as I live. There can be no thought of finishing—for aiming at the stars, both literally and figuratively, is a problem to occupy generations.

"So that no matter how much progress one makes, there is always the thrill of beginning."

S. 3286—INTRODUCTION OF CONSUMER PRODUCTS TESTING ACT OF 1969

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, the proposed Consumer Products Testing Act of 1969. This bill, a part of the President's consumer package, is designed to assist consumers in evaluating products by promoting development of adequate, reliable methods for testing characteristics of consumer products.

The bill reflects the growing concern of many of us in both the Congress and administration over the adequacy, meaningfulness, and soundness of many consumer standards and laboratory seals on consumer products.

Although the committee will want to review thoroughly the provisions of this proposed legislation, the administration is to be commended in taking the initiative to focus congressional concern on this most significant problem, and it is the intention of the Commerce Committee to schedule hearings promptly during the next session of Congress.

I ask unanimous consent that the text of the bill, together with the letter of transmittal and section-by-section analysis be printed at the close of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the RECORD.

The bill (S. 3286) to assist consumers in evaluating products by promoting development of adequate and reliable methods for testing characteristics of consumer products, introduced by Mr. MAGNUSON (for himself and other Senators), by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3286

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 "Consumer Product Testing Act of 1969."

SECTION 1. (a) For purposes of this Act, the term "consumer product" shall mean a type of article of personal property, without reference to brand name or source, customarily sold for family or household use, consumption, or enjoyment.

(b) For purposes of this Act, the term "testing method" shall mean a test method or procedure by which particular characteristics of a consumer product may be clearly evaluated.

(c) The term "agency" means an executive agency as defined in section 105 of title 5, United States Code, but does not include the General Accounting Office, and the term "responsible officer" refers to the head of an agency designated pursuant to section 2 or the officer designated by the head of such agency to perform the functions under this Act.

SEC. 2. (a) It is the purpose of this Act to assist consumers in obtaining reliable and meaningful information regarding consumer products by promoting the development and use of methods for testing objective characteristics of such products.

(b) The Director of the Office of Consumer Affairs (the "Director") shall, after consultation with the Director of the Office of Science and Technology and giving due regard to the statutory missions and capabilities of the several agencies, designate the appropriate agency responsible for the performance of the functions set forth in section 3 with respect to any consumer product or class of consumer products.

(c) When the Director determines that, with respect to a consumer product or class of products, the interests of consumers would be furthered by the development or approval of testing methods, he may request the responsible officer of the appropriate agency to implement the procedures set forth in section 3 with respect to such class or to one or more products within such class.

(d) In determining to which products priority of consideration should be given under section 3, the Director shall give due consideration to the requests of other officers of the executive branch, consumers, and manufacturers of such products; to the technical complexity, numbers and importance of such products to consumers; and to such other factors as he may deem relevant.

SEC. 3. With respect to each consumer product or class of products as to which a request has been made of him under section 2(c), each responsible officer shall:

(a) Identify which testing methods have been adopted, or from time to time are being considered for adoption, by private standard-making organizations or independent testing laboratories for such product or class;

(b) Evaluate whether the testing methods described in subsection (a) relate to those characteristics of such products or class, including performance, content, and durability, which should and can be tested to provide pertinent information to consumers;

(c) Evaluate whether the methods specified by such private organizations or laboratories for testing the characteristics described in subsection (b) are adequate, and if so approve the same;

(d) Confer and consult with such private organizations and laboratories, and with other interested parties with respect to the activities referred to in subsections (a), (b), and (c);

(e) After appropriate opportunity for comment by interested persons, cause to be published in the Federal Register the results of his evaluation carried out under subsections (b) and (c);

(f) Develop adequate testing methods if he finds that no testing method or inadequate testing methods exist with respect to a product or class of products, and that expeditious development of adequate testing methods through such qualified private organizations or laboratories is not feasible; and cause to be published in the Federal Register such testing methods as he may develop;

(g) Prescribe by order or regulation the information to be included in any advertisement or other public statement by a manufacturer, distributor, or other seller which is to the effect that a consumer product has been tested in accordance with methods approved or developed pursuant to this section in order to make such statement not false or misleading.

SEC. 4. (a) It shall be unlawful for any person, with intent to induce or to encourage the purchase or consumption of any consumer product, (1) to falsely represent that such product has been tested in accordance with testing methods approved or developed pursuant to section 3; (2) to make any false or misleading statement or to omit to state any material fact necessary to make any statement not misleading with respect to the test results on any consumer produce represented as having been tested in accordance with such methods; (3) to make any statement regarding a consumer product which does not comply with an applicable order or regulation issued pursuant to section 3(g); or (4) to falsely represent or imply that any officer, or agency, or instrumentality of the United States has endorsed, certified, or approved such consumer product or the accuracy of any test performed on such product.

(b) The district courts of the United States shall have jurisdiction over suits by the Attorney General to prevent and restrain violations of subsection (a) and over suits by persons injured by such violations for damages and equitable relief without regard to the amount in controversy. A suit under this subsection may be brought in the district court of any district in which the defendant resides or is found.

(c) Any person who knowingly violates any provision of subsection (a) of this section shall, in the case of a natural person, be punished by imprisonment for not more than one year or by a fine of not more than $5,000, or both, or in any other case, be punished by a fine of not more than $50,000.

(d) No publisher, radio broadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the violation relates, shall be liable under subsection (c) or liable for damages under subsection (b) by reason of the dissemination of any advertisement or statement in violation of this section, unless he has refused, on the request of the Attorney General, to furnish the Attorney General the name and post office address of the person who caused him to disseminate such advertisement.

(e) The provisions of section 13(b) of the Act of September 26, 1914, as amended (15 U.S.C. 53(b)), shall apply to the grant of equitable relief under this section.

SEC. 5. In carrying out responsibilities conferred upon him under this Act each responsible officer may:

(a) To the extent necessary, acquire or establish additional facilities and purchase

additional equipment for the purpose of carrying out such responsibilities.

(b) Request any Federal agency to supply (on a reimbursable basis if appropriate) such statistics, data, testing methods, progress reports, and other information as he deems necessary to carry out such responsibilities.

(c) Subject to such general guidelines as may be promulgated by the Director, issue, amend, and revoke such rules and regulations as he deems appropriate to carry out such responsibilities.

SEC. 6. Nothing in this Act shall supersede any other law relating to consumer products or any rule of regulation promulgated thereunder.

SEC. 7. There is hereby authorized to be appropriated to each agency whose officers carry out functions under this Act such sums as may be necessary.

The letter and analysis, presented by Mr. MAGNUSON are as follows:

THE WHITE HOUSE,
Washington, D.C., December 8, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal entitled the "Consumer Product Testing Act of 1969."

This proposed legislation carries out in part the October 30 Consumer Message of the President. As more fully described in the accompanying explanatory statement, the purpose of the proposed Act is to assist consumers in evaluating products by promoting development of adequate and reliable methods for testing characteristics of consumer products.

At present there is no government review of the privately developed methods used to test consumer products. Because of the large number of technically sophisticated products on the market today, it is difficult for the consumer, through his own efforts, to understand the qualities and characteristics of these products. Private standard-making organizations and laboratories currently issue quality endorsements of one kind or another for a wide variety of products. However, there have been instances where information of interest to the consumer is either not made available, or where the information available has not been developed by reliable test methods. Therefore, it would be of great assistance to consumers if the testing procedures on which these endorsements were based had been evaluated and approved by a responsible Government agency.

The purpose of the evaluation is to determine whether the tests are adequate, meaningful and technically sound. The goal is to provide the consumer with reliable and understandable information about the products he buys.

This legislation is needed:

(1) to authorize responsible agencies of the Federal Government to identify which methods have been adopted by private organizations for testing characteristics of consumer products; to determine whether the characteristics are pertinent to consumer needs for information; and to evaluate the test methods employed;

(2) to authorize such agencies to develop testing methods for consumer products where no privately developed methods exist or where the existing methods have been found to be inadequate; and

(3) to authorize the advertising by a manufacturer, distributor or other seller that a consumer product had been tested in accordance with methods approved or developed pursuant to this bill.

The President's message significantly improves the Federal Government's effectiveness in responding to consumer needs. Every citizen will be benefited by enactment of the implementing legislation.

The Bureau of the Budget has advised that the submission of this proposal is in accord with the program of the President.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

EXPLANATORY STATEMENT TO ACCOMPANY THE PROPOSED CONSUMER PRODUCT TESTING ACT OF 1969

Section 1 of the bill contains definitions of the terms "consumer product" and "testing method."

Section 2 of the bill states that the purpose of the Act is to assist consumers in obtaining reliable and meaningful information regarding products by promoting the development and use of objective test methods. It then sets forth certain procedures. First, the Director of the Office of Consumer Affairs, after consultation with the Director of the Office of Science and Technology, determines which of the various Federal agencies should be assigned general responsibility under the Act for particular consumer products or classes of products. Then the Director of the Office of Consumer Affairs determines whether the interests of consumers would be furthered by the development or approval of testing methods for a particular class or product within such a class; and requests the appropriate responsible official to implement the test evaluation and development procedures set forth in Section 3. The Director, after consideration of the requests of interested parties and other relevant factors, also determines the priorities of consideration to be given products under Section 3.

Section 3 provides that the responsible officer of a given agency requested to implement the Act shall first identify the test methods which have been adopted or are being considered for adoption by private standard-making organizations or independent testing laboratories for a particular product or class of products. He will then evaluate whether these test methods relate to characteristics which should and can be tested to provide pertinent information to consumers. An evaluation is made of the test methods used and, if they are adequate, they are approved. He will consult with the organizations, laboratories and other interested parties with respect to the foregoing and, after appropriate comment from these parties, cause to be published in the Federal Register the results of his evaluation.

Should there be no existing or adequate testing methods, he will develop adequate testing methods and cause them to be published in the Federal Register. He may then prescribe by order or regulation the information to be included in any advertisement or public statement by a manufacturer, distributor or seller concerning testing in accordance with approved or developed methods in order that such statement will not be false or misleading.

Section 4 provides that it shall be unlawful to: (1) falsely represent that a product has been tested in accordance with an approved or developed standard; (2) to make a false or misleading statement or omission with respect to test results obtained on a product represented as having been tested in accordance with approved methods; (3) to make statements not in compliance with any applicable regulation or order issued pursuant to Section 3; or (4) to imply or represent any governmental approval of either a product or accuracy of a test method. Jurisdiction is in the Federal district courts with criminal penalties prescribed. Members of the advertising media are exempted from civil damage and criminal sanctions, unless they refuse to divulge the name and address of the person causing publication of material violative of this Act to the Attorney General upon request.

Section 5 allows the responsible officer to acquire or establish the necessary equipment and facilities required to carry out his duties under this Act and to request other Federal agencies' assistance on a reimbursable basis. He is also given the power to issue such rules and regulations necessary to carry out his responsibilities provided they are within the general guidelines prescribed by the Director of the Office of Consumer Affairs.

Section 6 provides that this Act will not supersede any other law, rule or regulation relating to consumer products.

Section 7 authorizes the appropriations necessary to carry out the functions of the Act.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that at its next printing, the names of the Senator from Washington (Mr. JACKSON), the Senator from Maryland (Mr. TYDINGS) and the Senator from California (Mr. CRANSTON) be added as cosponsors to Senate Joint Resolution 156, a joint resolution to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972.

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

SENATE CONCURRENT RESOLUTION 51—CONCURRENT RESOLUTION SUBMITTED RELATING TO AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF SENATE BILL 3016

Mr. NELSON submitted a concurrent resolution (S. Con. Res. 51) to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, which was considered and agreed to.

(The remarks of Mr. NELSON when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on the dates as shown, he presented to the President of the United States the following enrolled bills and joint resolution:

On December 19, 1969:

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; and

S.J. Res. 54. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

On December 20, 1969:

S. 59. An act to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over

lands within the Army National Guard Facility, Ethan Allen, and the U.S. Army Materiel Command, Firing Range, Underhill, Vt.; and

S. 2917. An act to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes.

SMOKING ON AIRCRAFT—II

Mr. HATFIELD. Mr. President, on Thursday I introduced a bill, S. 3255, to regulate smoking on passenger aircraft. My remarks appear at page 40042 of the RECORD of December 18.

At the conclusion of my remarks, I asked unanimous consent to have printed a petition to the Department of Transportation and the Federal Aviation Authority by Action on Smoking and Health. I am working with ASH, and the petition seeks a similar result to that of my bill.

Due to the Senate's lengthy session on Thursday, only a small part of the petition appeared in Thursday's RECORD. The remainder appeared in Friday's RECORD. Unfortunately, the Friday RECORD had no introductory remarks and did not even indicate who it was that inserted the material, nor to what bill it pertained. I am aware of the logistical problem for the Printing Office which caused this situation. To people reading the RECORD, however, it is very unclear in its present form.

For that reason, Mr. President, I ask unanimous consent to have reprinted at the end of these remarks the ASH petition in its entirety.

Incidentally, I might add that the initial reaction to this bill to restrict smoking on aircraft to certain areas has had very favorable initial response. My office has received several telephone calls of support from people who saw my remarks in the RECORD.

When the Senate reconvenes in January, I plan to request cosponsors for this bill, so I hope that Senators will study the bill.

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

[Before the Department of Transportation and the Federal Aviation Administration]

PETITION FOR PROMULGATION OF A RULE REQUIRING SEPARATION OF SMOKING AND NONSMOKING PASSENGERS ON ALL COMMERCIAL DOMESTIC AIR CARRIERS

To: Honorable John A. Volpe, Secretary, Department of Transportation; Honorable John H. Shaffer, Administrator, Federal Aviation Administration.

Petitioners: John F. Banzhaf III, 530 'N' Street, S.W., Washington, D.C. 20024, (202) 554–5799; Action on Smoking and Health (ASH), 2000 H Street NW., Washington, D.C. 20006, (202) 659–4310; C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards); Steven I. Bellman, Joseph M. Chomski, Chairman, James R. Coleman, Richard Emanuel, Michael D. Grabow.

Counsel: John F. Banzhaf III, 2000 H Street NW., Washington, D.C. 20006, (202) 659–4310.

Now comes Action on Smoking and Health (ASH), Project C.R.A.S.H. (Citizens to Restrict Airline Smoking Hazards), and John F. Banzhaf III, and pursuant to 5 U.S.C. 553 (e) and 14 C.F.R. 11.25(a) petition the Administrator of the Federal Aviation Administration, and in so far as is appropriate under Department of Transportation Act, 49 U.S.C. 1651 et seq., the Secretary of Transportation, to promulgate a rule requiring all domestic air carriers to effectively separate smoking passengers from non-smoking passengers so as to prevent non-smoking passengers from being subjected to the health hazards and annoyance of being forced to breathe tobacco smoke.

Petitioners move the promulgation of the above rule for the following reasons which will be hereinafter more fully explained and developed in the body of the petition;

(1) Unregulated cigarette smoking on airlines creates a clear and present danger to the safety, health, and very lives of as many as 30 million people (30,000,000) with pre-existing medical conditions.

(2) Unregulated cigarette smoking on airlines creates a significant health hazard for all non-smoking passengers who are thereby forced to inhale the smoke created by other passengers.

(3) Unregulated cigarette smoking on airlines creates a severe annoyance for many non-smoking passengers, infringing on their rights and deterring many from flying, and may also deter courteous smokers from enjoying their flights, thus discouraging the development of civil air commerce.

I. INTERESTS OF THE PETITIONERS IN THE ACTION REQUESTED

Petitioner Action on Smoking and Health (ASH) is a national non-profit charitable, scientific, and educational organization which serves as the legal action arm of the antismoking community by utilizing legal action against the problems of smoking. ASH has in excess of 8000 individual contributing members who support its activities and whose interests in the problems of smoking ASH seeks to further. In addition, ASH is supported and sponsored by a wide variety of health, educational and social welfare organizations, and a distinguished panel of individual Sponsors including leading figures in the fields of medicine and public health, as well as other nationally known public figures. Attached and hereby made a part of this petition is a report more fully describing ASH, its supporting organizations, and its Board of Sponsors. ASH is also assisted in its work by numerous individuals and organizations such as Citizens to Restrict Airline Smoking Hazards (C.R.A.S.H.), a special project of ASH and an organization of five George Washington University Law School students who often fly and who are concerned about the problems of smoking on airlines. ASH has initiated and engaged in numerous proceedings involving antismoking messages before the Federal communications Commission which were largely responsible for enforcement of the Commission's ruling requiring an estimated 75 million dollars a year worth of free broadcasting time for messages about the health hazards of smoking. ASH has filed a number of complaints relating to cigarette advertising and promotion with the Federal Trade Commission, and has testified and appeared through a petition for the amendment of a role in the Commission's rule making proceedings. Thus its standing to initiate and participate in actions before such agencies on behalf of the interests of its contributing members, supporting organizations, project groups, and individual sponsors has been clearly established.

Action on Smoking and Health has received numerous letters from individuals, both contributors and non-contributors, about the health hazard and annoyance created by being forced to breathe the cigarette smoke of others in confined areas. Many of these are from people with an allergy or other preexisting health problem which additionally makes smoking a clear and present danger to their immediate health and welfare. Action on Smoking and Health (ASH) therefore petitions the Secretary of Transportation and the Administrator of the Federal Aviation Administration on behalf of itself as an organization devoted to serving the public interest in the area of smoking, on behalf of its contributing members, supporting organizations, project group C.R.A.S.H., and individual sponsors who are vitally concerned and interested in the problems of smoking, on behalf of its contributing members and non-members who have specifically complained and are adversely affected by the problem of cigarette smoke in confined areas; and on behalf of all other persons similarly situated who are interested in and/or affected by the problem of cigarette smoke on commercial domestic air carriers. [See, e.g., *Associated Industries v. Ickes*, 134 F.2d 694 (2d Cir.), dismissed as moot 320 U.S. 707 (1943); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *National Association for the Advancement of Colored People v. State of Alabama*, 357 U.S. 449 (1958); *Joint Anti-Facist Refugee Committee v. McGrath*, 341 U.S. 123 (1951); *Barrows v. Jackson*, 346 U.S. 249 (1953); *Office of Communication of the United Church of Christ v. F.C.C.*, 359 F.2d 994 (D.C. Cir. 1966)].

Petitioner John F. Banzhaf III is an adult male citizen of the United States and a resident of Washington, D.C., who is vitally interested both individually and professionally with the problems of smoking. As a private citizen he filed a petition with the F.C.C. which led to a ruling requiring all radio and television stations broadcasting cigarette advertisements to devote a significant amount of time free to messages about the health hazards of smoking. He successfully defended this decision in the United States Courts [*Banzhaf* v. *F.C.C.*, 405 F.2d 1082 (D.C. Cir. 1968), cert, denied 90 S. Ct. 50 (1969)] and, through ASH, participated in the enforcement of the decision. Petitioner Banzhaf is Executive Director of ASH. He is also Executive Trustee of Legislative Action on Smoking and Health (LASH), the only anti-smoking lobbying organization, and a registered lobbyist on behalf of antismoking interests. In this capacity he has testified in a number of congressional proceedings. Petitioner Banzhaf flies on commercial domestic air carriers often and has frequently been subjected to being forced to breathe the smoke of other passengers which is annoying and harmful to his safety and health. He petitions the Secretary of Transportation and the Administrator of the Federal Aviation Administration on behalf of himself and all other persons similarly situated.

II. STATUTORY AUTHORITY TO PETITION

Petitioners bring this petition for the promulgation of a rule pursuant to 5 U.S.C. 553 (e), 14 C.F.R. 11.25(a), and 49 C.F.R. 5.11

5 U.S.C. 553(e) provides: "Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule."

14 C.F.R. 11.25(a) provides: "any interested person may petition the Administrator to issue, amend, or repeal a rule within the meaning of section 11.21, or for a temporary or permanent exemption from any rule issued by the Federal Aviation Administration under statutory authority."

With respect to any functions or powers not exercised by the Administrator and exercised by the Secretary of Transportation 49 C.F.R. 5.11 provides: "any person may petition the Secretary to issue, amend, or repeal a rule, or for a permanent or temporary exemption from any rule."

Petitioners, as demonstrated in Part I above, are clearly "interested persons" within the meaning of the acts and regulations.

III. STATUTORY AUTHORITY TO PROMULGATE PROPOSED RULES

The Federal Aviation Act of 1958 established the Federal Aviation Agency to be headed by an Administrator with broad pow-

ers including the power to issue rules for the regulation of commercial domestic air carriers. Although his primary responsibility was to "promote safety of flight of civil aircraft in air commerce" [49 U.S.C. 1421(a)], the statutory grant of power—as will be shown—was far broader and required him to give consideration to the public interest including the highest possible degree of safety for the passengers, and to the encouragement and development of civil aeronautics in the United States and abroad. The Administrator and the Agency have consistently interpreted their grant of authority very broadly, and their interpretations have been upheld. The Department of Transportation Act transferred to and vested in the Secretary of Transportation "all functions, powers, and duties of the Federal Aviation Agency", and provided that a portion of these functions, powers, and duties were to be exercised by the Federal Aviation Administrator [49 U.S.C. 1655(c)]. This Act, which consolidated in the Secretary many transportation functions heretofore fragmented, again stressed that they were to be exercised to promote the public interest and the general welfare. Petitioners therefore jointly petition the Administrator and the Secretary to promulgate the proposed rule under their authority and duty to:

(1) see that the air carriers operate with the highest possible degree of safety;

(2) protect the public interest and promote the general welfare;

(3) encourage and foster the development of air commerce.

Petitioners will demonstrate that the Administrator has repeatedly relied on one or more of these principles as a basis for statutory authority to enact regulations for the promotion and protection of passenger safety, health, and comfort. Such regulations have been directed to the conduct of passengers and the air carriers, not only with regard to the safety of the aircraft, but also with regard to the safety, health, and comfort of passengers within the aircraft itself. Petitioners' rule requiring smoking and non-smoking sections would fall within this category, thus conforming to well established Administration policy.

1. Safety

The Administrator's mandate with regard to safety is set out most specifically in 49 U.S.C. 1421(b), which states that "in prescribing standards, rules, and regulations . . . the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the *highest possible degree of safety in the public interest.*" [Italic added]. On several occasions the courts have not only recognized this duty but held the Government liable for failure to promulgate or enforce rules consistent with this standard. *Furumizo* v. *United States,* 245 F. Supp. 981 (D. Hawaii 1965); *Rapp* v. *Eastern Air Lines, Inc.,* 264 F. Supp. 673, 680 (E.D. Pa. 1967) ("the Board had to give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest."); see also *Airline Pilots Association* v. *Quesada,* 182 F. Supp. 595, 598 (S.D.N.Y. 1960) ("The Federal Aviation Act of 1958 . . . imposes upon the defendant the duty and responsibility of promulgating rules and regulations to provide adequately for the highest possible degree of safety in air commerce.") In cases involving these duties of the air carriers the courts have repeatedly reaffirmed that the "highest possible degree of safety" standard applies not only to the safety of the aircraft but also to passenger safety within the aircraft compartment. Thus in *Wilson* v. *Capital Airways,* 240 F. 2d 492 (4th Cir. 1957) a passenger was injured due to the lack of a handrail in a lavatory. The U.S. Court of Appeals for the Fourth Circuit held that an "airline company, which was a common carrier, was bound to exercise the highest degree of care and foresight for the safety of the passengers." Courts have also established that air carriers are liable for injury to a passenger caused by another passenger. In *Garrett* v. *American Airlines,* 332 F. 2d 939 (5 Cir. 1964), the court found the air carrier liable for an injury to a passenger resulting from the injured party falling over a piece of hand luggage placed in the aisle by another passenger. The court warned air carriers that "they must reasonably take cognizance of the habits, customs, and practices followed generally by its passengers insofar as such actions present hazards to its business invitees." Thus the Administrator has the power and the duty to promulgate regulations providing for "the highest possible degree of safety in the public interest" which applies to the safety of passengers within the aircraft as well as to the safety of the flight.

The "highest possible degree of safety" standard, when applied to the broad grant of authority given to the Administrator in 49 U.S.C. 1421(a)(6) [1], and viewed in light of a number of FAA regulations (Regulations section, *infra*) governing conduct within the passenger compartment, leads one to the inescapable conclusion that the power and duty to regulate the passenger's safety within the passenger compartment lies within the Act. Medical evidence (Medical section, *infra*), has shown conclusively that inhaling tobacco smoke endangers the safety and health of approximately 30,000,000 people who have pre-existing illnesses, and is an annoyance to all non-smokers. It would be incongruous, then, if the Administrator had the power to regulate the safe stowage of carry-on baggage (14 C.F.R. 121.589) in order to prevent one passenger's baggage from falling and injuring a neighboring passenger, and could not regulate the involuntary health and safety hazard one passenger can impose upon another by forcing him to inhale the smoke from his cigarette, cigar, or pipe.

Petitioner contends that the Administrator has not only the authority, but the duty as well, under 49 U.S.C. 1421(b), to promote safety in civil air commerce by requiring the effective separation of smokers from non-smokers on domestic air carriers.

2. Public interest

49 U.S.C. 1303 clearly seems to require the Administrator to follow and be guided by the public interest standard because it sets forth in detail at least five elements that he "shall consider . . . as being in the public interest." 14 C.F.R. 11.25(5) also implies that a proposed rule will be promulgated if the petition can show that "the granting of the request would be in the public interest." 49 U.S.C. 1651(b)(1) provides that "the Congress therefore finds that the establishment of a Department of Transportation is necessary *in the public interest* and to assure the coordinated, effective administration of the transportation programs of the Federal Government." [emphasis added] This concept, despite the various delineations applied to it, remains broad and somewhat flexible. By leaving the definition open-ended, Congress has given the Administrator great latitude to enable him to act with respect to a wide variety of circumstances, both foreseeable and unforeseeable, that might arise.

The term "public interest" encompasses the balancing of the needs and desires of one sector of the population with those of the remainder, so as to effectively satisfy the greatest number, while causing the least hardship (or, ideally, no hardship at all) to the smallest number. Petitioner's rule would beneficially affect a large sector of the population (Medical analysis, *infra*), while causing no harm and virtually no inconvenience to the sector wishing to smoke. The non-smokers whose health is so seriously affected that they have had to forego use of the airways would be able to fly. Non-smoking passengers who are to a lesser degree deleteriously affected by tobacco smoke will be able to patronize the air carriers without being subjected to aggravation of their physical condition. In addition, healthy passengers will not be subjected to health hazards. The passengers who wish to smoke will not be deprived of their smoking privilege. There can be no question that the benefits from the proposed rule far outweight any possible drawbacks, thus serving the public interest.

3. Fostering and development of air commerce

49 U.S.C. 1346 defines the Administrator's authority with respect to civil aeronautics and air commerce as follows: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad." Interstate and overseas air commerce, as defined by 49 U.S.C. 1301(20), includes "the carriage by aircraft of persons or property for compensation or hire . . . or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce." The significance is that air commerce unquestionably includes business aspects, which necessarily refers to the passenger market. A separation of smokers and non-smokers would significantly enlarge the potential passenger market. The development of air commerce would be beneficially affected because the segment of the population that previously had to avoid commercial air carriers because of serious reactions to smoke would be able to utilize the air carriers, and that segment of the population that flew reluctantly, or only when they had no other choice, would fly more often. Both results would enlarge the air passenger market and further the development of air commerce thereby implementing the intent of the above sections.

4. Applicable regulations

The Administrator has demonstrated the authority and the determination to promulgate rules which regulate the conduct and affect the safety of passengers while inside the airplane. A substantial number of these regulations have been specifically designed to promote the safety, health, and comfort of the passengers during the course of the flight indicating the Administrator's interest in limiting hazards within the craft. The following regulations are similar in nature and scope to the rule requested in this petition:

1. 14 C.F.R. 25.831(b): requiring that passenger compartment air must be free from "harmful or hazardous concentrations of gases or vapors."

2. 14 C.F.R. 91.11: providing that a pilot may not allow a "person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft."

3. 14 C.F.R. 121.219: providing that passenger and crew compartments must be "suitably ventilated", and that "carbon monoxide concentration may not be more than one part in 20,000 parts of air."

4. 14 C.F.R. 121.265: providing that if any toxic extinguishing agent is used in the airplane's fire extinguishers, "precautions must be made to prevent harmful concentrations

[1] This section empowers the Administrator to promote the safety of air commerce "by prescribing and revising from time to time: (6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedures, as the Administrator may find necessary to provide adequately for national security and safety in air commerce". This section is a departure from the rest of 1421(a) in that it does not deal solely with equipment, maintenance, or design.

of fluid or fluid vapors from entering any personnel compartment"; and, "if carbon dioxide is used, it must not be possible to discharge enough gas into the personnel compartments to create a danger of suffocating the occupants".

5. 14 C.F.R. 121.285: providing that cargo may be carried in passenger compartments if it is installed in a position so as not to restrict access to emergency exits or aisles, and as long as suitable safeguards are provided to prevent the cargo from shifting; and as long as the cargo does not obscure any passenger's view of the "seat belt" or "no smoking" signs.

6. 14 C.F.R. 121.311: providing that there must be an "approved safety belt for separate use by each person over two years of age; and, that during each takeoff and landing, each passenger shall "secure himself with the approved safety belt provided him"; and, that no plane may take off or land unless "each passenger seat back is in the upright position".

7. 14 C.F.R. 121.317: providing that "no person may operate an airplane unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened"; and that these signs must be "turned on for each landing and takeoff and when otherwise considered to be necessary by the pilot in command", and, that "no passenger or cabin attendant may smoke while the no smoking sign is lighted and each passenger shall fasten his seat belt and keep it fastened while the seat belt sign is lighted."

8. 14 C.F.R. 121.571: providing that before each takeoff passengers must be "orally briefed by the appropriate crew member" on smoking, use of seat belts, and location of emergency exits.

9. 14 C.F.R. 121.575: providing that no passenger "may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him"; "no certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who appears to be intoxicated"; no person may be allowed to board any aircraft "if that person appears to be intoxicated".

10. 14 C.F.R. 121.589: providing that no passenger may carry any article of baggage aboard an airplane unless that article can be stowed under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce certain specified inertia loads.

These regulations indicate that the public interest requires that a high degree of care be exercised by commercial air carriers. Implicit in this duty of care is a recognition of the fact that individual passengers should be reasonably free from all conditions that may be harmful or annoying, including those caused by the conduct of other passengers. The Administrator has recognized the importance of regulating the conduct of each individual passenger, where such conduct, if unregulated, could adversely affect the health, safety, and comfort of other passengers. This concern and authority is clearly demonstrated by the substantive provisions of the above regulations. Therefore, since tobacco smoke, particularly in confined areas, constitutes a safety hazard and annoyance to others, its regulation would be wholly consistent with past Administration policy and well within the authority, purview and intent of the Act.

IV. MEDICAL EVIDENCE

The average smoker seems to be aware only of the harm he is causing himself. Most people, smokers and non-smokers alike, do not know that cigarette smoke in a confined area is also harmful to those who do not smoke. It has been established beyond any reasonable doubt that cigarette smoking is a severe health hazard causing an estimated 300,000 death a year [estimates by former Surgeon Generals Luther Terry and William H. Stewart, and Dr. R. T. Ravenholt, reported in Diehl, *Tobacco and Your Health: The Smoking Controversy* 34–35, 1969] and that inhalation of cigarette smoke can cause different forms of cancer and chronic non-neoplastic bronchopulmonary diseases, and aggravate or contribute to a variety of cardiovascular diseases and other medical conditions. [See, e.g., U.S. Public Health Service, *The Health Consequences of Smoking*, 1968.]

As a basis for its proposed rulemaking, petitioners contend that cigarette smoking is also harmful to the non-smoker because the formed inhalation of another's cigarette smoke in an enclosed environment creates:

(1) a clear and present danger to an estimated 30 million people with certain pre-existing medical susceptibilities, AND

(2) a significant health hazard and discomfort to most others.

1. Persons suffering from pre-existing medical susceptibilities

The presence of tobacco smoke, especially in a confined area, presents a serious medical threat to the millions of Americans who have certain medical susceptibilities and conditions. This smoke can directly aggravate the condition of anyone afflicted with: chronic sinusitis, asthma, hay fever, an allergy to smoke, chronic bronchitis, emphysema, and many other chronic lung diseases. The total number of people susceptible to this problem is staggering. The National Health Survey which ended in June, 1967, gave the following breakdown for lung disease in the United States:

Estimated number of persons suffering from a preexisting susceptibility to cigarette smoke

Chronic bronchitis	400,000
Emphysema	726,000
Chronic sinusitus	16,818,000
Asthma or hay fever	16,099,000
Other sensitivities to smoke*	----------
Total	More than 34,000,000

*Estimated to be in the millions.

Thus cigarette smoke in a confined area creates a clear and present danger to the safety, health, and very lives of as many as 30 million Americans.

According to Dr. John M. Keshishian, a thoracic and cardio-vascular surgeon at the George Washington University Hospital, the presence of tobacco smoke in the air can trigger an attack in a person plagued with chronic lung disease. This attack can result in either mild discomfort, such as a coughing spell, running eyes and nose, and impaired breathing, or a more serious attack involving extreme discomfort and great difficulty in breathing. [See attached Affidavit from Dr. Keshishian, *infra.*]

Recognized authorities have studied the effects of smoke on persons afflicted with chronic lung disease and allergies. Their research indicates the dangers which airlines currently permit their passengers to be exposed to.

Dr. Irwin Caplin, a respected allergist, sympathizes with the non-smoker exposed to cigarette smoke.

"The truly unfortunate patient is the one who develops severe asthma when he enters a smoke-filled room. It seems that cigars or pipe smoke will usually aggravate the asthmatic more than the cigarette smoke. We see many asthmatics who develops severe asthma from even one cigarette in a room or just by smelling the ashes in an ash tray. There are the patients who can be likened to the man living in Dante's inferno where there is no escape from burnt fingers. Unfortunately, the non-allergic population has no understanding of what they do to their asthmatic members of the family when they smoke in their presence. They are usually annoyed and place the asthmatic in a most embarrassing position. He must either ask ask them not to smoke in his presence or stay home and isolate himself from society. This is indeed a problem, and I do not know the answer. Perhaps if we could have a magic wand and make all smokers asthmatic for one hour a week and then have them sit in a room full of cigar smoke we would certainly have a population with a great deal more understanding." [Caplin *The Allergic Asthmatic*, 1968.]

Dr. J. J. Ballinger discussed cigarette smoke as an air pollutant in the August, 1968, issue of *Laryngoscope*. In an article entitled "The Effect of Air Pollutants on Pulmonary Clearance", he stated that "a recent report indicated that a single one hour exposure of mice to cigarette smoke . . . lowered their resistance to infection, as measured by mortality and survival time; also, exposure to smoke of mice infected with influenza A virus twenty-four hours previously, resulted in significantly higher mortalities, thus suggesting that *cigarette smoke can aggravate an existing respiratory viral infection.*" [Italics added.]

Precise testing of persons with allergies, as conducted by Dr. Bernard Zussman, has shown that "The problem of clinical hypersensitivity to tobacco smoke is assuming greater importance in atopic [allergic] patients, who do not smoke themselves, but who are exposed to smoke either at school, office, or home." The results of the testing showed definite allergic symptoms in these patients when exposed to tobacco smoke. With treatment, and avoidance of smoke, the symptoms disappeared. [Zussman, *Atopic Symptoms Caused by Tobacco Hypersensitivity*, 61 Southern Medical Journal 1175 (1968).]

Additional evidence of the health hazard caused by cigarette smoke is found in a study of the effects of smoke on persons with allergies conducted by Dr. Frederic Speer. [Speer, *Tobacco and the Nonsmokers*; 16 Archives of Environmental Health, 443 (1968).] He states, "A study of both allergic and nonallergic patients revealed that intolerance to tobacco smoke is common to both groups." Strong reactions were recorded, leading to the conclusion that "The many individuals who develop symptoms from tobacco smoke need the understanding and support of the physician in helping them avoid its noxious effects." The "noxious effects" recorded included eye irritation, nasal symptoms, headache, cough, wheezing, sore throat, nausea, hoarseness, and dizziness, as shown in the table below:

REACTIONS TO TOBACCO SMOKE AS REPORTED BY 191 ALLERGIC NONSMOKERS

	Boys[1]	Men	Girls[1]	Women	Total	Percent
Patients	38	44	29	80	191	100.0
Eye irritation	30	32	22	56	140	73.3
Nasal symptoms	25	31	22	59	137	67.1
Headache	6	22	9	50	87	46.0
Cough	20	13	19	35	87	46.0
Wheezing	9	13	8	13	43	22.5
Sore throat	4	13	6	21	44	23.0
Nausea	3	5	3	18	29	15.2
Hoarseness	1	9	1	20	31	16.0
Dizziness	0	2	1	8	11	5.3

[1] Under 16 years of age.

The wide variety of ill effects caused by the inhalation of another's tobacco smoke is well summarized by F. K. Hansel in (*Clinical Allergy*, 1953):

"As a primary irritant, tobacco smoke may cause nasal obstruction, increased nasal discharge, and reduction in the sense of smell. In the lower respiratory tract it is a common cause of coughing. The tobacco tars are now recognized as important carcinogenic agents in the mouth, larynx, and bronchi.

"Tobacco is a very significant factor as a secondary irritant in patients with nasal allergy, hay fever, and bronchial asthma. Even among those allergic patients who do not smoke, tobacco may act as an irritant or primary sensitizer.

"Satisfactory results in the management of allergic patients may depend upon the complete elimination of tobacco as an etiologic (causal) agent or as a secondary factor . . .

"The structure and function of the nose exposes its membrane particularly to the irritating effects of chemical fumes, tobacco smoke, and such air pollutants as photochemical smog, . . .: They are active as secondary irritants aggravating the symptoms of patients who have allergic rhinitis and the attacks that they precipitate are essentially indistinguishable from those due to the primary causative antigen.

"There is little doubt that tobacco smoke is an important secondary factor in precipitating allergic symptoms through its action as a nonspecific irritant."

Bettina C. Hilman ["*The Allergic Child*", Annals of Allergy, Nov., 1967] reports that the National Health Survey of 1959–61 found that over 4.6 million American children have Asthma. Also, that an estimated ten to twenty percent of the children in this country have one or more allergies. [As of 1968, there were almost 60 million children under 14 years of age in this country; 20% would be 12 million.] Dr. Hilman goes on to state, "The immunological load varies with the amount of exposure to offending allergens (inhalants and ingestants). The total allergic load is also influenced by the degree of exposure to offending odors, e.g., paint, hair spray, fish oil, cigarette smoke." Therefore, exposure to air contaminants, such as tobacco smoke, inhibits the control of allergies in children and may lead to dangerous allergic reactions. Even before smoking was widely recognized as a serious health hazard tobacco smoke was known to be irritating to the young hay fever and asthma patient. (Vaugh and Black, *Practice of Allergy*, 1954) Smoke was also seen to "obviously act as a non-specific irritant in many children with respiratory allergy", (Sherman and Kessler, *Allergy in Pediatric Practice*, 1957). Thus several different medical studies have shown that as many as 15 million children would be endangered by the unrestricted smoking conditions on air carriers, and, as flying becomes more popular and more widely available, more children will be exposed to these dangerous conditions. Furthermore, these studies supplement and lend further support to the earlier cited reports showing that smoking in a confined area can be dangerous to all nonsmokers.

Although it is a difficult factor to measure, the presence of smoke may psychologically affect a passenger with chronic lung disease, allergy, or other susceptibility to tobacco smoke. Extensive worry about exposure to smoke may itself bring about the symptoms of an existing malady or make the victim more susceptible to a lower concentration of tobacco smoke. "When we consider that the fumes that annoy people are certain to cause mental distress, it is not easy to assess to what extent the resultant symptoms are psychogenic." [Speer, *Tobacco and the Nonsmoker*, 16 Archives of Environmental Health 443 (1968)] Fear of a fire in flight, air crashes, or even air sickness may likewise psychologically reduce the threshold level at which a person with a pre-established susceptibility will be endangered by the cigarette smoke of others.

Thus there is general agreement within the medical profession, based upon a number of research studies, that persons with chronic sinusitus, asthma, hay fever, an allergy to smoke, chronic bronchitis, emphysema, and many other chronic lung diseases, when exposed to tobacco smoke, are seriously threatened with aggravation of their conditions. Figures provided by the National Health Survey show that more than 30 million Americans, and as many as 15 million children, are susceptible to this danger.

2. Health hazard and discomfort to all nonsmokers

The findings of a research team under the direction of Dr. Giuseppina Scassellatti-Sforzolini show that smoke from an idling cigarette contains almost twice the tar and nicotine of an inhaled cigarette. On the average, smoke from an inhaled cigarette contains 11.8 mg. of tar and 0.8 mg. of nicotine, as compared to 22.1 mg. of tar and 1.4 mg. of nicotine from idling smoke. Thus smoke from an idling cigarette may be twice as toxic as smoke inhaled by the smoker. Although the concentration of harmful substances breathed by the non-smoker is less than the concentration inhaled by the smoker himself, the exposure will be for a greater period of time; an idling cigarette contaminates the air for approximately 12 minutes while the average smoker is actually inhaling on the average for 24 seconds during his "enjoyment" of each cigarette. Thus effects due to decreases in concentration may be more than overcome by increases in exposure time. In some cases, Dr. Scassellatti-Sforzolini reports, smoking "will obviously constitute something of a menace to a . . . nonsmoking passenger." [*Nonsmokers Share Carcinogenic Risk While Breathing Air Among Smokers*, Medical Tribune, Dec. 4, 1967.] Therefore it seems obvious that in the confines of an airplane, where a nonsmoker may be required to sit next to or between two smokers, and where the air circulation is typically poor [and may be next to nonexistant, e.g., while waiting in line for takeoff], the non-smoker will be subjected to a significant health hazard to appease a smoker.

Others who have recognized the danger of smoke to the non-smoker have made similar findings. An editorial in the December 1967 issue of *Science Magazine* concerned the pollution of air by cigarette smoke. *Science Magazine* reported that "in a poorly ventilated smoke-filled room concentrations of carbon monoxide can easily reach several hundreds parts per million, thus exposing smokers and non-smokers present to a *toxic hazard*." [Emphasis added] Carbon monoxide affects the body's hemoglobin, robs the body of needed oxygen, and "commonly leads to dizziness, headaches, and lassitude." One may thus suspect that those who have a tendency to become ill on an airplane will become ill more readily if exposed to cigarette smoke. As to those who do not normally become air sick, carbon monoxide can cause dizziness and headaches, and may also act as a catalyzing agent for air sickness.

Two other harmful components of cigarette smoke are nitrogen dioxide and hydrogen cyanide. The former is an acutely irritating gas, reported *Science Magazine*, and cigarette smoke contains concentrations fifty times the level considered "dangerous." Hydrogen cyanide, a deadly agent particularly active against respiratory enzymes, is present in cigarette smoke in concentrations 160 times that considered dangerous for extended exposure. Furthermore, cigarette smoke contains acrolein, aldehydes, phenols, and carcinogens like benzo(a)pyrene, some of which have been found to have synergistic effects among the toxic agents. In its summation *Science Magazine* concludes: "when the individual smokes in a poorly ventilated space in the presence of others, he infringes the rights of others and becomes a serious contributor to air pollution."

The results of a recent German study on the amounts of tar and nicotine present in confined areas and the effects on the nonsmoker have been startling. In *Deutsche Medizinische Wochenschrift*, Volume 92, November 1967, these findings were reported in answer to a question on the effects of tobacco smoke on a non-smoker: "The test results of Harmsen and Effenberger [Harmsen and Effenberger, Archives of Hygiene and Bacteriology 141 (1957)] show the smoking of several cigarettes in a closed room makes the concentration of nicotine and dust particles in a short time so high that the non-smoker inhales as much harmful tobacco by-products as a smoker inhales from four or five cigarettes." This report was further supported by other studies including: (1) *Smoking and Health. Summary of a Report of the Royal College of Physicians of London on Smoking in Relation to Cancer of the Lung and Other Diseases*, (London, 1962); (2) H. Oettel: *Cancer Research and Fight against Cancer*, IIIrd Book, 6th Conference of the German Cancer Society in Berlin, from March 12th to 14th, 1959; (3) H. Oettel: *Smoking and Health*, Nachrichten aus Chemie und Technik 11 (1963), 28; (4) Journal of Medicin Rheinland-Pfalz 18 (1965) 217; (5) H. Oettel: *Toxic Materials in the Air, Water, and Food* (Short essay in monthly course of instruction for doctors (1967) written after a speech of the International Congress Symposium of the doctors in Davos and Badgastein on March 6th and 8th, 1967).

More evidence of the detrimental effects of tobacco smoke on the average non-smoker has been documented by Dr. Frederic Speer in Archives of Environmental Health, Volume 16, March 1968. The chart below shows that a very significant number of people not allergic or otherwise particularly susceptible to cigarette smoke can suffer severe reactions to the smoke produced by others:

250 NONALLERGIC NONSMOKERS

	Boys[1]	Men	Girls[1]	Women	Total	Percent
Patients	19	71	21	139	250	100.0
Eye irritation	9	54	14	96	173	69.2
Nasal symptoms	5	28	2	38	73	29.2
Headache	5	26	5	43	79	31.0
Cough	7	15	10	31	63	25.2
Wheezing	1	4	0	6	10	4.0
Sore throat	0	7	0	7	14	5.6
Nausea	3	6	0	14	23	9.2
Hoarseness	0	6	0	5	11	4.4
Dizziness	2	2	2	10	16	6.4

[1] Under 16 years of age.

Dr. Cyril D. Fullmer, in a report to the Annual Scientific Meeting of the Utah State Medical Association in September, 1968, also commented on the hazardous effects of tobacco smoke on non-smokers. His report originally concerned a study of the hazards of cigarette smoking to smokers but, during his study he discovered evidence of it being harmful to non-smokers as well.

A health survey in Detroit homes of chil-

dren of smoking and non-smoking parents found that even healthy children are particularly susceptible to cigarette smoke. The survey concluded that smoker's children were sick more frequently than non-smoker's children, and that the presence of tobacco smoke in the environment is associated with "lessened physical health." [Cameron, Kostin, et al., *The Health of Smokers' and Non-Smokers' Children:* Preliminary Report I included in Appendix] On an airplane, it is likely that young children, often excited, restless, and frightened, will be easily affected by cigarette smoke. The report is also further evidence of the susceptibility of healthy nonsmokers to the cigarette smoke of others.

Another inconvenience created by the smoker is pure discomfort. Most non-smokers just do not like cigarette smoke being exhaled in their faces. This often results in eye irritation, coughing, and nausea. Petitioner believes that the discomfort resulting from cigarette smoke is quite apparent and needs little further explanation. For the sake of documentation, Petitioner refers the Administrator to a letter in the AMA News, April 7, 1969, written by Dr. Ralph Berg of Spokane, Washington, and resultant replies to the letter by other physicians. These letters will be found in the Appendix along with a small sample of others.

V. IMPLEMENTATION OF PROPOSED RULE

There appear to be various means by which to accomplish the objective of the proposed rule: the separation of smokers and non-smokers on commercial air carriers. Merely for the purpose of demonstrating several means by which this could be accomplished at no cost to the airlines and no inconvenience to either the smoking or nonsmoking passengers, a number of possible alternatives for implementing the proposed rule are set out below:

(1) Non-smokers would be seated from the rear of the aircraft while smokers would be seated from the front, and the order would be interchanged equitably. Thus, on all but capacity flights, there would be an effective barrier of several rows of seats between the two groups.

(2) Non-smokers would be seated on the left side of the aircraft while smokers would be seated on the right, possible alternating if necessary to achieve fairness. If one side became full the overflow could be seated at the rear of the other section. Thus, on most flights and for most passengers, the center aisle would be an effective barrier between the two groups.

(3) Blocks of seats, perhaps in group of five rows, would be labeled for the use of smokers and non-smokers alternatively by the use of easily movable markers. As these small sections filled up appropriate adjustments for the particular ratio of smokers and non-smokers could be made by the stewardesses.

Obviously, there are many alternatives not suggested in this petition that would accomplish the desired objectives. Most public transportation systems have, at one time or another, effected some means of separating smokers and non-smokers, and such separation by the air carriers would be in accordance with the statutory intent of developing a "coordinated transportation service" 149 U.S.C. 1651(b)(1)]. Smoking cars on trains, and various bus regulations, have dealt with this problem. Certainly the imaginative personnel working for the Administrator, and for the major airline companies, can develop a simple, inexpensive, yet effective means of dealing with this hazardous and annoying situation without inconveniencing any of the passengers.

Enactment of Petitioners' proposed rule would have no detrimental effects on air carrier service and, indeed, would merely involve a designation of certain seats in which smoking would be permitted and would not involve any structural changes in the aircraft. There would also be no inconvenience caused in the preflight preparations. Both smoking and non-smoking passengers would purchase the same tickets, and make the same reservations, as is now done. There would be no problem of an imbalance of smokers or non-smokers, because the solutions suggested above contemplate a flexible policy.

The most significant argument in favor of smoking sections is a basic one: the use of such sections would not infringe the rights of any smoker, but would give non-smokers the rights which they have been deprived of in the past—the right to breathe unpolluted air. While no passengers would be harmed, or inconvenienced, a large number would be greatly benefitted. This clearly includes the courteous smoker who might otherwise be deterred from enjoying a cigarette by his concern for the health and comfort of passengers next to him.

VI. CONCLUSION

The Federal Aviation Administration and the Department of Health, Education and Welfare are scheduled to begin a joint 12-month study "to measure the amounts of tobacco smoke contaminants in air transport aircraft." (Department of Transportation Release #69–108, 19 September, 1969) This study will attempt to "measure the amounts of carbon monoxide and other impurities in both cockpit and passenger cabin areas."

The results of this study will not be reported until late in 1970 or early in 1971. There is no rational justification for the Administrator to wait for the results of this study before requiring smoking sections on airplanes. Little benefit would be gained from such a delay, particularly since the study is expected to re-confirm conditions already known to exist. Non-smokers have for too long been subjected to the unreasonable hazards caused by tobacco smoke.

This petition has presented sufficient evidence upon which the Administrator can and should conclude that tobacco smoke in the passenger compartment of an airplane constitutes a severe and substantial threat to the health, safety, and comfort of non-smokers; so severe, and so substantial, that nothing short of the immediate enactment of the proposed rule would be an acceptable remedy.

It is elementary that where there is doubt as to the danger of an act or substance that doubt should be resolved in favor of protecting the public health and safety, particularly where this can be done with substantially no inconvenience and at no cost to any party. The health of the majority of Americans, including:

(1) the 49% of all American males over 17 who do not smoke;

(2) the 66% of all American females over 17 who do not smoke;

(3) the over 30 million Americans who have pre-existing conditions making them particularly susceptible to cigarette smoke;

(4) And all non-smoking children, particularly the estimated 12 million who have pre-existing medical conditions, making them particularly susceptible to cigarette smoke; should not be wagered on the chance that an investigation would show that it might not be seriously endangered. Many of the components of cigarette smoke—e.g., nicotine—are recognized as drugs, and the law requires that with respect to drugs doubt is to be resolved in favor of the consumer. [See generally 21 U.S.C. 301 et seg.] Tobacco smoke has clearly been identified as both an irritant and as a strong sensitizer[2] and, under the Hazardous Substances Act, doubt as to thesee are to be resolved in favor of the public safety and health. [15 U.S.C. 1261 (f)(1)(A) and 1262(a)(1)] A most striking recent example of this policy was the recent decision of the Secretary of Health, Education, and Welfare to restrict the sale of products containing cyclamate because a dosage 50 times greater than normal human consumption caused cancer in mice. Indeed, this policy is required by the statute for food additives which have been shown to be capable of causing cancer. [21 U.S.C. 348(c)(3); see *Bell v. Goddard,* 366 F.2d 177 (7th Cir. 1966).] Whether directly applicable or not, these statutes are a clear indication of long standing congressional intent which should be followed.

Petitioners respectfully submit that they have shown that:

(1) they are interested persons with standing to petition for the proposed rule;

(2) that the statute gives the Administrator the power, and indeed even the duty, to promulgate rules for the protection of passengers from safety hazards within the aircraft;

(3) that the Administrator has consistently utilized this power, and recognized this duty, to promulgate rules to provide for the safety of passengers from hazards within the aircraft, and that the proposed rule would be consistent with others previously issued;

(4) that the overwhelming weight of the medical evidence indicates that unrestricted smoking aboard aircraft creates a clear and present danger to the safety and health of an estimate 30 million people who because of pre-existing medical conditions are particularly susceptible to tobacco smoke;

(5) that a number of studies have indicated that unrestricted smoking in enclosed environments like aircraft creates an involuntary and inflicted health hazard to every passenger;

(6) that the proposed rule could be effectuated without cost to the airlines or inconvenience to passengers;

(7) and that any doubt as to safety and health of passengers must be resolved in their favor.

Therefore Petitioners respectfully request that the Secretary and the Administrator promulgate the proposed rule, and that the Petitioners be made parties to any related proceedings with the right to further support their proposed rule.

Respectfully submitted,

JOHN F. BANZHAF III,
Attorney for Petitioners.

[2] See, e.g., Hansel, *Clinical Allergy* (1953) ("Tobacco smoke make act as a (1) primary irritant, (2) secondary irritant in an allergic individual, (3) a primary sensitizer.").

PROBLEMS OF THE BALL BEARING INDUSTRY

Mr. McINTYRE. Mr. President, two of New Hampshire's finest firms, the MPB Corp., in Keene, N.H., and the New Hampshire Ball Bearings, Inc., in Peterborough and Lebanon, N.H., are among the principal companies in the Nation with the highly technical ability to produce miniature precision ball bearings.

These minute bearings, some of which are so small they can hardly be seen with the naked eye, are vital to our defense and space programs. The guidance system of our space ships, for example, would not be possible without these bearings.

Now the companies are being threatened with a flood of foreign imports of these bearings. The demand for bearings from American processors has fallen so low that continued manufacture in this country is threatened.

The danger in this situation is such that we might find ourselves completely dependent on foreign sources for this

vital equipment. If there should be troubles in the world and the foreign source cut off our defense and space programs could be placed in real jeopardy.

I have been pressing the Defense Department and the Office of Emergency Preparedness and others to take action to protect our American suppliers. The Assistant Secretary of Commerce, Mr. Kenneth Davis, recently toured the New Hampshire ball bearing plants.

Frankly, Mr. President, I was deeply disturbed by the fact that Secretary Davis did not seem to be impressed by the seriousness of this situation.

I want to bring this matter to the attention of my colleagues because I am sure they will be as concerned as I am.

To help in a further understanding of this problem, I ask unanimous consent to have printed in the RECORD an article published in the Keene, N.H., Sentinel of December 12, which discusses the visit of Secretary Davis and the problems of the industry.

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

U.S. OFFICIAL TOURS THREE BEARINGS FIRMS; SILENT ON PROTECTION AGAINST IMPORTS

(By Jim Hicks)

The U.S. assistant commerce secretary wound up a tour of New Hampshire ball bearings manufacturing firms in Keene yesterday, but withheld comment on whether he felt the companies deserved federal protection against imports.

Kenneth Davis made the tour of three New Hampshire facilities in response to a petition by MPB Corporation in Keene and New Hampshire Ball Bearings Inc. in Peterborough and Lebanon.

The miniature bearing industry petitioned the Office of Emergency Preparedness (OEP) in January, claiming foreign manufacturers were selling bearings in the United States in such quantity that the national security might be impaired.

Federal law provides that if manufacture of precision bearings is determined to be indispensable to national defense, the President can take steps to protect the domestic industry against imports.

Davis would only say that he found the facilities "extraordinarily modern" and that his inspection added to his feeling that the precision bearing industry is critical to the nation.

The precision bearing industry has been hard hit by imports, principally Japanese, in the last five years. John A. Clements, manufacturing vice president at NHBB, said yesterday the domestic industry has been so undercut by imports that 700 employees of a total of about 3,000 in the three major U.S. firms manufacturing bearings have been lost in the last three years. He emphasized that bearings companies are now attempting to correct for the loss of profits and employees by diversification.

Although NHBB has begun turning away from manufacturing precision bearings exclusively, MPB in Keene has diversified to a much greater extent, with only 25 percent of the local company's operation now devoted to the specialized field.

NHBB and MPB executives said diversification will mean eventually that the firms will have to sell much of their bearings machinery and retool for other products if Japanese imports are not curbed.

With this country depending more and more heavily on the imports, sudden elimination of this source could threaten the national security, they said. Clements pointed out precision bearings are a vital part of aerospace technology and missile guidance systems.

In a national emergency it would take the domestic industry a minimum of two years to rebuild precision bearing production, including hiring and training employees to take the place of those lost to diversification, Clements said.

"I feel we could meet any defense requirement with current companies and machinery," Davis told the executives.

Davis said there may be some reluctance on the part of the administration to curb imports since the U.S. as well as other countries are thriving on the present trade expansion policy.

"The unique thing going for ball bearing manufacturers, though, is the national defense implication," Davis added.

EMPLOYMENT OF THE DEAF BY FINN INDUSTRIES, JACKSONVILLE, FLA.

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Silence—Actions Speak Louder Than Words," published in the December issue of Monsanto magazine. The article concerns the efforts of Finn Industries to employ the services of deaf persons in its Jacksonville, Fla., plant.

Finn Industries is a subsidiary of Potlatch Forests, Inc., of San Francisco, Calif., and Lewiston, Idaho. This expanding company is reaching into our national concerns by submitting a proposal for Secretary Romney's call for low-cost housing in the Operation Breakthrough program. It is cooperating with the national effort to clean up our waters and now Potlatch is expanding its efforts to utilize the deaf in its Florida plants.

Since the employment of our handicapped citizens is of concern to all of us, I think the article makes worthwhile reading. The Finn Industries and its parent, Potlatch Forests, Inc., deserve to be commended for their public-spirited activities in this and other fields.

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

SILENCE—THESE HARD-WORKING PEOPLE CAN'T SPEAK, BUT THEIR ACTIONS ARE LOUDER THAN WORDS

JACKSONVILLE, FLA.—The virtues of hard work, thrift and perseverance are not the exclusive property of any group of Americans. But one group of persons at The Finn Industries plant here seems especially imbued with these virtues.

This group consists of 15 deaf mutes—one man in eight of the plant's employes. Not easily distracted, alert and conscientious, they are regarded by management—and by their fellow employes—as great guys to work with.

The Finn Industries, a subsidiary of Potlatch Forests, Inc., is a packaging firm concerned with the folding paper carton business. Those of its employes who are deaf mutes are engaged in every aspect of manufacturing from the printing presses to the cutting and gluing machines.

One machine operator has three people under him, all of whom can speak and hear. "Do you have any problem communicating?" one of the articulate was asked.

"He understands very well," the woman replied. "And *we* understand *him*."

Bill Cudahy, the lively Irishman who is general manager of the Jacksonville plant, is largely responsible for the program of employing deaf mutes. Raised in an orphans' home, he met deaf mutes early in life, learned to like them. When he was a young pressman (he's been in the business 42 years), he was given as helper a man with this kind of handicap. Through sign-language, lip-reading and written instructions he trained the new man, and was so impressed with the mute's quickness that he decided he'd hire such men if he ever got the chance.

He got the chance when he became general manager at The Finn Industries plant in 1958. Since he started hiring deaf mutes, several other companies in this area have followed suit. Cudahy's program won a citation for Potlatch from former President Kennedy, and was also cited by the Florida Rehabilitation Association.

Some deaf workers have a real advantage over their colleagues who are not so afflicted. Several of them work all day long with an air-machine stripping perforated cartons from reams of heavy coated paper. The noise level would be almost unbearable to a person with normal hearing.

Most of these men were taught basic communications at the St. Augustine School for the Deaf. Among themselves, they use a kind of shorthand sign language that only the practiced can understand.

But they do far better at knowing what ordinary people are saying than we do at understanding them. Maybe it's because they try harder.

Ben Cancell, president of Potlatch Forests, Inc., is a modest man. He is quick to point out that all the credit for the deaf-mute employment program belongs to Bill Cudahy. Yet it does seem that Potlatch is, as a corporation, markedly public-spirited.

The company has made a point of using mentally retarded youngsters in its reforestation program. When it moved its headquarters from Lewiston, Idaho, to San Francisco, it turned over a palatial residence in Lewiston to the public for a children's home. It has gone into a long-term "partnership" with Western Samoa developing timber resources to provide the natives there not only with employment, but with a share of the profits.

It all seems to fit with the name of the company—Potlatch—which derives from an Indian gift-giving ceremony. Founded in 1903, Potlatch has three major groups and two subsidiaries. Its wood products, paper, and paperboard and packaging groups are all good customers of Monsanto, for paper chemicals, adhesives and agricultural chemicals.

The Finn Industries is one of its subsidiaries. Another is Speedspace Corporation, which provides prefabricated, relocatable buildings that help solve some pressing school housing problems, particularly in California. And this program, too, has its public-spirited aspects. As Ben Cancell says of the Jacksonville program, "It's easy to say, 'Let someone else do it.' But you can't send out orders from the top. This sort of thing must start at the plant level."

AIR POLLUTION—THE THREAT IS NOW

Mr. YARBOROUGH. Mr. President, in an article published recently in the Washington Post, writer Joshua Lederberg pointed out how air pollution could cause genetic mutations.

We already know about the severely adverse effects air pollution can have upon the health of human beings, even to the extent of causing death. Indeed, in 1930 in Belgium, 60 people died from air pollution; in 1948 in Pennsylvania, 2,037 died from air pollution. In 1952, London, 4,000; in 1961, Los Angeles, 75,000.

In Los Angeles alone the schoolchildren are not allowed to exercise, to run, to jump, to skip indoors or outdoors on smog alert days. That is just the beginning of what we are in for.

We pour out 130 million tons of material into the atmosphere each year. That is roughly equivalent to the total tonnage of all steel production in the United States.

Mr. President, it is the epitome of human tragedy that we overfund new military items such as the C5–A and underfund programs so vital to the survival and progeny of man.

Because the problem of pollution is worldwide in scope and severity, I have offered Senate Joint Resolution 156, a bill to establish an interagency commission with the specific duty of planning this Nation's participation in the 1972 U.N. Conference on the Human Environment. This bill, adequate funding of all pollution control bills, and all efforts to deal with this monumental crisis should be given one of the highest priorities of this Nation and all nations everywhere.

Mr. President, I ask unanimous consent that the article, entitled "Air Pollution Ingredients Are Suspect for Mutation," by Joshua Lederberg, published in the Washington Post of October 18, 1969, be printed in the RECORD.

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

AIR POLLUTION INGREDIENTS ARE SUSPECT FOR MUTATION

(By Joshua Lederberg)

Many of the effects of radiation on living cells can be mimicked in laboratory tests with derivatives of hydrogen peroxide and other chemically active forms of oxygen. During the last 25 years we have learned to take a critical view about radiation and have set increasingly suspicious standards for regulating our exposure to it. Were we quite logically consistent, we would be just as critical about peroxides.

Just the reverse has happened, however, and active forms of oxygen are an increasingly important part of our environment. Much of this rise in exposure is an unintended by-product of urban life. For example, much of the eye-irritating part of Los Angeles-type smog comes from ozone and PAN (peroxacyl nitrate), typical peroxide-like compounds.

Peroxides are, however, also used very widely in industry. They were, for example, introduced for bleaching flour in the 1950s to take the place of nitrogen trichloride when this compound was found to generate a nerve poison that caused convulsions in dogs (not, in low doses, in other species). The peroxides received government approval as a good additive on the strength of a limited number of tests on rats and dogs. The required tests do not begin to reach the possibilities of genetic or fetal effects.

On the other hand, a much more searching inquiry has been demanded of radiation sterilization of foods, and after many years, approval is still withheld from this process. There is good theoretical reason to believe that the treatment of foodstuffs by radiation and peroxides will yield very similar kinds of chemical products, and it is preposterous that one and not the other should be subject to such critical scrutiny.

In testimony before Sen. Edmund S. Muskie's subcommittee on air pollution last year, Dr. S. S. Epstein of the Children's Cancer Research Foundation summarized what was known of the mutational effects of air pollution—namely, almost nothing: "With the exception of ozone, which has been found to cause chromosome breaks, there are no published data . . . all the more surprising as certain fractions of air pollutant extracts are known to contain poorly defined compounds which are generally both carcinogenic and mutagenic."

It is painfully obvious that the air of many cities could not meet the quality standards, feeble as they are, for food additives. As far as I know, PAN has not been directly tested for mutational potency. My personal experience with organic peroxides, goes back, however, more than 20 years, and they are indeed powerful mutagens according to a wide variety of tests. On elementary chemical principles, it would be incredible to expect PAN and ozone to behave otherwise.

Ozone is a natural constituent of the atmosphere at high altitudes and supersonic passengers are likely to experience modest amounts of it unless special methods are used to exclude it from the cabin of the SST. It is also being advocated for the treatment of sewage, water supplies and even conditioned air with no thought of the kind of biological testing it ought to have.

Carefully used, ozone may be an advantageous oxidant for cleaning up dirty water, but before it is allowed to pervade the environment we must learn its potential hazards—and especially the kinds of less active, intermediate products it may form with a variety of substances in the environment and in the body.

Our main defense against peroxides is the enzyme catalase, which occurs in most tissues and causes the rapid breakdown of hydrogen peroxide. (This causes the familiar foaming when "peroxide" is applied to a wound.) In normal people, it is supposed (we hope) to minimize the chance of genetic damage.

However, a few rare individuals are lacking in catalase from a genetic defect, and the enzyme may also be altered in certain diseases and under the influence of some drugs. Also, given the variety of reactive compounds formed by peroxides, not all of them equally quickly neutralized by catalase, we cannot afford to be complacent about these compounds as potential causes of mutations and cancer.

SUPPORT OF THE FEDERAL RAIL SAFETY ACT

Mr. SCOTT. Mr. President, I consider the passage of the Federal Railroad Safety Act (S. 1933) a truly historic moment. For the first time in the Nation's history, we have enacted a comprehensive railroad safety law. Instead of a piecemeal approach which attacks only certain areas related to railroad safety, this act will insure the country, both now and in the future, of a continuing emphasis on all aspects of safety in railroading.

Mr. President, I think that all of us recognize that the Federal Railroad Safety Act represents the work of many people. However, I should like to single out one individual who contributed his usual careful and thoughtful analysis to the problem of railroad safety and to the legislation necessary to achieve this very important goal.

The distinguished Senator from Vermont (Mr. PROUTY) is often characterized as one of the outstanding Members of the Senate because of his thorough understanding of the legislative process and his approach toward problem solving. In the Federal Railroad Safety Act, Senator PROUTY has again demonstrated his characteristic abilities as a fine legislator.

In any legislation of this scope, numerous interested groups are affected. Each group has a distinct view of what the legislation should be. Mr. President, I know that Senator PROUTY personally sat down with officials from all of the interest groups involved in order to painstakingly work out conflicting views so that the final act would be both workable and comprehensive.

Senator PROUTY has often stated that cooperation is needed by both the public and private sector of our economy—at the Federal, State, and local level, in order to achieve meaningful success in any program for the public interest. Again, Senator PROUTY has demonstrated through diligence, hard work, and careful analysis, that one can achieve the delicate balance in legislation which insures success rather than constant bickering.

I think we should commend the able junior Senator from Vermont for his dedicated and sincere efforts in helping to make possible the enactment of the Federal Railroad Safety Act.

EDUCATION ADVISORY COUNCIL CALLS FOR NATIONAL LEADERSHIP; DECRIES CUTS IN EDUCATION ADVOCATED BY THE ADMINISTRATION

Mr. YARBOROUGH. Mr. President, the National Advisory Council on Education Professions Development has reported to President Nixon, Vice President AGNEW, and House Speaker MCCORMACK under the title: "Leadership and the Educational Needs of the Nation."

The Council reports that it is "deeply disturbed" by what it has found this year in its review of administration of national education programs.

Its report states:

Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

Members of the Council are drawn from all sections of the education community, and from all parts of the country. They know what is going on in the schools, and what is going on at the grassroots of American education.

This report is a ringing cry—almost a plea—for national leadership for the tone and direction of the education system. It should be read by every Senator.

I ask unanimous consent that it be printed in the RECORD.

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

LEADERSHIP AND THE EDUCATIONAL NEEDS OF THE NATION

(Report of the National Advisory Council on Education Professions Development)

The National Advisory Council on Education Professions Development is charged with reviewing and evaluating programs of the Federal government which support the training and development of educational personnel. We come to Washington several

times each year to review with those responsible for the administration of these programs the progress they are making in their efforts to provide the best teachers for our schools and colleges. We have just concluded one such meeting. We are deeply disturbed about what we find.

Everywhere the mood appears to be one of cutting back—withdrawing—seeing how little we can get along with; in short, a steady retreat from the bold plans the nation launched several years ago.

Specifics are not hard to come by. Only last week the U. S. Commissioner of Education pronounced the "right to read" for every youngster in the nation. At that very time, the Department of Health, Education, and Welfare was directing the Office of Education to cut $8 million of a $13 million program, a substantial portion of which was designed to improve the preparation of teachers of reading!

Just two months ago, the House of Representatives cut appropriations supporting the chief program of the Federal government for the preparation of college teachers. The 1969 appropriation of $70 million was reduced by $14 million.

In neither case has there been offered any compelling evidence to warrant such reductions.

But it is not only a matter of reduction in funds. There is also an absence of any bold planning to meet the problems of tomorrow. We have reviewed a recently-completed report recommending programs related to the training of educational personnel that should be undertaken by the Federal government. This report, a plan for the next five years, was prepared by one of several sub-groups of a Task Force on Education appointed by the Department of Health, Education, and Welfare. There are many worthy programs in this plan. We commend the Department for taking this kind of initiative in looking ahead. But we find the conception and scale of the plans no match for the needs. In fact, the so-called plans are timid and token. It would appear that instead of taking as a point of departure a searching inquiry into the needs of education and concluding with a determination of the resources required to meet these needs, this group was faced with an assumption of severe financial constraints and the necessity to fit its planning into this assumption.

In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. The Council believes strongly in this notion of partnership. We reject any suggestion of domination of the Federal government. But each partner must do its *share*. And when we find that the States have, in the last two years, increased their expenditures for higher education by 38% and for elementary and secondary education by 28%, and when we find that at the same time the Federal government is cutting back, we can conclude only that there is, in fact, a default of responsibility on the part of the Federal government.

Recently the House of Representatives voted a substantial increase in appropriations for education. We commend the leadership of both parties in this effort. But apart from this action—which has yet to be voted by the Senate and signed by the President—retrenchment is the only signal coming out of the Federal government at the present time. This signal creates a mood—a mood that is affecting the thinking and actions of those in the Federal agencies responsible for administering educational programs and of those in the field who are trying to provide new prospects for the young.

While we sit for two days as members of a Federal Advisory Council and read this signal and sense this mood, we bring with us a sense of another reality "out there"—as the principal of an elementary school in a ghetto, as a school board member in Oregon, as president of a university in Appalachia, as a graduate dean in a private university in New England, as a superintendent of schools in the fourth largest city in the nation, as a professor of physics in a Midwest university, as a guidance counselor in Arizona—as people from a variety of educational settings and various parts of the country. Here we read a different set of signals, sense a different mood.

Above all, we sense a worsening climate in American schools and colleges. While increased controls by school and university authorities may be necessary to check the activities of certain small destructive groups, we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems *can* do so. While these attitudes stem from the war and the disparity between the ideals of the nation and present realities, it is the judgment of this Council that, as Representative Brock and his colleagues so sensitively discerned, the source of much of the disquiet can be traced to fundamental inadequacies of education itself. The needed improvements and reforms will come about only if appropriate leadership is offered, leadership in the educational community and leadership in government, particularly—as we have noted earlier—from the national government.

Too many of our young are concerned by what they are *against*—the war, racism, poverty, corruption. They need, as have all youth in all times, to be *for* things, to have a star, a dream. While we recognize that such affirmative leadership is subtle, and will require politically difficult actions, we feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. The future college and school teachers—*the people of greatest concern to this Council*—are a centrally important group among our youth, and their disaffection can have serious effects in future years.

It would be unfortunate if our political leadership were to take the position that a response to the dissatisfactions of the past—or the yearnings for a different kind of future—must await the ending of the war, or some other development. It is now we must plan. It is now we must act. It is now that we must demonstrate, *mainly to ourselves*, that a nation which can take such just pride in its extraordinary achievements in the material realm is no less resourceful, no less vigorous, no less sacrificing in dealing with matters of the spirit.

Competent observers have noted a growing sense of purposelessness on the part of an influential segment of our student population—a feeling of these young people that it is not possible for our social institutions to cope with an increasing complexity.

If politics is the art of the possible, then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities. We could do no better in this than to start with the field of education itself. More policemen in the schools is not a policy; it is an admission of failure.

If the Executive Branch feels that Congress has not moved in a fashion appropriate to the time, let it take leadership. If the Congress feels that the Executive Branch has not sensed the urgent need for a bold educational policy for the nation, let it provide the leadership. But let us have leadership.

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Adron Doran, President, Morehead State University, Morehead, Kentucky.

Annette Engel, Director of Special Education, Roosevelt School District, Phoenix, Arizona.

Rupert N. Evans, Professor of Vocational and Technical Education, University of Illinois, Urbana, Illinois.

Susan W. Gray, Director, Demonstration and Research Center for Early Education, George Peabody College, Nashville, Tennessee.

Laurence D. Haskew (Chairman), Professor of Educational Administration, University of Texas, Austin, Texas.

E. Leonard Jossem, Chairman, Department of Physics, Ohio State University, Columbus, Ohio.

Marjorie S. Lerner, Principal, George T. Donoghue Elementary School, Chicago, Illinois.

Kathryn W. Lumley, Director, Reading Clinic, Public Schools of the District of Columbia, Washington, D.C.

Carl L. Marburger, Commissioner of Education, State Department of Education, Trenton, New Jersey.

Edward V. Moreno, Executive Secretary of the Mexican-American Commission, Los Angeles City School Districts, Los Angeles, California.

Lloyd N. Morrisett, President, Markle Foundation, New York, New York.

Mary Rieke, Member, Board of Education, Portland, Oregon.

Theodore R. Sizer, Dean, Graduate School of Education, Harvard University, Cambridge, Massachusetts.

Bernard C. Watson (Vice Chairman), Deputy Superintendent for Planning, Philadelphia School System, Philadelphia, Pennsylvania.

Joseph Young, Executive Director.

OIL AND ALASKA

Mr. PROXMIRE. Mr. President, it is unfortunate but true that many excellent newspaper stories originating in the Midwest do not reach readers on the east coast.

Two reporters, William K. Wyant, Jr., and Al Delugach, of the St. Louis Post-Dispatch, wrote a series of articles about the problems of Alaska in dealing with gigantic oil strike so recently discovered.

I think they did a fine job: they pointed out how the oil companies were trying to cooperate in controlling pollution, how the desire to develop Alaska rapidly may lead to actions which may be regretted later, how the gigantic size and power of the oil companies were changing Alaska and its politics for better or for worse and, finally, they reported some rather disturbing facts about Secretary of the Interior Hickel's business interests.

Because I think the articles are important in understanding how the oil companies operate, I ask unanimous consent that they be printed in the RECORD.

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

[From the St. Louis (Mo.) Post-Dispatch, Nov. 23, 1969]

HOW OIL STRIKE BOOMS ALASKA ECONOMY

(By William K. Wyant, Jr., and Al Delugach)

ANCHORAGE, November 22.—It is not much of an exaggeration to say that the oil industry has bought and paid for the State of Alaska. And it is moving pell-mell to develop it with the enthusiastic cooperation of state

and federal officials, Congress and most of Alaska's citizenry.

This could be called the Second Alaska Purchase. The first came a century ago, in 1867, when Secretary of State William H. Seward bought Alaska from Russia for $7,200,000. The second was dramatized last September when oil men paid the state more than $900,000,000 for oil leases on the North Slope.

There is sentiment that the state should have received more, billions more, in this dramatic sale. Even so, the amount realized was nearly five times Alaska's total expenditures for fiscal 1968, and it is money in the bank.

Oil is having a tremendous impact on Alaska, a gorgeous but forbidding and largely trackless and unpopulated territory that entered the Union as the forty-ninth state in 1959—only 10 years ago.

The impact is political, economic and esthetic. It has enriched some Alaskans, made others more prosperous and subjected a great many to saber-toothed inflation.

Oil and gas are already a dominant source of state revenue because of production from the Cook Inlet area in south central Alaska over the last decade. They will be more important when the industry taps the North Slope.

The state's political capital is Juneau, far in the southeast and out of the oil action. The commercial capital is Anchorage, the largest city. In some vital decisions, a third capital city of Alaska is Houston, Tex., where petroleum magnificos hang their hats.

As an underdeveloped land rich in potential but low on cash, Alaska got special concessions from Congress. For example, the statehood law gave Alaska 90 per cent of the royalties and net profits from oil, gas and mineral leases on the federal domain. Other western states got less generous treatment.

The North Slope strike, made on newly acquired state lands owned until recently by the people of the United States as a whole, vaulted the state from rags to riches. No longer can Alaska be considered an economic "basket case." The tin cup has become a cornucopia.

Well aware of their state's expanded horizons and broader hopes are Alaska's Eskimos, Indians and Aleuts, and their attorneys. The Aleuts are a southern branch of the Eskimo, hardy seafarers of the Aleutian chain. The native peoples, who owned Alaska long before the white man came, have asserted claim to most of the state. They want to share in the oil riches.

In the nineteenth century, the railroads opened up the West with federal help and not much resistance except from the Indians. The oil industry is opening up in Alaska, and the arrows, such as they are, are coming from a new breed of American—the conservationists.

The United States, the critics say, neglected and mismanaged "Seward's Icebox" as a federal fief for a long time. With oil men now in the saddle, neglect is not the word. Billions have been invested. More will be. Alaska is seized in a burning, tearing rush to get the oil to market.

NEGLECT CHARGED

Not a pint of the black gold from the North Slope has found its way into ordinary commercial channels, but things have been moving at breakneck pace since Atlantic Richfield Co. confirmed an impressive strike at Prudhoe Bay last year.

The oil was more than 8000 feet deep in Triassic sands laid down many millions of years ago. To conservationists bent on preventing damage to the Arctic's fragile tundra and the animal life there, man's extraction of a resource so long in the making could wait a while.

In contrast, and naturally enough from their viewpoint, the oil production men are not thinking in terms of geologic time. They are in a big hurry because there is a lot of money at stake. For one big company alone, it has been estimated, each day's delay in getting the oil out costs $1,000,000.

LEADERS INEXPERIENCED

The resulting crunch has convulsed a state that is more than twice the size of Texas, is largely innocent of roads, has fewer than 300,000 persons, of whom about 60,000 are Eskimos, Aleuts and Indians, and is led by a new team of politicians relatively inexperienced at the national level.

Republican Gov. Keith Miller, a former holly and mistletoe dealer, came in on the coattails of Walter J. Hickel, the Anchorage entrepreneur and booster who left the governor's office to become President Richard M. Nixon's Secretary of the Interior.

Both of Alaska's Senators, Democrat Mike Gravel and Republican Theodore (Ted) Stevens, are freshmen in Congress. Gravel was elected in 1968 and Stevens was appointed by Hickel last year. Another Republican, Howard W. Pollock, Alaska's lone Representative, is a two-termer and is the state's senior member of Congress.

All these men are in the 40s and all are, like most Alaskans, enthusiastic about development. At times the enthusiasm of Alaska politicians goes to the point of embarrassing the oil companies, which must worry about public opinion in the Lower 48.

Secretary Hickel ruined himself, in the opinion of some development-minded Alaskans, by ebullient statements he made just after President Nixon named him to the Cabinet. He would have done better, they feel, to have kept his mouth shut about what he was going to do for the state when he got to Washington.

In like manner, Senator Stevens, who is rated as very intelligent but has a hot temper, riled conservationists and intellectuals with a hell-roaring speech he made at a science conference at the University of Alaska late in August. It may have won him some votes in 1970, but scientists dismissed him as a Neanderthal.

"Alaskans know Alaska," one published report had Stevens saying, "I'm fed up to here with people who try to tell us how to develop our country."

The Senator spoke extempore. No text was available. As Stevens himself, ordinarily a hearty and engaging man, recalled it, he told the conference that Alaskans were not wasters and spoilers, they had the right to develop the North Slope oil, and they had enough experience to run their country in accordance with good conservation practices.

A conservationist who heard the speech complained that Stevens said in effect: "Go back to where you come from, you outsiders." An oil and gas man sympathetic to Stevens's viewpoint praised the new Senator for voicing what was on the minds of many citizens of the state.

PIPELINE IN SPOTLIGHT

The center of attention for months has been the oil industry's Trans Alaska Pipeline System combine and its plan for throwing an 800-mile conduit of 48-inch steel pipe all the way from Prudhoe Bay on the frigid Arctic shore to the deep-water port of Valdez on the Gulf of Alaska.

The project will cost more than $900,000,000—or something like $1,000,000 a mile—and has been described as the biggest single privately financed construction job ever undertaken anywhere.

Involved in the Trans Alaska Pipeline System joint venture, known as TAPS, are Atlantic Richfield (ARCO) with 27½ per cent interest, British Petroleum Co., Ltd., with 27½, Humble Oil & Refining Co. with 25, and several other oil companies holding the remaining 20 per cent.

The three major companies in the venture, taking into account the fact that Humble is a subsidiary of the giant Standard Oil of New Jersey, had a combined net income in 1968 of nearly a billion and a half dollars.

If Prudhoe Bay were in the tropics, the oil could be taken to market by ship and no pipeline across the tundra would be needed. If the pipeline were being built in Oklahoma, it would offer no problem. As things are, the sea route to this oil is ice-blocked much of the year, and the overland route is an engineer's nightmare.

In bisecting Alaska on a north-south line, the pipe draining the Prudhoe Bay field will pass over, on or under hundreds of miles of federal land administered by the Bureau of Land Management of the Department of Interior. More than 95 per cent of the state's 571,000,000 square miles is still in federal hands.

The fact that the pipeline is to cross federal land meant that the TAPS combine had to get the permission of Secretary Hickel's Interior Department to go ahead with it. Hickel, in turn, could not give the green light without approval from the Senate Interior Committee, of which the chairman is Senator Henry M. Jackson (Dem.), Washington.

Under the Statehood Act, the state got the right to select more than 103,000,000 acres from federal lands. Hickel's predecessor as Interior Secretary, Stewart L. Udall, imposed a "land freeze" and halted the selection process to protect unsettled native claims.

OPPOSED BY HICKEL

Hickel opposed the land freeze as Republican Governor of Alaska. After his appointment by President Nixon, he made an off-the-cuff statement to the press that what Udall had done he, Hickel, could undo. Other Hickel utterances sounded good to impatient Alaskans but riled those in the Lower 48.

In consequence, Hickel, a rough-hewn, 50-year-old multimillionaire who made his pile in real estate, the gas utilities business and construction, found himself at a psychological disadvantage when he appeared before Senator Jackson's committee for confirmation to the Cabinet.

The committee gave the then Governor of Alaska a rough time, grilling him about his financial dealings and political actions. This reflected the hue and cry raised by conservationists, who regarded Hickel as anything but an ideal choice for the nation's chief guardian of America the Beautiful.

Before Hickel finally was confirmed, Senator Jackson extracted from him the promise that Udall's land-freeze order protecting the native claims would not be modified without prior consultation with his panel. That meant that Hickel, as Secretary of the Interior, could not approve the pipeline himself but had to take the matter to Congress.

"Actually, the man who controls Alaska is Jackson—and his committee," an Anchorage entrepreneur who has become rich in the oil and gas boom told the Post-Dispatch. "Hickel ruined himself with his first statement."

It is against this background that the oil industry's mammoth project for getting the North Slope's oil to market—the TAPS pipeline—is not simply a matter of getting a state permit but a complex, many-faceted question involving federal and state officials, Congress, conservationists, the state's native claimants and the industry itself.

Hickel, making use of his conservation-minded Under Secreary, Russell E. Train, has made every effort to give assurance that when the pipeline is built across the delicate tundra and its underlying permafrost, it will be constructed right and with proper safeguards.

Hickel created a North Slope task force in the Interior Department last April, puttitng Train in charge. President Nixon in May enlarged the task force to include other federal agencies. In June the oil consortium made its formal application for approval of the pipeline route.

RUPTURE WARNING

Train released a statement last summer warning that breakage of the pipeline, if not provided against, could spill 500,000 gallons for each mile of line. If anything like that amount were lost, it would be more than seven maids with seven mops could clean up.

The Interior Department and President Nixon's federal task force on Alaska oil development—working with state officials, conservationists and industry—labored for months to prepare stipulations regulating construction of the pipeline and a service road paralleling it.

Rules were agreed on for protection of the Arctic terrain and caribou, salmon and other wildlife, and to minimize danger of pipeline break spewing oil onto the land and into the water. In an August revision, there were two fat books of rules—one for the pipeline, the second for the road. A September version boiled the stipulations down to one 34-page document.

At the beginning of October, Hickel won the applause of most Alaskans by asking the Senate and House Interior Committees to allow an easing of the land freeze to permit construction of the pipeline. The next move is up to the committee.

CONSORTIUM ACTIVE

While all this was going on, the TAPS oil consortium under its Houston top management went briskly ahead with preparations for its mammoth task committing millions and millions of dollars on the assumption that all the roadblocks and technical problems would be cleared away in the end.

The timetable was for completing the pipeline by 1972. Under pressure of a tremendous financial investment, no time could be lost. The route was explored and surveyed. TAPS bought the pipe from Japan early this year and got moving on the terminal at Valdez, where shiploads of the massive, five-ton pipe lengths are being delivered.

Hickel, who was being criticized by his fellow Alaskans for dragging his heels on the pipeline project, came through in mid-August with a congressionally approved green light for the first big construction job related to the pipeline.

The Hickel action allowed TAPS to go forward with building of a 53-mile secondary highway from Livengood, north of the boom town of Fairbanks, to the Yukon River. It will serve as a hauling road for the pipeline. Once built, it will be turned over to the state for maintenance.

There are at present virtually no roads north of Livengood, the jumping-off place for the North Slope. The state is 2000 miles across and 1100 miles north-south, but has only about 3000 miles of hard-surface roads connecting Fairbanks with major towns in south central Alaska and with Canada. To reach most places, the traveler goes by air.

TAPS, a private agency dealing with federal and state governments and breaking new ground for Alaska gave the road contract to Burgess Construction Co., a concern established by Lloyd Burgess, who succeeded Hickel as Republican national committeeman from Alaska and resigned from the committee July 22.

Burgess International, the parent company, had been acquired June 18 by Alaska Interstate Co., a Houston-based conglomerate in which Hickel formerly owned close to $1,000,000 worth of stock. A few weeks thereafter, on July 7, Hickel sold his Alaska Interstate stock in compliance with a January directive of the Senate Interior Committee.

Shortly after Hickel announced the clearance for the Livengood-Yukon road in August, TAPS announced the award to Burgess. It is no great shakes in itself—an $8,000,000 to $10,000,000 or more job on a costplus basis—but is regarded as a plum because it puts Burgess in the catbird's seat for bidding on future work.

The road construction is being driven across the tundra and streams and black spruce hills north of Livengood with vigor. Like an armored division, the big cats and heavy machinery are pushing toward the Yukon. The road and the big lengths of pipe waiting in the rain at Valdez are symbolic of the way Alaska is being opened up by oil.

Hickel warned that the fact the road had been approved did not mean the pipeline would be, but to an observer in Alaska—watching the machinery chew up the virgin land—it looked as if all systems were go.

[From the St. Louis (Mo.) Post-Dispatch, Nov. 30, 1969]

U.S. ANTITRUST INQUIRY IN ALASKA OIL LEASES

(By William K. Wyant Jr., and Al Delugach)

ANCHORAGE, November 30.—Superimposed on a map of the North Slope, oil lease tracts look like a giant chessboard.

Something resembling a chess game was played with 179 of these 2560-acre squares on Sept. 10. But the music hall atmosphere and the crowd in the Sydney Laurance Auditorium here were not characteristic of chess.

The United States Department of Justice is curious as to whether that game was played properly by the participants—the oil companies. A salient question: Were antitrust laws violated by the joint bidding arrangement among various oil firms?

A national inquiry by the department into industry practices in bidding on federally controlled offshore oil was made public last month.

But the Post-Dispatch found an assistant U.S. attorney general from Washington at work here, compiling information on the same type of practices in the state lease sale.

He was on loan to the Alaska Legal Services Corp., a federally financed war-on-poverty agency. His assignment was to advise on matters of discrimination against natives, but the patterns of the September oil bidding were undergoing scrutiny.

The lease sale had all the earmarks of a Titanic competition.

After opening speeches and some colorful song and dance, the day-long opening of bid envelopes within envelopes went on in an atmosphere of tension and suspense. Faces of oil executives beamed or fell with the announcements of some of the closer contests. Whistles and cheers broke out at times from the throng of spectators.

For months before the sale, cloak and dagger security precautions were clamped on the oil fields. Helicopter-borne oil scouts (for which can be substituted "industrial spies") peered at drilling rigs at Prudhoe Bay. Others bought drinks for roustabouts on leave in Fairbanks. Frenetic seismic tests and exploratory drilling were rushed by a number of companies to obtain information on the underground prospects.

The drama even included a "mystery train." Hundreds of miles from the Alaskan border in the Canadian Province of Alberta, 60 executives from 10 oil companies spent five days on a chartered train. It shuttled back and forth the 225 miles between Calgary and Edmonton at a cost estimated at $10,000 a day. While security guards foiled inquires from reporters who got wind of the strange journey, the group worked on joint bids for the Sept. 10 sale.

The group was formed by Hamilton Brothers Oil Co. and included Continental Oil, Cities Service and Sun Oil.

Paul Marshall, a vice president of Hamilton Brothers, said after the sale that only he and one other executive were allowed to get off the train during the trip.

He said the isolation was necessary because the companies had planned to bid as a group only on certain tracts. They were also bidding as individual companies or as part of another group. Combinations of the companies won at least 10 tracts.

SHIFTING COMBINATIONS

Other giant oil companies bid in shifting combinations of their own and occasionally against their sometime partners. Most bid only on a limited number of tracts.

The resulting patterns could take months for the Justice Department to analyze.

Question: Was competition substantially lessened by the combined bidding or by any sharing of geological and drilling information?

It is known that the bonus payments on the sale bids fell short of some experts' expectations by as much as $600,000.

One theory is that the state erred in insisting on full cash payment of the bonuses, rather than an instalment plan over two or more years.

According to this hypothesis, the tight money market prevented oil firms from raising any more money than was bid. The oil industry is known to have drawn heavily on the banking community for money to finance the lease purchases.

Hand in hand with this theory is the criticism that the state could have obtained just as much in bonuses by putting up less of its potentially rich land.

The state, critics say also, could have assured itself a greater share by "checkerboarding," reserving alternate tracts for future sale after more was known of the true potential.

ROLLING BIDS

And Alaska might have received a greater benefit, too, by using the Canadian system of "rolling" bids. Under this procedure, a loser on one tract can use the money he bid there to increase his bids on other tracts.

Thomas E. Kelly, state commissioner of natural resources, told the Post-Dispatch he had considered the Canadian system but did not get enough support for it from the oil industry. He said the Canadian system might have been better, continuing: "I don't think we would have got any less."

Asked for his view of the possibility of antitrust violations in the bidding, Kelly was emphatic.

"If you study the bidding there is no way you could say there was trading of information or collusion."

To illustrate, he said that the Amerada Hess group had no acreage in Alaska. They went in to buy a position and they did it—and those with more information were unsuccessful," Kelly said. Indeed, the combine paid the highest bonus for a single tract—$72,277,-113. It edged out a $72,113,000 bid by Phillips, Mobil and Standard Oil of California.

(That's like bidding 72 cents for a $20 bill," says a lawyer, Clem Stevenson, who said he recently came to Alaska but has been contending with the major oil companies for decades in Oklahoma. He maintains the oil under that one tract alone is worth 2 billion dollars.)

One of the quirks of the sale is that Atlantic Richfield, Humble and British Petroleum did not bid enough to come away with much new acreage. They are the big three with the discovery wells on the Slope.

NO PESSIMISM

This should not be assumed to be a sign of pessimism about their find. Opinion of some experts has it that the Big Three decided they were satisfied that the tracts they got at bargain-basement prices in the 1965–67 lease sales contain a big enough slice of the oil field so that they did not find it worthwhile to get more at a cost several thousand times higher.

A University of Alaska resource economist pointed out that the Big Three got their prior leases on nearly 200,000 acres in the Prudhoe Bay area for $5,600,000. He continued:

"A conservative estimate based on the industry's own figures puts the value of this Prudhoe Bay acreage at something over 2 billion dollars, or better than 360 times the

amount that the oil companies spent to acquire it."

43 PER CENT

The economist, Gregg Erickson, said that if the severance tax stays the same, the value would be 3 billion dollars. He estimated the industry rate of return on the pre-September holdings on the North Slope at 43 per cent, which is several times the average of the industry.

Erickson spoke at a science conference Aug. 26, two weeks before the big lease sale. He was making the point that the state's present bonus bidding system was not getting the state a fair bargain. He said the sale should be postponed at least six months to give the legislature time to overhaul the system.

Strong doubts about the policy were voiced at the same meeting by John S. Hedland, supervising attorney for Alaska Legal Services Corp.

"In leasing these lands, the state is trustee for and acting on behalf of its citizens," he said. "The state's role is not that of a neutral arbiter owing equal allegiance to the oil industry and Alaska's citizens, but as a bargaining representative of all of the people of the state."

COMPENSATION OF NATIVES

Hedland said public concern about oil development had focused on problems such as conservation and compensation of Alaska's natives for the taking of their land.

But, he said, all this had diverted attention from the question of whether the public is getting a fair share of the wealth generated through exploitation of public resources.

Hedland noted that some of the firms active in previous North Slope lease sales had merged and that joint ventures had further reduced competition.

He asserted also that state law does not require submission of all the types of exploration information obtained by the oil industry, such as seismic and geological data. The industry is required to give only information obtained through actual drilling, and then in reports filed within 30 days of completion, suspension or abandonment of a well.

The state is therefore at a disadvantage in trying to set a minimum acceptance bid or knowledgeable refusal price on tracts to be leased, Hedland said.

REJECTS CRITICISM

Kelly, who went ahead with the sale under the old system, rejects this type of criticism.

He told the Post-Dispatch the state had "everybody's dope" on Slope exploration. The oil firms were "extremely co-operative" with information, even to the point of giving some on request before the end of the 30-day filing period.

It should be noted that there are those, other than state officials, who do not feel that the public got less than it should from the Sept. 10 sale.

"Alaska was lucky; they made a half billion more than the do-gooders would have us make," said Locke Jacobs, a millionaire gas and oil lease investor.

He said most of the big oil combines "overpaid" for their leases this fall, adding: "This sale was overbid by half a billion dollars. Tom Kelly did a good job."

Gerald Ganopole, a consulting oil geologist formerly with Texaco, said he was convinced the leased lands were worth no more than $500,000,000 in bonuses. If there had been collusion, he said, the companies would not have left the other $400,000,000 on the table.

MORE IN FUTURE

An engineering expert who favors oil development told the Post-Dispatch, not for attribution to him, that the oil on the North Slope is worth a lot more than the state is getting. But, under the circumstances, he said, it has helped the state get "off its back" economically. The state can and should get more for the oil in the future, he went on.

Kelly said the state has 800,000,000 acres still unleased on the North Slope, much of it in tidelands and uplands. In addition, immediately to the south are 2,900,000 acres on which Alaska has filed claims under its statehood allowance of land from the federal domain.

There are no prospects for another North Slope sale in the near future, Kelly said.

The main reason, he continued, is that the oil companies probably don't have any more money available after the recent splurge.

[From the St. Louis (Mo.) Post-Dispatch, Dec. 1, 1969]

CONSERVATIONIST CONCERN IN ALASKA

(By William Wyant Jr. and Al Delugach)

ANCHORAGE, December 1.—John Hakala, the Federal Government's manager of the oil-invaded Kenai National Moose Range, has a reputation for making the oil operators behave. He was asked, recently what he had to say for publication about how things are in his baliwick.

"Everything is hunky-dory," Hakala said. This brought a roar of laughter from the young biologists seated around the table. They are friends of moose and natural enemies of cats—the tractors that roam the range in search of more oil.

Hakala's constituency is composed of 2700 square miles of excellent wildlife habitat and a growing herd of 9000 or more moose, none of which vote. In the last decade or so, oil and politics have penetrated the northern half of the range in a big way.

Under intense pressure, local and national, government let the oil industry into the federal area in 1957 and 1958. Seismic crews charged in. Oil rigs went up. The invaded northern sector now is criss-crossed by more miles of trails than the State of Alaska has highways.

The Kenai Moose Range has only four or five professionals and a starveling operating budget of $150,000 a year. Yet it produced oil valued last year with federal royalties of $5,215,077, of which the State of Alaska gets 90 per cent.

Halaka and his associates in the Interior Department's Bureau of Sport Fisheries and Wildlife do a good job with what they have. David Spencer, associate supervisor of the Wildlife Refuge Division at Anchorage, said there was very little bulldozer damage on the range any more. He said the oil complex on the Moose Range took up parts of about 20 square miles.

"When it is done properly," he said, "you wind up with an industrial complex right inside of a refuge area."

Kenai's fate has its bright side. Kenai town is booming. The state has a golden flow of revenue, sportsmen and tourists are flocking in, and Alaskan leaders—chief among them former Senator Ernest F. Gruening—get credit for carving a juicy steak from the federal ox.

To conservationists, the forces that sliced up the Moose Range are much to be feared as the vast and beautiful land of Alaska—now about 97 per cent public domain—slides into the hands of the newly created state and thence into private ownership of one kind or another.

Alaska's "last frontier" status—a pristine snow maiden awaiting the ravaging Huns—has caught the imagination of the American public. Conservationists do not want to see this state raped and laid waste by destroyers. The sorry record of the past is heavy on the national conscience.

There is a good reason for Alaskans to be weary of the federal yoke. Alaska has been a fief of the Interior Department and Congress. It has a history of exploitation by fishing, timber and mining interests as well as by oil. Wealth has been extracted with small benefits to the people here.

Ten years after statehood, the federal presence is still overwhelming. Among Alaska's civilians employed in 1968, one out of three was in government work at some level and one in six—or thereabouts—was a federal worker. The federal outlay for Alaska was more than three quarters of a billion dollars. The state's total expenditures were about $181,000,000.

Despite the large proportion of Alaskans in government work of one kind or another, conservationists feel that both federal and state agencies are undermanned and underfinanced considering the size of the task ahead.

BURDEN ON BUREAU

A heavy burden falls on the Interior Department's Bureau of Land Management, which has been looking after more than 300,000,000 acres of public domain in Alaska—most of the state—with a force of fewer than 200 people and a budget of only about $4,000,000. The BLM director for Alaska is Burton W. Silcock, who was born in Idaho.

After a struggle with Congress, the way apparently has been cleared for hiring 45 more BLM employes to help the government supervise construction of the Prudhoe Bay to Valdez oil pipeline. Silcock himself has been heavily involved in drawing up "stipulations" to safeguard the land over which the line will go.

"I think they have come out with some real fine stipulations," Silcock told the Post-Dispatch.

If the history of other states repeats itself in Alaska, the state will be even less resistant to the pressures of politics and the private interests than the Federal Government as it faces the difficult job of supervising orderly growth and protecting the public interest.

The Alaska political lobby during territorial status meant for a long time, as economist George W. Rogers has noted, the Alaska Canned Salmon Industry Inc. and the Alaska Miners' Association. They gave way to construction and commercial voices related to military buildup. Now, it is expected, oil will have its day in the legislative halls.

VULNERABLE AREA

Kenai Moose Range was particularly vulnerable because it is close to Alaska's most thickly populated area and yielded the state's first commercial oil. The second big strike, 1,000 miles away on the frigid North Slope, will intensify the pressure on two big federal reserves that now lock up potential oil wealth on both sides of the now-fabulous Prudhoe Bay discovery.

To the west of Prudhoe Bay is Petroleum Reserve No. 4 around Barrow, a 37,000-square-mile tract set aside for the Navy in the 1920s. To the east is the Arctic National Wildlife Range, about 13,900 square miles set up in 1960. There is clamor for oil development of both these federal areas.

When he was Governor of Alaska, Secretary of the Interior Walter J. Hickel urged oil exploration on the Arctic Wildlife Range. He said he just wanted to find out what was there. As for the Navy's reserve, it was proposed this year that the tract be opened to oil leasing and the revenues used to pay native land claims.

There is a small but able and articulate entente of conservationists on the scene in Alaska, backed up by such national organizations as the Wilderness Society, the Sierra Club, the Wildlife Management Institute and others. Allied with them, to some extent, are sportsmen, rod and gun people, recreationists and others.

Three quarters of Alaska's conservationists, it has been estimated, work for the federal or state government. Robert B. Weeden, formerly with the state fish and game department, left recently to become Alaska representative for several major national conservation groups. He has a small basement office near the University of Alaska at Fairbanks, opposite a used clothing shop.

Weeden was president of the Alaska Con-

servation Society, but fell victim to a ukase handed down by Augie Reetz, an Anchorage dealer in office supplies named commissioner of fish and game by Hickel, then governor. Reetz ordered that nobody in his department could hold office in a conservation or sportsmen's group.

"The Bureau of Land Management has done the same thing in a more subtle way," said Gerald Ganopole of Anchorage, a consulting geologist with the oil and gas industry. The BLM, in the Federal Government's Interior Department now headed by Secretary Hickel, manages most of Alaska, including the Navy's petroleum reserve.

THORN IN SIDE

Ganopole, a leader in the Sierra Club and other groups trying to keep Alaska from going the way of all flesh, is a thorn in the side of the wasters. He told the Post-Dispatch the cause of conservation in the state is not going well.

"The state and its policies are some of our biggest handicaps," he said. ". . . Ever since statehood, anybody could go on state lands and do what he wanted. Alaska agencies have no regulatory department at all. . . . There is very little conservation in effect at lower levels that actually do the work."

As Governor of Alaska, Secretary Hickel in 1967 fired the three chief officials of the state's Fish and Game Department. Among those dismissed was James W. Brooks, director of the game division, who then joined the Interior Department's Bureau of Sports Fisheries and Wildlife as a biologist.

Brooks is an expert on polar bears (thalarctus maritimus) and marine mammals. As such, he was invited by the Soviet Union to chair a session on predator-prey relationships at an international wildlife conference in Moscow last September. However, Brooks did not attend the meeting.

The reason for Brooks' non-attendance the Post-Dispatch was told by an Alaska conservationist who was irate about it and said he was certain of the facts, is that Hickel vetoed the travel after it had been approved all the way up the line. Brooks confirmed that he had been invited, but said he did not know who disapproved the trip.

NOT MUZZLED

Although federal and state professionals in Alaska are under wraps to some extent, it cannot be said that conservationists have been muzzled or intimidated. Weeden writes a hard-hitting column in the Fairbanks News-Miner. The conservationists speak out at every opportunity.

Attention is now focused on the 800-mile pipeline the oil industry will construct—at a cost of $900,000,000 or more—to bring the oil of the North Slope from Prudhoe Bay across the mountains and tundra to the year-round, deepwater port of Valdez on Prince William Sound.

The main thrust of conservationist effort is not to block the pipeline, which has to be cleared with Congress as well as the Interior Department, but to see that it is done right. There will be as much as 2,000,000 barrels of hot oil a day driving through the 48-inch pipe. Nobody wants a break.

Under the leadership of Secretary Hickel, in an effort in which President Richard M. Nixon himself has had a hand, the Interior Department has hammered out a set of "stipulations" for the massive construction job. The oil companies have co-operated well, and conservationists themselves have joined in the task. Hickel was careful to get them in early.

MANY PROBLEMS

There are many problems. The pipeline job, to be completed in 1972, will put 3000 to 4000 construction men and their heavy machinery in the wilderness. As it cuts across the country, the line will cross salmon streams and the migration routes of hundreds of thousands of caribou. In Alaska's interior, the temperature can stay in the minus 50s for weeks at a time.

On the Yukon river especially, during the spring break-up, ice can build up two stories high and come scouring down the channel like a grader, said Joe V. Neeper, construction manager for the Trans Alaska Pipeline System, a joint venture among oil companies. He is a 45-year-old Texan, a graduate of Iowa State.

"I don't think we can go through without doing any damage," he said. "I don't think anybody would be naive enough to think that. But we will try to hold it to a minimum."

Neeper said the pipe would be laid above ground, in all probability, but will go under the rivers in every case. The five-ton, 40-foot lengths will be welded in the field.

"There's got to be a lot of ends put together," the construction chief said. He said pipeline had never been laid that far north, but he had no doubt problems could be solved, once they were defined.

PERMAFROST WORRIES

The big cause of engineering and conservationist worries is permafrost. This is defined as "perennially frozen ground". It is the subject of a none too reassuring study published last summer by the United States Geological Survey of the Interior Department.

Most of the research thus far on permafrost has been done in the Soviet Union.

Basically the problem is that when a road or house or pipeline is placed on soil underlain by permafrost the natural equilibrium is disturbed. The structure's warmth causes the ice to melt more than it ordinarily would in summer. There is a similar effect when the Arctic's thin vegetation is scraped off by bulldozers, removing the insulation over the ice.

In summer the structure tends to sink; in winter it is heaved up again by frost. A house tilts at a crazy angle; a railway takes on the appearance of a roller-coaster; a highway develops gullies; bridge piles are heaved up disproportionately. A winter road—like the "Hickel Highway" toward the North Slope—degenerates into a canal when the thaw comes.

In some areas of the Arctic, underlying permafrost causes massacre earth movements. The engineer may find permafrost on the north side of a slope and none on the south slope.

160-DEGREE OIL

The North Slope's oil will be at 160 to 180 degrees fahrenheit as it moves through the pipeline. One mile of the line will have a capacity of 500,000 gallons and each 40-foot section will weight 40 tons filled with oil, Interior Department officials have calculated.

"Permafrost is the overriding environmental problem right now," said Jack Horton of the Interior Department's Alaskan task force a few weeks ago. He had a well-thumbed copy of the Geological Survey's report on his desk.

It is still not clear how the engineers will defeat the permafrost, but they seem confident they can get the oil down to Valdez without spilling it.

[From the St. Louis (Mo.) Post-Dispatch]

RICHES AND DOUBTS IN ALASKA

Booming oil riches are precipitating many of Alaska's problems for solution now, as our series of articles by William K. Wyant Jr. and Al Delugach has made evident; and solution in which the public interest are kept paramount will depend, more than on any other man, on Secretary of Interior Hickel, whose financial interests in the oil industry have still not been unequivocally divested.

As Secretary of the Interior, Alaska's former governor must make crucial decisions on public lands which comprise more than 95 per cent of the state; on whether to build an 800-mile pipeline across fragile tundra to the North Slope; on how to protect the environment from possible damage by the pipeline; on how to settle the land claims of the native Eskimos, Indians and Aleuts.

The chief question of Mr. Hickel's objectivity in making these decisions about the reshaping of Alaska arises from the undisclosed facts about his financial interest in Alaska Interstate. This Houston conglomerate is building the pipeline road and will be a major bidder on the pipeline. Secretary Hickel is reported to have sold his $900,000 stock interest in it in accordance with requirements laid down by the Senate committee which held the hearings on his confirmation last January. But efforts to learn who bought the stock have been unavailing. Nor could it be learned how much was paid for it, or even when it was sold.

So long as Mr. Hickel does not disclose these facts, which are so salient to a genuine divestment, the public can have no way of knowing whether the Senate committee's requirements have in fact been met.

An Anchorage corporation, 700 Building, Inc., owns a building there which is leased by Atlantic Richfield Oil Co., one of the participants in the North Slope exploration, and is constructing a million-dollar addition to it, the contractor for which is Hickel Investment Co., owned by Mr. Hickel and his wife.

It seems to us that Hickel Investment's construction contract represents a clear conflict of interest and a violation of the spirit of Secretary Hickel's promise to the Senate Interior Committee to avoid questionable business relationships.

The president of 700 Building, Gene Silberer, who says he owns it, has sold real estate for Mr. Hickel in the past, and the vice president, his son, Richard L. Silberer, formerly was a carpenter for Mr. Hickel, and is also vice president of Hickel Investment Co.

Adding fuel to the flames of doubt is the apparent certainty of the companies involved in the pipeline project that they are going to get the go-ahead. Not only are they spending millions of dollars on the pipeline road, which will involve a loss if the pipeline should not be built; the president of Atlantic Richfield, Thornton F. Bradshaw, said in May, five months before Secretary Hickel announced his recommendation of the pipeline: "This line will definitely be built." What assurance can he have had to make that statement—and from whom?

Mr. Hickel's response, through a secretary, to questions by the *Post-Dispatch* is quite unsatisfactory. Yet it would be easy for him to dispel all doubts and demonstrate that his personal financial interests are not in conflict with his public service. All he would have to do is ask the Senate Interior Committee for the opportunity to testify under oath, disclosing the purchaser, amount and date of his sale of stock in Alaska Interstate, explaining how his ownership of Hickel Investment squares with his promise of divestment, and putting on record that he has no financial interest in 700 Building, Inc., personal or proxy.

If he is in the clear on these matters, as we certainly hope he is, we should think he would regard it as a duty to himself as well as to the country to make it incontrovertibly plain.

GRAVE IMPACT OF MEDICAL RESEARCH CUTS

Mr. YARBOROUGH. Mr. President, the grievous cuts in medical research by the Nixon administration are having repercussions throughout many vital research activities. Among them are projects that have been in progress many years, with results about to come in.

An article published in the Wall Street Journal of November 10, 1969, pinpoints some of these projects. It notes that a 7-percent cut in budget outlays an-

nounced last spring is in the offing. The reduction is multiplied by the 6-percent price inflation since last year that has further eaten into the value of each research dollar.

I urge Senators to read the article, and to think about the work that will be interrupted on cancer research, on the search for vaccines against infectious mononucleosis, and trial of a new blood test aimed at reducing the transmission of hepatitis through blood transfusions, if these cuts stand.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Nov. 10, 1969]

RESEARCH PINCH: CUTS IN FEDERAL FUNDS CURTAIL INVESTIGATIONS OF MEDICAL SCIENTISTS—ROSWELL PARK CANCER CENTER LOSES STAFFERS, POSTPONES CLINICAL TRIALS OF DRUGS—BUT CURBS ENDS SOME WASTE

(By Jonathan Spivak)

BUFFALO.—Dr. George E. Moore, director of research for the New York State Health Department, spends some of his time washing laboratory glassware these days at Roswell Park Memorial Institute, a noted cancer research center here.

Dr. James Grace, who heads the institute has abandoned his efforts to determine whether certain common respiratory germs, known as adenoviruses, cause cancer in humans as they do in test animals.

Roswell Park's tobacco researchers, who seek to develop safer cigarets, are cutting corners by using fewer test animals to assess their findings. "If I get red-hot positive results, I'm home free, but if I get wishy-washy results, I'm dead," frets Fred Bock, who directs the program.

In such ways is the current cutback in Federal research funds coming home to Roswell Park, a New York state institution. In the fiscal year ended last June, the institute lost $750,000 of its $6 million in Federal support, and officials fear further reductions of 10% to 15% in the current year. The institute has already lost 15 young researchers out of a staff of 30, postponed clinical trials of several promising anticancer drugs and curtailed by 30% its work on a vaccine against infectious mononucleosis, a debilitating blood disease that may cause one form of cancer, leukemia.

LEANER RATIONS

Roswell Park's plight mirrows the current pinch at many of the nation's medical schools and research centers, which are being forced to adjust, at times abruptly, to leaner rations from Washington after years of favored treatment.

Nixon Administration officials insist the science budget-cutting is no more severe than other spending retrenchments being made in the effort to fight inflation. But they are deliberately trying to put more emphasis on actual medical care rather than on research, contending the greater need now is for better care. In any case, the squeeze on health research programs actually began with budget cuts imposed in the last two years of the Johnson Administration; Mr. Nixon has merely stepped up the process.

Until the pinch came, some officials privately say, a plethora of Federal funds led to indiscriminate support of science research projects, without due assessment of their value. Hence the squeeze is having some salutary effects, forcing researchers to pick their priorities carefully, dispense with unproductive work and justify their once-unquestioned endeavors to the public and the politicians. The change has also impelled some institutions to seek more private financial help, though without notable success so far.

On the minus side, medical researchers say, promising projects are being dropped or delayed, trained personnel are drifting away and expensive research facilities, mainly built with Federal funds, are being employed ineffectively. So far no one can accurately assess the final consequences. "You really can't predict how much it will set you back; you dont know what insights you have lost, says Dr. Grace, the Roswell Park head.

"HURTING IN ALL AREAS"

The austerity pains are widespread. M. D. Anderson Hospital and Tumor Clinic in Houston is bracing for a loss of $1.5 million of its $8 million a year in Federal research funds; a drug-testing program has already been reduced from $1 million to $700,000 a year. The hospital is able to staff only part of a large new clinical research facility that was five years in preparation, says Dr. R. Lee Clark, president.

"We are just hurting in about all areas of operation—increased costs and decreased funding," complains Dr. Douglas Walker, Associate Dean of Johns Hopkins University School of Medicine in Baltimore, which ordinarily derives 80% of its budget from Federal funds. The school expects this year to run a deficit of about $1.5 million—its first—and will draw on endowment principal to make up the difference.

In New York City, the New York University Medical Center anticipates a reduction of $1.5 million in Federal research grants this year; among projects to be shelved will be the field trial of a new blood test aimed at reducing the danger of transmitting hepatitis through blood transfusions. "We were getting ready for the payoff in terms of patient care," complains Dr. Ivan Bennett, vice president for medical affairs.

Similar problems prevail at Mt. Sinai School of Medicine, Sloan-Kettering Memorial Institute and Albert Einstein College of Medicine in New York City, at the University of California's San Francisco Medical Center School in Chicago, among other institutions.

CUTS IN NIH OUTLAYS

Until 1968, the budgets of Uncle Sam's National Institutes of Health, the mainstay of the nation's biomedical research effort through its grants, had been rising at least 10% a year, and about the last thing a medical scientist worried about was money. Costly, large-scale projects were undertaken in the expectation of an ever-increasing flow of Federal cash, and young researchers were attracted to the field by prospects of steady financial support.

But now all that has changed, NIH outlays for research by other institutions, still running more than $600 milion annually, will probably be trimmed 7% below the Nixon budget plan made last spring for this fiscal year; the sum then proposed was a bit above last year's actual spending. Certain projects will be shut down entirely. Some researchers are getting only part of the Federal dollars originally earmarked for their work. And only 60% of the projects approved by NIH are actually receiving funds, compared with 75% in the past. "It's just a matter of luck," says one scientist.

Moreover, the general budget squeeze is also holding down Federal grants for nonmedical scientific research—money dispensed by the National Science Foundation, the Atomic Energy Commission and other agencies. "The pyramid of science is being reduced," warns William McElroy, director of the National Science Foundation.

"A renewed period of real growth in the nation's investment in basic science is a high-priority item as soon as the fiscal situation permits," comments Lee DuBridge, White House science adviser.

But the situation seems particularly severe for the medical researchers. Federal money has been furnishing more than half the operating costs of many medical research centers. Inflation has been escalating research costs by 6% or more annually. Medical schools, which do much of the NIH-backed research, have taken on added financial burdens in training more needy students requiring scholarship aid.

These pressures have caused medical men to mount an impassioned lobbying campaign for Federal funds. The effort is being coordinated by a loose alliance known as the "Ad Hoc Committee on the Nation's Health Crisis," which includes the AFL–CIO, the American Medical Association, the American Cancer Society and other medical groups.

A FLOOD OF REQUESTS

For lack of more Federal dollars, many of Roswell Park's senior researchers are now spending substantial time seeking funds from foundations, drug companies or grateful patients. "Everyone is scratching like hell to find additional money," observes Dr. Joseph Sokal, who heads one of the main research operations in Roswell's 313-bed hospital. "It's not what I entered medical research for." The major private givers of medical funds, such as the American Cancer Society and the Hartford Foundation, have been inundated and are able to fill few of the researchers' requests.

Roswell Park's problems illustrate the sensitivity of medical research to fluctuations in Federal funds. The institution's main goal is cancer research, but its basic biological studies have implications for treatment of many diseases, including diabetes and bacterial infections, and for successful organ transplants.

Even though New York state furnishes $14 million a year, or about two-thirds of Roswell's budget, the Federal aid cutbacks have had a major impact on productivity here, according to the administrators. A freeze has been imposed on most hiring, and researchers are struggling to make do with less help.

Dr. Julian Ambrus, who heads the Springville Laboratories, a unit of Roswell Park, faces a specific problem: He has the funds to test on animals a possible protective substance against certain bacteria but lacks the money to go ahead with trials on human beings. The bacteria are called "gram negative," and they include the salmonella that causes food poisoning; they are common, highly resistant to drugs and pose special problems to cancer patients.

OTHER TESTS DELAYED

Dr. Ralph Jones Jr. has a similar problem. He lacks funds to begin trials on human beings of a group of substances that could have valuable anti-cancer effects. The substances, derived from the spleen and liver, might regulate the wild reproduction of cancer cells without harming their healthy neighbors.

Roswell Park also serves as headquarters for a group of 20 hospitals collaborating in NIH-sponsored trials of more established anti-cancer drugs. Their aim is to develop more effective methods of employing the drugs, in massive doses and sustained sequence, to eradicate every single cancer cell and thus prevent spread of the disease. Directed by Dr. James Holland, the work has helped lead to longer survival for youthful victims of leukemia and to the hope of curing some eventually.

But the gains are not being extended rapidly enough to other types of cancer, complains Dr. Holland. NIH funds for the hospital members of the group have been cut by 5% to 30%, and he fears he can't hire enough staff to decipher and disseminate to other physicians the data already acquired. "It's a national tragedy," he contends.

POISON ON THE NEWSSTANDS

Mr. DODD. Mr. Speaker, on Tuesday, I reported S. 3246, the Controlled Dangerous Substances Act, which represents the most comprehensive bill dealing with the problem which has ever come before the Congress.

As chairman of the Subcommittee on Juvenile Delinquency, I have learned of a myriad of hallucinogenics and countless methods of getting high.

I must report, however, that the creative purveyors of drugs and proponents of the drug cultlure have discovered a new and dangerous technique of putting poison into the systems of Americans.

The poison was not sold in a dark alley or found in the pockets of a dope peddler lurking outside a high school. No, the poison was found on the newsstands of hundreds of towns and cities all across America. It is contained in a magazine called Caper which was recently removed from the newsstands by the Food and Drug Administration.

That magazine made the suggestion that its readers could take an interesting hallucinogenic trip if they would insert a page of the magazine in methyl alcohol, then drink the solution. The magazine asserted that the solution would be one called diphenylphloroamyl-2-benzoate.

The cold and frightening reality is that, upon examination, the FDA found that the solution produced is nothing more than wood alcohol, a poison which can cause blindness and even death.

This is one of the most shameful and irresponsible accounts of which I have ever heard.

If this magazine should fall into the hands of children, especially younger children to whom the written word is gospel, terrible harm could result.

Accordingly, I urge every Senator to ask his State consumer protection commissioner to take the same swift action the Connecticut State Consumer Protection Commissioner, James J. Casey, has taken, to insure that all the magazines sold thus far be immediately returned.

I ask unanimous consent that a press account of the incident be printed in the RECORD.

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

[From the Hartford (Conn.) Courant, Dec. 5, 1969]

CAPER MAGAZINE ORDERED OFF STANDS

(By E. Joseph Martin)

A magazine that tells its readers to take a concoction that could kill them has been ordered off Connecticut newsstands.

State Consumer Protection Commissioner James J. Casey Thursday said "Caper" magazines were found on six Connecticut newsstands. The stands voluntarily took the publications off the stands, "and I urge anyone who has purchased the December issues to return them for their refunds," Casey said.

The stands were located in Bridgeport, Danbury, Plainville, New London, Stamford and Waterbury.

The Federal Food and Drug Administration ordered the publications off the market when it found an article asking readers to dip a page in a solution and drink it. If the reader followed the instructions, the FDA said the reader could sustain serious damage, blindness or death.

INSTRUCTIONS

On three pages under a title "Mirage," there are photos of three nudes. The publisher asks the reader to dissolve the pages in methyl alcohol and drink the mixture. "Then look again at these pages," it summons. "If some fondly remembered, identifiable shape begins to form, let us know. In fact, let us know anything you see. Send your impressions to 'Caper.' In the name of science we thank you."

The call is preceded by another appeal. "Intangible, yet enticing, the reflected products of tropical heat and stifled desire, mirages, have long been of interest to science. Caper invites you to participate in a test of your mirageability. The ink used in printing this issue has been mixed with diphenylphloroamyl-2-benzoate, a most powerful hallucinogen."

The FDA said it was unable to determine any such compound as diphenylphloroamyl-2-benzoate.

DEADLY POISON

Commissioner Casey said methyl alcohol is commonly known as wood alcohol and is a deadly poison. Its first effect is usually blindness and even death.

An estimated 150,000 copies of the magazine were published by SEE Magazine, Inc. of New York City. They were distributed in the U.S. and Canada by Kable Distributing Co.

FDA officials in Boston said they have no other legal recourse against the magazine except to act by recalling a product that is determined to be "hazardous substance."

"To attempt to do any more," a spokesman said, "would be censorship."

ABA SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES RECOMMENDS ADOPTION OF GENOCIDE RESOLUTION

Mr. PROXMIRE. Mr. President, in a recent report, the section of individual rights and responsibilities of the American Bar Association, under the chairmanship of Jerome J. Shestack, recommended that the house of delegates of the American Bar Association approve and adopt a resolution urging the United States to ratify the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

I ask unanimous consent that this important resolution by the ABA section of individual rights and responsibilities be printed in the RECORD.

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

Whereas, in the field of human rights the United States of America has exercised significant leadership;

Whereas, the Charter of the United Nations, in the drafting of which the United States played a major role, pledges all Members "to take joint and separate action in cooperation with the Organization for the achievement of . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;" and

Whereas, it is in the national interest of the United States to encourage and promote universal respect for and observance of human rights and fundamental freedoms;

Now Therefore, Be It

Resolved that the American Bar Association favors the ratification by the United States of the Convention on the Prevention and Punishment of the Crime of Genocide.

THE BIG THICKET—THE LAST REFUGE OF THE IVORY-BILLED WOODPECKER

Mr. YARBOROUGH. Mr. President, I invite the attention of Senators to an article written by Roy Klotz and published in the Science World of October 27. Science World is a weekly scholastic magazine distributed to elementary and secondary schoolchildren.

In this interesting and timely article, Mr. Klotz points out that the Big Thicket area of southeast Texas is the last known refuge of the legendary ivory-bill woodpecker. As the article states, this rare and beautiful bird could once be found in great numbers in the Southern and Central States of America. Unfortunately, man through his grab for more land and wealth for quick riches, destroyed the great forests where the ivory-bill woodpecker dwelled. As a result, this great bird has all but vanished. In fact for over 20 years naturalists believed the ivory-bill woodpecker to be extinct. However, in recent years this bird has been sighted in the deep forest areas of the Big Thicket.

Now, however, the last remaining home of the ivory-bill woodpecker is under attack by the special interests that would destroy this unique and beautiful wilderness. With each day that goes by, another 50 acres of the Big Thicket is destroyed. Unless action is taken immediately, this area will be lost forever. This is why I have introduced S. 4 which would create a Big Thicket National Park of at least 100,000 acres. This bill has received enthusiastic support from conservationists, civic groups, and concerned Americans throughout the country.

I am pleased that Science World has brought to the attention of our schoolchildren the Big Thicket and the ivory-bill woodpecker. If we do not act soon, the Big Thicket and the ivory-bill woodpecker will only be a memory. Let us not deprive our children and their children of these marvels of nature. As Adlai E. Stevenson stated:

We must be faithful and wise stewards of the riches we have inherited. We must imagine greatly, dare greatly and act greatly. For on what we do now the future will depend—the future not only of our people but of the whole world.

Mr. President, I ask unanimous consent that the article, entitled "Science World Takes You to the Big Thicket," be printed in the RECORD.

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

SCIENCE WORLD TAKES YOU TO THE BIG THICKET

The weather was warm and humid and the going was rough, but John Dennis, a naturalist with the U.S. Department of the Interior, was determined to search every part of the Big Thicket before he called it quits. The Big Thicket, near Shepherd, Texas, is one of the last primitive wildernesses remaining in the United States. It is the home of the armadillo, the bobcat, the coral snake, and other rare animals. John Dennis hoped it would also be the home of the ivory-billed woodpecker.

Actually, the chances of finding the ivory-bill were almost zero. "The ivory-bill was ex-

tinct twenty years ago," one naturalist had said. And many scientists believed it had joined the growing ranks of birds and animals forced off the face of the Earth. Like the great auk and the passenger pigeon, the ivory-billed woodpecker could be seen only in museums.

The ivory-bill was a handsome bird the size of a crow, much larger than most other woodpeckers. Its wingspread was as great as 33 inches, just three inches short of a yard. Most of its plumage, except for the brilliant white markings on its wings, was a glossy, beautiful black. When it flew, it seemed to flash white and black. In addition, the male had a scarlet crest. Its ivory-white, dagger-like bill added to the imposing appearance of the bird.

A hundred years ago the ivory-bill lived in our southern states from North Carolina to eastern Texas, and as far north as lower Illinois. It made its home in the deep, moss-covered forests and along the most remote rivers. The ivory-bill lived in solitude, hunting for food over many miles of forest and building its nest holes high up in cypress trees.

Although it ate berries and other wild fruits, its principal food was the woodboring insects found under the bark of old and dying trees. When feeding, it did not bore holes into the wood as do other woodpeckers. Instead, it used its powerful bill like an ax, and it knocked off great slabs of bark as it searched for food. Its eating habits were beneficial to man, for the ivory-bill did not damage healthy trees, but only those infested with insects and harmful larvae.

Alexander Wilson, an early American naturalist, was much impressed by the strength of the ivory-bill. He once brought a wounded ivory-bill into his hotel room. He left the room for less than an hour. When he returned he found a large pile of plaster on the floor and a hole in the wall up near the ceiling. In a few more minutes the ivory-bill would have hammered his way completely through the wall.

Indians hunted the ivory-bill for its plumage and its bill, which they used for decorations and pipes. Except for man, the ivory-bill had few enemies, and yet the bird began to disappear.

Thirty years ago naturalists were sounding the alarm that the ivory-bill was doomed. The last ivory-bill to be sighted in Florida, for example, was on March 20, 1938. A few more were sighted here and there in the South until the last authentic sighting in 1946. After that the ivory-bill was seen no more. It was surely extinct.

What would account for its disappearance?

WOODPECKER'S LAST HIDE-OUT

As our country grew and the population increased, the demand for lumber became intense. Enormous amount of wood were needed, and loggers moved through one forest after another. One by one, the ancient forests were cut down.

Without the deep, quiet woodlands, the ivory-bill could not survive. Other woodpeckers could move into the farms and suburbs, but not the ivory-bill. It disappeared with the forests.

But not quite.

For the past several years reports were heard that the ivory-bill had been seen again. Some of these reports came from Florida, some from Louisiana, and some from Texas. The Department of the Interior, which is interested in protecting all endangered species of wildlife, sent out naturalists to check all the reports. They all proved to be false except one: John Dennis, struggling through the Big Thicket, was overjoyed to catch a glimpse of several pairs of ivory-bills.

The Big Thicket is enormous, perhaps as large as a million acres or more. It has few roads and settlements, and it is much as it was when Texas was first settled. Indians avoided Big Thicket even then, for they feared its murky swamps and forests. Early settlers on their way west from Louisiana also avoided it, for they found the Big Thicket too difficult to penetrate. They went around it instead. During the Civil War, deserters and bandits hid out for years in its uncharted depths. And now the Big Thicket is the last hide-out for the ivory-bill.

But the ivory-bill is not yet out of danger. Lumbering has already started in the Big Thicket, and hundreds of acres are cut down each week. The U.S. Department of the Interior is recommending that lumber companies leave pockets of cypress and other trees in wet areas when they cut into the forests. It also asks that roost trees and nest trees not be cut down. Efforts are also being made by Senator Ralph Yarborough, of Texas, to preserve at least 75,000 acres as a national park.

The ivory-bill has had a narrow escape from extinction. If proper conservation steps are taken, it will probably survive, and the flashing black-and-white flight of the ivory-bill will again be seen in our forests.

PILLAGE OF THE SEAS

Mr. HANSEN. Mr. President, the people of the Nation, especially the distinguished Members of this body, are concerned and well aware of the crucial importance of conserving our natural resources.

The natural resources of this great North American continent—above and below the surface of the land, in our rivers, lakes, and streams, and in the oceans—must be preserved and must be wisely used if the wealth of the Nation is to be maintained for posterity.

Much progress has been made in this area, by the administration and by Congress, and we will strive for continued gains in this work.

However, it has been brought to my attention that certain areas of this field of endeavor have so far been beyond the control of our Government and the dedicated conservationists among the American people. It appears that certain nations have attacked the North American fishing grounds with a vengeance. These nations have sent their fishing fleets to the richest fishing grounds of the continent and, judging from their performances, with instructions to wipe out the fishing industry of North America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Star of December 10, 1969, reported from Toronto. The article charges the fishing fleets of Russia, East Germany, and Poland with conducting a "systematic pillage of the seas."

North American fishermen have for years diligently applied the rules of conservation to these fishing grounds, carefully fishing them so that sufficient breeding stock is left to continue annual production.

Mr. President, this is a description from the article of how the Russian fleets abuse the North American fishing grounds:

The Russian trawlers zero in on a shoal of fish and by the time they have finished they have virtually wiped out the entire shoal; there's nothing left.

Mr. President, our friends in Canada are concerned about the crisis in the North American fishing industry, and I am sure that Senators, especially those representing the Coastal States which depend on the fishing industry of the United States, are concerned.

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

[From the Washington (D.C.) Evening Star, Dec. 10, 1969]

"PILLAGE OF THE SEAS": FOREIGN TRAWLERS DRAW CANADA'S IRE

(By Michael Cope)

TORONTO.—The once-rich fishing grounds of the northwest Atlantic Ocean are being systematically destroyed by huge foreign fishing fleets, particularly from Russia, East Germany and Poland, the Canadians say.

And Canada is demanding fast action to halt what it calls "this systematic pillage of the seas."

The situation has reached crisis proportions, says the Canadian Fisheries Department in Ottawa. And, the Canadians say, the Communist fishing fleets are using similar tactics off the Pacific Coast.

Fisheries Minister Jack Davis said he flew over a huge Russian fishing fleet off Vancouver Island "dragging nets backward and forward over a few square miles off our coast. It cleaned off one of our most productive fishing grounds . . . not just for months, but for many years."

KEY SPECIES HURT

The pillaging is even worse in the Atlantic, according to Davis: "Important species (particularly herring, cod and haddock) have been knocked back to the point where they are of little commercial interest to Canadian fishermen.

"The haddock catch on the East Coast has been reduced in 10 years to 25 million pounds from 100 million pounds. This is exploitation with vengeance and it has to stop."

The Fisheries Department released figures showing the buildup of foreign fishing vessels working the western Atlantic:

In 1959, there were 211 Canadian boats and 744 foreign trawlers, including 111 Russian boats. By 1968, there were 558 Canadian trawlers and 1,815 foreign fishing vessels, including 553 Russian ones.

Although the Russians have nearly as many boats as the Canadians (their total tonnage is more than double as they are all large, ocean-going trawlers) off the East Coast, the Soviet catch last year was 459,564 tons against Canada's 1,160,555 tons.

"CATCH CUT IN HALF"

"The Russian trawlers zero in on a shoal of fish and by the time they have finished they have virtually wiped out the entire shoal; there's nothing left," the Canadians say.

Davis added: "This has reached crisis proportions for some Canadian fishermen, particularly those from Newfoundland. Major grounds off the Atlantic Coast were found to be critically overfished and in 1968 many Newfoundland fishermen found their usual catch cut in half."

Although the huge Russian fleet was only about 40 percent as efficient as Canadian and American trawlers, the minister said, "Our individual enterprisers, our rugged inshore fishermen, our God-fearing little fishermen . . . are no match for these gigantic adversaries."

Canadian and American patrol planes keep a close eye on the Communist fishing boats and have reported that the fleets fish a particular area intensely and then sail to new fishing grounds.

North American fishing fleets which used to fish the once-rich Grand Banks off the Newfoundland coast the year round repeatedly have found few fish as of late.

QUOTAS URGED

Now Canada is taking its case to the 10-nation International Convention for the Northwest Atlantic Fisheries, to which she is a signatory.

It wants the convention to establish a quota system and to declare off-shore fishing limits.

The quota would voluntarily limit the tonnage of each kind of fish nations could net yearly. The allowable catch would be based on the number of fishing vessels each country has in the northwest Atlantic.

The Canadian case for declaring off-shore fishing limits is based on the underwater extension of the Continental Shelf which reaches out under the Atlantic Ocean for as much as 500 miles in places.

Ottawa argues it has been established in international practice that off-shore mineral rights belong to the country whose shoreline the underwater shelf extends from.

"The Russians would have absolutely no right to come and start drilling for oil off our coast and we believe the same rule of thumb should apply to fishing," they say.

OREGONIANS ENDORSE THE FOUNDATIONS' ROLE

Mr. HATFIELD. Mr. President, I, like all other Senators, would want to change certain parts of the tax reform act to suit our personal beliefs and ideas of where reform should be and how relief should be granted. I think the conferees, however, working under difficult circumstances, have reached a compromise that is acceptable to most of us here today.

I address these remarks to the segment of the bill dealing with foundations. As Senators are aware, I was an educator before entering public service, and I currently serve as a trustee of two Oregon private colleges. I have been more involved with this aspect of the bill than any other section, for I realize the vital role played in education by foundations.

I believe that the House tax treatment of foundations was too severe and would have crippled this vital arm of philanthropy. The foundation spokesmen presented meritorious testimony to the Committee on Finance to alter the harsh version. I contacted Finance Committee members to express my dismay about these sections of the bill, and I am sure that many other Senators did so also.

Because I thought that improvements could be made in the Finance Committee version, I cosponsored or vigorously supported all the various floor amendments which I felt improved the tax treatment of foundations.

Mr. President, I have heard from many Oregonians about this section of the Tax Reform Act. They include almost all the college and university presidents in the State. They include many trustees of Oregon colleges. They include many Oregon civic and business leaders, who give much of their time to serve as trustees of the various organizations receiving aid from foundations.

In addition, I heard from many recipients of foundation grants. This included individuals, such as medical research assistants, and the many institutional recipients.

Mr. President, these letters contain thoughtful, persuasive comments. During the floor debate. I mentioned a few of them. I want to thank the many Oregonians who wrote to me on this matter.

I think the conference report put some severe restraints on foundations. The tax on income will generate more revenue than the Senate audit fee, which I believe is more equitable. I supported a lower payout requirement, for I know of some fine Oregon foundations which will be hurt by this 6-percent requirement.

In conclusion, I believe that we should look at the beneficiary and the recipient when we discuss foundations. We are apt to concentrate our attention on the few foundation abuses, instead of the many achievements by the vast majority of reputable foundations.

The good accomplished by foundations, Mr. President, must be undertaken by someone. If we move to put strict limits on foundations and cripple their efforts, we only push this responsibility into the public sector. We should avoid this result, making the Government act instead of the private sector, as we view the future of foundations in American life.

STUDENT AID FOR MEDICAL STUDENTS; TIME TO INCREASE, NOT CUT AID

Mr. YARBOROUGH. Mr. President, in one of its more shortsighted budget actions, the Nixon administration has foolishly cut from the Johnson budget $5 million for health professions student loans. In explaining this amendment to the Johnson budget, the Department of Health, Education, and Welfare said:

> This decrease will result in maintaining health professions student loans at the 1969 budget authority level. Any slack in the program is expected to be more than offset by increases in numbers of health professions students receiving Office of Education Guaranteed Student Loans.

This was another way of saying that the responsibility for aiding and stimulating more young people to enter the medical professions will be passed on to commercial banks and other lending institutions. We have already seen the guaranteed student loan program run into trouble as a result of competitive interest rates. It is totally unreasonable to assume that the guaranteed loan program will accommodate all the young people who would go to medical schools if they can obtain financial assistance.

Worse, termination of the revolving fund will deplete the health professions student loan fund by some $10 million, leaving only $16 million available, compared to $26 million available last year.

There is no element of education that is in shorter supply than medical education. There is no profession in short supply whose services are so desperately needed as are doctors, nurses, dentists, and the technicians in the allied professions.

We should be thinking in terms of doubling the numbers of students in these fields. If the job could be accomplished by private commercial lenders, the shortage with which we are so concerned would not have developed in the first place.

The medical schools have requested $22 million for their student loan funds under this program. Appropriation of the full $35 million authorized would be the most effective way of supporting the entry of more young people into medicine. I am hopeful that the conference report on HEW appropriations will increase the available funds for medical students.

I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD correspondence I have received on this matter from Dean Pannill of the University of Texas Medical School at San Antonio, from the student classes of the University of Connecticut Schools of Medicine and Dental Medicine, and from the Student American Medical Association.

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

THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO,
San Antonio Tex., October 15, 1969.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I should like to join other medical educators and physicians in expressing to you a very deep concern over any reduction in the federal loan program for medical students. Medical education and the educative period preceding it is lengthy and expensive. Our school, The University of Texas Medical School at San Antonio, is no exception. Our medical students too are caught up in the inflation of the local and national economy: their cost of living rises steadily and many live on fixed incomes. Like Social Security pensioners the needy students suffer most.

In addition, students often accumulate heavy indebtedness even before they start four years of medical school, a year of internship, perhaps two to six years of residency, and a minimum of two years in military service. Even students fortunate enough to procure loans from private and state sources or the federal Office of Education Guaranteed Student Loans over a long period of time incur exorbitant interests which subsequently must be reimbursed.

Hitherto, medical students often work three months during orthodox vacation periods appreciably helping thereby to meet expenses for several months. More and more, however, vacation periods in medical education are continuing education periods or elective courses that serve to increase and broaden a student's health care experiences.

Thus an increasing number of medical students need financial aid. We here have not been in business very long, and several years of financial aid information contribute relatively little pertinent data in this regard. Nevertheless, the accompanying information indicates not only that the number of our students applying for aid is increasing, but the average amount of aid received per student is decreasing.

Obviously we comprehend some of the reasons for many "cuts," as well as proposed reductions in federal appropriations, and we realize too that ways to dampen the inflationary process are often painful. But some cuts hurt most those least able to bear it. In this connection the plight of the medical student is especially pertinent.

Like other schools, our faculty works and plans very hard to be responsive to the health needs of society. But we make no special claims; we simply know we have a very long way to go. There are not enough physicians now, and there may be even in the foreseeable future not enough doctors to care for all the health needs of our citizens. At the same time, we do not want to educate and prepare just one kind of physician; we need

to educate and graduate a wide variety of first-rank physicians better prepared than ever before to help relieve the distress and disease of all human beings. Thus we need very badly to continue to increase our medical school enrollment. We need very badly, too, to capture the positive and constructive idealism and activism of many of today's medical students and particularly, I should emphasize, the medical students who plan to administer their professional service in areas of greatest need. But these are the very students—if their educational and living costs can't be met—who are least able to remain in school. Indeed owing to the extremely high costs borne by individual students, it is unlikely that the number of matriculated students can be substantially increased.

Both health care and health manpower are high level goals deserving special priorities. Indeed it is an expensive field that requires spending at a terribly high level. Nevertheless funds invested heavily in human beings are viable investments: loans and scholarships that serve to educate human being bring health and longevity to others; furthermore, loans invested in human beings are returnable in countless reusable ways. Such yields are rich dividends, rich achievements.

Therefore, I should hope the Health Professions Loans and Scholarship program would be neither decreased nor stabilized; rather it should be increased to assist properly those medical students unable to finance their own education through local, state and private resources. I thank you for your assistance and cooperation and will provide any additional information you may require.

Sincerely yours,

F. C. PANNILL, MD.,
Dean.

THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT SAN ANTONIO, SUMMARY OF LOAN ACTIVITY 1966-69

Year	Students enrolled	Students applied for aid	Number receiving H-P loan	Number receiving H-P schol.	Total H-P available	Average H-P loan
1966-67	15	0	0	0	0	0
1967-68	21	12	10	4	$12,233.00	$940.00
1968-69	105	56	46	19	54,033.01	1,174.50
1969-70	217	112	57	38	63,687.00	1,080.76

STUDENT AMERICAN MEDICAL ASSOCIATION,
Flossmoor, Ill., September 5, 1969.

RALPH W. YARBOROUGH,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: As you know the House has recently approved H.R. 13111, the fiscal year 1970 Appropriation Bill for the Departments of Labor and Health, Education, and Welfare. One of the Administration's proposals included in this bill is a cutback in the effective funding of the Health Professions Student Loan Program by approximately 10 million dollars or 40 percent for the coming year. Owing to a decrease from 11.4 to 1.1 million dollars in the revolving loan fund operated under this program, the total funds available have dropped from approximately 26 million dollars to 16 million dollars. House action has merely produced a shift of 4 million dollars from the Health Professions Student Scholarship Program to the loan program, thus resulting in no net increase over the Administration's proposal for these two programs.

The Student American Medical Association believes the appropriations proposed by the Administration are inadequate to meet the demonstrated needs of health professions students for financial assistance to complete the several years of extensive and expensive education which they face. This is particularly so in view of increasing enrollments, including large numbers of disadvantaged and minority group students who have been actively recruited by schools and health professions students. The Student American Medical Association further believes that transfer of much needed scholarship funds (used by especially deserving students in extreme financial plights) into the loan category is most unhelpful especially when it is presented in the guise as a means of increasing the total available funds for health professions students' financial assistance.

The Student American Medical Association is actively working for a full appropriation of the 35 million dollars authorized for the current fiscal year for this program and we are supported by the American Medical Association, the Association of American Medical Colleges, and the 65,000 medical students, interns, and residents who are members of our organization. We are keeping our membership closely advised of the progress of this legislation. In addition to our other efforts, we have stated our views before the House Appropriations Committee and I am taking this opportunity to enclose a copy of our testimony for your information. We have also respectfully requested the opportunity to testify before the Senate Appropriations Subcommittee on Labor and HEW.

As a member of the Labor and Public Welfare Committee whose record in developing and supporting recent progressive health legislation, including the Health Professions Student Loan Program, has been very impressive, we would hope you share our concern in this matter and would work actively to insure full funding for this program through your influence with members of the Appropriations Committee and your other colleagues in the Senate.

In order to assess the support which we may expect to receive, we would appreciate hearing from you concerning your specific views on this issue. Until then, I am, with best regards,

Very sincerely yours,

PETER L. ANDRUS,
Vice President—SAMA—Region 3, Executive Council Subcommittee on Legislation.

STATEMENT OF THE STUDENT AMERICAN MEDICAL ASSOCIATION BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH, EDUCATION, AND WELFARE

(By Edward D. Martin)

(Re: 1970 Appropriations for Health Professions Education Act (Authorized in section 742 of the Public Health Service Act).)

Mr. Chairman, and members of the Committee. I am Edward D. Martin, of Kansas City, Kansas, a senior medical student at the University of Kansas. I am appearing here today as President of the Student American Medical Association. S.A.M.A. is an autonomous organization with more than 24,000 active medical student members in 93 American medical schools, and over 35,000 affiliate intern and resident members.

The purpose of my testimony is to strongly urge on behalf of our membership that this subcommittee increase the 1970 appropriation for the Health Professions Education Loan from the proposed $15,000,000 to the full amount of $35,000,000 authorized in section 742 of the Public Health Service Act.

There are eight facts which, in themselves, speak for the necessity of an increased appropriation in this critically important loan program.

(1) There is a clearly documented health manpower shortage in our country which is becoming more acute year by year.

(2) Medical education and living expenses across the country have risen sharply in the past few years.

(3) An appropriation of $15,000,000 this year will result in an effective decrease of $10,316,000 as compared to last year. Thus, the number of medical students assisted (at an average loan of $1,146) would drop from 12,375 to 7,545 leaving 4,830 students without necessary funds.

(4) The projected increase of 900 entering freshmen next year over last year will compound this problem considerably.

(5) Each year, significantly larger numbers of students come from middle and lower income families and from minority groups and have less available family support.

(6) The availability of long-term loans from private sources is decreasing and they are unevenly available both by state and by individual students.

(7) The Guaranteed Loan Program of the Office of Education will not be able to substitute for the increased need for financial support.

(8) There are a significant number of medical students for which this program is the primary means of support and a significant number would be forced to leave school if funds were not available.

The shortage of physicians in the United States is clearly documented. In order to maintain the 1959 ratio of physicians to population—"a minimum essential to protect the health of the people of the United States"—we will require 40,000 more physicians by 1975 than the present output of U.S. medical schools and continued immigration of foreign physicians can provide.[1] The Board of Trustees of the American Medical Association in 1967 stated that the nation's shortage of physicians was reaching "alarming proportions".[2] The shortage of physicians in our inner cities and in rural America is acute and is rapidly worsening. The President's Commission on Health Manpower, the A.M.A., the A.A.M.C., and numerous other organizations concerned with health care have all stated that there is an acute need for more physicians and health professionals. Without increased and sustained support for the federal government for student, faculty and schools alike, this need will not be met.

School expenses which averaged $1,271 in 1964[3] have increased substantially. The median annual tuition for 45 private schools is $1930 with some tuitions as high as $2,595 per year. The median tuition for public schools is $618 for in-state students and $1220 for non-residents.[4] Books and supplies average $200–250 per year and the mandatory microscopes cost incoming freshmen another $700–750. Living expenses have increased proportionately and where the average non-school costs were $2,000 in 1959, $2,846 in 1964,[5] they were closer to $3500 in 1968. These increases have placed an increasing burden on the already strained financial

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[1] Health Manpower Perspective 1967, U.S. Department of Health, Education, and Welfare, Public Health Service, 1967.

[2] Janson, Donald. AMA Panel Asks Drive to End Doctor Shortage. New York Times. June 20, 1967, p. 1.

[3] Marion E. Altenderfer and Margaret D. West, How Medical Students Finance their Education. U.S. Department of Health, Education and Welfare, Washington, June, 1965.

[4] Medical School Admission Requirements, 1968–69, ed. Association of American Medical Colleges, Evanston, Illinois.

[5] Altenderfer, op cit.

sources that help sustain the medical student through the 4–5 years past an already costly college education. A family's contribution to these expenses (which represented 32% of the medical students income in 1964) is heavy even in families with incomes up to $15,000, critical when other children are in the home or in school, and overwhelming to the increasing number of families with incomes less than $10,000 whose children are in medical school.

The Federal Capital Contribution of $15,000,000 last fiscal year was supplemented with $11,429,000 from the revolving loan fund which was not extended for this year and will augment the proposed 1969–70 appropriation by only $1,113,000. Thus, while $26,429,000 was available last year, an appropriation of $15,000,000 this year will result in a real cut of $10,316,000. (See Appendix A). The result of the $15,000,000 appropriation this year will decrease the percentage of medical students aided from 35% to 20%, and decrease the amount funded of that requested by medical schools from 74% to 39%. The medical school share of the cut will reduce funds for medical students by $5,558,000 and if the average loan remains at $1,150, 4830 medical students who received loans last year will have no funds available this September. (See Appendix B).

The substantially increased demand on existing school, state and federal funds is reflected by the projected increase of entering freshmen next fall. The AAMC has estimated that there will be an increase of over 900 new freshmen next year which is almost an increase of 10% over last year's entering freshman class of 9,727.

A most important factor in the consideration of funds available for students is that there has been a successful and widespread effort by medical schools to increase the number of medical students from minority groups and lower socio-economic families. Coupled with this is the clear trend which has been established in many schools toward an increasing percentage of students who are not from affluent professional families. These students cannot obtain the considerable family financial backing that children of affluent families can. In the past this has served as a major obstacle to many students and it is only through programs such as the Health Professions Education Act Loan Program that less privileged students can be guaranteed equal opportunities to become practicing physicians. The $15,000–$25,000 total expense of 4 years of medical school is a considerable barrier to overcome when you are from a family with limited income, and are unable to work part-time because of increasing clinical and basic science responsibilities.

There are some who argue that the Guaranteed Loan Program of the Office of Education would substitute for the decrease in the Health Professions Education Loan Program. From all data available it is clear that this will not be the case. A 1968 U.S. Office of Education Survey[6] concluded that these loans were not available to all students on an equal basis due to lack of lender participation, or a lack of available funds in a majority of states. Also students unknown at a bank, out-of-state students, students from rural areas, and students from low-income families were found to have difficulty obtaining loans. The experience of students in a large number of states indicates that these loans are quite difficult to obtain. With the current prime rate of 7½% and the rate of interest on the loan being 7%, it is even more unlikely that this source will serve as a replacement source or even provide the funds provided in 1968–9. The uneven characteristics of the program are further demonstrated by the fact that, for both 1967 and 1968, 60% of the total amount loaned and 55% of the total number of loans originated in only seven (7) states. This report's general conclusion was that the Guaranteed Loan Program had not fulfilled the need in the past and it is our feeling that there is no indication it will in the future.

The availability of long-term loans from the private sector is decreasing due to increasing prime interest rates and the inability of students to have enough collateral to meet the requirements of local banks. In fact, the largest single source of private guaranteed loans, the American Medical Association Education and Research Foundation, is having increasing difficulty continuing their program and are seriously considering ceasing their efforts in this area—possibly leaving another 1200 students a year without funds.

We have, in the past month, received over 1700 letters from students across the country supporting an increase in the funds available over last year. Over two hundred of these students have indicated that they have exhausted their sources of possible income and without the support of this program will be in jeopardy of having to leave school. For example, I have included selected comments from these students in Appendix C.

The House of Delegates of the Student American Medical Association with representatives from 86 schools unanimously support increased federal loan programs for all health science students for the reasons above and a recent survey of medical students at schools as diverse as Bowman Gray, Cincinnati, SUNY-Downstate, The University of California at San Francisco, North Dakota, Kansas and Georgetown has shown that over 90% of the students support an increase in the appropriations for this program. We have also received over 400 letters from faculty members who strongly support such an increase. The Illinois State Medical Society has recently passed a resolution supporting an increase in the appropriation to medical students through this program, and the Massachusetts Medical Society in a recent letter to a national officer supported at least a continuation of the program at the $26,000,000 level. I quote from this letter: "With the present manpower problems in the country it would be short-sighted policy to reduce any program that will give us more doctors" (John W. Norcross, M.D., President, The Massachusetts Medical Society). Of the 2100 letters from students and faculty we have received on this issue, only one has supported the cut.

Mr. Chairman, we strongly urge an increase in this appropriation to the authorized level of $35,000,000. Without increased resources for long-term loans, medical students all over America, many without adequate support and facing increased living and educational expenses, will be facing a severe financial crisis next September. There are no alternative sources for many of these students and a significant number will be forced to compromise their education or leave school altogether. In a nation facing a growing health care and manpower crisis, and in those states where 1 physician must often serve up to 8 or 10,000 people, these future physicians, each and every one, is a national resource that cannot be considered anything but as a high priority concern of Congress. This is the generation of physicians who with a renewed concern and committment face the health care problems of tomorrow and they sincerely request your aid in helping them through the hard school years until they become physicians and can begin to provide medical care for the American people.

[6] A Study of Federal Loan Programs, coordinated by the College Entrance Examination Board and supported by the U.S. Office of Education, John I. Kirkpatrick, Study Director, 1968.

HEALTH PROFESSIONS STUDENT LOAN PROGRAM

PROGRAM SUMMARY

[Funds available from Federal capital contributions and revolving fund]

Type of school	Number of participating schools			Total enrollment of participating schools			Number of students assisted			Percentage of students assisted		
	1968	1969	[1]1970	1968	[1]1969	[1]1970	1968	[1]1969	[2]1970	1968	[1]1969	[2]1970
Medical	93	98	100	33,595	35,117	36,017	12,484	12,375	7,544	37	35	21
Dental	47	50	52	14,075	14,833	15,392	5,944	5,892	3,593	42	40	24
Osteopathy	5	5	5	1,819	1,876	1,915	977	969	590	54	52	31
Optometry	10	10	10	2,031	2,243	2,355	745	739	450	37	33	19
Pharmacy	48	51	73	10,025	10,907	18,309	2,097	2,079	1,268	21	19	7
Podiatry	2	3	5	425	643	1,070	211	209	127	50	33	12
Veterinary medicine	12	14	18	2,561	3,774	4,942	797	790	482	31	21	10
Total	217	231	263	64,531	69,393	80,000	23,255	23,053	14,054	36	33	18

FISCAL SUMMARY

Type of school	Fiscal year 1968 amounts allocated	Fiscal year 1969 amounts allocated	Fiscal year [2]1970 amounts allocated
Medical	$14,736,357	$14,240,726	$8,681,922
Dental	6,822,117	6,777,734	4,133,098
Osteopathy	1,044,946	892,880	544,634
Optometry	856,113	883,332	538,189
Pharmacy	1,810,357	2,019,517	1,231,067

Footnotes at end of table.

FISCAL SUMMARY—Continued

Type of school	Fiscal year 1968 amounts allocated	Fiscal year 1969 amounts allocated	Fiscal year[2] 1970 amounts allocated
Podiatry	$234,800	$306,034	$189,916
Veterinary medicine	1,154,786	1,308,777	797,616
Total	26,659,476	26,429,000	16,113,000
Federal capital contribution	(15,000,000)	(15,000,000)	(15,000,000)
Revolving fund	(11,659,476)	(11,429,000)	(1,113,000)
Average loan	1,146	1,146	1,146

[1] Estimated. [2] Estimated on basis of Nixon's budget recommendation (15,000,000+1,113,000).

APPENDIX B

[Dollar amounts in thousands]

Fiscal year	Federal capital contribution	Revolving fund	Total	Medical student share	Funds requested by schools	Percent	Borrowers		
							Number	Total (percent)	Average loan
1968	$15,000	$11,659	$26,659	$14,736	$16,884	87	12,404	37	1,180
1969	15,000	11,429	26,429	14,240	19,030	74	12,375	35	1,150
NIXON BUDGET									
1970	$15,000	$1,113	$16,113	$8,682	$22,023	39	7,545	20	1,150

Note: Based on figures available from the Department of Health, Education, and Welfare and the American Association of Medical Colleges.

THE UNIVERSITY OF CONNECTICUT
HEALTH CENTER,
Hartford, Conn., September 30, 1969.

Senator RALPH YARBOROUGH,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SIR: We, the students of the University of Connecticut Schools of Medicine and Dental Medicine, earnestly desire to express our concern about the Health Professions Educational Assistance Act. The bill passed by the House of Representatives makes available approximately $19 million for student loans. $26.4 million was received the previous year. Therefore, the cutback in available funds is almost 30%. At the same time, first year admissions rose 10% nationally. While doubling its enrollment, the University of Connecticut would receive about the same amount as last year, i.e., a cut of 50% per student.

Our reasons for requesting more funds are many and varied. New medical and dental schools open each year and established schools are expanding. Students from low income and minority groups have been encouraged to enter the health field. Each student has had to pay for a college education before admission. Graduate study grants which cover tuition and living expenses are available in every other field except medicine. A lack of funds causes a student to incur sizeable debts or depend well into the adult years on the largess of parents. The problems are compounded for a young family. Many students will be forced to seek part-time employment and thereby compromise their education.

We have two main concerns for the future. First, the majority of students come from modest economic backgrounds—the government must not force medical and dental schools to give preference to the wealthy student in order to assure that his costs can be met. Secondly, the health needs of citizens should not be jeopardized by increasing the shortage of doctors and dentists. The situation is critical. We need your help.

Thank you for your time and attention.

Sincerely,

JOHN BARTKOVICH,
(The Classes of 1972 and 1973 University of Connecticut Schools of Medicine and Dental Medicine.)

PRESIDENT WILL ACT CORRECTLY IF HE SIGNS COAL MINE HEALTH AND SAFETY MEASURE

Mr. RANDOLPH. Mr. President, the Senate and House have given congressional approval to the coal mine health and safety measure.

Both bodies gave strong endorsement to the bill when it was originally before Senators and Representatives. Then the conferees counseled for weeks and weeks, and labored cooperatively to adjust differences and return to their colleagues a constructive conference report. This was done, and the House approved the compromise legislation by a vote of 333 to 12, and the Senate gave its unanimous support.

Funds in the amount of $22 million have been approved on an amendment I offered to advance the purpose of the act. The cut in money for health and safety and research and disability programs was only $3 million less than my original request for funding.

The American people are eager for the work to begin.

I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Evening Star of today, December 20, 1969, which underscores this sense of national responsibility.

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

REVERSAL ON MINE SAFETY

President Nixon, in a bewilderingly abrupt reversal, has turned against the Federal Coal Mine Health and Safety Act of 1969. He reportedly has threatened to veto the bill that had—almost up to the moment of passage—enjoyed the backing of the administration.

The maneuver is politically and morally inexplicable.

The safety measure, with the blessings of the administration, sailed through the House in October with only four votes in opposition. The Senate approved it by a vote of 73–27. By November 20, the conference committee had worked out the minor differences and the way was cleared for passage.

It is true that the bill, in final form, went further than the administration asked. But there was no hint that the measure would be disowned.

Then, on Wednesday, word was passed that the bill was unacceptable to the White House.

The belated rub, it seems, centered on the provision that would add a federally guaranteed payment of at least $136 a month to victims of black lung disease. The objection was two-fold: workmen's compensation programs are the prerogative of the states and should not be intruded on; the payments might add as much as $385 million a year to the federal budget, and would contribute unacceptable inflationary pressures.

We're all for states' rights—up to a point. And inflationary pressures should be avoided—whenever it is possible.

But the demonstrable fact is that the coal mining states have not met their obligations regarding the health and safety of the men in the mines, nor have they shown any abundance of zeal in compensating the disabled and the destitute when disaster strikes. The result is a vacuum of compassion that only the Federal Government can fill.

If the program of federally guaranteed compensation would indeed add nearly $400 million a year to the federal budget, that is persuasive testimony to the history of neglect up to the present, and to the urgency of immediate remedial action. And how, in the name of sound economy, an administration can approve a billion-dollar speculation in supersonic transportation while denying a third of a billion to black lung disease, is an exercise in moral rationalization that is—to put it mildly—hard to follow.

The health and safety standards established by the bill are necessitated by the dismal history of sudden death and lingering disease in America's mines. The compensation provisions are demanded by the long tradition of neglect of the victims. Both the House and Senate have disregarded the administration's switch and have passed the final version of the bill. It is now up to the White House. The President should reverse himself one more time and sign the measure into law. Should he fail to do so, Congress should override the veto.

Mr. RANDOLPH. Mr. President, I believe that the Nation's Chief Executive will give his signature to the legislation.

President Nixon will well serve the health and safety of miners and all other Americans with his signature.

Mr. WILLIAMS of New Jersey. Mr. President, the Nation can be gratified indeed for the wisdom and compassion so abundantly evident in the Washington Evening Star editorial of December 20, 1969, entitled "Reversal on Mine Safety."

As chairman of the Senate Subcommittee on Labor and Public Welfare which handled the coal mine health and

safety legislation for the many months leading up to the passage of the conference report, I can appreciate fully the brillance that reduces into this one editorial the moral demand for justice at last for one of the hardest working, least complaining and most overlooked groups in America, the coal miner and his family. I am proud to join my colleague, the senior Senator from West Virginia (Mr. RANDOLPH) with whom I have shared the months of legislative effort needed to perfect and pass this bill, in commenting on this editorial that he has placed in the RECORD today.

DELIBERATE CONSPIRACY IS CHARGED IN UNIVERSITY OF WYOMING DISPUTE

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article that I believe every Member of the Congress, who is concerned about the education of American youth and who has concern for the innocent who become tools of the vicious, should have the opportunity to read.

The article is from the Wyoming State Tribune, a Cheyenne newspaper, and it is an accurate report of a special news feature published in the December issue of the NCAA News. The NCAA News is the official publication of the National Collegiate Athletic Association, an organization that I believe represents universities in every State in the Nation, and which I believe has an excellent credibility with most members of this body.

The article points out that some young Americans on college campuses, in this case young American Negroes, who happen to be good athletes and who perhaps could least afford the expenses of a college education without the aid of athletic grants-in-aid, are threatened and intimidated or deceived by militant organizations into becoming publicity tools for those organizations and into endangering their opportunities for college educations.

The article further points out that a particular incident at the University of Wyoming, the only 4-year college institution in my State, was engineered by the Denver, Colo., leader of the Black Panther Party, a group whose intent, it appears, from all evidence brought to my attention, is to promote separation of Americans, or, as the article puts it, to "polarize the races."

I am sure the Committee on Government Operations, under the guidance of the distinguished senior Senator from Arkansas, is far more aware of this situation than I, but, Mr. President, it is my hope that Senators will find the time to read this brief article.

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

[From the Wyoming State Tribune, Dec. 16 1969]

DELIBERATE CONSPIRACY CHARGED IN UW DISPUTE

The official publication of the National Collegiate Athletic Association says in its December issue, mailed to subscribers this week, the incident involving the 14 University of Wyoming black football players resulted from a deliberate plan conceived last summer.

The NCAA News said it had reliable information that "plans were laid last summer to create an incident in the Rocky Mountain area."

"A Western Athletic Conference member with a stern-type football coach was to be selected as the target," the publication said in part, in an in-depth study of controversies involving black athletes across the country.

"The candidates colleges were narrowed to two, and the University of Wyoming finally was picked," the article said, adding: "Brigham Young University would be the trigger."

The NCAA News said the "outside leader" in the Wyoming case was the head of the Denver Black Panther Party, Willie Dawkins, whom it identified as a former Harvard University undergraduate who came to Denver from Oakland.

"On campus, the spokesman for the 14 athletes involved, in the final analysis, was Willie Black—neither athlete nor student—in his first year at Wyoming as a graduate teaching assistant in mathematics," the article said.

Black is the chancellor of the Black Student Alliance at the University of Wyoming, officially recognized by the Associated Students of the University of Wyoming last spring.

NCAA News said today the Black Student Alliance is synonymous with the Black Student Union on many campuses such as San Francisco State College. It quoted the San Francisco State BSU chairman, Ben Stewart, that the Black Student Union "is moving toward revolutionary nationalism through the vanguard of the (Black Panther Party)."

"There are undoubtedly a number of persons who have innocently associated themselves with the BSU on various campuses, but the evidence is overwhelming that the BSU and the BPP are destructive forces intending to use almost any device to disrupt and destroy," the publication said.

It asserted that intercollegiate athletics has become a prime target for these organizations "because of the publicity value inherent in sports and the fact that the Negro or black athlete involved in a mild disorder will be a subject of newsprint from coast to coast whereas the acts of a less-publicized BSU party member may only be reported in the campus newspaper."

The NCAA News said the Black Student Union is "proliferating across the country, organizing groups in high schools and colleges."

But it added that interviews indicate that a substantial number of black athletes "do not want to be involved with the hard-core insurrectionists; they do not want to be separated and polarized from their teammates, and they do not wish to be separated and alienated from their coaches."

"In some cases," the publication reported, "it's a matter of 'blood oaths' and threats such as 'we'll get you if you don't or 'you'd better not come home if you make the trip' which force racial loyalty."

The NCAA News said it was evident the basic aims of the militants was to "polarize the races" but warned: "It is equally evident that there cannot be athletic esprit de corps or teamwork on that basis. Several NCAA members have stressed that the black athlete will earn his own self-respect and leadership status in the United States—not only with fellow Negroes but with the American citizenry at large—by his preparation and accomplishments as a student with the assistance of his athletic success."

The NCAA News also claimed that the Black Student Union and the Black Panther Party have identical addresses for their respective national offices, in Berkeley, Calif., and added that police intelligence officers in both Oakland and Washington, D.C., have provided the McClellan Senate investigating committee "with a vast number of documents which establish the structure and violent motives of these groups."

FOREIGN POLICY

Mr. DOLE. Mr. President, never in the history of our Republic has one administration done so much, so quickly, to bring the Nation back from the valley of turmoil and division, and placed it on the high road to peace and unity.

Let me remind Senators that 1968 was a savage year in America.

Young men were burning their draft cards and their draft boards.

Americans were burning their cities and looting their neighbor's property.

The youth of our Nation were doing battle almost on a daily basis with the police and with other established authority.

The affairs of our Nation stood in shambled disarray.

The people had lost confidence in their leaders.

Worse, much worse, the people had begun to lose confidence in their Government.

Not since the Civil War had this Nation stood so divided against itself.

Not since the Revolutionary War had this Nation been so long in battle against a single enemy as it had been against the enemy in Vietnam.

Where, at the beginning of the 1960's, there had been brightness and hope, by 1968 there was darkness and despair.

Where, in 1960, there had been the fervor of a people united, by 1968 there was the fever of a people gone asunder.

There were more people at work than ever before. But it seemed to be a people without ambition.

There were more young people in school than ever before—but they did not seem to be seeking an education.

We were a moving, mobile people, but a Nation that seemed to be wandering aimlessly and without a destination.

All of this, and more.

The year was 1968. And it was not a vintage year for America and Americans.

Then came 1969.

And in January 1969 something startling happened to America.

When President Richard M. Nixon moved into the White House people suddenly became aware that there was a new purpose in our land.

What happened in America that so quickly restored the faith of Americans in their country, that so quickly relit the fires of patiotism?

It was not what President Nixon said. The American people were already so totally inundated by a plethora of words that had the President shouted his voice would have been drowned out in the thunder of dissent.

It was, rather, what the President did.

Acting quietly, calmly, and with confidence in himself and those who surrounded him, the President began moving the country away from endless war and toward peace.

The soft echoes of his inaugural address had barely died away when the President undertook a personal trip to

Europe to talk with our allies and to reassure them about American intentions and plans.

The success of that trip was notable, in large part, because it was such a sharp contrast to the parade ground maneuvers of the man who immediately preceded him in the White House.

There were few headlines. But there were solid results.

Back home, the President devoted himself with single-minded purpose to find a way out of the impasse in Vietnam.

He chose to find for himself alternatives in Vietnam—not to wed himself to a single policy which, if it failed, would result in further bloodshed and a deeper involvement of Americans in the affairs of that tiny land.

He did not commit himself totally to a military solution, as those who went before him had tried to do. Nor did he commit himself solely to the bargaining sessions at Paris, as tempting as that device might have seemed at the time.

Nor did the President simply decide to cut bait, head for shore, and turn the whole affair over to the South Vietnamese.

Instead, he left himself room in which to operate. His detractors said it was breathing room for him personally. Instead, it was diplomatic maneuvering room.

The course he adopted was one of strengthening the South Vietnamese people to that, when the time came, they could assume the full burden of their own defense.

But he refused to be precipitous in his actions. He was, instead, cautious.

His cautious and careful approach almost at once began to pay dividends.

By this summer the President was able to announce the first lowering of the American profile in Vietnam. For the first time since 1961 when the war began its escalation, the American Government was able to make the welcome announcement that our troops would be coming home—not more troops going overseas.

A few months later he was able to increase the rate of withdrawal so that by December 14 more than 65,000 troops had actually been withdrawn from Vietnam.

And on December 15 he was able to announce that another 50,000 troops would be brought back.

I have every confidence more such announcements will be made in the months immediately ahead.

But I also believe firmly that the President will not make any such announcements unless they can be made without in any way endangering the lives of Americans in Vietnam, or the program for American withdrawal from Southeast Asia.

Meanwhile, Mr. President, the Nixon administration has moved ahead forcefully on other diplomatic fronts.

He has launched talks with the Russians designed to bring an end to the arms race.

But he has not allowed this promise of progress to blind him to the dangers that lie in our path. While willing to negotiate with the Soviet Union he has nonetheless insisted that the United States be prepared to meet any eventuality, including the disaster of nuclear attack.

And so it was that he insisted on the ABM program which the Congress voted this summer.

The President has gone further. He has declared that it is the policy of the United States not to indulge in the dangerous, deadly game of preparing and storing nerve gas and the ingredients of biological warfare.

All of this he has done in the area of foreign relations.

And all of it has helped to restore the faith of the American people in their Government.

Mr. President, when the Nixon administration went to the American people and asked for a renewal of the income tax surcharge that request was accompanied by an assurance that the Government itself would curb its appetite for money. The President made no idle promises. He accompanied his words with action. The budget was cut.

This, too, helped restore the faith of the American people in their Government.

In summary, let me say that this administration has been in office just short of 12 months.

During that time it has withstood the storms of criticism which its detractors have leveled against it and has not moved from its solid course of action designed to bring America back onto the road to peace.

This administration has taken no step that would intensify the divisions that exist within the Nation.

Instead, every action it has taken has been designed to restore unity.

This administration has demonstrated from the very first that it is run by men of good will.

Our problems are not solved.

But once again the American people are seeking solutions together.

RESPONSIBILITY FOR THE PROBLEMS OF INFLATION

Mr. ALLOTT. Mr. President, I was interested to hear Senators from the other side of the aisle discussing with such vigor the problems of inflation.

It was intriguing to hear them place the blame for today's inflation on the President of the United States who now occupies the White House. I suppose I cannot blame them—much as I disagree with them. After all, it is so much simpler to blame the administration now in power on the old theory that the best defense is a good offense.

Or, to be a bit more blunt, when you have made a complete mess of things, attack the guy trying to clean up after you.

Yes, my Democratic colleagues have 8 years of performance which they hope to conceal by attacking the person who inherited the whirlwind they sowed.

Mr. President, you will recall that in 1960 the Democrats rode to power in the presidential election on the slogan: "Let's Get America Moving Again." In an effort to make good on that promise, the administration in 1961 launched itself on a deliberate policy on two fronts.

First, they decided that a little inflation is good for the American people. And so they set out deliberately to foster inflation at the rate of about 2 or 3 percent a year.

Second, they set out on a policy of getting the United States more deeply involved in the affairs of South Vietnam—and the fantastic war which followed.

Both of these policies bore fruit.

And it is with that bitter fruit that we are attempting to deal today.

Let us examine first the fallacies of that policy of inflation.

In the early 1960's it was decided that the only way to get the American economy steamed up was by adopting a policy of inflation. To do this the Democratic administration set about making money easy to come by. They set out to overspend the Federal budget—to create continuing deficits. They got through Congress a tax bill permitting tax incentives and credits for businessmen who wanted to expand their capital equipment. They adopted a tax policy of lowering tax rates for individuals to increase the flow of money into the consumer markets.

Voluntary wage and price guidelines were adopted which they claimed would permit a "controlled" spiral of prices and wages. It was determined that a couple of percentage points a year of inflation were good for America. It was further decided that inflation could be controlled without any real effort at discipline.

Mr. President, let me observe here that having a little inflation is just like being a little bit pregnant. There just "ain't no such thing!"

Once the pot began to bubble it inevitably came to a boil. There was no other course open.

When the spiral of inflation took hold, it was inevitable that it should grow and burgeon into the awful monster that today grips the American economy.

There was no other course it could follow.

This engulfing inflation could have been brought under control with comparatively little hardship several years ago. Except for one thing.

That one thing is the war in Vietnam.

For too many years the Johnson administration treated the war in Vietnam as though it were something separate from the rest of America.

During 1965, and 1966, and 1967, the Johnson administration did not even attempt to give Congress and the American people an estimate of what the war in Vietnam was costing when the budget was submitted. It was not until the fiscal 1969 budget came to Congress that an effort in this direction was made, and then the President said the war would cost us about $25 billion a year. Actually it cost a whole lot closer to $35 billion than $25 billion. But at least by 1968 the administration was willing to admit that there was a war going on and that it was costing money. And that the money had to come from somewhere.

But even so, the Johnson administra-

tion—the Democratic administration—refused to go directly to the American people and get the money for Vietnam in the form of higher taxes. Nor was the Johnson administration willing to discipline its own spending excesses in the slightest bit to help pay for the Vietnam war.

Perhaps this was all due to the fact that the previous administration in the White House had sort of inched its way into the Vietnam morass. Under President Kennedy and then President Johnson we got a little further involved with each passing month. First, a little in 1961, when our men in Vietnam stopped being trainers and technicians and began to be field advisers to the South Vietnamese Army. Then in 1962 we got in a little deeper as more Americans were being shot at and killed, and we needed more troops in Vietnam to protect those we already had there. Then in 1963 we found ourselves with 16,000 Americans in Vietnam and 78 dead.

By 1964 we still only had 23,000 troops in Vietnam. At this point let me remind the Senate that it was in the year 1964—which also happened to be an election year—that the President actually submitted a proposed cut in the defense budget. I am not saying that the forthcoming elections of that year actually had anything to do with the President's decision. But the coincidence seems mighty strong.

By 1965 the war was beginning to be an American war in Vietnam. We had nearly 200,000 troops committed. We had started spending money at the rate of nearly $2 billion a month.

But still the war was treated almost as if it existed on another planet in another time. It was not allowed to interfere with the domestic policies of the Johnson administration.

The Democratic Congress continued to spend money for the domestic programs that the Democratic administration kept demanding. With every new appropriations bill that was passed, there came a need to find the money somewhere because still the administration refused to go directly to the American people.

So it was that the Democratic administration of Lyndon B. Johnson began more and more to finance its fantastic spending programs by going to the money market.

The idea was to spend and borrow; to borrow and spend.

No thought was given to the morrow.

No effort was made to impose self-control and self-discipline.

The policy of borrowing for the Great Society forced up interest rates. The law of supply and demand worked in the money market, and when the Federal Government was in that market with both feet, borrowing some $30 billion over the past half decade, the cost of money could do only one thing—go up.

And it has gone up. And up. And up.

Mr. President, Senators have made much over the President's threats to veto the tax bill and some of the more irresponsible spending bills that this Congress has approved.

Let me say this plainly and flatly: Medicine is never very pleasant; and economic medicine is perhaps least pleasant of all because it applies to all of us.

This dreadful disease of inflation was allowed to go unchecked and rampant throughout the decade of the 1960's by the Johnson administration, and by the Kennedy administration before that. Now the medicine has to be applied. It has to be swallowed. And, bitter as that medicine tastes, we must face up to its need.

In another sense, the business of trying to control inflation is somewhat like trying to rear a child. It is possible without too much fuss and feathers to discipline the child when he is young. It gets more and more difficult—if the child is allowed to have his own way at all times and in everything—to discipline him as he grows. Finally, when the undisciplined child reaches the age of manhood, it takes the severest kind of measures to curb his behavior.

Had the Kennedy administration acted with restraint some 8 years ago, the problem could easily have been curbed at that time.

Had the Johnson administration acted to curb inflation just 5 years ago, it would have been a little uncomfortable for the American people, but the job could have been accomplished with a modicum of pain.

But neither President Kennedy nor President Johnson chose to act.

Now, after 8 years of unbridled inflation, President Nixon is facing up squarely to his responsibility to the American people. He is trying to bring inflation under control. And it is painful.

As I said, Mr. President, I do not blame Senators for wanting to place the blame for the present situation on someone else. I just want to set the record straight and place the full responsibility where it belongs—that is, on the shoulders of the Democratic party, which had complete control of all three branches of Government—the White House, Congress, and the courts—from 1961 through to January of this year—all through the decade of the sixties.

Before I close, I should like to recall a Latin proverb:

Serpens nisi cum nederit serpentent non sic Draco.

Translated it means that a serpent, until he has eaten another serpent, cannot become a dragon.

Likewise, until inflation feeds upon itself it cannot become a dragon.

The food for this dragon was supplied by the two Democratic administrations that ruled America in the sixties.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 19, 1969, pages 40244–40247, CONGRESSIONAL RECORD.)

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

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

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have just a very brief 2½ page statement to make on this conference report.

Mr. STENNIS. Mr. President, will the Chair call the Senate to order, so that the Senator may be heard? This is a highly important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. NELSON. Mr. President, the Senate passed S. 3016, to extend the Economic Opportunity Act, on October 14 by a vote of 72 to 3. The House passed a similar bill on December 12 by a vote of 276 to 117.

Both bills extend the Office of Economic Opportunity for 2 years, from July 1, 1969, to July 1, 1971, which was also the recommendation of the President.

There were certain differences in the two bills. Conferees appointed by the Senate and House met on December 17 and 18 and reached agreement.

Differences in the authorization level were compromised. The Senate had authorized $2.048 billion for fiscal 1970, which was the amount requested by the President. The House had authorized $2.343 billion. The conferees settled on $2.195 billion.

The Senate had authorized $2.732 billion for fiscal 1971. The House had set no limit, but had specifically authorized increases in funds for several manpower, education and emergency food and medical programs which represented net increases of $99 million. Therefore, the conferees agreed to set the authorization for fiscal 1971 at $2.831 billion, which represents the Senate authorization plus the specific additions authorized by the House.

I will briefly summarize the other issues.

The House conferees were adamant against a Senate amendment to authorize a line-item veto for Governors on OEO Legal Services programs, and to abolish the authority of the OEO Director to override a Governor's veto, and after extensive discussion and consideration, the Senate receded on this issue.

The Senate insisted on provisions in the Senate bill to establish national programs in the field of alcoholism and drug abuse, with a specific reservation of funds to guarantee that these programs would be developed by OEO. After lengthy discussion, the House agreed to recede and accept this section of the Senate bill exactly as written, with the provision that a similar reservation of funds be written into the law for local initiative programs. The amount reserved for local initiative in the bill is the exact amount requested in the budget by the President.

The House conferees accepted, with slight modification, the Senate amendment designed to guarantee that OEO-funded agencies make a adequate provision to pay all their tax liabilities or be denied new grants from OEO.

The Senate insisted on earmarking specific funds for the various programs operated by OEO, rather than giving a lump sum authorization as requested by the OEO director. The House had very limited earmarking in its bill, but agreed to accept the detailed earmarking in the Senate bill.

Having earmarked in such detail, the Senate had given the OEO Director authority to reallocate funds within the various programs, up to 15 percent of the amount appropriated for the program in fiscal 1970 and up to 20 percent for fiscal 1971. The House conferees agreed to accept this principle with the modification that the reallocation authority be limited to 10 percent the first year and 15 percent the second year, and that limits be set on the amount the Director could add to any existing program. For programs of $10 million per year or less, the Director could add no more than 100 percent; for larger programs, he could add no more than 35 percent. These added funds would, of course, have to be taken from other OEO programs.

The end result is that the OEO Director receives a clear directive from Congress on how we expect that the funds appropriated to him will be allocated, but at the same time we give him the flexibility that any program director is entitled to in making limited reallocations within his agency.

Mr. Presdent, I move adoption of the conference report.

Mr. DOMINICK. Mr. President, I should like to ask the Senator whether he wants to yield or whether he wants me to obtain the floor.

Mr. NELSON. Does the Senator want the floor in his own right?

Mr. DOMINICK. I think it would be easier if I had the floor, and I could engage in some dialog with the Senator.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I think the Senate should know that many of the Republicans on the House side refused to sign the conference report and the majority of the Republicans on the Senate side refused to sign the conference report. We did so because we thought there were really grave problems in the conference bill which we were presenting to the respective Houses, and I should like to detail some of them.

It will be recalled that when the Senate authorization bill came up in October, I offered an amendment—and succeeded in that amendment—to eliminate the so-called add ons for fiscal 1970 from the bill. This eliminated $292.1 million in separate authorizations for eight specified programs where the $292.1 million had been added on above the budget. That amendment passed. I offered a similar amendment to eliminate $584.2 million in add ons for 1971, which were defeated.

The effect of the conference report as to the 1971 add ons is to take almost the entire amount of the Senate add ons, with two small reductions, and then to add two new items—one for $15 million and the other $34.7 million. The net result for 1971, including the add ons is to authorize the expenditure of $2.832 billion. This represents nearly a 30-percent increase in 1 year from the 1970 to the 1971 budget.

In addition, the administration and the Director of OEO have tried to change the concept of this organization. They have said that the problems that OEO has encountered in acceptance by the public around the country have largely been problems of administering and operating the program.

They said, "We do not want OEO to continue to be a separate agency. As soon as programs have been developed far enough that they seem to be able to run we want to put them in an established branch of government and reserve for the OEO an innovative role."

Unfortunately, because of the lack of flexibility and earmarking brought on in this bill, those types of innovative programs and the ability of OEO to move into that type role is sharply restricted.

There is one other point I want to bring up while the distinguished Senator from Mississippi is in the Chamber. I refer to the so-called Carey amendment. This is the amendment which, when originally presented to us, provided that families of servicemen in cases of extreme hardship shall be entitled to legal services provided for under the Office of Economic Opportunity.

It then went on to provide that the cost of that program shall be reimbursed by the Secretary of Defense. It became perfectly obvious as one looked at the scope of this amendment that everybody in the military would be qualified, speaking in terms of hardship. I have never heard anyone who did not agree with respect to a definition of hardship in that regard. Most members in the military would be asking for legal services and be asking the Department of Defense for the cost of whatever might be involved. This would include office expense, rental expense, telephone expense, cost of the time of lawyers, court expenses, and whatever there may be. It would be an almost totally impossible burden as far as existing legal services are concerned and an almost totally impossible administrative problem to determine the real expenses of the Secretary of Defense to try to take care of them.

As a result, we fought this rather strongly. I had the assistance of the Senator from Wisconsin in that respect. Originally we lost. We had to come back and ask that the conferees reconsider this matter because of the problems I have just outlined and because of other problems, such as the fact that the legal services branch of OEO would not be able to provide this service, and they would not have the funds to accomplish it.

As a result, we were able to effect a change in the language. The conference bill provides that the Director is not required to expand or enlarge existing programs or to initiate new programs in this area unless and until the Secretary of Defense has agreed with the Director on the reimbursement of costs for any such expenses or enlargement.

Because this is so important, I shall read the exact words for the RECORD. The section now reads as follows:

(b) Section 222(a)(3) of such Act is amended by adding at the end thereof the following: "Members of the Armed Forces, and members of their immediate families, shall be eligible to obtain legal services under such programs in cases of extreme hardship (determined in accordance with regulations of the Director issued after consultation with the Secretary of Defense): *Provided*, That nothing in this sentence shall be so construed as to require the Director to expand or enlarge existing programs or to initiate new programs in order to carry out the provisions of this sentence unless and until the Secretary of Defense assumes the cost of such services and has reached agreement with the Director on reimbursement for all such additional costs as may be incurred in carrying out the provisions of this sentence."

I wish to ask the Senator from Wisconsin, in order to establish legislative history, whether I am correct in assuming that, in fact, the conference really did not expect any new services to be provided until agreement is reached as to who is going to provide them and when the funds will be obtained.

Mr. NELSON. Mr. President, as the Senator knows we spent more time on this single point than on any other point in the bill. The Senator from Colorado consistently made clear his strong reservations and objections. He raised the point that we did not want to get into a jurisdictional question. We permitted the matter to go over a day.

It is my interpretation of all the discussion we had, with respect to legal services for members of the military services and their dependents, that there was no intent to add any further burdens on the OEO legal services program—any more than they now have—until and unless the Secretary of Defense and the Director of the Office of Economic Opportunity agree upon a program; until the Secretary of Defense has agreed to fund the program. I think Members on the House side even more strongly emphasized the lack of intent to interject ourselves into the business of the Pentagon.

I shall read from the conference report which is published at page 40247 of the RECORD of December 19, 1969. It states:

The conferees recognize that servicemen, qualifying under legal services guidelines,

are presently eligible for such services and are receiving help and representation. No inference is to be drawn that such assistance is to be curtailed or eliminated. It is the understanding of the managers on the part of the House that the Department of Defense is considering developing its own programs to provide these legal services. The inclusion of this new provision is not intended to supplant this effort but rather to offer an alternative which it is hoped the Department will consider.

So the manager's own language simply says we are offering an alternative which we hope the Secretary of the Department of Defense will consider.

Mr. DOMINICK. I thank the Senator from Wisconsin. I think this colloquy is very helpful to further tie down the matter. It was my intention to provide that nothing should be expended under authority of this provision until further agreement is reached.

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

Mr. DOMINICK. I yield.

Mr. MONDALE. Mr. President, I agree with the understanding expressed by the Senator from Colorado and the Senator from Wisconsin. I would like to add one further point. None of us wish thereby to imply there does not exist a very serious area of need here. I have obtained the figures since our conference.

Mr. President, around 265 projects comprising 850 law offices in poverty communities and operating throughout 49 States, District of Columbia, Puerto Rico, and the Virgin Islands were funded at a level of $46 million to offer free legal services to the poor. A caseload of 610,000 was carried by 1,800 full-time attorneys. This means an average caseload per attorney of 339 cases per year. It is estimated that a caseload in fiscal 1970 will rise to around 800,000. This makes a small impact on a poverty population of over 25 million people.

It is estimated that there are presently 500,000 servicemen in the United States within the pay grades E–1 to E–3. These men and their families would be eligible for legal services. There are also some servicemen in the pay grade E–4 who would be eligible, depending on the size of their families. In addition to this group, there are approximately 450,000 servicemen in Vietnam whose dependents residing in the United States might also be eligible for legal services. Approximate figures of the eligible military population are as follows:

First. Of the 500,000 servicemen in the United States with the pay grades E–1 to E–3, an estimated 15 percent or 75,000 men have dependents. If each of these 75,000 men have approximately three dependents each, the dependent population eligible for legal services is approximately 200,000.

Second. In addition to the 200,000 eligible dependents, there are also the 500,000 eligible servicemen within the United States. This means a total of 700,000 people in the military that would be eligible for legal services. It is important to remember the number of dependents of servicemen stationed in Vietnam who would also be eligible for legal services, as well as those families whose sole support is from servicemen within the pay grade E–4. Figures on these last two groups are not available.

Mr. DOMINICK. Mr. President, I thank the Senator from Minnesota. I thought, in conjunction with the colloquy we have just had, that I should refute any inference that the Army has not been providing legal services, by having printed in the RECORD a statistical report of the Army legal services program from July 1, 1968, to June 30, 1969, which shows that the Army legal assistance program, not counting other branches of the service, took care of 1,250,604 cases. This indicates a whale of a lot of effort on the part of the Army legal assistance program to try to be of assistance to members of the service.

I ask unanimous consent to have this table printed in the RECORD.

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

STATISTICAL REPORT OF ARMY LEGAL ASSISTANCE PROGRAM, JULY 1, 1968 TO JUNE 30, 1969 TAB A.

	Total	Adoption and change of name	Citizenship and naturalization	Civil rights	Domestic relations and paternity	Non-support	Personal finance and dependents insurance, etc.	Personal property, autos, etc.	Powers of attorney	Real property, sales, lease, etc.	Taxation, all kinds	Torts	Wills and estates	Miscellaneous
1st Army	211,508	3,056	7,979	407	18,202	6,101	21,882	15,576	23,429	10,167	20,974	5,116	24,105	54,514
3rd Army	231,488	2,153	4,567	767	14,935	3,237	18,423	12,581	32,697	6,771	39,675	3,674	28,519	63,489
4th Army	184,842	1,726	4,382	205	13,252	2,804	18,923	10,053	19,626	5,267	8,105	2,693	20,676	77,130
5th Army	119,144	1,396	3,420	160	11,222	4,973	14,857	6,627	12,328	3,338	19,015	1,953	10,802	29,053
6th Army	129,275	1,223	4,354	112	11,326	2,462	18,000	6,583	15,957	3,483	7,436	1,850	13,400	43,089
APO, New York	171,441	4,848	6,023	780	23,562	2,797	18,429	13,619	23,686	8,132	18,580	2,452	8,471	40,062
APO, San Francisco	155,793	2,853	6,825	401	21,315	2,712	11,738	10,947	30,023	4,698	12,626	2,256	8,708	40,691
APO, Seattle	14,810	210	201	9	1,056	213	1,713	1,316	1,987	459	1,859	150	1,405	4,232
District of Columbia	32,303	168	449	19	1,913	1,877	2,338	2,093	2,599	1,869	5,209	541	3,991	9,237
Total	1,250,604	17,633	38,200	2,860	116,783	27,176	126,303	79,395	162,332	44,184	133,479	20,685	120,077	361,497

Mr. DOMINICK. Mr. President, in order to clarify this, under Senate rule XXV, the Committee on Labor and Public Welfare has jurisdiction over soldiers and sailors for civil relief, but does not have jurisdiction, as I understand it, over the military in any way, nor does it have jurisdiction over similar activities of this kind. Yet it originally appeared we might be authorizing legal services groups of the OEO to represent people in criminal cases. That is not our intent. Is that correct. I ask the Senator from Wisconsin?

Mr. NELSON. Our counsel advises me that the Senator from Colorado is correct.

Mr. DOMINICK. Mr. President, I thank the Senator from Wisconsin.

Now, Mr. President, I know that the distinguished Senator from Mississippi (Mr. STENNIS) has some remarks to make on this subject. I believe he would like to make them at this point.

Mr. STENNIS. Yes. I thank the Senator from Colorado.

Mr. President, I am very mindful of the fine work which has been done on this conference report by the Senator from Wisconsin (Mr. NELSON), with his usual diligent and honest attention to the matter. That, I know, is shared also by the Senator from Colorado (Mr. DOMINICK), and other members of the conference committee.

Mr. President, I feel very strongly that the conference report invades and crosses over the line into another department without any proven need. I also feel that this is a matter which can be used and might be used to strike at the very vitals of discipline in our military services.

I have the growing feeling that a serious situation is developing. I do not mean any mutiny, but there are so many people trying to help so many others, and bringing in so many suits which, with the general laxness and permissiveness, whatever it is, that is going on now in our society outside the services, that it is generating a serious problem of maintaining discipline. An atmosphere is beginning to develop that will make it more difficult for the military services to maintain a prevailing and wholesome spirit and attitude toward needed military discipline.

The table the Senator from Colorado just had printed in the RECORD shows that more than 1,250,000 cases within the past year have been attended to by the Army itself, made up of various categories for legal advice, information, or assistance of some kind of remedial help in this general field which was given to the families of the men who are serving in our military services.

It shows what an enormous effort is being made by the military to meet that responsibility. It also shows what demand there is. I want everyone to have their legal rights. My point is that it is time to cut off these things. I know that the military, as the record will show, and as I know from their attitude, has been very genorous in this matter already.

Another question is, Where are we going to draw the line as to the multitude of cases which can be brought in?

The men who work for OEO are young lawyers and will work hard for anyone. I am not attacking the OEO, but these men would naturally like to do business, and they would like to get into things.

Right at the worst part of the Vietnam war, when our casualties were near the highest, a lawsuit was brought to prevent

a National Guard unit, which had been called up for duty, from being sent to Vietnam. That case went as far as a member of the Supreme Court of the United States who issued an order restraining this military command, which came from the Commander in Chief—not expressly from him, but that was his responsibility, it came from the President of the United States—temporarily suspending this lawful military order.

Well, the Supreme Court, in its entirety, reversed that case. But, how far are we going to encourage that kind of litigation? There are a great multitude of cases on that subject. I believe they are already being taken care of. There is every reason in the world for the Secretary of Defense respectfully to decline to go into this matter.

Thus, under the provision of the conference report, and the law agreed on, it would not come into being unless the Secretary of Defense agreed; but he can be told to come in, anyway, regardless of what his judgment may be.

Frankly, I do not think this kind of legislation receives the meticulous consideration we ordinarily accord it.

I will illustrate it by this conference report.

Why, last evening, about 6 o'clock, we all signed the conference report on the HEW appropriation bill. It was all completed and ready for the formalities of being enacted. Still today, we are working on the authorization bill. The HEW bill includes appropriations for the OEO at almost the top amount. Today, after the appropriation bill has been approved, except for the technical finalities, we are getting around to the authorization and I think we are making an exception in these kinds of matters.

I do not know what the Secretary of Defense may be directed to do. If he is to have a program like this, I think, frankly—and I am not looking for more work for the Armed Services Committee—it ought to have the direct judgment of the Senators who have responsibility in that committee, before the Secretary of Defense and the military have to launch into a program like that and the Appropriations Subcommittee on Defense has to appropriate money to pay the bill. That is what the conference report proposes.

Except for the bare judgment of the Secretary of Defense, which could be overruled by the White House, this measure puts the Secretary of Defense in that business and makes it mandatory that we appropriate money, not for OEO, but for the Department of Defense to pay the bill. That is why I say the Armed Services Committee ought to have jurisdiction of this matter.

I have no grievance—in fact, I compliment him—with the Senator for working so hard on it, but we will break down the jurisdictional lines of this great institution, the United States Senate. Sometimes there is some overlapping, but I think this year demonstrates that we have gotten almost into a reckless abandonment of the jurisdiction of committees. When that goes, the Senate goes; we are just 100 individuals, almost, unless we have a high regard for these jurisdictional matters.

I know, as a practical matter, it is virtually impossible to defeat this provision in the conference at this stage of the session, but if it were some other time, I think I would move that we have a full debate on this matter, and at least have a vote on it, and just point out where we are going. It is done, but I am afraid they have overexaggerated the need for this legal relief assistance. I believe the system already in vogue shows that there have been 1,250,000 instances—not legal cases, but instances—in which information for legal relief and legal advice and all other kinds of service have been granted in 1 year in the Army alone.

I want to encourage the Secretary of Defense with all the intelligence and scrutiny and judgment and power that is in being in his office, not to launch and go into this program unless he is fully convinced of the need and necessity. I think his best course would then be to get a communication to the Congress in some way that "I need relief along this line and I want it for the military, and the military appropriation should pay the bill."

As a member of the Appropriations Committee, I say we are just dipping into one bucket or pot of money and putting it in another, and switching back and forth between the departments. They do not know what the other is doing. One pays the bill and the other does the work. I do not want us to enmesh and encumber our military programs with that pattern. It will perhaps come out all right for some of the departments.

Let me ask the Senator from Wisconsin a question. This proposed law and this arrangement and this report certainly do not contemplate any kind of proceeding in court-martial cases, or anything like that, so far as it pertains to a man in the service charged with a military offense. Is that correct?

Mr. NELSON. That is my interpretation. The issue was not specifically raised; but, in the context of the discussion, we were talking about the kind of case in which the poverty client qualifies for assistance from OEO legal services right now. No one in the conference raised that question, and I would assume there was no intent in anyone's mind that it be extended to such a case.

The senior Senator from New York apparently wants to say something about that.

I think everybody here would agree that including in the OEO bill anything which might involve legal services programs in court-martial proceedings would be an unacceptable invasion of the jurisdiction of the Armed Services Committee.

Mr. STENNIS. I wonder if I may address some further questions to the Senator from Wisconsin.

As I understand the intent of this provision and what the conferees understood, it is not to come into operation unless the Secretary of Defense, in his own deliberation and in his own judgment, should decide that it should be done and should be paid for out of those funds, from the standpoint of the welfare of the military service and the individual concerned, and further such funds are appropriated.

Mr. NELSON. That is absolutely correct. We have several members of the conference committee present. If I respond incorrectly, they will correct me. It was repeatedly said on both sides—and I thought Mr. CAREY himself said—that if the Pentagon says "No," refuses to reach agreement, or if the Secretary of Defense refuses to reach agreement on funding, that is the end of it.

Mr. JAVITS. Mr. President, will the Senator yield, so we can affirm it on this side?

Mr. STENNIS. Yes, but first I want to develop this a little more. I address these questions to the Senator from Wisconsin because I understand he was chairman of the Senate conferees.

So the understanding of the Senator from Wisconsin, at least, is that the Secretary of Defense would have to make this independent judgment that it would be to strengthen the military and also the welfare of the individuals concerned, not on each case, but before he went into the program.

Mr. NELSON. That is correct. I think there was no disagreement on that, because several Members said that, if the Secretary of Defense declines to do it, declines to assume responsibility, declines to reach an agreement on funding the additional payment that OEO might become responsible for, the provision would be null and void.

Mr. STENNIS. That is a very wise decision if we are going to have any at all.

Where is the poverty line? We say, "If it comes within the poverty line." What is the standard, so far as this bill is concerned, as to where the poverty line is?

Mr. NELSON. As the Senator knows, a poverty index was established by OEO. Right now soldiers and their families are currently eligible for OEO legal services if they meet the poverty standard, as is any other citizen of the country.

Mr. STENNIS. Those who come within that definition already have that service available?

Mr. NELSON. That is correct.

Mr. STENNIS. What additional service does this bill give?

Mr. NELSON. It does not add any service that they otherwise are not now eligible for.

As the Senator knows, we did not conduct hearings. This matter was not in our proposal. I guess the concern was this: Mr. CAREY looked at this, apparently delved into it, and felt that there are many families of servicemen who really cannot get these services because there is not enough money in the OEO legal services program. I think he discussed this issue with the Pentagon. The Pentagon was aware of that.

I think the intent here was to give this issue some viability, to encourage, hopefully, the Defense Department or OEO to undertake the responsibility to service these families. Members of the

House said in the conference committee that they get loads of letters—for example, a letter from a wife who was going to be evicted from her home and whose husband was overseas. She was in the poverty level and she could not get any legal assistance.

It was that kind of thing. They may not be anywhere near a military base. That was the kind of problem that was discussed in conference.

Mr. DOMINICK. Mr. President, will the Senator yield on that point?

Mr. STENNIS. Yes; I shall be happy to yield in a moment. If they are already eligible, why add this program? Is it just to get the bill paid?

Mr. NELSON. I do not like to try to speak for Mr. CAREY, but——

Mr. STENNIS. Who?

Mr. NELSON. Representative CAREY, who was the sponsor of the provision in the bill passed by the other body.

Mr. STENNIS. Well, the Senator has an idea, though. Why this program, if they already have the service available? Is it just to get the money to pay for it? Is that why it is put over in the military? It is a matter of judgment, is it not?

Mr. NELSON. I think the fact is that if everyone who was eligible, who might be eligible, were to go to OEO, OEO would say, "We do not have sufficient funds to provide the personnel in legal services programs that would be necessary." The feeling was that if they were to extend services to military personnel and their dependents, they ought to have the funds to do it.

There is one further point. The Senator is probably familiar with a letter to Mr. ALBERT QUIE of November 19, 1969, in behalf of the Secretary of Defense, from the General Counsel's Office of the Department of Defense. He wrote saying that, as the Senator well knows, they are evaluating this problem now, and one of the difficulties is the limitation on the kind of services that they can actually give to military personnel and their families. The General Counsel says:

> One of the more significant limitations is that military legal officers in the main are limited to providing office advice, including preparation of some legal documents, and are unable to represent their clients in court proceedings or other legal proceedings or to negotiate fully in their behalf with adversaries.

Later I shall ask that the entire letter of the General Counsel for the Secretary of Defense be printed at an appropriate point in the RECORD.

Then the General Counsel goes on to say that they have had a study group, and it has explored this problem, and that—let me read further from the letter:

> One of the recommendations of the study group proposed that efforts be made, in cooperation with civilian bar associations, to expand the military legal assistance programs so that military legal officers could provide more complete legal services to military personnel—in particular those in the lower enlisted pay grades. This recommendation was approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and in October 1969 the military departments were asked to undertake steps to implement this recommendation. If these efforts are successful, it is envisioned that in certain cases military legal officers would be permitted to prepare and file pleadings in civilian courts, negotiate in behalf of clients, and make court appearances. In short, if the efforts now underway are successful, the group of people sought to be benefited by the amendment in question—

Referring to Mr. CAREY's amendment, which the Senator is discussing—

> would be taken care of under the military assistance programs. We believe that it would be preferable for the Department of Defense to provide this service to its personnel than to have them using programs operated by the Office of Economic Opportunity.

The Senator from Colorado argued very strongly against any provision at all. That is the reason the Senator from Colorado insisted that this program not be initiated in any way unless the Secretary of Defense agreed, and agreed to fund it; and then, as I pointed out earlier, in the manager's report on the House side, they state very clearly that it is not the intent of this section to supplant anything which the Secretary of Defense may be doing; it is only as an alternative that the Secretary might consider.

Mr. STENNIS. I thank the Senator for his explanation. He has made some very good points.

But I go back to my original question: Is it not a fact that the main reason for creating this program in this way, after all, is to get the money from the Department of Defense rather than let the OEO pay the bill?

Mr. NELSON. I would assume that that is the reason.

Mr. STENNIS. Yes.

Mr. President, I do not expect to detain the Senate very much longer, but let me point out to the Senate that this table which has been inserted in the RECORD speaks only for the Army alone.

So, just the Army alone, last year had 1,250,000 cases in which they rendered this assistance—just one of the military services—and I should like to list some of the types of cases. They have it outlined here.

Cases involving adoptions and changes of name—they give the exact number—citizenship and naturalization; civil rights or domestic relations and paternity—116,000 cases on that alone; nonsupport, 27,000; personal finance, insurance, and so forth, 26,000 cases; personal property, autos, and so forth, 79,000 cases; powers of attorney, 162,000 cases; real property sales, leases, and so forth—now we come to evictions—the Army alone had 44,000 cases of that kind within the 12-month period ending June 30, 1969.

Taxation of all kinds, 133,000 cases. They are the income tax problems, I suppose. I am stating round numbers only.

Torts—which, as we all know, are personal wrongs—20,000 cases; will and estates, 120,000 cases; and miscellaneous, 361,000 cases.

So, there are the facts. The Army alone is rendering that much service, and it is agreed by the Senator from Wisconsin that the main purpose here is just to get the money.

As I say, we have an appropriation bill already agreed to, ahead of the authorization bill. OEO is getting all it asks for, but if there is a real reason for this service, I would certainly help sponsor the appropriations.

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

Mr. STENNIS. One other point. There have been no hearings on this. The Senator pointed out that he supposed I was familiar with a letter of November 19. I am not familiar with it. But there have been no hearings, and no real record on this thing, through which one could obtain the facts.

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

Mr. STENNIS. I think the Senator from Rhode Island asked me to yield. I yield first to him.

Mr. PELL. Mr. President, there is just one point in support of the Senator's argument, which I wanted to point out, and that is, coming as I do from an area of considerable military installation, one sees people falling between two stools, as it were. They may be removed a little bit from where legal services are available; for example, a 20-mile ride, while it seems like nothing in some parts of the country, can be an expense for a woman without a car. Her husband may be overseas, and she may not be able to use the military services available, and may not be aware of the OEO services.

Also, at some places and times, one finds that the military is not as competent in this legal services area as in others. I think Senators will find a certain spottiness in the way the service is rendered.

I had not thought about this problem until it was discussed in conference, but it seemed to me that this provision might help the people who fall between the two stools of the military legal assistance and the OEO legal assistance.

Mr. STENNIS. Yes. Well, I certainly want them to have all the assistance they justifiably need, and as conveniently as possible, but if we turn it over to OEO lawyers and have someone else paying the bill, we are not only going to have a bill run up, but we are likely to have duplication of services, and everything else.

Mr. DOMINICK. Mr. President, will the Senator yield to me for just a moment?

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. DOMINICK. I have been listening with great interest, because the chairman has expressed many of the feelings I myself have on this issue. I have decided to offer a motion to recommit with instructions, and I will request a rollcall vote.

The motion will include striking this particular provision, as well as striking one other and putting back one Senate-passed provision.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I may say to the Senator from Mississippi that it was not my purpose in any way to interrupt him. However, as I am the ranking minority member of the committee and as I did sign the report, I was only trying to lock in, as it were, the explanations which were made by our chairman.

Mr. STENNIS. Mr. President, I thank the Senator. I certainly did not ignore him. I did not realize he was present.

Mr. JAVITS. Mr. President, I would point out this question and then deal with the whole report. Speaking now as a lawyer, just as the Senator from Mississippi is a lawyer, I wish to say that the real issue is really court appearance in the cases which are cognizable under the jurisdiction of the Committee on Labor and Public Welfare. They are cases for veterans and servicemen that are cognizable under the following headings and are committed to the Committee on Labor and Public Welfare: vocational education and reeducation of veterans; medical and training for veterans; soldiers and sailors civil relief; and readjustment of servicemen to civilian life.

Those are the four categories which give veterans affairs jurisdiction, which is headed in the other body by the Veterans' Committee.

The real gist of the problem, however, was not in the bill. And I do not think we would have had it if it had not been raised in conference. That is the inability of military officers to appear in court in civil cases and to be acceptable to the court, because often they are admitted in different States, or for other reasons are not acceptable in the particular place where the veterans problems or those of his family occur.

According to the figures of the OEO, 25 percent of their legal services cases are court cases. That means that one-fourth of their caseload is in the courts.

This bears very materially, therefore, on the letter which was written by the general counsel of the Army which has now been printed in the RECORD. He admits that the real place in which there is a lacuna or interspace is the limitation with respect to the military officers who are limited in many cases to providing office advice.

It is fair to say that we are trying to provide an interim plan under which certain legal services would be provided and this missing element would be supplied until such time as the Army services catch up with the requirements of their personnel.

As to the compensation which is involved, I think the Senator is absolutely right. It would have been better since we are rendering all the legal service to the poverty program, to have an autonomous poverty program financing the arrangement.

The difficulty arose through the fact that neither the poverty budget nor their budget for legal services nor the incidence in our bill—and there we get into the timelag which the Senator from Mississippi mentions of appropriations preceding, as it were, the final authorizing legislation—had caught up with each other. Again, as an interim proposition, we had to place reliance on the resources which might be available to the Department of Defense.

If both the Secretary of Defense and the Director of the OEO are really satisfied that there is an area which does not include courts martial and does not include the status of the soldier as a soldier—and I confirm that on the part of the minority, as the chairman has on the part of the majority—but in which there is a lack of justice or equity in respect of the serviceman and his family as to which something ought to be done, then they can proceed to fill that vacant place.

If they find that is not so and that the superior public policy requires that it be denied for the time being because the Armed Forces have not quite caught up with that particular problem, I assume then that the Secretary of Defense will say, "I am sorry. I am not going to act."

I think that might be a little better than taking some absolutely rigid stand and saying no under all circumstances.

However, if they agree that there is an extraordinary need and something ought to be done about it, we can expect and hope that they will do their utmost to do it.

I hope very much that that may be a reasonable reconciliation of the points made by the conference report and, also I think, the quite proper concern expressed by the chairman of the Armed Services Committee that we do not want to introduce another echelon of litigation that will embroil the military service and adversely affect military morale, and military discipline.

I can assure the Senator, having signed the report as the ranking minority member, that we had no such thought in mind in doing so.

Mr. NELSON. Mr. President, I concur in what the Senator has said.

Representative HUGH CAREY was expressing his honest and sincere concern about affording a fair opportunity for servicemen's families to be represented, just as the Senator from Mississippi would like to have them represented.

If this matter had been raised in the committee on our side, I do not think anyone on our committee, representing either the Republican or Democratic side, would have consented to putting in anything in the Senate bill when we were considering it here, since the issue ought to be considered by the Armed Services Committee. And that was our attitude, strongly expressed through the Senator from Colorado (Mr. DOMINICK), at all times.

I interpret the provision we are discussing as a section to encourage the Defense Department to do something more about legal assistance for military personnel and their dependents.

Mr. JAVITS. I think that is a fair interpretation.

Mr. NELSON. I interpret it as being a section which everyone agrees means that if Defense refuses to do it, that is all.

That is my interpretation of the conversation that went on in conference committee, that the intent was to encourage them. If the Secretary of Defense says no, there is nothing this section of the bill can do.

Mr. JAVITS. Mr. President, I add one other dimension to that. If both agreed that there were extreme hardship and there was a vacant space where people were not represented, in view of the inability on the part of the military officers to supply legal service—for example, appearances in local courts—then I think we would have the right to express the hope that something would be done. Our provision is intended to induce both the Director and the Secretary, in the presence of a manifest need which our military services cannot fill, to see if it could be filled by agreement between them. That is the one dimension I would add.

Mr. MONDALE. Mr. President, in the letter referred to earlier from the Acting General Counsel of the Department of Defense to Mr. Quie, the Defense Department concedes that there is an area of great need here. There is an area of need here that cannot be denied and which the Defense Department asserts continues to be unmet.

Mr. JAVITS. Exactly. I think that what we have all said is not disagreeable to the Senator from Mississippi. He does not object to it. However, silence is not consent.

I might point out that I think we have presented a situation which is susceptible of agreement, and probably requires agreement, and we have a right to present a framework in which an agreement between the Department of Defense and the Director of OEO may be brought about.

Mr. MONDALE. I ask unanimous consent that this letter be printed at this point in the RECORD, because it shows that the Defense Department agrees that there is a serious area of concern.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., November 19, 1969.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: Secretary Laird has asked me to reply to your letter dated November 6, 1969, requesting comments on a proposed amendment to section 222(a)(3) of the Economic Opportunity Act of 1964, as amended.

The proposed amendment would establish eligibility for members of the Armed Forces and their immediate families who are "living in poverty" to obtain legal services in certain cases under programs established under the Economic Opportunity Act of 1964. The Department of Defense recognizes and supports those objectives of the proposed amendment which are intended to make available more complete legal services for certain military personnel and their dependents.

For many years each of the military departments has operated a legal assistance program for members of the military services and their dependents. These legal assistance programs are operated by the Judge Advocates General of the respective military departments and are administered by military legal officers. Admittedly, these programs have certain limitations which impair their effectiveness and make it impossible for complete legal services to be provided. One of the more significant limitations is that military legal officers in the main are limited to providing office advice, including preparation of some legal documents, and are unable to represent their clients in court proceedings or other legal proceedings or to negotiate fully in their behalf with adversaries. These limitations are due to a number of factors including the attitude of the organized civilian bar regarding such matters. These restrictions have been a source of concern and some frustration to military legal officers who

would like to provide more complete legal services to their clients.

The problems posed by the aforementioned limitations on military legal assistance programs were recognized in a Defense Department study which was concluded in October 1968. That study explored problems relating to military lawyer procurement, retention, and utilization and included a look at various problems pertaining to the rendering of legal services in general. One of the recommendations of the study group proposed that efforts be made, in cooperation with civilian bar associations, to expand the military legal assistance programs so that military legal officers could provide more complete legal services to military personnel—in particular those in the lower enlisted pay grades. This recommendation was approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and in October 1969 the military departments were asked to undertake steps to implement this recommendation. If these efforts are successful, it is envisioned that in certain cases military legal officers would be permitted to prepare and file pleadings in civilian courts, negotiate in behalf of clients, and make court appearances. In short, if the efforts now underway are successful, the group of people sought to be benefited by the amendment in question would be taken care of under the military assistance programs. We believe that it would be preferable for the Department of Defense to provide this service to its personnel than to have them using programs operated by the Office of Economic Opportunity. Accordingly, the Department of Defense recommends against the adoption of the amendment.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.
ALBERT H. QUIE.

Mr. JAVITS. The Senator is correct, especially when it is coupled with the fact that 25 percent of the legal services rendered by the OEO legal service program consists of appearance in court.

Mr. MONDALE. One point that I think everyone agreed on is that the small funding of the OEO legal services program today makes it impossible for them to move into this field any more than they are now, without some source of additional support.

Mr. JAVITS. I think that is a very fair statement.

Mr. President, I should like to address myself briefly to the conference report itself, which I signed, which Senator PROUTY signed, and which Senator MURPHY and Senator DOMINICK did not sign.

To me, it is not necessarily the happiest compromise; but, so hard fought was this conference—and it is not unusual—that in my judgment it is the best resolution of the differing points of view that can be obtained to get the legislation underway.

I should like to affirm that if there is a motion to recommit, I think the main argument the Senate has to decide is whether or not we can get any further or make any real basic change, in the absence of authorizing legislation, or whether it would really just throw the whole thing up in the air for a very considerable time. It is almost inconceivable, considering the substantive nature of the differences, that we can get together in 24 hours or over the weekend and into Monday night, which is probably the outside time. I saw the conference. It went on for a considerable period of time. It deals with substantive policy issues. It is not a matter of resolving the difference between $1 billion and $1.1 billion, where men probably can get together in a brief time. I believe that once you shatter this, you will just have the continuing resolution, rather than a substantive mandate upon which the agency can proceed.

I believe deeply that public policy is greater in terms of giving the agency a legal basis upon which to proceed and plan than the other way, for this reason: This is the first bill for the OEO that characterizes what this administration wants it to be. With this administration, the concept is that it is essentially an agency for innovation and local action. Also, that those elements which are in traditional departmental areas of responsibility in education and, for example—shall go over to traditional departments which administer programs in those areas, but that this relief of responsibility on OEO's part brings with it a break-out in terms of innovation and local initiative. Those are the distinguished characteristics of the OEO to be, as the administration sees it.

Naturally, it requires an enormous labor, in order to bring about that change of character; and the sooner the agency can get on with this effort, the sooner it will be likely to be a success along this new line of policy.

One other thing which I think experienced men in this Chamber will understand is that if you leave an agency like this up in the air, an agency like this, where the work is pretty tough, you jeopardize very seriously its best personnel. The one thing that is indispensable is the human equation. If you expect to keep the good people in OEO or to attract good people to OEO because of its innovative character, you have to give them some feeling of certainty and of the framework in which they work. I do not think anyone expect that in the poverty area they are going to stay on the job because they get big pay, if they are good people, or because the work is very pleasant. The work is probably pretty tough. They are dealing with the most difficult elements in our communities. So I deeply feel that on that ground, if we can possibly do it, if a Member can reconcile it with his conscience, the burden of proof will be on the opponents to show why we should not put a firm base of authority under this agency.

Now to proceed to the merits. As I see them, the main points in this measure relate to the issue of flexibility, which I have described. This was probably as hotly contested an aspect of the conference as there was and it related to the question of how to transform this agency to an innovative agency of our Government and one which could most encourage effort at the local level. Therefore, the transfer provisions which are contained in the law—the degree of flexibility which you would have between programs—became supremely important. There, I think, a very fair adjustment was made. It was very difficult adjustment to make for both sides. The unlimited flexibility which we had collided with the extremely limited flexibility in the House bill, which did not change the 10-percent add-on provision of current law.

We reconciled that by agreeing that we ought to have the maximum flexibility for programs in their infancy, and we set that ceiling at $10 million. Under the bill, any program that is $10 million or less can be increased by 100 percent. In the case of more settled programs, above that figure, we limited the add-on to 35 percent.

To me, that was one of the very fundamental aspects of the conference, and I think the arrangement was very hard fought and very difficult to arrive at. I doubt that we could have agreed at all had we not been at the end of the session; and finally, at the very last minute, we did come to this agreement. I am not happy about it. I think the Senator is absolutely right and that the agency would be infinitely more creative if the add-on possibilities were unlimited. But we live in a practical, working world, and I think we have made a real achievement in terms of the Senate's original position in getting the House to accept a 100-percent add-on where the program does not exceed $10 million and to accept triple the figure the House had in mind where the programs were over $10 million.

The second matter which, in my judgment, was very serious was the question of local, State, and municipal administration. This is a very big one, because it may be recalled that in 1967 there was a very great struggle in the Congress on the poverty amendment to transfer practically all administration to the States; the opposition to that, in which I joined, was equally determined. It did not happen, but it was a very close call. This question still obtains—now in even sharper focus—because now the agency is essentially an innovative and experimental agency, and there is all the more reason for giving it great flexibility rather than tying it down to State vetoes or a priority or preference to State administration.

Bearing in mind that the managers on the part of the House write their own managers report and that all we can do is express our intention on the floor, I think it is very important to see whether or not the view of the conferees in the Senate coincides with the view of the managers on the part of the House in respect of a matter of intent. I should like to read to the Senate, on this question of administration which is so critically important, how the House managers conclude their report. They say:

> It must be quite clear that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulations that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of Congress.

Mr. President, the Congress consists of two Houses. We must assume that when the House has approved the conference report this represents the intention of the House as expressed by its managers.

But if I were asked to interpret it—

and I greatly appreciate the view of the principal manager on the part of the Senate, the chairman of our subcommittee or his designee—it is my concept that what we wanted to do was to establish the most efficient and creative solution.

I would say, interpreting the views which are implied in this report, that both House and Senate conferees would agree that State domination is not intended. On the other hand, I would not wish the implication that there is an existing preference for local determination and local control. To the extent that the House managers imply support for an arbitrary preference for local community administration—that, too, should be rebutted.

I rather think what we want is a wide open field in which there shall be no preference but in which there shall be no domination or compulsion or guidelines that it must be a State or local control or a municipal administration that has priority; but whatever creatively is in the best interests of the program.

Mr. MONDALE. Mr. President, I agree. Actually, what the conference committee did in effect, was not to change the law, but to keep the law as it was and is relating to community action programs—community based and operated programs. There has been no change at all. The purposed Quie-Green amendment to drastically increase State control over these programs was defeated in the House.

The Murphy amendment, which was adopted on the floor of the Senate, to give nonoverridable Governors' veto power over the legal services program was dropped in conference.

So, in effect, there is no change. The law is as it has been since the 1967 amendments, set forth in section 210(a) of the Economic Opportunity Act, and there is no change at all.

Mr. JAVITS. Except that the legal services program is made nondelegable.

Mr. MONDALE. Yes, but, in terms of local or State control, the law is the same.

Mr. JAVITS. Yes. It does not change the situation on local or State control even as to legal services.

Mr. MONDALE. The Senator is correct. As the Senator knows the nondelegability of legal services was adopted to prevent it from being delegated to another Federal agency of Government.

Mr. JAVITS. I thank my colleague. I think that spells it out accurately. We do not want any implication that there is a preference for anyone and the Director of OEO, subject to our legislative oversight, will call them as he sees them on the basis of the best job that can be done.

I have one other point and then I shall be finished. My point relates to manpower training, which is a very important part of the work under the Economic Opportunity Act. Again, managers on the part of the House express themselves as follows:

> The managers on the part of the House are fully aware that the Director has delegated to the Secretary of Labor authority to carry on programs similar to those provided for in this new part. The conferees agreed that those existing programs could continue to be carried particularly, but not exclusively, in connection with the concentrated employment programs, and that the scope of their activities not be reduced by reason of the enactment of this additional provision. It had been the plan of most of the House Managers that the Director would be directed to retain, rather than delegate, this new authority.
>
> They did not insist, however, that he do so; but they do insist that these programs and other manpower and job programs be carried on as originally conceived and designed by the Congress, that there be no reduction in their magnitude, that recent limitations on eligibility (such as those dealing with older workers) be removed, that the "New Careers" program retain real substance and not be limited to public service activities, that substantive efforts such as those going on at the University of Minnesota be encouraged to improve and continue. In short, the managers on the part of the House will insist that the policies and purposes enunciated by the Congress be adhered to. It is their expectation that under this part special emphasis will be placed on single purpose programs, that programs of limited size and scope will be carried out, especially in rural areas, and that the rural poverty areas will receive an equitable share of the assistance being provided.

Again, I am expressing my own understanding of the Senate conferees, as I understand it, that except for specific legal changes which are made with respect to Mainstream and New Careers—and they are not major in nature—the manpower programs will go on as at present but that they must be subject to whatever we do about new manpower legislation because both the Senate and the House will have before them manpower bills proposed by the administration. There may be a manpower bill from the party in control of Congress. Both sides in their original reports on the OEO made it very clear that there is to be a comprehensive review of the manpower policy scheduled for early in the next session of Congress.

For example the House says, in its report, No. 91–684, on its bill:

> With a comprehensive review of manpower policy scheduled for early in the next session of this Congress, the committee decided that it would not undertake substantial revision of title I at this time.

Similarly the Senate in its report on the OEO bill this year, Senate report 91–453, provided:

> The administration has requested prompt consideration of its proposed Manpower Training Act of 1969. The committee intends to begin extensive hearings on this comprehensive proposal in the near future. The hearings will give administration witnesses, local officials and citizens an opportunity to comment on that proposal in the light of experience gained through the manpower program administration since the passage of the Manpower Development and Training Act in 1962.

The only qualification, then, to the expression of Members on the part of the House is that programs are not necessarily frozen for the entire 2 years during which this bill will operate. Both the Senate and House understand that as a result of consideration of the Manpower Training Act—undoubtedly next year—and any proposal made by the majority, there may be changes, but that presently we do not contemplate any until we actually get to the point of hearings and possibly legislation on new manpower approaches which the administration has submitted. With that qualification, I think the managers have properly suggested what both groups of conferees had in mind.

Mr. MONDALE. In response to the Senator from New York, let me say that his understanding is correct. We have already begun hearings on the manpower program. There will be more, which will include a review of the manpower aspects of OEO.

The conference report expresses concern that the mainstream program continue as a strong program. Although a small one, it is one of the few programs that is successful and well received in rural America. We very much want it continued. That is the reason the House asked that it remain as a separate title, and we receded to the House in that effort.

Second, the mainstream program has been very useful to persons who have reached the later years of life. We hear rumors that shortly there will be promulgated a regulating limiting mainstream eligibility to persons under 55. That may not be correct, but the rumors are persistent enough to make us apprehensive. That is why that language appears. It expresses the will of the conference.

Many of us fear the developmental and quality aspects of the new careers program are being eliminated by the Department of Labor. It is being converted into a small public service employment effort without any quality career development effort.

We are proud of the University of Minnesota new careers program. I appreciate the help the Senator from New York has given us on this. We have one of the outstanding new careers program in the country tnere, which seeks not only to provide employment to persons but also to assist them in going on to college or to a vocational educational school; there are other aspects of the program to help persons move up the career ladder.

We hope that the highly successful but yet experimental efforts will be continued. That is the reason for the language to which the Senator from New York has referred.

Mr. JAVITS. I want to be sure we understand what we contemplate, that we would not expect to hold that for 2 years. As we go into the manpower training hearings, it could be changed.

Mr. MONDALE. The Senator is correct.

Mr. JAVITS. The last point. It is my judgment that the very best result that could be obtained from the differing views of the two Houses—and I signed the report after much consideration—is that it will vest in the Director a program in which he can prompt the creativity and the innovation which will provide a way to redeem people from poverty, leaving to the other agencies the services which other people require.

That is the basic objective of the President. It is my judgment that if the conference report is approved, the fundamental concept of the administration as to what shall happen to the war on

poverty will have been incorporated as a firm foundation into law.

I hope very much, because of the problems of personnel, and so forth, with the greatest respect to the views of my colleague, it is my deep conviction that we should not go home from this session of Congress without giving a statutory base for a settled period of time to this agency if we really expect—and I know that we do—to do the creative and the innovative job which President Nixon has designed.

Mr. YARBOROUGH. Mr. President, as chairman of the Labor and Public Welfare Committee, I am very pleased with the final outcome on the bill to extend the Office of Economic Opportunity.

As you know, the Senate and House passed very similar bills, to extend the present program for 2 years. The Senate and House conferees, under the chairmanship of Senator NELSON, who is chairman of our Subcommittee on Employment, Manpower, and Poverty, have now resolved the differences and agreed to a very fine compromise bill.

What this bill does is continue some very worthwhile programs. No one is going to make the claim that this bill does everything that needs to be done to correct the very serious and very widespread poverty we have in this country. But it at least maintains and to some extent strengthens and improves the programs which we have been developing over the past 5 years in our long overdue effort to fight poverty.

We have more than 25 million Americans living in poverty. An estimated 15 million of them suffer from actual hunger or malnutrition.

More than 75 percent of the funds authorized in this bill will go to provide job training, health programs, and education programs for these people. Those are the areas that the Economic Opportunity Act emphasizes—job training, health, and education.

This bill will enable us to continue operating some 40 Job Corps camps, including the outstanding Gary Job Corps Center at San Marcos, Tex. It will provide funds for the Neighborhood Youth Corps program which provides employment for several hundred thousand young men who would otherwise be out of work.

It continues and substantially expands the program known as Operation Mainstream, which has enabled local units of government and private organizations such as the Farmers Union to hire thousands of unemployed men in rural areas to do worthwhile work in conservation, forestry, highway beautification, and other forms of public service.

It continues the Headstart program, which is giving more than 600,000 preschool children their first chance at medical and dental examinations and the special services needed to prepare them for school.

It provided a much needed expansion of the emergency food and medical services program, which is now operating in 1,000 counties, mostly in rural areas. It continues our comprehensive health services program, which operates health centers in 50 poor communities.

It enables us to continue our special programs for migrant workers, which have helped more than 10,000 people with training and with the adjustments necessary to shift to new lines of work and settle in new communities. It allows us to continue our rural loan program, which has already helped about 45,000 poor people to improve their farms and their homes.

Mr. President, this is a badly needed program. It has been forced to operate in the glare of controversy ever since it was established. But it is proving itself.

Early this year there were published reports that the President was going to let the war on poverty die.

One of the first things Senator NELSON and I did in this Congress was to write to the President and urge him not to do that. The chairman of the House Education and Labor Committee, Congressman PERKINS, of Kentucky, joined with us in that appeal. Ultimately, the President came around to requesting a 2-year extension of the present program.

We are glad that after carefully considering all the evidence he came to that conclusion.

The Nation cannot do otherwise. As long as we have some 25 million desperately poor people in this country, we cannot escape the responsibility of offering at least some of them the opportunity for job training, health service, and educational assistance without which they can never hope to win a place in our society as productive, self-sufficient citizens.

Mr. President, I want to congratulate all those who worked so hard on developing this bill and perfecting it to the point where it has won such broad acceptance. The conferees have done an exceptional job, of which both Houses can be proud. And as we accept this conference report today and send this bill on to the President, we can at least feel some assurance in that we have faced up to a responsibility which this Nation can never ignore again.

Mr. CURTIS. Mr. President, my basic reasons for not signing the conference report on the tax bill are budgetary and fiscal. I shall make a full statement on this later.

While the bill makes a number of tax reforms of which I heartily approve, it contains one manifest departure from historic tax policy, indeed, from national policy, which I believe is so grave that I am impelled to comment on it at once. I refer to the imposition of an income tax on foundations.

I am convinced that this is a grievous error. For the first time in our history, the income tax exemption of a large class of our private philanthropic and charitable organizations has been destroyed, and only the rate of tax will differentiate them from other taxpayers. This is a serious blow, with unfathomable long-range implications, to the private sector and to the vital part that private philanthropy historically has played in American life. We have now crossed the line toward total secularization of our society and total dependence on government for the educational, philanthropic, and charitable activities which traditionally have been, and should be, carried on by the private sector.

I hope at an early date that this unfortunate action will be reconsidered.

Mr. KENNEDY. Mr. President, passage of this conference report on the Economic Opportunity Amendments of 1969 marks an important moment in our Nation's battle against poverty. It is an endorsement of the antipoverty approaches which have developed over the last 4 years. It is a recognition that we must continue to seek new ways to combat deprivation. It is a clear expression of our commitment to assist the poor and the disadvantaged in our society.

In total wealth and in individual opportunity, no nation in the world can match the United States. Our gross national product is nearing $1 trillion a year. Median family income is over $8,000 a year—almost $2,000 higher than in the country with the next highest standard of living. We are surrounded by the trappings of material wealth.

Despite our aggregate prosperity and national wealth, however, an estimated 25 million Americans still live in serious poverty—without necessities such as food, clothing, shelter, and medical attention, which the fortunate of us take for granted; and without the opportunities for education and employment required to enjoy a satisfactory standard of living.

For the last 4 years, the Office of Economic Opportunity has been the focal point for a concentrated Federal effort to combat poverty in America. The problems it has faced have been great. The results it has achieved have been encouraging.

For example, from 1965, when the OEO program began, through 1967, 7 million Americans escaped from poverty status. In 1968, approximately 4 million more rose above the poverty line for that 1 year alone. The trend is continuing. Programs under the Economic Opportunity Act have been an important influence in achieving these results.

The action by both the Senate and the House on extension of the Economic Opportunity Act has indicated a strong congressional commitment to local initiative and the community action approach. For this is the heart of our Federal antipoverty program. And Congress expressly rejected attempts to weaken this commitment.

In its report to the congressional Committees on Appropriations, dated November 1969, OEO reiterated its commitment to local initiative:

> Local initiative funds are the core of the Community Action concept. They make possible the structure through which the process of community action is carried out; they enable each community to tailor its total antipoverty program to its peoples' needs, and they are the primary means by which self-help by the poor is undertaken.

I endorse that view on the importance of local initiative and community action. And I agree with the statement of priorities spelled out by the House conferees in their "statement of managers" on S. 3016:

> The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House

committee report, the opportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of Congress.

Antipoverty efforts cannot succeed if they are paternalistic. They must be generated and carried out at the local level, by the people who themselves have experienced poverty and know the desires and the needs of our low-income citizens. Long-run progress cannot be thrust upon the poor; it must be developed and supported from within, even if this ultimately means inconvenience and change and loss of power among our more established institutions of society.

Mr. President, I think that as chairman of the Poverty Subcommittee, Senator NELSON has done a superb job in developing and carrying through Congress this year's economic opportunity amendments. He has been thorough and dedicated and diplomatic in managing an extremely important, and equally controversial, piece of legislation. I commend the distinguished Senator from Wisconsin for his successful work.

I should add that the House of Representatives should also be recognized for its strong support of the local initiative approach to antipoverty programs, especially in light of the concerted effort to vitiate the present program and turn it into a State-controlled block-grant system. It was a singular triumph for the legislators who are dedicated to helping the poor help themselves, for the 25 million poverty-stricken citizens in this Nation, and for the distinguished chairman of the Education and Labor Committee, CARL PERKINS, who persevered and saved the program at a time when it was in imminent danger of being destroyed.

Mr. President, again I commend Senator NELSON for his important work and contribution on behalf of our Nation's poor. I strongly support the conference report on the Economic Opportunity Amendments of 1969 and feel that their passage reaffirms once again our national commitment to eliminate poverty.

Mr. DOMINICK. Mr. President, for the information of Senators, I want to repeat that I will send a motion to recommit to the desk shortly, and that there will be a rollcall vote on it. I shall not be long in expressing my reasons.

One reason that I refused to sign the bill is that the flexibility which we had built into the area of the program, even in previous years, is not retained in the bill.

Although the conference bill increases over present law the percentages of program funds which can be moved from one program to another, the increases in what can be transferred out of a program are not as great as those in the Senate bill, and the Senate bill did not put a limit on the increases which can be transferred into a program. Yet the conference bill includes extensive earmarking of funds.

Since we did not earmark funds last year, the 10–10 provisions of present law were not a major problem. The 10–35 provisions of this bill for 1970 and 15–35 for 1971 may be. It is interesting that when the Democrats were in charge of OEO, they were against earmarking. Now that Republicans are in charge of OEO, the Democrats are in favor of earmarking.

I say that not necessarily to chide, but to bring it up so that they will not think we have forgotten that particular point.

In previous years there have been problems in transferring money even without the added restriction of earmarking. In the comprehensive health centers, last year, for example, the OEO was unable to use the amount of money it had originally available for this type of program, $70 million. The amount actually obligated was only $52 million. This was much more than the 10-percent reduction permitted by present law so the excess unused money could not be transferred to other needy programs. In like manner, on some of the programs which they wanted to start, OEO representatives feel that they will be increasing the programs, if they can have more flexibility, by more than the 35 percent which is permitted under the bill.

Why do we find ourselves in this position? We increased the flexibility in our Senate bill and also put in earmarking. The House retained the old flexibility and did not have earmarking. The core of the problem today is that the conference bill takes a different twist. It reduces the flexibility and increases earmarking. So we have the situation in which the innovative features which Mr. Rumsfeld and the OEO would like to initiate are sharply restricted under the conference report.

There is another item which should be pointed out. In the Senate bill, at the request of the Comptroller General, we included the power to audit and examine the financial records of grantees under the OEO program. For reasons that are totally unknown to me, it was knocked out of the conference at a time when I could not be there. The conference bill provides no power or authority for the Comptroller General to be able to audit accounts of people receiving benefits under the OEO.

It is my understanding that there is some authority in the appropriation conference report. It seems to me it is rather ironic to have it in the appropriation bill and not to have it in the authorization bill.

Mr. NELSON. Mr. President, will the Senator yield so I may respond to that specific point?

Mr. DOMINICK. I am happy to yield to the Senator from Wisconsin on that point.

Mr. NELSON. First, the authority of the General Accounting Office to have access to grantees' records for purposes of audit has always been in the appropriation bills. It is contained in the item appropriating funds for OEO. It has never been in the authorization bill. However, that was not the reason why the House declined to go along with the provision for the audit in the authorization bill. Although I assume it was a technical mistake in drafting, the Senate-passed OEO authorization bill provision was drafted so that it authorized the GAO to have access to records for audit purposes only with respect to title II funds. He could not have such audit access under the terms of the provision in the Senate-passed version of the OEO bill. I am sure the author did not intend to have it limited only to title II. The House had nothing in its bill with respect to GAO audits. The point was raised that if the House had nothing in its bill, it could not accept expansion of the authority to cover all titles in the Economic Opportunity Act because it would be subject to a point of order. Therefore, since it was limited to title II, and is covered in the HEW-Labor appropriations bill, H.R. 13111, that passed the Senate this week, that is, the appropriations bill which contains the OEO appropriations, and in the conference report on that bill, it was resolved in that way. That was the discussion that went on when the Senator from Colorado could not be there, and that provision was dropped for that reason.

Mr. DOMINICK. I thank the Senator, I think it is better to leave the authority in so the Comptroller General can audit some than to strike out the provision because it covers only one title instead of all of them.

As pointed out in the colloquy between the Senator from New York and the Senator from Wisconsin, another thing that was knocked out of the conference was the Murphy amendment, giving the Governors some authority over the legal services. Retained was a provision in the Senate bill, which the Senator from Minnesota had proposed, and which the House bill did not have, providing that the legal services program cannot be delegated. The conference bill specifies one program out of all the programs of OEO which cannot be delegated. It is the only program which cannot be delegated to another agency, whether it is working well or not.

I know the Senator from Minnesota felt deeply about this. The effect, however, is a national legal services program. We are not going to be able to operate it through any other agency or through regional offices, but it must be directly under the director.

For the reasons I have stated, and others, I send to the desk a motion to recommit the conference report with the following instructions, which I ask the clerk to read.

The PRESIDING OFFICER. The clerk will read.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Colorado (Mr. DOMINICK) moves to recommit the OEO conference report with the following instructions:

(1) The Senate conferees insist on the elimination from the conference report of any language relative to Section 104(b), legal services for members of the Armed Forces.

(2) The Senate conferees insist on the Senate's provision relative to audits.

(3) The Senate conferees insist on the elimination from the conference report of any language relative to the making of a specific reservation of funds for local initiative programs.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I shall be rather brief.

The instructions to conferees are limited to three points.

The first point is to limit the potential of jurisdictional conflict where OEO starts moving in on the Department of Defense. That is the position I took in the process of discussing the Carey amendment. Debate on it went on for a considerable time. At one time I thought we were going to get simply a statement and a report. We did not get that. This is the position the Senator from Mississippi (Mr. STENNIS) has taken in the process of discussing this particular provision of the bill.

The second instruction is relative to audits. There is in the hearing record a letter from Mr. Staats, Comptroller General of the United States, to the chairman of the Senate Labor and Public Welfare Committee, which reads as follows:

In our reports on proposed grant programs, we have consistently called attention to the desirability of including in new authorizing legislation specific provisions requiring grantees to keep records which would fully disclose the disposition of the funds received and authorizing the administrative agencies and the Comptroller General to have access to the grantees' records for the purpose of audit and examination.

Under present authority, our right of access to all OEO grantees' records ended with the close of our investigation under title II of the Economic Opportunity Amendments of 1967. We had broad access authority under our title II investigation and prior to the 1967 amendments we had access to grantees' records bearing exclusively on grants under section 202 as amended by Public Law 89-794, 42 U.S.C. 2782(b) (Supp. II). Also under chapter III of the Supplemental Appropriation Act, 1968, Public Law 90-239, 81 Stat. 774, we had the same access right for fiscal year 1968. In view of these circumstances, we feel that our Office needs clearly stated authority for audit of OEO contractors' and grantees' records in any legislation that would extend or revise the activities of the Office of Economic Opportunity. Such authority is provided to Federal grantor agencies and to the Comptroller General, with regard to grants-in-aid to States, pursuant to section 202 of Public Law 90-577, the Intergovernmental Cooperation Act of 1968. It is suggested that language along the lines of that cited in Public Law 90-577 applicable to all OEO grantees would be appropriate in S. 1809.

The Senate attempted to give this authority, but apparently limited it intentionally to programs funded under title II, instead of all OEO. Now it is stated that since the Senate bill did not encompass all OEO programs, the conferees struck out the right to audit even under the title II programs. I would say this is a strong reason for insisting on the Senate's provision with respect to audits.

The third provision in these instructions is an interesting one. Neither the Senate nor the House—I want my colleagues to note this—had anything in the bill with regard to having a mandatory reservation of funds for local initiative programs. It was adopted, however, by the conference. That means $328,900,000 must be reserved and made available for each of the fiscal years for local initiative programs carried on under section 221 of the act.

This is a reservation off the top of the funds. Only the remainder of the appropriations for each such year would be allocated and prorated in the prescribed manner among the earmarked programs.

The amount reserved is not subject to transfer under section 616 of the act. That means that this amount of $328,900,000 cannot be either increased or decreased under section 616, and there is no flexibility in it whatsoever as a result.

Furthermore, it also says that although we have a provision for pro rata reductions where the appropriations do not meet the level that is expected, the funds received for local initiative programs would not be subject to such reductions.

This reservation was not in the Senate or House bill, so it would seem to me that the conferees have not only exceeded their authority—and I may bring up a point of order on this later—but it also seems to me that they have done something to anchor in local programs which we may want to change, we may want to increase or we may want to reduce, which we cannot do under the language of the conference report.

Mr. President, we ought to insist that local initiative programs should be as much subject to the other provisions of the act as all the other programs enumerated in the conference report.

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

Mr. DOMINICK. I am happy to yield.

Mr. PROUTY. I was absent from the Chamber during a part of the Senator's statement. I was wondering if the Senator intends to take action to restore the powers of the Comptroller General.

Mr. DOMINICK. I certainly do. It was the Senator from Vermont who first offered this amendment, I believe, which was included in the Senate bill. I have put that in as a second provision, that the Senate conferees insist on the Senate provision relative to audits.

Mr. PROUTY. I thank the Senator. I believe the action the Senator is seeking is proper, and I support his motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado to recommit the conference report, with instructions.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it true that those who wish to recommit should vote "yea," and those who are against recommittal "nay"?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Will a second vote then recur on the conference report itself?

The PRESIDING OFFICER. Assuming that the motion is not agreed to, the Senator is correct.

The question is on the motion to recommit of the Senator from Colorado. 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. FULBRIGHT. On this vote I voted "nay." I wish to pair with the Senator from Louisiana (Mr. ELLENDER). If he were present, he would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD. Mr. President, the Senator from Louisiana is absent on official business at my request. That explains why he is not in the Chamber.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Montana (Mr. METCALF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 31, nays 42, as follows:

[No. 267 Leg.]

YEAS—31

Allen	Dole	Miller
Allott	Dominick	Packwood
Baker	Fannin	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Smith, Maine
Boggs	Hansen	Sparkman
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Jordan, N.C.	Thurmond
Cannon	Jordan, Idaho	Young, N. Dak.
Cotton	McClellan	
Curtis	McIntyre	

NAYS—42

Aiken	Harris	Montoya
Bayh	Hart	Moss
Bible	Hartke	Muskie
Brooke	Hatfield	Nelson
Burdick	Holland	Pell
Church	Hughes	Proxmire
Cook	Jackson	Ribicoff
Cranston	Javits	Saxbe
Dodd	Kennedy	Schweiker
Eagleton	Magnuson	Scott
Ervin	Mansfield	Spong
Fong	Mathias	Williams, N.J.
Goodell	McGovern	Yarborough
Gore	Mondale	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Fulbright, against.

NOT VOTING—26

Anderson	Long	Russell
Case	McCarthy	Smith, Ill.
Cooper	McGee	Stevens
Eastland	Metcalf	Symington
Ellender	Mundt	Talmadge
Goldwater	Murphy	Tower
Gravel	Pastore	Tydings
Hollings	Pearson	Williams, Del.
Inouye	Percy	

So the motion to recommit with instructions was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays on final passage.

Mr. DOMINICK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. DOMINICK. I have a point of order on a section of the bill, that the conferees have exceeded their authority, under rule XXVII.

The PRESIDING OFFICER. The Senator from Florida had the floor and asked for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. If the Senator from Colorado desires to raise the point of order at this time, he will be recognized.

PERSONAL STATEMENT

Mr. COTTON. Mr. President, will the Senator yield to me for a moment?

Mr. DOMINICK. I yield to the Senator from New Hampshire, with the understanding that I will not lose my right to the floor.

Mr. COTTON. Mr. President, I think it is an appropriate time for the Senator from New Hampshire to be permitted to make a request for unanimous consent on a personal matter, because it pertains to this subject.

In the conference between the House and the Senate yesterday on the Health, Education, and Welfare appropriation bill, we had nearly completed our conference when the House Members were called to the floor of the House by a rollcall vote. As has been customary for years, the clerks of the conference committee came to each Member and said, "When you come back and finish up the conference, you gentlemen may be leaving hurriedly. Will you sign the conference report in advance, so we will not have to pursue you all over Capitol Hill?" As we have done dozens of times, we did sign the report in advance.

We reassembled after the House rollcall, and a couple of final matters pertaining to the language in the bill were determinated, and then the Senator from New Hampshire addressed the chairman of the conference committee, a Member of the House, and asked to be heard, and started discussing this very appropriation on OEO, to make some observations and possible suggestions that might influence the conference committee to alter their decision somewhat.

To the amazement of the Senator from New Hampshire, the Chair gaveled him down, said that he was out of order, that the conference was terminated, that he had the signed conference report in his pocket, and that the Senator from New Hampshire could not even be heard.

The Senator from New Hampshire sought afterward to remove his name from the conference report, but was not allowed to do so. He intends to go over to the House side and take the matter up with the Parliamentarian of the House to see if it can be removed over there.

But in this peculiar circumstance, which is the most astounding exhibition that this Senator has seen in his 23 years in the House and Senate, the Senator from New Hampshire does want, if possible, to let it be known publicly that he desires his name off of that report. That report will not come to the Senate, presumably, under the present arrangements until the 19th of January.

The Senator from New Hampshire asks unanimous consent now, that when the report of the conference committee on HEW reaches the desk of the Senate, his name be removed therefrom.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, will the Senator inform me who the chairman of that conference was?

Mr. COTTON. It was an old and close friend of mine, with whom I have served on the Appropriations Committee of the House and whom I greatly like and admire, Representative FLOOD, of Pennsylvania. It had been a long conference and Mr. FLOOD was tired. I bear him no ill will but want my name off that report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1969—CONSIDERATION OF CONFERENCE REPORT CONTINUED

Mr. DOMINICK. Mr. President, I am raising this question of a point of order on the fact that the conferees may have exceeded their authority, and I think they did.

What I have referred to is the so-called local initiative programs, or the CAP programs. Under title II, the Senate bill authorized over 1 billion dollars, and earmarked a portion of that for seven programs under that title. The CAP programs were not earmarked or reserved by the language of the Senate bill. The House bill did not have any earmarking, nor did it set aside funds in the form of a reservation for the CAP program. When we went into conference, although title II contemplates local initiative type of programs, there was no reservation of funds for local initiative in either the House or Senate bills for the conferees to act upon. Yet the agreement by the conference requires that $328.9 million must be reserved—positive language, "must be reserved"—and made available for each of the fiscal years for local initiative programs. This reservation comes off the top—before allocation to earmarked programs so it is not subject to transfer under section 616 of the act, the flexibility portion.

We had a House bill which made no earmarking or reservations of any kind and, then, the conference comes up with a reservation of one-fourth to one-third of the total amount of money in title II reserved for the CAP program. Let me make clear that, unlike the earmarked programs, this reservation of $328.9 million is not subject to any rate of reduction when appropriations do not fully fund the authorization.

Mr. President, I make the point of order that the reservation exceeds the authority of the conferees. I did not want to do this. I had hoped my motion to recommit would straighten it out but since that motion was defeated I find myself in a position where I must make a point of order. I raise it under rule XXVII.

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

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, (at 2 o'clock and 25 minutes p.m.) the Senate took a recess for 5 minutes the same day.

On the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. MONTOYA in the chair).

The PRESIDING OFFICER. Will the Senator from Colorado restate his point of order?

Mr. DOMINICK. Mr. President, the point of order is that, under rule XXVII, it is my opinion that the Senate bill did not contain any specific reference to local initiative programs; certainly did not reserve any funds for it; that the House did not; and that the conferees, to be specific, put in a reservation for local initiative programs in the amount of $328 million; not only have they done that but they also said that it is not subject to transfer or pro rata reduction if appropriations are insufficient to fully fund. I make the point of order that the conferees have exceeded their authority under rule XXVII.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. Did the Senator complete his remarks?

Mr. DOMINICK. Did the Senator want me to go over it again?

Mr. NELSON. No. Did the Senator give up the floor?

Mr. DOMINICK. For the moment, yes.

Mr. NELSON. Mr. President, the Senate sent——

The PRESIDING OFFICER. The Chair will state for the RECORD that the Chair does not have to entertain debate on this point of order, but the Chair is entertaining debate at this moment for the edification of the Senate on this point.

Mr. NELSON. Mr. President, the Senate passed a bill in which all of the money in the bill was earmarked. The House took the Senate bill and struck everything in the bill except the enacting clause, and then it passed a bill without earmarking.

The issue raised by the Senator from Colorado is that within title II there are local initiative programs. They are in the law now. We, in our bill earmarked all of title II excepting some unearmarked reserve within the title. We earmarked for title II a total of $1,012,700,000. Within the title we earmarked specific amounts for several items. There then remained within that title II an unreserved residue of about $400 million.

Then, in the committee language, so it will be understood how that money was to be spent, on page 14 of the Senate committee report (S. Rept. 91-453) which accompanied the Senate bill we said:

> The committee bill authorizes $1,012,700,000 for title II—Urban and Rural Community Action programs. More than half of this authorization is earmarked, program by program, for the so-called "special emphasis" programs such as Headstart, Emergency Food and Medical Services, etc., some of which are operated by Community Action agencies.
>
> The remainder of the title II authorization—a total of $412.9 million for fiscal 1970 and $397.9 million for fiscal 1971 after reserving funds for the two new special emphasis programs for Alcoholic Counseling and Recovery and Drug Rehabilitation—remains unearmarked and may be allocated by the Director in the manner he deems suitable. It is expected by the committee that the bulk of this unearmarked money will be spent for Community Action "local initiative" programs—

These are the programs we are talking about—

> those distinctive local programs developed by the 969 CAA's and approved by OEO.

So we are referring in here exactly to the money in question and to the local initiative programs and we mentioned it in the Senate report.

> Other activities financed out of this title's authorization are (using the categories as described by the Administration in its budget presentation): Program direction; training and technical assistance; State economic opportunity offices; research, pilot programs and evaluation.

So I submit it was perfectly clear in the Senate report which accompanied the Senate bill before this body acted upon it in October—perfectly clear to everybody—that this unreserved amount of total earmarked money in title II was specifically intended to cover the local initiative programs. There was never any doubt about that by OEO or anyone in the House or this body.

Mr. DOMINICK. Mr. President, in order to repeat my point again, under the language of the Senate bill, as the Senator from Wisconsin has clearly stated, there was $1,012,700,000 for the purpose of carrying out title II.

From that amount, the Senate bill earmarked $338 million for the Project Headstart program, $60 million for the Follow Through program, $58 million for the legal services program, $80 million for the comprehensive health services program, $25 million for the emergency food and medical services program, $15 million for the family planning program, and $8,800,000 for the senior opportunities and services program.

Not a word about CAP or the local initiative program—not one word in this whole section. As a matter of fact, there is not a word in the entire Senate bill about it.

We have a rule which says we cannot go beyond the two bills. There is nothing in the House bill, either. All of a sudden, in the conference, along comes a House Member who says, "We are going to reserve $328.9 million for CAP, and you have got to spend it. You cannot change it or have it flexible."

I submit that, as a matter of rule, we have a situation here where the only reference in either bill to CAP programs of any kind is in the committee report accompanying the Senate bill. That report states the director "is expected" to use "the bulk" of the nonearmarked title II funds for local initiative programs. He does not have to: He can legally take the entire $328.9 million and spend it somewhere else under the title II program. I doubt if he would, but he could. He could do anything he wishes, including transferring funds in or out of the CAP's just as with other programs. So the Senate committee report language is not binding on him. It does not require him to spend the money on the CAP projects.

It seems to me, under those circumstances, that the conference has gone beyond what either bill anticipated or permitted.

The PRESIDING OFFICER. The Chair is ready to submit the question.

Mr. JAVITS. Mr. President, does the Chair wish to hear me? I shall be very brief.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, the issue is really epitomized by the rule that the conferees may not include in the report matter not committed to them by either House. They may, however, include matter which is a germane modification of subjects in disagreement.

So the question is, Was this committed to us by either House? I respectfully submit it was, and for the following reasons——

Mr. DOMINICK. Mr. President, will the Senator admit reservation of local initiative funds was not a subject in disagreement?

Mr. JAVITS. The purpose of the House was to give a generic appropriation for $1,563 million for the year ending June 30, 1970, and to leave open the year ending June 1971.

The approach of the Senate, as has been explained, was to earmark for carrying out title II $1.012 billion of the total amount authorized by the Senate, which was $2.048 billion.

Mr. President, the reason that I say that the item was committed to us is that there is a distinct difference between unearmarked funds and earmarked funds, and that raises the issue of earmarking. Therefore that issue was committed by both houses. The House of Representatives preferred unearmarked funds in the amount of $1,563,000,000; we preferred earmarked funds, and our figure was $2,048,000,000.

As to the second qualification at issue, which is, whether we submitted a germane modification, I submit that we did. We earmarked $1,012,000,000 for carrying out title II. In the resulting conference, the earmarking of $328 million which is complained of was specifically for section 221 of the Economic Opportunity Act of 1964.

Section 221 of the Economic Opportunity Act of 1964 is a part of title II, and therefore it is germane to settle between the parties what shall be encompassed within an earmarking which relates to title II, assuming that the Senate prevailed on the issue of earmarking at all.

Therefore, it seems to me, first, the issue was committed as between unearmarked funds and earmarked funds; and second, that it was a germane agreement that the conferees made, because the Senate allocated the resources to title II, and the settlement extracted a part of the money which was provided for those resources for a given section of title II.

So I believe that what was done in the conference qualifies on both scores.

Mr. DOMINICK. Mr. President, will the Senator yield for one or two questions or comments?

Mr. JAVITS. Certainly.

Mr. DOMINICK. What we have here is not an earmarking, it is a reservation. That means that if the Appropriation Committees should, under title II, only appropriate $328,900,000, all of that money would have to go to CAP and none of the money would go to anything else. So it is a reservation of funds, which goes far beyond earmarking, because it is not subject to reduction, allocation, or transfer.

I ask unanimous consent that section 102 of the conference bill and the explanation in the conference report be printed in the RECORD.

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

[Bill]

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) For the purpose of carrying out the Economic Opportunity Act of 1964, there are hereby authorized to be appropriated $2,195,500,000 for the fiscal year ending June 30, 1970, and $2,295,500,000 for the fiscal year ending June 30, 1971.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1970, and for the next fiscal year, the Director shall for each such fiscal year reserve and make available not less than $328,900,000 for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964, and the remainder of such amounts shall be allocated, subject to the provisions of section 616 of such Act, in

such a manner that of such remaining amounts so appropriated for each fiscal year—

(1) $890,300,000 shall be for the purpose of carrying out parts A and B of title I (relating to work and training programs);

(2) $46,000,000 shall be for the purpose of carrying out part D of title I (relating to special impact programs);

(3) $20,000,000 shall be for the purpose of carrying out part E of title I (relating to special work and career development programs);

(4) $811,300,000 shall be for the purpose of carrying out title II, of which $398,000,000 shall be for the Project Headstart program described in section 222(a)(1), $90,000,000 shall be for the Follow Through program described in section 222(a)(2), $58,000,000 shall be for the Legal Services program described in section 222(a)(3), $80,000,000 shall be for the Comprehensive Health Services program described in section 222(a)(4), $62,500,000 shall be for the Emergency Food and Medical Services program described in section 222(a)(5), $15,000,000 shall be for the Family Planning program described in section 222(a)(6), and $8,800,000 shall be for the Senior Opportunities and Services program described in section 222(a)(7);

(5) $12,000,000 shall be for the purpose of carrying out part A of title III (relating to rural loans);

(6) $34,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(7) $16,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination); and

(8) $37,000,000 shall be for the purpose of carrying out title VIII (relating to VISTA).

If the amounts appropriated pursuant to subsection (a) of this section for any fiscal year are not sufficient to allocate the full amounts specified for each of the purposes set forth in clauses (1) through (8) of this subsection, then the amounts specified in each such clause shall be prorated to determine the allocations required for each such purpose.

(c) In addition to the amounts authorized to be appropriate pursuant to subsection (a) of this section, there are further authorized to be appropriated the following:

(1) $14,000,000 for the fiscal year ending June 30, 1971, to be used for the Special Impact programs described in part D of title I;

(2) $34,700,000 for the fiscal year ending June 30, 1971, to be used for the Special Work and Career Development programs described in part E of title I;

(3) $180,000,000 for the fiscal year ending June 30, 1971, to be used for the Project Headstart program described in section 222(a)(1);

(4) $32,000,000 for the fiscal year ending June 30, 1971, to be used for the Legal Services program described in section 222(a)(3);

(5) $80,000,000 for the fiscal year ending June 30, 1971, to be used for the Comprehensive Health Services program described in section 222(a)(4);

(6) $112,500,000 for the fiscal year ending June 30, 1971, to be used for the Emergency Food and Medical Services program described in section 222(a)(5);

(7) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the Family Planning program described in section 222(a)(6);

(8) $3,200,000 for the fiscal year ending June 30, 1971, to be used for the Senior Opportunities and Services program described in section 222(a)(7);

(9) $15,000,000 for the fiscal year ending June 30, 1971, to be used for the program of assistance for migrant and seasonal farmworkers described in part B of title III; and

(10) $50,000,000 for the fiscal year ending June 30,1971, to be used for Day Care projects described in part B of title V.

[Conference report]

AUTHORIZATION OF APPROPRIATIONS

The Senate bill provided authorization of appropriations for the fiscal year 1970 of $2,048,000,000. The House amendment in contrast authorized the appropriation for fiscal year 1970 of $2,343,000,000, of which $1,563,000,000 was authorized for carrying on programs for which the House did not make separate authorization of appropriations. The bill agreed to in conference authorizes the appropriation of $2,195,500,000 for the fiscal year 1970.

For the fiscal year 1971, the House amendment authorized the appropriation of such sums as may be necessary. The Senate bill authorized the appropriation for that year of $2,148,000,000, but, in addition, authorized the appropriation of the following:

(1) $14,000,000 for Special Impact programs under part D of title I,

(2) $240,000,000 for Project Headstart programs,

(3) $32,000,000 for Legal Services programs.

(4) $80,000,000 for Comprehensive Health Services programs.

(5) $150,000,000 for Emergency Food and Medical Services programs,

(6) $3,200,000 for the Senior Opportunities and Services programs,

(7) $15,000,000 for assistance for migrant and seasonal farmworkers under part B of title III, and

(8) $50,000,000 for Day Care projects under part B of title V.

The conference substitute authorizes $2,295,500,000 for the fiscal year 1971 and authorizes the additional amounts which were authorized by the Senate bill with the following exceptions: (1) an additional authorization of $15,000,000 for family planning programs; (2) the additional amount for Headstart is reduced to $180,000,000; (3) the additional amount for Emergency Food and Medical Services is reduced to $112,500,000.

ALLOCATIONS

The House amendment did not provide allocations to specific programs of amounts appropriated, except to the extent the separate authorizations contained in the House amendment for special work and career development programs, special preschool and Follow Through programs, and intensive programs to eliminate hunger and malnutrition constituted a separate allocation of appropriations.

The Senate bill in contrast provided special allocations for a number of the programs carried on under the Act. These were the following:

(1) $890,300,000 for work and training programs under title I.

(2) $46,000,000 for special impact programs under part D of title I.

(3) $1,012,700,000 for community action programs under title II, of which $338,000,000 would be for Project Headstart programs, $60,000,000 for Follow Through programs, $58,000,000 for legal services programs, $80,000,000 for comprehensive health services programs, $25,000,000 for emergency food and medical services programs, $15,000,000 for family planning programs, and $8,800,000 for senior opportunities and services programs.

(4) $12,000,000 for rural loan programs,

(5) $34,000,000 for migrant and seasonal farm worker programs,

(6) $16,000,000 for administration and coordination under title VI,

(7) $37,000,000 for carrying out VISTA.

The conference substitute adopts the plan of the Senate bill with a major change. As adopted by the conferees, $328,900,000 must be reserved and made available for each of the fiscal years for local initiative programs carried on under section 221 of the Act, and only the remainder of the appropriations for each such year would be allocated in the prescribed manner. The amount so reserved is not subject to transfer under Section 616 of the Act. The allocations described above are retained in the conference substitute, except that a new allocation of $20,000,000 is made for carrying out the new part E of the Act. It should be noted that the provisions of the Senate bill requiring pro rata reductions in allocations where appropriations are insufficient to make such allocations in full are retained in the conference substitute, but, of course, the funds reserved for local initiative programs would not be subject to such reductions. It should also be noted in considering these allocations that the conference substitute retains the provisions of the Senate bill which require the Director to reserve and make available not less than $10,000,000 for the fiscal year 1970, and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Alcoholic Counseling and Recovery program and to reserve and make available not less than $5,000,000 for the fiscal year 1970, and not less than $15,000,000 for the fiscal year 1971 for carrying out the new Drug Rehabilitation program.

Mr. JAVITS. I respectfully submit, in reply, that the Senator's point goes to the qualitative issue involved, which is: having once decided that it is germane, what do you do about it?

That was tested by the Senator's motion to recommit. All we are arguing now is the jurisdiction to do anything about it. I do not think that contests the jurisdiction. The Senator does not like what we did, and I respect his position, but I submit that that is not the point at issue.

The PRESIDING OFFICER. The Chair is ready to submit the question.

The point of order is directed to the propriety of the so-called reservation in the conference report under section 102 of the conference report.

The Senate rule; namely, rule 27.3, reads as follows:

(a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

In this particular case, there was a lump sum authorization which anticipated various programs which were not enumerated in the legislation, but were mentioned in the committee report. In this case, the program which is made the point of discussion and of the point of order was mentioned in the Senate committee report which brought out the authorizing legislation.

The question that the Senate must decide now is whether, in view of the mention of that program in the Senate report, it was encompassed within the lump sum authorization, so that the reservation or modification may be a subject for the conferees to act upon.

Under these circumstances, and under rule XX, the Chair submits the question to the Senate.

The question is, Did the conferees exceed their authority by including this proviso in the conference report?

Mr. NELSON. Mr. President, I move to lay the point of order raised by the Senator from Colorado on the table.

The PRESIDING OFFICER. I might add that the Parliamentarian has advised me that this question is debatable at this stage.

Mr. NELSON. I move to lay the point of order on the table.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Is that motion in order?

The PRESIDING OFFICER. The motion is in order, and is not debatable.

Mr. DOMINICK. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin (Mr. NELSON) to lay on the table the point of order raised by the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. METCALF) and the Senator from Rhode Island (Mr. PASTORE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

Mr. DODD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from Connecticut is recorded in the affirmative.

Mr. BAKER. Mr. President, am I recorded?

The PRESIDING OFFICER. The Senator from Tennessee is recorded.

Mr. NELSON. Mr. President, I ask for the regular order.

Mr. President, I withdraw the request for regular order.

Mr. GRIFFIN. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Chair is waiting for the vote count. That is the regular order.

The result was announced—yeas 39, nays 38, as follows:

[No. 268 Leg.]

YEAS—39

Aiken	Hart	McIntyre
Bayh	Hartke	Mondale
Brooke	Hatfield	Montoya
Burdick	Hughes	Moss
Cannon	Jackson	Muskie
Church	Javits	Nelson
Cranston	Kennedy	Pell
Dodd	Magnuson	Proxmire
Eagleton	Mansfield	Randolph
Fulbright	Mathias	Ribicoff
Goodell	McCarthy	Schweiker
Gore	McGee	Williams, N.J.
Harris	McGovern	Yarborough

NAYS—38

Allen	Dominick	Miller
Allott	Ellender	Packwood
Baker	Ervin	Prouty
Bellmon	Fannin	Saxbe
Bennett	Fong	Scott
Bible	Griffin	Smith, Maine
Boggs	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Byrd, W. Va.	Holland	Stennis
Cook	Hruska	Talmadge
Cotton	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Young, N. Dak.
Dole	McClellan	

NOT VOTING—23

Anderson	Long	Smith, Ill.
Case	Metcalf	Stevens
Cooper	Mundt	Symington
Eastland	Murphy	Tower
Goldwater	Pastore	Tydings
Gravel	Pearson	Williams, Del.
Hollings	Percy	Young, Ohio
Inouye	Russell	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. METCALF) and the Senator from Rhode Island (Mr. PASTORE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from New Jersey (Mr. CASE) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

[No. 269 Leg.]

YEAS—54

Aiken	Griffin	Montoya
Allott	Harris	Moss
Baker	Hart	Muskie
Bayh	Hartke	Nelson
Bible	Hatfield	Packwood
Boggs	Hughes	Pell
Burdick	Jackson	Prouty
Cannon	Javits	Proxmire
Church	Jordan, N.C.	Randolph
Cook	Jordan, Idaho	Ribicoff
Cranston	Kennedy	Saxbe
Dodd	Magnuson	Schweiker
Eagleton	Mansfield	Scott
Ellender	Mathias	Smith, Maine
Fong	McCarthy	Spong
Fulbright	McGovern	Talmadge
Goodell	McIntyre	Williams, N.J.
Gore	Mondale	Yarborough

NAYS—21

Allen	Dole	Hruska
Bellmon	Dominick	McClellan
Bennett	Ervin	Miller
Byrd, Va.	Fannin	Sparkman
Byrd, W. Va.	Gurney	Stennis
Cotton	Hansen	Thurmond
Curtis	Holland	Young, N. Dak.

NOT VOTING—25

Anderson	Long	Smith, Ill.
Brooke	McGee	Stevens
Case	Metcalf	Symington
Cooper	Mundt	Tower
Eastland	Murphy	Tydings
Goldwater	Pastore	Williams, Del.
Gravel	Pearson	Young, Ohio
Hollings	Percy	
Inouye	Russell	

So the conference report was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE CONCURRENT RESOLUTION 51—AUTHORITY FOR SECRETARY OF THE SENATE TO MAKE A TECHNICAL CORRECTION IN ENROLLMENT OF S. 3016

Mr. NELSON. Mr. President, I submit a concurrent resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A concurrent resolution to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

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

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

Mr. NELSON. Mr. President, the printer made a mistake and designated one section as section 620(d), when it should be designated as section 602(d). That is what the concurrent resolution is about.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, is hereby authorized and directed to make the following correction:

In section 114 strike out "section 620(d)" and insert "section 602(d)".

CORRECTION IN ENROLLMENT

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the vote by which the Senate earlier today agreed to Senate Concurrent Resolution 51 be reconsidered.

The PRESIDING OFFICER. Is there objection? There being no objection, the vote by which Senate Concurrent Resolution 51 is reconsidered. The resolution is before the Senate.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment to the concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

SEC. 2. That the Senate recede and concur in the House amendment to the title of S. 3016.

Mr. MANSFIELD. Mr. President, it is my understanding that this has to do only with the title and does not interfere in any way with the content of that which was discussed by the Senate.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Montana? The Chair hears none, and the amendment is agreed to.

The question now is on agreeing to the concurrent resolution, as amended.

Senate Concurrent Resolution 51, as amended, was agreed to as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes, is hereby authorized and directed to make the following correction:

In section 114 strike out "section 620(d)" and insert "section 602(d)".

Sec. 2. That the Senate recede and concur in the House amendment to the title of S. 3016.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of December 17, 1969, pp. 39701–39702, CONGRESSIONAL RECORD.)

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

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

Mr. JACKSON. Mr. President, the House amended the bill as passed by the Senate by striking all after the enacting clause and substituting the text of a new bill. The House bill included provisions similar to those of title III of the Senate bill which would establish a Council on Environmental Quality. It also included a short policy statement, but it omitted most of the provisions of titles I and II of the Senate bill.

The conference report represents a sound compromise worked out in three meetings of the conferees. It is a strong measure which will be an important step toward evolving a sound program of environmental management for the Nation.

S. 1075, the National Environmental Policy Act of 1969, was passed by the Senate on July 10, 1969, had three major titles. Title I provides a "declaration of national environmental policy" which set national goals for environmental management and established supplementary operating procedures for all Federal agencies to follow in planning and decisionmaking which have an impact on man's environment. Title II authorized certain research and data gathering functions. Title III authorized the creation of a three-member Board of Environmental Quality Advisers in the Executive Office of the President.

S. 1075 was amended and passed by the House of Representatives on September 23, 1969. As amended and passed by the House, S. 1075 consisted of one title which authorized the creation of a five-member Council on Environmental Quality.

On October 8, 1969, the Senate disagreed to the amendments of the House of Representatives, agreed to the House's request for a conference, and authorized the Chair to appoint the conferees on the part of the Senate. Prior to the Senate's agreeing to the House's request for a conference on S. 1075, and in connection with debate on S. 7, the Water Quality Improvement Act of 1969, there was a discussion by members of the Senate Public Works Committee and the Senate Interior and Insular Affairs Committee on the relationship between title II of S. 7 and the provisions of S. 1075 as passed by the Senate on July 10, 1969. As a result of that discussion, it was agreed that the Senate conferees on S. 7 and on S. 1075 would seek certain agreed upon changes in each measure in conference committee with the House of Representatives.

The purpose of the agreed upon changes in S. 7 and in S. 1075, which to some extent, dealt with similar subject matter are set out in the October 8, 1969, CONGRESSIONAL RECORD at pages 29050 through 29089.

It was understood during the discussion of this matter on October 8 that the Senate conferees on S. 1075 would make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as to the agreed-upon changes discussed on the floor. This understanding was referred to in a motion offered by the chairman of the Interior Committee that the conferees on S. 1075 be instructed to insist upon the provisions of S. 1075 as passed by the Senate and as modified by the agreed-upon changes discussed in connection with debate on S. 7. As was stated on the floor in connection with this motion:

It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon. (October 8, 1969, CONGRESSIONAL RECORD, page 29087.)

Mr. President, S. 1075 as agreed upon by the conference committee is very close to the bill as passed by the Senate. Most of the substantive provisions of the Senate passed bill have been retained. In addition, most of the substantive provisions of the agreed-upon changes which were discussed on October 8 were adopted in the report of the conference committee.

Mr. President, I might point out that during the conference, the junior Senator from Washington had an opportunity to work with the junior Senator from Maine, who is the chairman of the Subcommittee on Public Works which is directly involved in the environmental area. It was agreed that certain statements should be adjusted in the statement of the Senate managers and this has been done. The junior Senator from

Maine will comment on that in a moment.

The changes the conference committee made in S. 1075 as passed by the Senate and as agreed upon are reflected in the section-by-section analysis of the conference report accompanying the statement of the managers on the part of the Senate. The changes are also discussed in a separate attachment, titled "Major Changes in S. 1075 as Passed by the Senate."

Mr. President, I ask unanimous consent that the major changes in S. 1075, as passed by the Senate, be printed at the conclusion of my remarks, together with a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. DODD in the chair). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, it is my view that S. 1075 as passed by the Senate and now, as agreed upon by the conference committee, is the most important and far-reaching environmental and conservation measure ever enacted by the Congress.

Mr. President, it is my view that S. 1075 as passed by the Senate and now, as agreed upon by the conference committee, is the most important and far-reaching conservation-environmental measure ever acted upon by the Congress.

This measure is important because it provides four new approaches to dealing with environmental problems on a preventive and an anticipatory basis. As Members of the Senate are aware, too much of our past history of dealing with environmental problems has been focused on efforts to deal with "crises," and to "reclaim" our resources from past abuses.

First. The first new approach is the statement of national policy and the declaration of national goals found in section 101.

In many respects, the only precedent and parallel to what is proposed in S. 1075 is in the Full Employment Act of 1946, which declared an historic national policy on management of the economy and established the Council of Economic Advisers. It is my view that S. 1075 will provide an equally important national policy for the management of America's future environment.

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It provides a statutory foundation to which administrators may refer to it for guidance in making decisions which find environmental values in conflict with other values.

What is involved is a congressional declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind: That we will not intentionally initiate actions which will do irreparable damage to the air, land, and water which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard of excellence they should be exceptions to the rule and the policy. And as exceptions, they will have to be justified in the light of public scrutiny as required by section 102.

Second. To insure that the policies and goals defined in this act are infused into the ongoing programs and actions of the Federal Government, the act also establishes some important "action-forcing" procedures. Section 102 authorizes and directs all Federal agencies, to the fullest extent possible, to administer their existing laws, regulations, and policies in conformance with the policies set forth in this act. It also directs all agencies to assure consideration of the environmental impact of their actions in decisionmaking. It requires agencies which propose actions to consult with appropriate Federal and State agencies having jurisdiction or expertise in environmental matters and to include any comments made by those agencies which outline the environmental considerations involved with such proposals.

Taken together, the provisions of section 102 directs any Federal agency which takes action that it must take into account environmental management and environmental quality considerations.

Third. The act in title II establishes a Council on Environment Quality in the Executive Office of the President. This Council will provide an institution and an organizational focus at the highest level for the concerns of environmental management. It will provide the President with objective advice and a continuing and comprehensive overview of the fragmented and bewildering Federal jurisdiction involved in some way with the environment. The Council's activities in this area will be complemented by the support of the Office of Environmental Quality proposed in the Water Quality Improvement Act of 1969.

The Council also will establish a system for monitoring environmental indicators, and maintaining records on the status of the environment. The Council will insure that there will be complete and reliable data on environmental indicators available for the anticipation of emerging problems and trends. This data will provide a basis for sound management.

Fourth. Finally in section 201, S. 1075 requires the submission by the President to the Congress and to the American people of an annual environmental quality report. The purpose of this report is to provide a statement of progress, to establish some baselines, and to tell us how well—or as some suspect how bad—we are doing in managing the environment—the Nation's life support system.

It is the clear intent of the Senate conferees that the annual report should be referred in the Senate to all committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the committee's understanding that under the rules all relevant committees may be referred copies of the annual report.

This was the intent of the Senate when S. 1075 was passed. In the section-by-section analysis of section 303 of S. 1075 at page 26 of the committee report No. 91–296 it is expressly stated that:

It is anticipated that the annual report and the recommendations made by the President would be a vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress.

The Senate conferees intend that under the language of the conference report, the annual report would be referred to all appropriate committees of the Senate.

Mr. President, one of the provisions of the Senate passed bill which the conference committee agreed to change requires special comment. Section 101(b) of S. 1075 provided that:

(b) The Congress recognizes that *each person has a fundamental and inalienable right to a healthful environment* and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

The conference committee changed this provision so that it now reads:

(b) The Congress recognizes that *each person should enjoy a healthful environment* and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

I opposed this change in conference committee because it is my belief that the language of the Senate passed bill reaffirmed what is already the law of this land; namely, that every person does have a fundamental and an inalienable right to a healthful environment. If this is not the law of this land, if an individual in this great country of ours cannot at the present time protect his right and the right of his family to a healthful environment, then it is my view that some fundamental changes are in order.

To dispell any doubts about the existence of this right, I intend to introduce an amendment to the National Environmental Policy Act of 1969 as soon as it is signed by the President. This amendment will propose a detailed congressional declaration of a statutory bill of environmental right.

Another provision which should be brought to the attention of the Senate is section 102(e) of the conference report. This section directs all Federal agencies to:

Recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

This provision was added to the bill as an amendment I offered in the Senate Interior Committee in June. The purpose of the provision is to give statutory authority to all Federal agencies to par-

ticipate in the development of a positive, forward looking program of international cooperation in dealing with the environmental problems all nations and all people share. Cooperation in dealing with these problems is necessary, for the problems are urgent and serious. Cooperation is also possible because the problems of the environment do not, for the most part, raise questions related to ideology, national security and the balance of world power.

We must seek solutions to environmental problems on an international level because they are international in origin and scope. The earth is a common resource, and cooperative effort will be necessary to protect it. Perhaps also, in the common cause of environmental management, the nations of the earth will find a little more sympathy and understanding for one another.

I am hopeful that the United Nations Conference in 1972 on "the Problems of the Human Environment" will unite leaders of nations throughout the world in the effort of achieving solutions to international environmental problems. I am, however, concerned that at the present time the Federal Government is not doing enough to plan and prepare for the 1972 U.N. Conference. Section 102(E) of the conference report on S. 1075 provides the Federal agencies and the administration with the authority to make a positive and a far-reaching contribution to this international effort to deal with this critical and growing international problem. I am hopeful that this authority will be utilized.

Mr. President, there is a new kind of revolutionary movement underway in this country. This movement is concerned with the integrity of man's life support system—the human environment. The stage for this movement is shifting from what had once been the exclusive province of a few conservation organizations to the campus, to the urban ghettos, and to the suburbs.

In recent months, the Nation's youth, in high schools, colleges, and universities across the country, have been taking up the banner of environmental awareness and have been seeking measures designed to control technology, and to develop new environmental policies which reflect the full range of diverse values and amenities which man seeks from his environment.

S. 1075 is a response by the Congress to the concerns the Nation's youth are expressing. It makes clear that Congress is responsive to the problems of the future. While the National Environmental Policy Act of 1969 is not a panacea, it is a starting point. A great deal more, however, remains to be done by the Federal Government, both in the form of legislation and executive action, if mankind and human dignity are not to be ground down in the years ahead by the expansive and impersonal technology modern science has created.

Mr. President, the inadequacy of present knowledge, policies, and institutions for environmental management is reflected in our Nation's history, in our national attitudes, and in our contemporary life. It touches every aspect of man's existence. It threatens, it degrades, and destroys the quality life which all men seek.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

A primary function of Government is to improve the institutional policy and the legal framework for dealing with these problems. S. 1075 as agreed to by the conference committee is an important step toward this end.

There should be no doubt of our capability to cope with environmental problems. The historic success of Apollo 11 last month demonstrates that if we—as a nation and as a people—commit our talents and resources to a goal we can do the impossible.

If we can send men to the moon, we can clean our rivers and lakes, and if we can transmit television pictures from another planet, we can monitor and improve the quality of the air our children breathe and the open spaces they play in.

The needs and the aspirations of future generations make it our duty to build a sound and operable foundation of national objectives for the management of our resources for our children and their children. The future of succeeding generations in this country is in our hands. It will be shaped by the choices we make. We will not, and they cannot escape the consequences of our choices.

Mr. President, I believe that the bill agreed upon by the conferees is a sound measure. This measure will be an important step toward building a capability within the Federal Government to cope with present and impending environmental problems.

Problems of environmental management may well prove to be the most difficult and the most important problems we have ever faced. I urge the Senate to prepare the Federal Establishment to face them. I urge the approval of the conference report.

EXHIBIT 1

MAJOR CHANGES IN S. 1075 AS PASSED BY THE SENATE

TITLE

The title of S. 1075 as passed by the Senate was amended to reflect the major changes in the bill agreed to by the Conference Committee. These were the deletion of Title II and changing the name of the "Board" to "Council."

Section 1

No change was made in the "short title."

Section 2

The statement of "purpose" is unchanged except that it was agreed that the new institution created in the Executive Office of the President would be designated as the "Council on Environmental Quality" rather than a "Board of Environmental Quality Advisors" as in the Senate passed bill. All other references to the "Board" were also changed to "Council."

TITLE I

Section 101(a)

Section 101(a) of the Senate passed bill was divided into subsection 101(a) and (b) and subsection (b) was redesignated as subsection (c).

Section 101(a) of the Conference Report combines language from Section 1 of the House passed bill and from Section 101(a) of the Senate passed bill. As revised, this section declares that it is the continuing responsibility of the Federal government, in cooperation with state and local government and others to use all practical means to promote the general welfare and insure that man and nature exist in productive harmony.

Section 101(b)

The new Section 101(b) with appropriate transitional language has been unchanged. This section declares national environmental goals and was taken from Section 101(a) of the Senate passed bill.

Section 101(c)

This language was found in Section 101(b) of the Senate passed bill. The Conference Committee amended the language which read "each person has a fundamental and inalienable right to a healthful environment". Section 101(c) now reads "each person should enjoy a healthful environment".

Section 102

The language of the first paragraph of Section 102 of the Senate passed bill was modified by the Conference Committee so that the phrase "to the fullest extent possible" modifies both directives. The directives were also given number designations.

Section 102(a)

In view of the changes in the first paragraph of Section 102, the phrase "to the fullest extent possible" was deleted from Section 102(a).

Section 102(b)

This section was modified by the adoption of language requiring all agencies to consult with the Council. In part, this was a language change which was discussed and agreed to on October 8, on the Senate floor.

Section 102(c)

This section, with two minor changes, is the language of Section 102(c) of S. 1075 as passed by the Senate and as discussed and agreed to on the Senate floor on October 8.

Section 102(d)

This section is identical to Section 102(d) as passed by the Senate and as agreed to on the Senate floor on October 8.

Section 102(e)

This section is the same as Section 102(e) of S. 1075 as passed by the Senate except

that the phrase "where consistent with the foreign policy of the United States" was added.

Section 102(f)

This language is identical to Section 201 (d) of title II of the Senate passed bill. Title II of S. 1075 was deleted by the Conference Committee, but this and other provisions from this title were incorporated into title I and II of the bill reported by the Conferees.

Section 102(g)

This language is identical to Section 201 (e) of title II of the Senate passed bill.

Section 102(h)

This language is a modification of language found in Section 201(g) of title II of the Senate passed bill.

Section 102 in general

The conference substitute provides that the phrase "to the fullest extent possible" applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of Section 102 (in the Senate passed bill, the phrase applied only to the directive in clause (1)). In accepting this change to section 102 (and also to the provisions of Section 103), the conferees agreed to delete section 9 of the House amendment from the conference substitute. Section 9 of the House amendment provided that "nothing in this Act shall increase, decrease or change any responsibility or authority of any Federal official or agency created by other provision of law." In making this change in favor of the less restrictive provision "to the fullest extent possible" the Senate conferees are of the view that the new language does not in any way limit the Congressional authorization and directive to all agencies of the Federal Government set out in subparagraphs (A) through (H) of clause (2) of Section 102. The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in such subparagraphs (A) through (H) unless the existing law applicable to such agency's operations does not make compliance possible. If this is found to be the case, then compliance with the particular directive is not required but the provisions of Section 103 would apply. However, as to other aspects of the activities of that agency, compliance with the provisions of this bill is expected. Thus, it is the intent of the conferees that the provision "to the fullest extent possible" shall not be used by any Federal agency as a means to avoiding compliance with the directives set out in Section 102. Rather, the language in Section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section "to the fullest extent possible" under their statutory authorizations and that no agency shall seek to construe its existing statutory authorizations in a manner designed to avoid compliance.

Many existing agencies such as the National Park Service, the Federal Water Pollution Control Administration and the National Aid Pollution Control Administration already have important responsibilities in the area of environmental control. The provision of Section 102 (as well as 103) are not designed to result in any change in the manner in which they carry out their environmental protection authority. This provision is, however, clearly designed to assure consideration of environmental matters by all agencies in their planning and decision making—especially those agencies who now have little or no legislative authority to take environmental considerations into account.

Section 103

This section is based upon a provision of the Senate passed bill (Section 102(f)) not in the House amendment. This section as agreed to by the conferees, provides that all agencies of the Federal Government shall review their "present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein which prohibit full compliance with the purpose and provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971 such measures as may be necessary to bring its authority and policies into conformity with the purposes and procedures of the bill. Section 103 thereby provides a mechanism which shall be utilized by all Federal agencies (1) to ascertain whether there is any provision of their statutory authority which precludes full compliance with any of the provisions of the bill, and (2) if any are found, to recommend changes in their statutory authority to the President, and, if recommended, to the appropriate Congressional Committees having jurisdiction. In conducting the review noted above, it is the understanding of the conferees that an agency shall not construe its existing authority in a manner which avoids full compliance with this Act. Rather, the intent of the conferees is that all Federal agencies shall comply with the provisions of Section 102.

It is not the intent of the Senate conferees that the review required by Section 103 would require existing environmental control agencies such as the Federal Water Pollution Control Administration and the National Air Pollution Control Administration to review their statutory authority and regulatory policies which are related to maintaining and enhancing the quality of the environment. This Section is aimed at those agencies which have little or no authority to consider environmental values.

Section 104

This language, with a minor reference change, is identical to language discussed and agreed to on the Senate floor on October 8 as a proposed Section 103 to S. 1075 when a conference with the House on S. 1075 was agreed to.

Section 105

This language is a modification of Section 103 of S. 1075 as passed by the Senate. As modified this section provides that the provisions of this Act are "supplementary to those set forth in existing authorizations of Federal agencies." The effect of this section is to give recognition to the fact that the bill is in addition to, but does not modify or repeal existing law. This section does not, however, obviate the requirement that the Federal agencies whose activities may have an adverse effect on the quality of the environment conduct their activities in accordance with the provisions of this bill unless to do so would violate their existing statutory authorizations.

TITLE II

Title II of S. 1075 as passed by the Senate was deleted. This title had authorized certain research and data gathering functions, a small grant-in-aid program, and the creation of a new position of Deputy Director in the Office of Science and Technology. The most important provisions of title II relating to research and data gathering were retained by the Conference Committee in Section 102 of title I and in Sections 204 and 205 of title II of the Conference Report.

Title II of the language agreed upon by the Conference Committee is largely from the House amendment to S. 1075 with a number of important substantive changes and exceptions. The language of the House amendment paralleled very closely the language of title III of S. 1075 as passed by the Senate. Major changes between the two provisions as well as substantive changes adopted by the Conference Committee are noted below.

Section 201

This section requires the President to transmit to the Congress an annual Environmental Quality Report. With minor word changes, this language was taken from Section 2 of the House amendment to S. 1075. The parallel language from the Senate passed bill is found in Section 303 of S. 1075.

On October 8, when the Senate disagreed to the House amendment and requested a conference it was agreed that the Senate conferees would seek to have language placed in the Conference Report which would provide that the annual Environmental Quality Report would be referred in whole or in part to the Committees of each House of the Congress which have exercised jurisdiction over the subject matter therein. This language would have been a new Section 303(b) of the Senate passed bill. The Senate conferees made every possible effort to have this language made a part of the Conference Report. When agreement could not be reached, an effort was made to have language which applied only to reference of the Report in the Senate made a part of the Conference Report. Again, agreement was not reached.

It is the clear intent of the Senate conferees that the annual report should be referred in the Senate to all Committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the Committee's understanding that under the rules all relevant Committees may be referred copies of the annual report.

This was the intent of the Senate when S. 1075 was passed. In the Section-by-Section analysis of Section 303 of S. 1075 at page 26 of the Committee Report No. 91–296 it is expressly stated that:

"It is anticipated that the annual report and the recommendations made by the President would be a vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress."

The Senate Conferees intend that under the language of the Conference Report, the annual report would be referred to all appropriate Committees of the Senate.

Section 202

Section 202 was drawn, in part, from Section 3 of the House amendment and, in part, from Section 301(a) of the Senate passed bill. The conferees agreed that the Council should consist of "three" members and should be subject to Senate confirmation as provided in S. 1075 as passed by the Senate.

Section 203

This section, with minor reference changes, is the same language found in Section 4 of the House amendment. It is almost identical to Section 304 of the Senate passed bill.

In connection with the Senate's request for a conference on S. 1075 on October 8, it was agreed that the Senate conferees would seek to have language incorporated into the Conference Report authorizing the Council to establish advisory committees and to convene a biennial forum on environmental quality problems. The Senate conferees sought to have specific language of this nature incorporated into the Conference Report, but no agreement was reached. In large measure this was because of the fact that the language of Section 203 of the Conference Report, which authorizes the Council to employ experts and consultants, is broad enough to allow for the establishment of advisory committees and the convening of forums on environmental problems.

Section 204

This section, with minor language and reference changes, was drawn from Section 5 of the House amendment. In addition, Sections 201 (a) and (b) and Section 302(a)(1) from titles II and III of the Senate passed bill were

included by the Conference Committee as subsections 204 (5), (6) and (7).

Section 205

This section, with a couple of modifications, was drawn from Section 7 of the House amendment. Section 205(1) requires consultations with representatives of various groups and the Conference Committee added the Citizens Advisory Committee on Environmental Quality to those groups with which the Council should consult.

Section 205 (2) is designed to avoid duplication of expense and effort in connection with the Council's activities. The Conference Comimttee added new language, and language which the Senate had agreed to for Section 201 (a) in connection with the request for a conference on S. 1075. This language provides assurance that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Section 206

This section sets forth the compensation of the Council members and is substantially the same as Section 301(b) of the Senate passed bill.

Section 207

The appropriation authorization language in this section was drawn from Section 10 of the House amendment. The appropriation authorization for fiscal year 1971 was, however, increased from $500,000 to $700,000.

EXHIBIT 2

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Office of the President a Council of Environmental Quality Advisers.

TITLE I

Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The policy is based upon a recognition of man's impact upon the natural environment particularly the influences of population growth, urbanization, industrial expansion, resource exploitation, and technological development. The Congress further recognizes the importance to the welfare of man of restoring and maintaining the quality of the environment.

The continuing policy of the Federal Government is declared to be, in cooperation with State and local governments and concerned public and private organizations (such as professional and technical societies, conservation organizations, industry and labor organizations and resource development organizations), to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Section 101(b)

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his immediate surroundings and from the environment he shares with the rest of humanity.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which appear inevitable in the immediate future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take care to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented changes in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreation endeavors, in esthetic appreciation and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that populaton increases underlie many of the inter-related social and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government should—and it is hoped that State government and private enterprise will—strive to maintain levels and a distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of the quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential, however, that means be sought and utilized to improve the effectiveness of recycling depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw material. Furthermore, the disposal of wastes from the non-consumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, better management, and, if necessary, governmental regulation.

Section 101(c)

This subsection asserts congressional recognition that each person should enjoy a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's healthful environment will result in the deprivation of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In some areas of Federal action there is no body of experience or precedent to assure substantial and consistent consideration of environmental factors in decisic nmaking. In some areas of Federal activity, existing legislation does not provide clear authority to assure consideration of environmental factors which conflict with other Federal objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the "fullest extent possible" in accordance with the policies set forth in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(A) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in

large measure, been caused by the failure to consider all relevant points of view and all relevant values in the planning and conduct of Federal activities. Using an interdisciplinary approach that brings together the skills of landscape architect, the engineer, the ecologist, the economist, the sociologist and other relevant disciplines would result in better planning, better projects, and a better environment. Too often in the past planning has been the exclusive province of the engineer and cost analyst. And, as a consequence, too often the humanistic point of view, the relationship between man and his surroundings has been overlooked or purposely ignored.

(B) All agencies which undertake activities relating to environmental values, amenities, and aesthetic considerations, are authorized and directed, after consultation with the Council and other environmental control agencies, to make efforts to develop methods and procedures to incorporate those values in official planning and decisionmaking. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs—social, economic, and environmental—of Federal actions.

(C) After consultation with and obtaining the comments of Federal and State agencies which have jurisdiction by law with respect to any environment impact, each agency which proposes legislation and any other major Federal action shall make a detailed statement as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such a significant effect, then the recommendation or report on the proposal must include a detailed statement by the responsible official on:

(i) The environmental impact of the proposed action.

(ii) Any adverse impacts which cannot be avoided if the proposal is implemented.

(iii) The alternative ways of accomplishing the objectives of the proposed action and the results of not accomplishing the objectives.

(iv) The relationship between the local and short-term uses of environmental resources which are contemplated by the proposal and the general objective of maintaining and enhancing the long-term productivity of the environment.

(v) Any irreversible and irretreivable commitments of resources which would be involved in the proposal action should it be implemented.

This section further provides that any Federal, State or local agency comments on the required statement shall thereafter be made available to the President, the Council, and the public under the provisions of the Freedom of Information Act and shall accompany the proposal through the subsequent review process.

The committee does not intend that the requirements for comment by other agencies should unreasonably delay the processing of Federal proposals. The Committee anticipates that the President will promptly prepare and publish in the Federal Register a list of those appropriate agencies which have "jurisdiction by law" over various environmental matters and those appropriate agencies which he finds to have "special expertise" in various environmental matters.

With regard to State and local agencies, unless there is some more restrictive requirement of existing law or regulation, the opportunity for review may be restricted to those agencies which have established environmental jurisdiction within the geographical area which will or which may be affected by the proposed action. It is not the intention of the Committee to include those local agencies with only a remote interest and which are not primarily responsible for development and enforcement of environmental standards. The Committee believes that in some cases the requirement for State and local review may be satisfied by notice of proposed action in the Federal Register and by providing all necessary supplementary information to enable full public participation.

To prevent undue delay in the processing of Federal proposals, the Committee recommends that the President establish a time limitation for the receipt of comments (other than those comments required prior to making a detailed statement) from Federal, State, and local agencies similar to the 90-day review period presently established for comment upon Federal water resource development proposals.

(D) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(E) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment. In doing so however, the agencies are constrained to act in a manner consistent with the foreign policy of the United States.

(F) All agencies of the Federal Government shall make such advice and information on environmental management as is available from their expertise and studies to State and local governments, non-governmental institutions, and individuals.

(G) All agencies of the Federal Government shall utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems in connection with their activities and to study such effects as a part of its data collection.

(H) All agencies of the Federal Government shall, within their areas of expertise or responsibility, assist the Council on Environmental Quality established by this Act.

Section 103

All agencies of the Federal Government are directed to review their present statutory authority, administrative regulations, and current policies and procedures to determine whether existing law prohibits full compliance with the purposes of this act. The agencies will comply with the provisions of this act wherever possible. If, however, there are existing provisions of law, regulations, or policies which are beyond the authority of the particular agency to revise, and if these laws, regulations, or policies which prohibit the agency from acting in full compliance with the provisions of this Act, the agency is required by section 103 to recommend such measures as are necessary to make its authority consistent with this act. The agency must propose such measures to the President not later than July 1, 1971 and, if recommended, to the appropriate congressional committees.

Section 104

This section provides that nothing in sections 102 or 103 shall affect the specific statutory obligations of any Federal agency:

(1) To comply with environmental quality standards and criteria,

(2) To coordinate or consult with any other State or Federal agency, or

(3) To act or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

There are existing statutes and there may in the future be new statutes which prescribe specific criteria or standards of quality for environmental indicators, or which prescribe certain procedures for coordination or consultation with State or other Federal agencies, or which require recommendations or certification of other Federal agencies as a prerequisite to certain actions. It is not the intent of sections 102 or 103 of this Act to substitute less specific requirements for those which are established concerning particular actions or agencies. It is the intention that where there is no more effective procedure already established, the procedure of this act will be followed. In any event, no agency may substitute the procedures outlined in this Act for more restrictive and specific procedures established by law governing its activities.

Where an agency has such specific instructions governing only one aspect of its coordination activities, or where environmental quality standards and criteria are established for only one aspect of an agency's proposed activity, the agency is not relieved of its obligations to conform with the provisions of sections 102 and 103 which are beyond the sphere of the existing instructions, standards, or criteria.

Section 105

This section provides that the policies and goals set forth in this Act are supplementary to but do not modify, those set forth in existing authorizations of Federal agencies.

TITLE II

Section 201

This section provides that the President shall transmit to the Congress an annual environmental quality report. The first such report shall be transmitted on or before July 1, 1970. Subsequent reports shall be transmitted on or before July 1, in succeeding years.

The report is to include, but not be limited to, a current evaluation of the status and condition of the major environmental classes of the Nation. To the greatest extent possible, this information should be based upon measurements of environmental indicators relating quality and supply of land, water, air, and depletable resources to other factors such as environmental health, population distribution, and demands upon the environment for amenities such as outdoor recreation and wilderness. Significant current and developing environmental problems should be highlighted. Current and foreseeable environmental trends and evaluations of the effects of those trends upon the Nation's future social, economic, physical, and other requirements should be discussed.

It is the committee's strong view that the President's annual report should provide a considered statement of national environmental objectives, trends and problems. The report should provide the best judg-

ment of the best people available on the Nation's environmental problems and the progress being made toward providing a quality environment for all Americans.

The report should summarize and bring together the major conclusions of the technical reports of other Federal agencies concerned with environmental management. Too often, these reports go unread and unevaluated. A succinct, readable summary and evaluation would be of great assistance to the Congress and the President.

It is anticipated that the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress.

It is the clear intent of the Senate conferees that the annual report should be referred in the Senate to all Committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the Committees' understanding that under the rules all relevant Committees may be referred copies of the annual report.

Section 202

This section creates in the Executive Office of the President a Council on Environmental Quality. The Council shall be composed of three members appointed by the President with the advice and consent of the Senate and who shall serve at the President's pleasure.

It is intended that the members of the Council shall be persons of broad experience and training with the competence and judgment to analyse and interpret trends and developing problems in the quality of the Nation's environment. The committee does not view the Council's functions as a purely scientific pursuit, but rather as one which rests upon scientific, economic, social, esthetic and cultural considerations. The members of the Council, therefore, should not necessarily be selected for depth of training or expertise in any specific discipline, but rather for the ability to grasp broad national issues, to render public service in the national interest, and to appreciate the significance of choosing among present alternatives in shaping the country's future environment.

The President shall designate one member of the Council as Chairman.

Section 203

This section provides the Council with general authority to employ staff and acquire the services of experts and consultants. This provision is designed to provide the Council with the necessary internal staff to assist members of the Council.

It is not intended that the Council will employ, pursuant to this section, a staff which would in any way conflict with the capabilities of the staff of the Office of Environmental Quality which would be created by Title II of the Water Quality Improvement Act of 1969. It is understood that when the Office of Environmental Quality is established, it will mesh with the Council as an integrated agency in the Office of the President—the Council operating on the policy level and Office of Environmental Quality on the staff level.

The professional staff of the Office will be available to the Council (as well as to the President) to assist in implementing existing environmental policy and the provisions of the legislation and to assist in forecasting future environmental problems, values and goals.

Section 204

This section sets forth the duties and functions of the Council as follows:

(1) The Council will assist and advise the President in the preparation of the annual environmental quality report required by section 201. The committee assumes that the Council would have the primary responsibility for the preparation of the President's annual report. It could, in large measure, be based upon the Council's report to the President required by section 204.

(2) The Council will carry on continuing studies and analyses related to the status of the environment. The Council will seek to establish or cause to be established within the operating agencies of the Federal Government an effective system for monitoring environmental indicators, collecting data, and analyzing trends. It will further seek to relate trends in environmental conditions to short- and long-term national goals and aspirations.

(3) The Council shall review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment. Based upon its review, the Council shall make recommendations to the President.

The committee does not view this direction to the Council as implying a project-by-project review and commentary on Federal programs. Rather, it is intended that the Council will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the committee's intent that the Council be involved in the day-to-day decisionmaking processes of the Federal Government or that it be involved in the resolution of particular conflicts between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's interagency Cabinet-level Council on the Environment or by the President himself. The committee does, however, strongly feel that the President needs impartial and objective advice which can provide him with an accurate overview of the Nation's environmental trends and problems and how these trends and problems affect the future material and social well-being of the American people.

The Council recommendations to the President are for his use alone, and his actions on their recommendations will depend on the confidence he places in the judgment of the persons he nominates to membership on the Council. Used properly, the Council review and appraisal of Federal activities which affect the quality of the environment can add a new dimension and provide the President with a new insight into the long-range needs and priorities of the country. In the past, the executive agencies' views of National needs, goals, and priorities in the field of environmental management appears to have been so thoroughly subjugated to budgetary and fiscal considerations that the nature of the fundamental values at stake has been obscured. It is the committee's view that the values which are at stake in the environmental management decisions which lie ahead need to be brought to the fore and made the subject of official decision at the highest levels of Governments.

(4) The Council shall provide advice and assistance to the President in the formulation of national policies designed to foster and promote the improvement of the quality of the environment. The President is, of course, free to utilize the services of the Council in any manner in which he desires. The committee hopes, however, that the President would rely on the Council's impartial and objective advice in the execution and formulation of national environmental policies.

(5) The Council shall conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality.

(6) The Council shall document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes. The information made available by the Council will provide a reliable planning base for Federal agencies, a source of indications of emerging environmental problems, and a source of reliable public information on controversial claims regarding the state of the environment.

(7) The Council shall report at least once each year to the President on the state and condition of the environment. This report should represent the Council's considered and impartial judgment. The Council's report would be useful to the President in the preparation of the annual environmental quality report which the President is required to transmit to the Congress by section 201.

(8) The Council shall make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Section 205

This section provides that the Council, in exercising its powers, functions, and duties under this Act shall:

(1) consult with the Citizens' Advisory Committee on Environmental Quality, which has been established by Executive Order, and with representatives of such other non-Federal groups as the Council deems advisable.

(2) utilize to the fullest extent possible the services, facilities, and information relating to its functions which is already available from existing public and private organizations and individuals. It is the intent of this subsection to assure that duplication of effort and expense will be avoided and that the Council's activities will not conflict with similar activities authorized by law and being performed by other agencies. This section does not, however, preclude the Council from authorizing studies it deems necessary to ascertain the reliability of existing data. Neither does it preclude the Council from authorizing studies or collecting data in fields which are within the jurisdiction of other Federal agencies if the Council deems it necessary to validate or supplement such other agency's work.

Section 206

This subsection provides that the members of the Council shall serve full time. The compensation for the Chairman of the Council is set at level II of the Executive Schedule pay rates and at level IV for the other two members. These provisions parallel the compensation provisions established by law for the Chairman and the members of the Council of Economic Advisers.

Section 207

This section authorizes appropriations for the administrative expenses of the Council. The amounts of $300,000 for Fiscal Year 1970 and $700,000 for Fiscal Year 1971 are authorized to provide for the transition period in which the Council is organized. Thereafter an annual appropriation of $1 million is authorized. The committee chose the $1 million ceiling because it is comparable to the appropriations which have been required in recent years for the Council of Economic Advisers

Mr. ALLOTT. Mr. President, as a cosponsor of S. 1075 and as the ranking minority member of the Senate Interior and Insular Affairs Committee, I wish to associate myself generally with the remarks of our distinguished chairman, the Senator from Washington (Mr. JACKSON). I congratulate him for his inde-

fatigable efforts to achieve final congressional action on the National Environmental Policy Act of 1969. This is a measure of particular significance in this era of ever degrading environment.

Mr. President, at this point, perhaps it would be appropriate to point out that while the explanatory statements relative to the interpretation of the conference report language, as provided by the chairman, are useful, they have not been reviewed, agreed upon, and signed by the other Senate conferees. Only the conference report itself was signed by all the Senate conferees, and therefore, only it was agreed upon and is binding. Unlike the House procedure, Senate rules do not provide for a coordinated and signed statement on the part of the managers for the Senate. Therefore, while I may agree with the chairman in most instances with regard to his statement, I must reserve the right to disagree with any part of his statement which I believe to be beyond the scope of the discussions and agreement of the conferees during the conference. The vote to be taken here today will be upon the conference report alone. I presume other Senate Members of the conference committee will similarly reserve their rights. I, also, wish to make reference to my remarks of October 8, 1969, as they appear on page 29061 of the CONGRESSIONAL RECORD.

It has been accurately stated that by the enactment of this measure, the Congress is not giving the American people something, rather the Congress is responding to the demands of the American people. The observation that Congress is generally far behind the demands of the people is, for the most part, accurate; but, then, this is an observation that can be made of any representative democracy. The measure of any representative democracy is the lapse of time between the apparency of the will of the people and the positive action on the part of their government. In this case, government response cannot be too soon. We can only hope that it is not too late.

The concept of a high-level council on conservation, natural resources, and environment has had congressional expression for nearly a decade. It first found legislative support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Congress, he introduced S. 2549, the Resources and Conservation Act, which would have established a high-level council of environmental advisers along with the first expression of a comprehensive environmental policy. While the bill was not enacted into law, the 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this vital area. Bills of similar purpose were also introduced in the 89th and 90th Congresses.

A unique joint House-Senate colloquium was held on July 17, 1968, which was sponsored by the Senate Interior Committee and the House Science and Astronautics Committee. This colloquium provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress, three bills were introduced and referred to the Senate Interior Committee. All three dealt with environmental policy and creation of new overview institutions. Hearings were held and additional consultation and coordination with the administration ensued. As a result, S. 1075 was reported by the committee and passed by the Senate in a form which would provide the President and the executive branch with effective machinery to help it provide the necessary leadership in reversing the deterioration of our environment. In addition, the bill will establish by statute a national environmental policy. I believe it is significant to point out that S. 1075 enjoys the sponsorship of every single member of the Senate Interior Committee.

The Senate Interior Committee has long had an interest in conservation and environmental matters. Recent examples include the establishment of many national parks and monuments, national seashores and lakeshores, national recreation areas, a national trails system, a wild and scenic rivers system, and a wilderness system. The Outdoors Recreation Resources Commission was a product of this committee. Much of this Nation's most precious heritage has been preserved and protected by legislation emanating from the Interior Committee. This committee has also passed upon legislation to establish the land and water conservation fund.

In the area of water resources, this committee has produced a myriad of legislation to provide for the conservation and wise use of it, including weather modification. The Water Resources Council, the National Water Commission, and the various river basin planning commissions all have their foundations in legislation acted upon by the Interior Committee. The reclamation program, which is under the jurisdiction of this committee, is an environmental program. One only needs to observe the "before" and the "after" with respect to a reclamation project to know this.

In 1964, we passed upon legislation to establish the Public Land Law Review Commission and its companion measure, the Multiple Use and Classification Act. This is truly landmark legislation since our public lands are an important feature of our environment and its quality.

In the field of mineral resources, this committee and the Senate approved a measure, which I have introduced in six successive Congresses, which would establish a national mining and minerals policy. The significance of this measure to environmental quality may not be apparent at first view, but the quality of our environment has a direct relationship to the availability of materials. In addition, during the hearings on this measure, there was a recognition of the need to better control mine waste products by all concerned. Also, technology and the discovery of new materials may lead to the solution of some of our most troublesome environmental problems. Implicit in a national mining and minerals policy is the development of improved methods to recycle both industrial and other wastes and scrap back into the materials stream.

I have taken the time to mention just a few of the legislative achievements of the Interior Committee to demonstrate its long-standing interest and endeavors in the matter of environmental quality. Other committees have also displayed interest in the environmental field, and I do not intend to in any way diminish their achievements.

The President has expressed his concern over the degradation of our environment. Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

> The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the "Environmental Quality Council" in May of 1969. The Council is of the highest level. The President, himself, is Chairman, and its membership includes the Vice President and five cabinet members. The Council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate and as reported from the conference is designed to complement the actions of the President and provide him with workable tools to get on with the task of repairing our damaged environment and preventing further detriment to it.

We can no longer afford to view the environmental problem on a basis of cleaning up our dirt. We must approach it from the stand-point of prevention. Prevention will require planning—long-range planning—and that planning must rest upon research and new technology. In the 89th and 90th Congresses, I introduced legislation which I believe would assist the Congress to participate in a meaningful way in determining the direction and emphasis of federally financed research. As Senators know, Federal expenditures for research and development approach an annual amount of $17 billion. The funds for this research and development effort are made available in 13 separate appropriations bills, and at no point does Congress have an opportunity to exercise an overview of our total research and development program. My proposal would provide for the establishment of a nonlegislative joint House and Senate committee to review and report to the Congress on the effectiveness of our overall research and development program, based upon an annual report from the President. Such a mechanism, had it come into existence, could have helped the Congress to have made the necessary decisions with regard to research to have dealt with the many serious problems now facing us in the environmental area. I still hold the belief that some mechanism similar to the one proposed in my bill S. 1305 of the 90th Congress would prove to be useful and helpful.

In summary, the environment is the

concern of us all. In some respect, nearly every department of the Government is or may be involved in decisions or actions which affect the environment. And, the jurisdiction of the various committees of Congress are similarly affected by environmental considerations. The environment is not the exclusive bailiwick of any committee of Congress nor department of Government. S. 1075 recognizes this fact, and therein lies its strength, appropriateness, and timeliness. This is truly landmark legislation in history of man and his efforts to protect and improve his environment, and I am proud to be associated with this measure.

Mr. JACKSON. Mr. President, I wish to express my appreciation at this point for the fine cooperation that we have had in trying to work out differences which occurred since the conferees met on S. 1075.

The junior Senator from Maine has been most cooperative. We would have had many unresolved problems had it not been for his cooperation.

Mr. MUSKIE. Mr. President, I wish to express appreciation to the junior Senator from Washington for his cooperation in working out points of difference which otherwise might have been very difficult and could have led to difficulties on the floor of the Senate, which all of us wanted to avoid.

The basic objective of S. 1075 is one to which I think all members of the Committee on Public Works, as well as all members of the Committee on Interior and Insular Affairs subscribed, and that is the concept of developing an overall and total environmental improvement policy. We recognize that in order to do that we will be concerned with the work of many agencies in the executive branch of Government as well as with the work of many committees in Congress.

What we have undertaken to do in our cooperative effort on this bill and in S. 7, which is in conference between the two Houses, is to begin the process of developing a comprehensive review of our environmental policies as well as a comprehensive policy which we hope will emerge out of the work of these disparate executive agencies and eight Senate committees.

I do not intend to prolong my discussion of the bill, but I think the discussions which I have been privileged to have with the distinguished Senator from Washington and other members of the committee, as well as with members of the Committee on Public Works and the two staffs have raised some points of emphasis to which I should refer in this discussion.

I know my colleagues on the Committee on Public Works, the chairman, the Senator from West Virginia (Mr. RANDOLPH), and the distinguished ranking Republican member (Mr. BOGGS), also might like to ask questions for points of emphasis.

One of the questions that primarily concerned us on the floor of the Senate on October 8, when we last had a discussion among those concerned, and one which concerned us in the discussion of the conference report, was the question of the relationship of this legislation to the established agencies of the executive branch. First of all, we were concerned with those which have an impact upon the environment, actual or potential, and second, we were concerned with those agencies which have responsibilities in the field of environmental improvement.

I would like to refer to some of the insertions in the RECORD made by the distinguished Senator from Washington. He has inserted three principal documents: First, his floor statement, as it is described, in the conference report; second, a section-by-section analysis of the report as amended in conference; and finally, a statement of major changes in S. 1075, as passed by the Senate and as changed by the conference report.

First, I should like to refer to page 4 of the major changes analysis. On page 4 he refers to that part of the discussion which is entitled "section 102 in general" and I should like to read it:

The conference substitute provides that the phrase "to the fullest extent possible" applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of section 102 (in the Senate-passed bill, the phrase applied only to the directive in clause (1)).

Mr. President, what disturbed us about this language in the "major changes analysis" was the impact of the phrase "to the fullest extent possible" upon the executive agencies which have authority under other statutes with respect to the improvement of the quality of our environment, specifically such agencies as the Federal Water Pollution Control Administration and the National Air Pollution Control Administration. Both agencies are of special interest to the Senate Committee on Public Works. Each operates under basic legislation which has been written under the jurisdiction of the Senate Public Works Committee and which has become law. Legislation has been carefully developed over the past 7 or 8 years. We were concerned that S. 1075, through such language as that which I have just quoted, should not have the effect of changing the basic legislation governing the operation of the agencies such as those to which I have referred.

As a result of the discussions with the Senator from Washington and his staff, language was inserted on page 5 of the "major changes document" put into the RECORD by the Senator from Washington which clarifies this point.

That insertion reads:

Many existing agencies such as the National Park Service, the Federal Water Pollution Control Administration, and the National Air Pollution Control Administration already have important responsibilities in the area of environmental control. The provisions of section 102 (as well as 103) are not designed to result in any change in the manner in which they carry out their environmental protection authority.

It is clear then, and this is the clear understanding of the Senator from Washington and his colleagues, and of those of us who serve on the Public Works Committee, that the agencies having authority in the environmental improvement field will continue to operate under their legislative mandates as previously established, and that those legislative mandates are not changed in any way by section 102–5.

The second section of the conference report which is of concern to us is section 103, for the very same reasons that I have discussed already. I shall read this portion of the discussion in the major changes analysis placed in the RECORD by the Senator from Washington.

This portion reads:

This section is based upon a provision of the Senate passed bill [section 102(f)] not in the House amendment. This section, as agreed to by the conferees, provides that all agencies of the federal government shall review their "present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein, which prohibit full compliance with the purpose of the provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the purposes and procedures of the bill.

Now, Mr. President, in the discussion with the Senator from Washington and his staff, it developed that this language had different implications for different kinds of executive agencies, especially with respect to the agencies whose activities have an impact, potentially unfavorable, upon the environment. Obviously, it was the objective of this language to make such agencies environment conscious.

With respect to that objective, I was fully in accord with the Senator from Washington and his committee. However, the second set of executive agencies affected by that language are those agencies which have authority in the environmental improvement field; more specifically, insofar as the Public Works Committee is concerned, the Federal Water Pollution Control Administration and the National Air Pollution Control Administration.

We were concerned that the language which I have referred to should not have the effect of forcing the agencies over which we have jurisdiction to conform their basic legislative mandates to the provisions of S. 1075. This is made clear on page 7 of the major changes analysis, which was placed in the RECORD by the Senator from Washington.

I quote from it:

It is not the intent of the Senate conferees that the review required by section 103 would require existing environmental control agencies such as the Federal Water Pollution Control Administration and National Air Pollution Control Administration to review their statutory authority and regulatory policies which are related to maintaining and enhancing the quality of the environment. This section is aimed at those agencies which have little or no authority to consider environmental values.

This language in the "major changes analysis" document clarifies, with the full agreement of the Senator from Washington and his colleagues and myself, their understanding as to the implications of section 103 with respect to those executive agencies which have environmental improvement authority at

the present time under already existing legislation.

The third point to which I should like to refer, for the purpose of emphasis, is the question of committee jurisdiction with respect to the various areas of environmental concern which are now involved in the jurisdictions of several Senate standing committees.

It was our concern on October 8, when we discussed this matter in the Senate last, and it is our concern now, that S. 1075 shall not have the effect of altering existing committee jurisdictions in this respect. Understandably, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. BOGGS), and I are especially concerned with the jurisdiction of the Public Works Committee of the Senate.

I think that in the "major changes analysis" document of the Senator from Washington this is again clarified in the following language, which I read from page 9:

It is the clear intent of the Senate conferees that the annual report would be referred in the Senate to all Committees which have exercised jurisdiction over any part of the subject matter contained therein. Absent specific language on the reference of the report, the report would be referred pursuant to the Senate rules. It is the committees' understanding that under the rules all relevant Committees may be referred copies of the annual report. This was the intent of the Senate when S. 1075 was passed. In the section-by-section analysis of Section 303 of S. 1075 at page 26 of the committee report No. 91-296, it is expressly stated that,

"It is anticipated that the annual report and the recommendations made by the President would be a vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress."

Mr. President, as I say, this was clearly understood on October 8 when we last discussed it on the Senate floor. It was never at issue as between the Senator from Washington and myself. It think it is clearly understood today.

The legislative language which was included in S. 1075 on October 8 was stricken from the conference report because, under House rules, it was considered to be new matter which was subject to a point of order. So I think it is appropriate that on the Senate floor today we reemphasize that it is the intent of the Senate, and of the representatives of both committees, that when the annual reports of the Council on Environmental Control and its legislative recommendations, as they are developed, reach the floor, they shall be referred to the committees which have had traditional jurisdiction with respect to the subjects of such report and such legislative recommendations.

I want to make one final point, and for this I would like to refer to a document inserted in the RECORD by the Senator from Washington (Mr. JACKSON) this afternoon, entitled "Section-by-Section Analysis." This point is important because, beginning on October 8, and a few days prior to that time, we undertook to do something new in legislative direction. We undertook to place in the Executive Office of the President an agency which was in part the product of S. 1075 and in part the product of S. 7, the Water Quality Improvement Act, which is still in conference between the House and the Senate and which is not likely to be acted on finally in this session of Congress, not because of the subject I am about to touch upon, but because of other matters in this bill which are not touched upon in S. 1075 at all.

The point I wish to raise with respect to the Council on Environmental Quality established by S. 1075 and the Office of Environmental Quality which would be established under title II of S. 7 is that on page 18 of the section-by-section analysis which was inserted in the RECORD by the Senator from Washington (Mr. JACKSON) is found a discussion that clarifies the relationship of these two bodies.

On page 20 of the section-by-section analysis, in a discussion of section 203, is found the following:

SECTION 203

This section provides the Council with general authority to employ staff and acquire the services of experts and consultants. This provision is designed to provide the Council with the necessary internal staff to assist members of the Council.

It is not intended that the Council will employ, pursuant to this section, a staff which would in any way conflict with the capabilities of the staff of the Office of Environmental Quality which would be created by Title II of the Water Quality Improvement Act of 1969. It is understood that when the Office of Environmental Quality is established, it will mesh with the Council as an integrated agency in the Office of the President—the Council operating on the policy level and Office of Environment Quality on the staff level.

The professional staff of the Office will be available to the Council (as well as to the President) to assist in implementing existing environmental policy and the provisions of the legislation and to assist in forecasting future environmental problems, values and goals.

In conclusion, and before yielding to my colleagues on the Senate Public Works Committee, I would like to say that I agree with the Senator from Washington (Mr. JACKSON) that S. 1075 can become landmark legislation in the field of environmental quality. Whether it does will depend upon the effectiveness and performance of the new Council on Environmental Quality which S. 1075 would create, the performance of the Office of Environmental Quality which would be established under S. 7, and the coordination and the cooperation of the various executive agencies which have an impact upon the environment and those other agencies which have at present the authority to improve the environment in one respect or another.

In addition to that, the landmark quality of S. 1075 will depend upon the continuing cooperation of the Senate committees—at least seven or eight of them—which have supervisory authority and jurisdiction with respect to executive agencies, such as the Committee on Interior and Insular Affairs, the Committee on Public Works, the Committee on Agriculture and Forestry, the Banking and Currency Committee and its Subcommittee on Housing, the Joint Committee on Atomic Energy, and so many others. And so, in order to really achieve the high-minded objectives of S. 1075 which are crucial, I think, to the future health and welfare of our country, we must move in the direction of coordinating the work of the Congress in this field.

S. 1075 undertakes to take important steps in the direction of coordinating the efforts of the executive agencies. We must now go beyond that in the Congress of the United States to coordinate the work of the senatorial and House committees. The Senator from Washington, other members of our two committees and I have discussed this objective as well.

There is pending, for example, in the Committee on Government Operations, Senate Resolution 78, which I first introduced two Congresses ago, to create a Senate Select Committee on Technology and the Human Environment, whose objective is this kind of coordination.

The Senator from Washington (Mr. JACKSON), in the course of our discussions, indicated his preference for the Senate and the House to coordinate their work more closely in the environmental field. I concur with him that it would be preferable to create a nonlegislative joint committee patterned on the basis of the select committee which I have proposed, and I am glad to join with him and interested Members on this side and in the House to undertake to create that kind of joint committee as early as possible in the next session of the Congress. We are agreed on that objective. We have in mind the kind of work which is envisaged in Senate Resolution 78.

So I would like to think that, notwithstanding the difficulties and the differences of opinion that the Senator from Washington (Mr. JACKSON) and I have had with respect to S. 1075 and S. 7, out of the labor pains of this creation we have begun a period of cooperation and coordination in the Senate's work in the field of the improvement of environmental quality which will result in a wiser, more effective policy in this field.

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

Mr. MUSKIE. I yield.

Mr. JACKSON. I wish to express my concurrence in the comments made by the able Senator from Maine, with special reference to the need for a joint nonlegislative committee on the environment. I would hope that would be the first order of business next year. I think we can move expeditiously in the Senate. If we can have similar cooperation in the House, we can have it enacted into law in the next session.

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

Mr. MUSKIE. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, as a member of the Public Works Committee of the Senate, I have a couple of questions I would like to ask the distinguished Senator from Maine.

Is my understanding correct that all reports and legislative proposals as a result of S. 1075 will be referred to all committees with established jurisdiction in the field? For example, any report or legislative proposal involving water pol-

lution would be referred to the Committee on Public Works. Is that correct?

Mr. MUSKIE. Yes. That is the clear understanding of the Senator from Washington (Mr. JACKSON), myself, and the two staffs. There is no fuzziness or doubt on that point at all.

Mr. BOGGS. Am I correct that the thrust of the directions contained in S. 1075 deals with what we might call the environmental impact agencies rather than the environmental enhancement agencies, such as the Federal Water Pollution Control Administration or National Air Pollution Control Administration?

Mr. MUSKIE. Yes. Sections 102 and 103, and I think section 105, contain language designed by the Senate Committee on Interior and Insular Affairs to apply strong pressures on those agencies that have an impact on the environment—the Bureau of Public Roads, for example, the Atomic Energy Commission, and others. This strong language in that section is intended to bring pressure on those agencies to become environment conscious, to bring pressure upon them to respond to the needs of environmental quality, to bring pressure upon them to develop legislation to deal with those cases where their legislative authority does not enable them to respond to these values effectively, and to reorient them toward a consciousness of and sensitivity to the environment.

Of course this legislation does not impose a responsibility or an obligation on those environmental-impact agencies to make final decisions with respect to the nature and extent of the environmental impact of their activities. Rather than performing self-policing functions, I understand that the nature and extent of environmental impact will be determined by the environmental control agencies.

With regard to the environmental improvement agencies such as the Federal Water Improvement Administration and the Air Quality Administration, it is clearly understood that those agencies will operate on the basis of the legislative charter that has been created and is not modified in any way by S. 1075.

Mr. BOGGS. I thank the Senator. Can he tell me how the staff of the Environmental Policy Council will mesh with the staff of the Office of Environmental Quality when it is established?

Mr. MUSKIE. As I indicated from the language I read from the section-by-section analysis put in the RECORD by the Senator from Washington (Mr. JACKSON), the Office of Environmental Quality which would be created by title II of S. 7, would constitute the staff of the secretariat of the Council on Environmental Quality established by S. 1075, and the two would be meshed together in a way to produce a strong agency, strong at the board level and at the staff level, to begin the development of a coordinated Federal policy in the environmental field.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Maine for yielding, and for his answers to these questions. I take this opportunity to congratulate and commend him and the distinguished Senator from Washington (Mr. JACKSON) for the excellent and outstanding work both have done in this field, and for their cooperation in working together and bringing forth a sound agreement on the language in this bill, including its legislative history.

I think this language protects the jurisdiction of other committees that have exercised jurisdiction in the environmental field, while preserving the basic intent of S. 1075.

Mr. MUSKIE. I thank the Senator. I am happy to yield now to the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH). I appreciate the confidence he has shown in permitting me to conduct these negotiations with Senator JACKSON, and the confidence he has expressed in the results we have produced.

Mr. RANDOLPH. Mr. President, my knowledgeable colleagues, the Senator from Maine (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON), the Senator from Colorado (Mr. ALLOTT), and the Senator from Delaware (Mr. BOGGS) have discussed this legislation which is of concern, not only because of congressional committee jurisdiction, but to Congress and the people of the United States. Today, approximately 203 million persons, live in an area that is becoming increasingly confined. Because of the problems of urban development, mobility of people, and the methods by which products are moved from one point to another our society and our environment are constantly changing.

I wish to stress—and do it very briefly, I hope—what I believe has come out of the discussion today and prior conferences that have been held by members of the Public Works Committee and the Committee on Interior and Insular Affairs. There may have been some elements of misunderstanding. If there were, they have been resolved. If there were some elements of controversy, they have been dissipated.

I think that we have, through these deliberations, come closer together. This is important if we are to deal with environmental quality effectively. It is only of recent years, Mr. President, though environmental quality means so much to every facet of our society, that the Congress has given specific attention to this subject.

I serve not only as the chairman of the Senate Public Works Committee, but of our Subcommittee on Roads. We recognize, as my able colleague from Maine and others in this body have recognized, that in America, as we put down a mile of highway, no matter what type of road it is, we are not only placing cement or asphalt on the earth, but we are enabling people to move from one point to another.

So in 1968, it was my purpose, and the Senate and Congress agreed, that we would write into the Federal Aid Highway Act that year the first approach to this matter of relocation, bringing people into the conferences before an actual decision was made as to where a road would go, either by the State or Federal Government, or by an agreement of both agencies. The Federal Aid Highway Act is an example of how we are making the people a part of policymaking, even though they, in a sense, are laymen rather than experts, that they would have a part in thinking these matters through.

The Senator from Maine (Mr. MUSKIE) and other Senators who have followed these matters know that it is important that we take people into our confidence before the fact rather than after the fact, in order to provide the opportunity for discussion of the many approaches which can bring a catalyst into being. And so, in the 1968 act, we dealt with matters such as relocation. As the Senator from Washington (Mr. JACKSON) knows, this is a matter of environmental quality for the people whose lives are affected by highways. We are facing up to our responsibility for the first time, to provide prompt compensation for those who are displaced in business and industry, or in their places of residence.

I use only this one legislative enactment of Congress to indicate that we are moving more broadly and more sufficiently to improve environmental quality. I could discuss, of course, the Corps of Engineers of the U.S. Army, and how now they are beginning to look at environmental matters as never before, because in the Congress of the United States, and the Committee on Public Works they have provided leadership and required them to consider environmental quality.

We find environmental quality interwoven with whatever we do. Whether it is building a road or constructing a bridge, whether it is in the impoundment of waters or constructing a building, we must realize that we are working not only with statistics and figures, but we are working with people. The lives of people are involved.

I think it is important for the RECORD to reflect that Senators have given their attention in recent weeks and days to this matter, have attempted to bring S. 1075 and S. 7 together to resolve jurisdictional problems and to lay down the ground rules that will guide us to doing a better job in the months and years ahead.

The stress has been here today on the coordination and the cooperation. I think this is a very real partnership among Senator JACKSON, Senator MUSKIE, Senator ALLOTT, and Senator BOGGS.

I think we are merging our efforts. We have arrived at an agreement. We must not fragment this effort. We must pool our efforts to assure for future generations an environment in which people can live and grow.

We must assure that consideration of legislation, which affects the environment in which people live, by people and committees who are dedicated to this very real task that lies before us. The resolution of differences between S. 1075 and S. 7, now H.R. 4148, provides this assurance.

As chairman of the Committee on Public Works, I congratulate all of those Senators who have carried on these negotiations. They were negotiations in the very best sense of the word. Although

all of the members of the Committee on Public Works did not engage in the various negotiations, they were kept completely informed of what the Senator from Maine (Mr. MUSKIE) was thinking and what his plans were. The Senator from Delaware (Mr. BOGGS), who well represents the viewpoint of the minority, although there is no minority within our committee, was present during most of those negotiations.

Mr. MUSKIE. Mr. President, I thank my distinguished chairman.

I have taken more time than I expected this afternon. However, this is an opportunity to make clear our understanding. The record is clear.

I express my appreciation to the Senator from Washington (Mr. JACKSON), the Senator from Colorado (Mr. ALLOTT), and my colleagues on the Senate Public Works Committee.

Mr. JACKSON. Mr. President, I express my appreciation to the able chairman of the Public Works Committee, the Senator from West Virginia (Mr. RANDOLPH), for the support and understanding we have received from all of our colleagues on both committees.

I express my appreciation also to the Senator from Maine (Mr. MUSKIE), with whom I have worked very closely, the Senator from Delaware (Mr. BOGGS), and the Senator from Colorado (Mr. ALLOTT), and for the fine cooperation of the staff.

Mr. President, I ask unanimous consent that the conference report on S. 1075 be printed at this point in the RECORD.

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

CONFERENCE REPORT, REPT. NO. 91-765

[To accompany S. 1075]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075), to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality management and utilization of such environments and the effects of those trends on the social, eco-

nomic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes."

And the House agree to the same.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
WAYNE N. ASPINALL,
W. S. MAILLIARD,
JOHN P. SAYLOR,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
GAYLORD NELSON,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

Mr. JACKSON. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, we will shortly have the foreign aid appropriations bill conference report before us. Whether that bill can be finished today is highly doubtful.

Then on Monday, it is anticipated that we will have the supplemental appropriations bill and the tax reform bill, and somewhere along the line, perhaps, the Labor-HEW appropriations bill conference report. We have four altogether.

And for the information of the Senate, it can expect votes on the foreign aid appropriations bill conference report this afternoon or Monday or Tuesday or Wednesday or next month, whenever we get to the appropriate time.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent at this time that the Senate stand in recess until 4:30 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Thereupon (at 3 o'clock and 55 minutes p.m.), the Senate took a recess until 4:30 p.m.

The Senate reconvened at 4 o'clock and 30 minutes p.m. when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 6 to the bill and concurred therein; and that the House receded from its disagreement to the amendments numbered 8 and 31 to the bill and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes; and

H.R. 14751. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call, and to comply with the rule, before I make that suggestion, I want to announce that it will be a live quorum. I hope officials will notify Senators that it will be a live quorum.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is the Senator suggesting the absence of a quorum?

Mr. MANSFIELD. Oh, yes. It will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 270 Leg.]

Aiken	Fulbright	Miller
Allen	Goodell	Mondale
Allott	Gore	Montoya
Baker	Griffin	Moss
Bayh	Gurney	Muskie
Bellmon	Hansen	Nelson
Bennett	Harris	Packwood
Bible	Hart	Pell
Boggs	Hartke	Prouty
Burdick	Hatfield	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hruska	Ribicoff
Cannon	Hughes	Saxbe
Church	Jackson	Schweiker
Cook	Javits	Scott
Cotton	Jordan, N.C.	Smith, Maine
Cranston	Jordan, Idaho	Sparkman
Curtis	Kennedy	Spong
Dodd	Magnuson	Stennis
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McCarthy	Williams, N.J.
Ellender	McClellan	Yarborough
Ervin	McGee	Young, N. Dak.
Fannin	McGovern	
Fong	McIntyre	

The PRESIDING OFFICER. A quorum is present.

AN OPEN DOOR TO FUTURE VIETNAMS?

Mr. FULBRIGHT. Mr. President, I refer to the lead editorial in the Washington Post of today, December 20, 1969. It calls attention to the fact that the Nixon administration seems committed to the mistakes of the Johnson administration in Asia.

I hope that the comments on the Javits-Pell resolution calling for the repeal of the Tonkin resolution are nothing more than a routine, bureaucratic inadvertence; and that higher levels in the administration will examine in more depth and more perception the long-range implications of keeping the Tonkin resolution on the books even beyond Vietnam.

I ask unanimous consent that the editorial be printed in the RECORD.

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

AN OPEN DOOR TO FUTURE VIETNAMS?

The administration's defense of the Tonkin Gulf resolution is a sharp disappointment to those who are seeking an end of executive war-making. In the public mind that resolution stands for the principle, if it can be so called, that the President has authority to use American armed forces abroad whenever he thinks such a course is in the national interest. It was merely an invitation to the President to use his own discretion about fighting a war in Vietnam. Considering how gravely that discretion was abused, the country appears to have turned its back on Tonkin. There are many indications that Congress would like to wipe out this standing evidence of its own abdication of authority. But the State Department and the President still cling to it.

We have noted on many occasions that the administration has a great opportunity to correct the blunder that this resolution embodies. It could do so by asking Congress to repeal Tonkin Gulf and to put in its place a congressional declaration in support of the withdrawal policy which the President is already carrying out. The result would be to strengthen the policy by giving it legislative backing. That could be done, of course, without imposing any fixed timetable or trying to prescribe any rigid formula for peace. But the administration wants to retain the Tonkin Gulf resolution even while backing away from the unfortunate policies that have been carried on under its amorphous terms.

Especially disturbing is the last paragraph of the letter in defense of Tonkin which Acting Assistant Secretary of State H. G. Torbert Jr. wrote to Chairman Fulbright of the Senate Foreign Relations Committee. " . . . the existence of the Tonkin Gulf resolution," he wrote, "has consequences for Southeast Asia which go beyond the war in Vietnam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites."

Senator Fulbright has quite properly asked, "What obligations?"

Repeal of Tonkin would not, of course, undo the SEATO treaty. But this treaty very specifically provides that, in the event of aggression or threats to the peace in the area covered, each country would act "in accordance with its constitutional processes." This unquestionably means that if the crisis necessitates the use of American armed forces, for any purpose beyond repelling a sudden attack against U.S. personnel or territory, the President would go to Congress and ask for authority to employ them.

The bid to keep the Tonkin Gulf resolution on the books because the administration might want to use it as a cover for unauthorized operations in Laos, Thailand or other parts of Southeast Asia is essentially a repetition of the argument which led to its adoption in 1964. President Nixon has promised that there will be no more Vietnams. Yet the State Department asks that the door be kept open so that he could involve the country in other Vietnams if he might choose to do so.

We doubt that the President has candidly weighed these implications of the State Department letter. They fly into the face of the reasonable congressional demand to be informed about any new venture in the Far East and to pass judgment upon it. There is still time for the President to shake the opprobrium of Tonkin Gulf from his shoulders and to join in a forward-looking acceptance of the rightful role of Congress in the commitment of American armed might.

FOREIGN ASSISTANCE APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1969, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of December 19, 1969, pp. 40262–40263, CONGRESSIONAL RECORD.)

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

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

Mr. McGEE. Mr. President, the statement I want to make in regard to the conference report on the foreign assistance bill is one that is fraught in a very deep sense with the difficulties that everyone in the Senate anticipated in advance.

The Senate took the House conferees economic assistance in title I of the bill, a figure $482 million higher than the House amount. Thus, there was that considerable spread between agreement in the two Houses.

In addition, we took to the House a military assistance, also, in title I of the bill, an amount that was $104.5 million below the House figure. A part of that difference in the military assistance sum was the $54.5 million that had been designated in the House for Taiwan.

In addition, in the old title II of the original bill, the House Appropriations Committee had in its bill $275 million additionally for foreign military credit sales.

With those areas in contention, I report that the Senate in conference with the House secured a restoration of $266 million in economic assistance above the House suggestion. This figure is almost 60 percent of the amount that had been cleared by the Senate.

In the military area, the House receded on the $275 million in military credit sales, thus deferring to the wishes of this body.

In the direct military assistance appropriations, the House receded $50 million from its allowance, but insisted on the $54.5 million for Taiwan. The Senate, on the basis of a package that we strove for many long hours to agree upon, accepted then, the $54.5 million, fully understanding that it was not the wish of this body, and not the wish of the committee.

The committee did not report that recommendation to the Senate. Nonetheless, it was also our feeling that in a bicameral system there has to be give and take. We believe that in the total agreement, the Senate conferees did the very best and the very most with the give and take of two sides that basic disagreements permitted.

It is my understanding that the responsibility of conferees is to strive to arrive at the best possible give and take. I wish it were possible to say that the wisdom of our body was unique and could prevail in all circumstances. But, in some curious way, others think otherwise, and in striving to allow for the differences among two coequal bodies, the Senate agreed upon the general package to which I have just referred.

In the process, we agreed to the House demand for the desalting plant in Israel, but at a reduced figure—$20 million below the amount authorized in the foreign aid authorization bill which just cleared the Congress, yesterday.

In title II of the bill that involves the Peace Corps and the requested appropriations for the Ryukyu Islands, Okinawa, the House receded totally in each instance, yielding to the Senate position.

Finally, on the adoption of what we had come to call the Fulbright amendment, the House was totally adamant on

principally one position in regard to this amendment, and that was that the net effect of the amendment from their point of view was to tell the House what to do about their internal legislative processes; and they argued that this was not within the province of the United States Senate. They had no quarrel with us in trying to do what we felt we had to do to establish some kind of orderly procedure as between authorization and appropriation in this body. They fully sympathized and understood the difficulty of that question for us. But they felt that if they acceded to this Senate amendment, they would have yielded to the Senate a defining of the procedures and processes of legislation in the House itself. For that reason, they were adamant. Only in that one aspect of the amendment did the Senate conferees conclude that, indeed, we did have to recede and defer to the House.

In doing that, we return to this body with a very strong and compelling sense of urgency about taking up the suggestion of the Senator from Arkansas (Mr. FULBRIGHT) and proceeding to a very positive and careful examination of this process in the Senate, and to do the very most we can in the way that our collective judgment would dictate to us.

In that context, I think it is important—I hesitate to say this, because I have not served in the House and many of those seated in this Chamber have—to understand that in their rules it is possible for the Appropriations Committee of the House to get a rule which in effect suspends the rule. They have a very rigid rule requiring authorization before appropriation, but they also have a process of getting a rule that enables them to suspend that rule when the House, in its collective judgment, deems it necessary; and this was what was done to put these military items in the bill. That is to say, according to the House rules, the suspension of the rule jointly authorized the measure for the House and legitimatized it for the appropriation bill as a special item.

In the light of that, I return to our body in behalf of the committee of conferees to request that this body approve this report, in order to reflect the very difficult and the very tortuous and the very detailed and careful consideration and hours of work that went into the examination of all aspects of this question. In our judgment, the Senate did the very best it could and the very most that the facts of life in the legislative process between two equal bodies permit and require on a measure of this type.

I would hope that the Members of this body would find it possible to stand in accord on the pending conference report.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the ranking minority member of the Appropriations Committee.

Mr. YOUNG of North Dakota. Mr. President, as one who has voted against foreign aid appropriations for approximately 20 years, and finally voted for this one, it is important to me to compare the amount we appropriated this year with the amount we appropriated last year. If no bill is passed, we have a continuing resolution, which will go into effect and we go back to last year's appropriation.

If my figures are correct, the conference committee report is $159,875,000 below the bill passed by the Senate, and it is $378,474,000 below the appropriation of last year. In order to get this into better focus, I might say that last year's appropriation, according to my figures, was $2,935,537,000.

Mr. McGEE. That is correct—on the total bill.

Mr. YOUNG of North Dakota. The House bill this year was $2,608,020,000.

Mr. McGEE. That is the correct figure.

Mr. YOUNG of North Dakota. The Senate bill this year was $2,716,938,000.

Mr. McGEE. That is the correct figure.

Mr. YOUNG of North Dakota. And the conference report figure is $2,557,063,000.

Mr. McGEE. The Senator is correct.

Mr. YOUNG of North Dakota. So we are actually going for $159,875,000 less than the bill passed by the Senate.

Mr. McGEE. The Senator is correct.

Mr. YOUNG of North Dakota. So I will vote for the conference report. It will mean a lower spending level than would occur if no bill is passed.

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

Mr. McGEE. I am glad to yield to the distinguished Senator from Hawaii.

M. FONG. As a conferee, I rise to urge acceptance of the conference report, and I should like to associate myself with the remarks of the distinguished Senator from Wyoming.

We all know that the reason for a conference between the two Houses is to arrive at a position where the majority of the members of the Conference Committee on both sides can agree.

The only reason for a conference is to settle disputed items between the two bodies.

Generally, neither side prevails on all of its positions. Generally in a bill where there are many items in dispute a compromise is effected. Very rarely one side gets all it asks for. This is what happened here. The Senate was able to up the difference between the two positions by about 60 percent.

We generally succeeded in getting an increase over the House figures.

In fact, the agreement before the Senate represents an agreement on amounts which is much better than what we had anticipated.

Under the category of development loans, the House appropriated the sum of $265 million while the Senate appropriated $350 million. We settled for the compromised sum of $300 million.

In the field of supporting assistance, the House appropriated $300 million and the Senate $414.6 million. The compromise was $395 million.

For technical assistance, the House appropriated $318.8 million and the Senate $396.87 million. We agreed to the sum of $353.25 million.

For administrative expenses the House appropriated $53.5 million while we appropriated $54.8 million. The agreed to figure came out to $54.7 million.

In the area of military grants, the House sum was $454.5 million while ours was $350 million. The compromise amount came to $404.5 million.

Mr. President, in view that this is a compromise agreement, I do hope the Senate will consent to it.

Some Senators object to the inclusion of $54.5 million for part of a new attack jet fighter squadron for Taiwan.

Mr. President, although the Senate conferees objected to this item the House by a large majority insisted on it. Their reasons are not without merit. The Nixon administration has made it clear that it seeks to encourage our friends abroad to rely more and more on their own military resources. And it has been stated repeatedly that the most economical form of mutual security is obtained through friendly foreign military forces which are equipped with U.S. weapons systems. By providing more adequate weapons for Taiwan, we help to make this possible. The Taiwanese forces now are equipped with F–86 and F–100 aircraft. These are not a match, in any sense, for the modern Mig fighters with which the Red Chinese forces are equipped and which they also are manufacturing.

It should also be remembered that the people of the Republic of China are among our very best friends and allies, steadfast and dependable. We all know this small island must have help to maintain its military strength. To expect her to do it all alone is not realistic. By their strong and resolute stand for the Western alliance, they help to keep a brake on the Communists. And certainly their effectiveness as a deterrent to Communist aggression is dependent to a large degree upon the effectiveness of their fighting forces.

I hoped that this item for Taiwan would not come to us from the House of Representatives. Now that this sum for Taiwan has passed the House of Representatives and approved by the conference committee we cannot suggest to Taiwan that by eliminating this item we think less of her than of Korea, which has a $50 million specific appropriation in this bill. Canceling of this sum at this time of the legislative process would be regarded by Taiwan as a lessening of our friendship and trust for her.

I am confident that the $54.5 million will hearten our friends in the Republic of China who have stood strongly by us.

Mr. President, this need to assist Nationalist China will become ever more urgent once the Foreign Assistance Act of 1969 becomes law because after enactment of this bill, there will not be any funds available for military credit sales. I understand that Nationalist China was planning to supplement the $54.5 million military grant assistance with $50 million of her own funds to complete the formation of a new jet fighter squadron. As there will be no guarantee that payment will be made, no one will sell to her.

Mr. President, I am sure that I speak for the majority of the Senate conferees when I say that I am convinced that this is the best compromise we are able to get. I sincerely believe that sending the bill back to conference would avail us nothing as the House conferees are

adamant in their position on this item. They entered into a package agreement with the Senate conferees and after much discussion the package was accepted. Therefore, I urge my colleagues to support the conference report.

Mr. McGEE. I thank the Senator, who is a member of the subcommittee.

Mr. THURMOND. Mr. President, will the Senator yield to me so that I may ask a question of the Senator from Hawaii?

Mr. McGEE. I yield.

Mr. THURMOND. Is it not a fact that the two best friends that the United States has in that part of the world are Korea and Taiwan?

Mr. FONG. Undoubtedly, that is so. These two friends have been steadfast and reliable and have always come to our aid.

Mr. THURMOND. Is it not true that when we help them to keep prepared we are really promoting the national security of the United States and the free world?

Mr. FONG. This everyone understands. This is our security.

Mr. THURMOND. Are we not providing less jeopardy to the people of the United States and this country by helping those two stanch friends so they can carry the burden instead of our carrying the burden?

Mr. FONG. The Senator is correct.

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

Mr. McGEE. I yield.

Mr. HOLLAND. Mr. President, I would like to speak briefly on two points. First, I served on this conference, not as a matter of choice. The distinguished Senator from Georgia, the chairman of the Committee on Appropriations, asked me to leave the subcommittee on which I served for many years most pleasantly under the Senator from Arkansas (Mr. McCLELLAN), having jurisdiction over State, Justice, Judiciary, and Commerce, to come to this committee. I did so at the request of the Senator from Georgia. I was glad to serve on the conference after I had been transferred to that committee, but I did not ask for the transfer.

Mr. President, I never saw a conference held with a greater showing of almost irreconcilable difference in the beginning between the Members representing this body and the Members representing the other body. That was evident from the beginning. There were two points of very grave difference. One point had to do with the amendment offered by the distinguished Senator from Arkansas (Mr. FULBRIGHT), and agreed to by the Senate on the floor. The matter was held to be of such great importance by the other body that the chairman of the Committee on Appropriations of that body, Mr. MAHON, who was not present for other phases of the conference, insisted on being present to handle that particular amendment and I am sure, as our chairman will recall, he made it clear that he thought the House was being asked to yield, in the first place, to a matter which pertained to the House, to its proceedings and to its activities and, in the second place, was being asked to yield on a matter where they are given the authority by the Constitution—as we are also given that authority—to make the rules to govern the conduct of that body. They felt very keenly about that. I am sure we would have had no conference report unless we had yielded on that point. I am as sure of that as I am of standing here. I think that every other member of the conference from the Senate side will verify that statement.

The second statement I make is that with reference to Taiwan. Our committee had not reported or recommended the appropriation for airplanes for Taiwan; but, in fact, had declined to do so and had, instead, recommended only part of what the House bill included in this field, and that was the part for South Korea.

We felt that with the South Koreans presently in South Vietnam, fighting shoulder to shoulder with our men, and many of them dying there—that we could even say they are dying in place of American men, without being far wrong—we had every right to prefer them because we felt that they were entitled to that preference.

Besides that, we knew that under the Brown letter, which was mentioned by my good friend from Arkansas (Mr. FULBRIGHT) in his argument the other day, we had committed ourselves to help them modernize the arms for the Korean Army that remained in Korea.

The appropriation which we placed in the bill in our committee was, in part, to fulfill that commitment to help give modern arms to those elements of the Korean Army standing by our men along the DMZ in Vietnam. Our men have modern weapons and they do not.

However, when we got to the conference, we found that the House was irreconcilable in its feeling that these two matters stood together. I should say that they had the feeling, which was expressed by my friend from Hawaii (Mr. FONG), that those two friends of ours were to be regarded as our sole friends willing to fight for us and with us over in that part of the world. They mentioned the fact that Taiwan had offered to send in troops to represent us, just as had Korea but, for good reason, that offer was not accepted by us. I think we would have had no conference report if we had not granted their contention that Korea and Taiwan should be treated alike in connection with the bill.

I think I should say, also, that I know, that Senators who are generally opposed to foreign aid legislation have already told me today that the two items in the bill which appealed to them most are the items to help arm these friendly nations of ours.

I want to say one more thing, and that is that we did not give in on the largest item that had to do with defense and arms. We had a letter from the distinguished Secretary of Defense, formerly a Member of the other body, asking us by all means to grant the aid of $275 million for the sale of arms to friendly allies who the Department of Defense might think were entitled to purchase arms. We did not accede to that, in spite of the fact that the House conferees were urgently in favor of that provision, which was in their bill. So, I think that this is a good conference report. I have served a good many times on conferences for the Appropriations Committee. In fact, I served on three in the past 3 days—Labor, HEW, the supplemental bill, and this particular bill.

Measured by any reasonable standard, this is a good conference report, recognizing the give and take of a conference. The Senate conferees, at least, got as much of the will of the Senate approved, as did the House conferees in connection with their standing up for the will of the House.

I think it unfair for this conference report to be shabbily treated by this body—I have heard that some want to lay it on the table and I have heard that some do not want it to come to a vote today because they think they will not be able to reject it. I do not think it is very good treatment when members of the Appropriations Committee on both sides of the aisle have worked so hard on the conference, as others have, to get the best conclusion in the way of a bill that we can get.

I want to commend the distinguished Senator from Wyoming (Mr. McGEE) for having done what I think is excellent work. I also want to commend other members of the conference, excluding, of course, the Senator from Florida, because I think they worked diligently. My friend from New Mexico (Mr. MONTOYA) over here was exceedingly diligent, and able to persuade in certain ways the House conferees to give in to us, as the Senator from Wyoming will recall.

There was great activity, and a joint position was taken by our conferees. I think the conference report is entitled to be received, passed, and adopted, so that we may get on to the other business which will confront us on Monday next.

I congratulate the Senator from Wyoming, and I hope that the Senate will approve the conference report.

Mr. McGEE. Mr. President, I want to thank my colleague from Florida. In spite of his modesty, he was a great stalwart in helping and guiding the chairman and others of the conferees to try to arrive at a meeting of the minds as best we could.

I would add this, Mr. President, as I conclude my comments here, that the real point today is that this is not something that suddenly happened in the Senate. The Senate, dozens and dozens of times before, has had to come to terms with measures that came from the House in excess of authorizations because of the House rules. This is being treated by some as though this is an invention of the moment. This has been going on since there has been a Senate and a House.

I think it is not the wisest procedure for this body to overturn or disrupt that process, in midstream, in the midst of an orderly process that was undergone and undertaken in the prescribed rules of the two bodies.

For that reason, I would think we would be much better advised, in those cases where it means the holding of our noses, to hold our noses and adopt the conference report as the best that can be brought out of a difficult situation.

Then we would bend to the task as our first order of business in the new session

to correct the process as far as we can correct it in this body.

Now, Mr. President, I think all that can be said on this whole measure has been said many times over. I believe that Senators understand all the issues at stake. We among the conferees, when we found that we had to take the Taiwan money, knew that this would be a difficult question to bring back to this floor. We knew that it might even defeat it.

My only petition is, let us vote on it, and I will abide by the vote. Let us vote it up or vote it down. That is all we ask.

I think that is not an unreasonable request to make.

I have no additional elements of the conference to suggest, and I would ask that we proceed to a vote.

Mr. SAXBE. Mr. President, I find it indeed ironical that on the same day President Nixon relaxed our embargo on trade with Communist China, the conferees on the foreign aid appropriations bill would add $54.5 million as a starter on a new attack jet fighter squadron for Nationalist China.

The seeming inconsistency in these related actions, coming only hours apart, is both confounding and confusing.

The administration's attempt to elicit a positive response from Peking at a time of increased Sino-Soviet tension should not be undermined by the sale of offensive weapons to a bitter enemy of Communist China, an enemy a scant 90 miles from her shores.

The money for the attack jets was neither requested by the administration nor included in the Senate appropriations bill. I cannot vote for this appropriations bill, which is counterproductive to President Nixon's bold new initiative in Southeast Asia.

Mr. GRIFFIN. Because there is a possibility that at some point a motion to table may be presented, I want to say, if it should be presented, that I shall vote no. I would hope that those on both sides of the aisle who generally oppose foreign aid, and who might be otherwise inclined to vote for such a motion to table, would carefully consider the points made by the ranking minority Member, the Senator from North Dakota (Mr. YOUNG). He pointed out that if we are forced to continue operating on the basis of a continuing resolution, in the absence of a new appropriation bill, we will continue to spend for foreign aid on the basis of the $2.9 billion appropriated last year.

On the other hand, if we adopt this conference report—and it may be necessary to vote down a motion to table in order to get to a vote on the merits—we would actually be appropriating only $2.5 billion for this fiscal year—which would be nearly $400 million less.

So, if such a motion to table should be presented and debate is thereby limited, I would hope that we would be united in voting down such a motion to table.

Mr. McGEE. I thank the Senator.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I have been interested in all the speeches which have been made so far, and it is true that they have been repetitive; but I am not talking about any country or any area. I am talking about a principle which affects every Member of this body. So it is the principle I want to address myself to, not the sums necessarily, nor the country.

Before I get started, I ask unanimous consent that, at the end of my remarks, there be printed in the RECORD a table and some remarks relative to the amounts authorized and appropriated for title I during fiscal year 1968–69 and 1969–70.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, the action of the conference committee on foreign aid is deeply disturbing. In the first place, the report represents an increase in this year's appropriation for title I foreign aid over last year's appropriations of $111 million. When the need, and indeed the urgent need, is for a reduction in unnecessary expenditures, this conference report goes in the other direction.

In the second place, the conference report casts aside certain limiting provisions which had been placed on categories of aid in the authorization bill of the legislative committees. In doing so, the appropriations conference also overruled the expressed intent of two-thirds of the membership of the Senate, which had stated, in effect, in the Senate version of the bill, that appropriations may reduce, but not increase, the specific figures contained in the authorization.

This action, Mr. President, builds the kind of precedent which tends to reduce to irrelevance the function of all legislative committees.

I would remind the Senate that 100 Senators are members of the legislative committees, but only 24 serve on the Appropriations Committee; and the disproportion is even more pronounced in the case of the House.

May I say that it is not my intention to criticize the distinguished Senator from Louisiana (Mr. ELLENDER), the acting chairman of the Appropriations Committee, nor the distinguished Senator from North Dakota, the ranking Republican member of that committee. But rather than criticize, I would say that, as far as both of these men are concerned, no two men work harder, have more integrity, or are more understanding. They are a distinct credit to the Senate, and I am proud to do both of them honor publicly. But I know this bill does not reflect the personal sentiments of these men on foreign aid. Their record on that score is clear and consistent.

If foreign aid is being turned into an overseas grab bag, it is not their doing. Yet what has happened this year as reflected in this report underscores an unhealthy trend of several years.

This program needs complete restudy, restriction, and redirection. The fact is that it has evolved into a kind of overseas grab bag, with less and less relationships to the realities of the Nation's economic situation, to the requirements of our foreign policy, and to the needs of world economic development and international peace.

I cannot be a party to the acceptance of this conference report in its present form, nor do I believe that the Senate should merely acquiesce in arbitrary insistences because we are under the gun of adjournment.

I have discussed this matter with the distinguished chairman of the Committee on Foreign Relations and with other members of the majority policy committee, and pursuant thereto, it is my intention to offer, at the proper time, a motion to table this conference report.

If that motion carries, foreign aid expenditures could be continued until January 30 at last year's rate, which is the rate allowed in the continuing resolution in the supplemental. The immediate effect of tabling will be to keep expenditures for foreign aid at least within those bounds. Until the Congress acts later, that in itself will mean the rate of expenditures for foreign aid will be reduced by more than $100 million, on an annual basis, below the figure of the conference report.

Mr. President, the Senate committee system must be protected; its responsibilities, integrity, and authority upheld. If they are not, then the committee system as such should be abolished.

A deep principle is involved in the question of committee responsibility, and may I repeat again, it affects every single Member of this body.

EXHIBIT 1

Foreign aid: Title 1, military and economic assistance

[In billions]

Fiscal year 1968–69:	
Authorization	$1.97
Appropriation	1.76
Fiscal year 1969–70:	
Authorization	1.97
Appropriation	1.87

As can be seen from the above, notwithstanding the fact that there was no change in the authorization, the Appropriations Committee Conference saw fit to propose an increase in the Appropriations of $111 million. The figure is, to be sure, still within the over-all authorization but it involves shifts in finds by categories which are not in line with the authorization maximums for the various categories.

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

Mr. MANSFIELD. I yield.

Mr. McGEE. Lest there appear to be a discrepancy between the majority leader's figure on foreign aid and what I have just said, I think I should mention that the majority leader's figures refer only to title I of the Foreign Assistance Act.

There are three titles in the act that were before the conferees, and the difference between the title I figure, as the majority leader suggested, and our figure was a higher figure than a year ago.

But in title II, which represented military credit sales, where there was a figure of $275 million, we struck that entirely from the bill. Last year's figure, incidentally, in that section on military sales, was $296 million. Even the House asking figure was under last year's, and with the House total, they receded on that figure.

In title III, the difference in military assistance was preponderantly in favor of the Senate's relative position.

So that the actual total figures on foreign assistance, in all titles to the bill,

last year as compared with fiscal 1970 are as follows:

Last year, the total was $2,935,537,000. The total this year, as brought out of the conference between the House and the Senate, is $2,557,063,000.

Thus, the total bill this year is actually $378 million plus less than a year ago.

This, I think, is a complete reflection of the differences between the two measures. I thank the majority leader for permitting me to make this additional statement.

Mr. MANSFIELD. Mr. President, I accept the correction, certainly, since it comes from the chairman of the committee, who should be the most expert in this area.

Before I yield to the distinguished Senator from Vermont, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock Monday morning next.

Mr. McGEE. Mr. President, I object.

Mr. MANSFIELD. Mr. President, I move, then, if the Senator is going to object, we are going to have to quit.

Mr. McGEE. Well, I object to unanimous consent for adjournment.

Mr. MANSFIELD. If we move for it, then there is no debate.

Mr. McGEE. The Senator means after we complete the discussion?

Mr. MANSFIELD. No.

Mr. McGEE. I object at this time.

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request that when the Senate completes its business today, it stand in adjournment until 9 o'clock Monday morning next.

Mr. McGEE. And I object, whenever it is relevant to object, to the unanimous-consent request.

Mr. MANSFIELD. I make the request now, to give the Senator a chance before I make my motion. But, Mr. President, if the Senator forces me to move, I shall make the motion.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, while this matter is being straightened out, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the Senate approved on Thursday an amendment by a vote of 62 to 28 prohibiting the Appropriations Committee from appropriating an amount larger than the amounts which had been authorized by Congress for this year. My question is, Was there any discussion of that amendment in conference, and did the conferees discard it?

Mr. MANSFIELD. It must have been discarded, because, while I do not want to discuss dollars or cents, additional funds were allowed in areas which had not been presented to us by either the authorizations or appropriations committees of this body.

Mr. AIKEN. I ask the chairman of our conferees if that amendment was thrown out by the conferees.

Mr. McGEE. The Senate receded.

Mr. AIKEN. Then the conferees agreed to taking this step toward weakening our democratic form of government?

Mr. McGEE. The conferees made no such declaration and took no such step.

Mr. AIKEN. No, but in effect they did it. They sort of adopted the Moscow plan of legislative controls. The action of the Conference Committees would not only override the decision of the Congress but would actually weaken the authority of the Executive as well. We do not want that to happen here.

Mr. McGEE. The Senator knows better than that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I again ask unanimous consent, that when the Senate completes its business today, it stand in adjournment until 9 o'clock Monday morning next.

Mr. HOLLAND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Florida.

Mr. MANSFIELD. Mr. President, I move that when the Senate completes its business today, it stand in adjournment until 9 a.m. Monday morning next.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. SCOTT. Mr. President, will the Senator yield so that we may have a chance to clarify?

The PRESIDING OFFICER. The motion is not debatable.

Mr. HOLLAND. Mr. President, that is debatable.

The PRESIDING OFFICER. The motion is not debatable.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I refuse to yield further, in view of what has developed.

MOTION TO TABLE CONFERENCE REPORT

I now move to lay the conference report on the table.

Mr. GRIFFIN. Mr. President, a point of order. There is a motion before the Senate.

The PRESIDING OFFICER. Does the Senator desire that his first motion be put?

Mr. MANSFIELD. No, I have been foreclosed on both sides of this aisle, so I move to lay the conference report on the table.

Mr. HOLLAND. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator withdraw his first motion?

Mr. MANSFIELD. I withdraw it.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, a point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the conference report on the table. A point of order has been raised. The Senator will state his point of order.

Mr. GRIFFIN. If the conference report should be tabled, would the Senate's action in tabling it kill the foreign aid bill?

Mr. FULBRIGHT. That is not a point of order, it is a parliamentary inquiry. I ask for the regular order.

The PRESIDING OFFICER. The Chair refrains from responding to that parliamentary inquiry until the situation arises.

Mr. FULBRIGHT. Regular order.

Mr. SCOTT and Mr. ALLOTT. Mr. President, what is the question?

The PRESIDING OFFICER. The motion is not debatable. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLOTT. Mr. President, I am attempting to propound a parliamentary inquiry as to what we are voting on.

The PRESIDING OFFICER. Does the Senator from Colorado propound a parliamentary inquiry pertaining to the question on which the Senate is voting?

Mr. ALLOTT. That is correct.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. ALLOTT. What are we voting on?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to lay the conference report on the table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) and the Senator from Idaho (Mr. JORDAN) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Illinois (Mr. SMITH). If

present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 39, nays 29, as follows:

[No. 271 Leg.]

YEAS—39

Aiken	Harris	Muskie
Allen	Hart	Nelson
Bayh	Hartke	Pell
Bible	Hatfield	Prouty
Burdick	Hughes	Proxmire
Byrd, W. Va.	Kennedy	Randolph
Church	Magnuson	Ribicoff
Cook	Mansfield	Saxbe
Cranston	Mathias	Schweiker
Eagleton	McGovern	Sparkman
Fulbright	McIntyre	Spong
Goodell	Mondale	Williams, N.J.
Gore	Moss	Yarborough

NAYS—29

Allott	Fong	McGee
Bellmon	Griffin	Miller
Cotton	Gurney	Montoya
Curtis	Hansen	Packwood
Dodd	Holland	Scott
Dole	Hruska	Smith, Maine
Dominick	Jackson	Stennis
Ellender	Javits	Thurmond
Ervin	Jordan, N.C.	Young, N. Dak.
Fannin	McClellan	

NOT VOTING—32

Anderson	Gravel	Percy
Baker	Hollings	Russell
Bennett	Inouye	Smith, Ill.
Boggs	Jordan, Idaho	Stevens
Brooke	Long	Symington
Byrd, Va.	McCarthy	Talmadge
Cannon	Metcalf	Tower
Case	Mundt	Tydings
Cooper	Murphy	Williams, Del.
Eastland	Pastore	Young, Ohio
Goldwater	Pearson	

So the motion to lay the conference report on the table was agreed to.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendments and ask the House for a further conference.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MANSFIELD and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I move that the conferees be instructed to insist upon its amendments and particularly to insist that the level of appropriations not exceed those authorized by law for this fiscal year, and that no earmarking of funds for particular countries be specified for military assistance.

Mr. MILLER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Did I correctly understand the Chair to say that the motion of the Senator from Wyoming had been agreed to?

The PRESIDING OFFICER. That is correct.

Mr. MILLER. That having happened, is the motion by the Senator from Montana in order?

The PRESIDING OFFICER. It is in order.

The question is on agreeing to the motion of the Senator from Montana.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Several Senators called for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Mr. MANSFIELD. Mr. President, before the yeas and nays are called, could the distinguished Senator from Wyoming be allowed to have the Chair appoint conferees?

Mr. McGEE. Mr. President, is it permissible to ask the Chair to be authorized to appoint conferees?

The PRESIDING OFFICER. That is correct, by unanimous consent.

Mr. McGEE. I so request.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. May we find out what we are voting on? Can the motion be read?

The PRESIDING OFFICER. The Senator from Wyoming has requested that the Chair be authorized to appoint conferees. The question is on that request.

Without objection, it is so ordered.

Now the question recurs on the motion of the Senator from Montana. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. May we have it read?

Mr. MANSFIELD. May I read it?

The PRESIDING OFFICER. The Senator will read his motion.

Mr. MANSFIELD. I move that the conferees be instructed to insist upon its amendments and in particular to insist that the level of appropriations not exceed those authorized by law for this fiscal year, and that no earmarking of funds for particular countries be specified for military assistance.

That is the usual way in which this matter has been conducted. In the past, we have not named countries for very practical reasons. We have tried to avoid that because of what anyone could see would be the jealousies and competition that would be generated.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is now on the motion to instruct the conferees. The clerk will call the roll.

Mr. HOLLAND. Mr. President, I did not hear the conferees announced.

The PRESIDING OFFICER. The conferees have not been appointed, because it is too late to instruct after they have been appointed.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Virginia (Mr. BYRD), the Senator from Mississippi, (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) and the Senator from Idaho (Mr. JORDAN) are detained on official business.

If present and voting, the Senators from Illinois (Mr. PERCY and Mr. SMITH) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 48, nays 22, as follows:

[No. 272 Leg.]

YEAS—48

Aiken	Gore	Montoya
Allen	Harris	Moss
Bayh	Hart	Muskie
Bellmon	Hartke	Nelson
Bible	Hatfield	Packwood
Burdick	Hughes	Pell
Byrd, W. Va.	Jackson	Prouty
Church	Javits	Proxmire
Cook	Kennedy	Randolph
Cranston	Magnuson	Ribicoff
Dole	Mansfield	Saxbe
Dominick	Mathias	Schweiker
Eagleton	McGovern	Sparkman
Fannin	McIntyre	Spong
Fulbright	Metcalf	Williams, N.J.
Goodell	Mondale	Yarborough

NAYS—22

Allott	Griffin	Miller
Cannon	Gurney	Scott
Cotton	Hansen	Smith, Maine
Curtis	Holland	Stennis
Dodd	Hruska	Thurmond
Ellender	Jordan, N.C.	Young, N. Dak.
Ervin	McClellan	
Fong	McGee	

NOT VOTING—30

Anderson	Gravel	Percy
Baker	Hollings	Russell
Bennett	Inouye	Smith, Ill.
Boggs	Jordan, Idaho	Stevens
Brooke	Long	Symington
Byrd, Va.	McCarthy	Talmadge
Case	Mundt	Tower
Cooper	Murphy	Tydings
Eastland	Pastore	Williams, Del.
Goldwater	Pearson	Young, Ohio

So the motion was agreed to.

The PRESIDING OFFICER. Under the previous order the Chair appoints the following conferees: Mr. McGEE, Mr. EL-

LENDER, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. COTTON, and Mr. PEARSON.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, is unanimous consent required for an appointed conferee to decline to serve?

The PRESIDING OFFICER. The Chair had an order.

Mr. COTTON. I beg the Chair's pardon?

The PRESIDING OFFICER. The Chair appointed those conferees pursuant to order.

Mr. COTTON. Mr. President, that was not my question. Can a conferee who has been appointed request to be released from that appointment without unanimous consent?

The PRESIDING OFFICER. He must have leave of the unanimous Senate to be relieved.

Mr. COTTON. Then, Mr. President, were I a conferee, I am thoroughly in accord with not exceeding the authorization. But for years we have had uncontrolled foreign aid and I am very reluctant. I do not wish to serve as a conferee under the instructions that I must hold out to the point that this Congress cannot designate where our foreign aid is going.

I ask unanimous consent to be permitted to decline to act as a conferee under these instructions.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I think this is a good time for all of us to start smiling and that is what I am going to try to do, instead of getting angry about this matter. I want the RECORD to show what I think we have just done. I say this with all respect to the majority leader who offered this motion to instruct the conferees.

The fact is the effect of this motion is to deny to the other body the right to make their own rules and the right to operate under their rules.

I do not know how many appropriation bills I have seen over here, where the other body, strictly in accordance with its rules, placed such items in its bills—and not just this bill that we are talking about.

Here we are talking about a principle, and under that principle, laid down by their rules, they have frequently placed items on appropriation bills which were not in the authorization, or in such amount as to make the amount exceed the authorized amount. We have, in effect, taken a position which says we deny to the other body the right which they are given by the Constitution to make their own rules and operate under them. What is a good deal worse, we have taken a position which will make the world think we did not do this same thing ourselves because frequently we have exercised, not just on this bill, but on many other appropriation bills in my own brief experience of nearly 24 years here, exactly this right and operating under our rules placed items in bills not within the authorization or caused the amount to exceed the total amount of the authorization.

I am not going to ask to be relieved from serving on the conference because I think sounder judgment will prevail before we get back here on January 19. But I do want the record to show that the thing we have done is exactly what I have stated. No one can deny it because that happens to be the truth. We follow this practice ourselves. The House follows this practice and it does so strictly within and under its rules.

When the time comes that we think we can say to the other body at the other end of the Capitol that we are going to determine what their rules permit them to do it will be a very sad day for our country. I do not have the faintest idea that the other body at the other end of the Capitol, and I respect them greatly, will ever accede to that kind of ruling.

I might say that in the conference yesterday the distinguished chairman of the Committee on Appropriations of the other body, Mr. MAHON, made a point of coming in just before the consideration of amendment 42, which was the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT), and adopted by a large majority of the Senate, in order to voice his irreconcilable opposition to that amendment.

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

Mr. HOLLAND. I will be glad to yield in a moment.

He said to the conference what was a fact, that we were trying to tell them what their rules should be and how they should operate under those rules. That is what we have done just now.

Mr. President, I want the record to show that and also that I shall not ask to be relieved as a conferee because I think sounder and saner judgment will develop in the Senate after we have had a little Christmas vacation and get a little different view of what is happening in the Chamber.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, first, I would join the Senator in saying this is not a matter to get angry about or to lose our temper over. I join him in saying we should smile about the differences being expressed. This is not a personal matter.

However, I cannot follow the Senator's argument that these are House rules and that, therefore, we are compelled to accept them. The House follows its rules but we cannot allow it to arrogate to itself the final decision in appropriation matters, and we have said the appropriated amount should not exceed the authorized amount. The vote in this body was an overwhelming expression of support for the principle that when we have established the authorization level, over which legislative committees have struggled for months, we have set as a limit not only our amount, but also have determined, in many cases, broad policy for the Government in the political field, so that this should have some influence upon the course of events.

What the Appropriations Committee of the House is doing is to ignore this, by saying that it does not matter what the authorization is, that they have a right under the Constitution, as the Senator says; but I do not believe I have ever read in any Constitution I have ever seen where it says that the House of Representatives in the ultimate enactment of laws, that their will shall be final and that the Senate cannot challenge it. I have never seen that in any Constitution. They write their own rules, but that does not mean that the Senate must accept their decisions.

Mr. HOLLAND. Why, of course not.

Mr. FULBRIGHT. What we have done tonight is to say that we do not agree with the conclusion of the House. Let me remind the Senate that the House of Representatives did not submit this provision to the Senate with regard to Taiwan. They did not have the courtesy to submit it even to the Committee on Foreign Relations. They just ignored that committee. Three principal members were sponsors of the Appropriations Committee when the authorization was on the floor and they brought it over. Without any hearings or any consideration, without it even being recommended by the administration, or without the Bureau of the Budget even having scanned it, they simply put in $54 million.

Now I ask, which one of my colleagues here can ever expect to come in and say, "My State would like to have $54 million. It is true that I have not submitted it to anyone. I have not had the Budget Bureau look at it. The President is not for it, but give me $54 million for my State." What consideration would such a Senator get? He would be laughed out of this Chamber, of course. But that is what Representative PASSMAN did.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of articles on the subject of jets for Taiwan, which I am sure will be of interest to all Senators.

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

[From the Washington Post, Nov. 30, 1969]

SURPRISE IN THE HOUSE: JETS FOR TAIWAN

(By Warren Unna)

Last week a surprise amendment to grant Chiang Kai-shek's Nationalist China $54.5 million for a squadron of F-4D jet fighter planes was offered during floor debate and passed as part of the House's foreign aid authorization bill.

Few congressmen knew anything about the amendment. They assumed the Nixon administration was behind the request. So a small House gathering first voted the amendment through by voice vote and then, after it was challenged and a quorum brought in for a roll call vote, the amendment passed, 176 to 169.

The Nationalist China jet squadron was not in the administration's bill, and it still is unwanted by the White House, the State Department, the Agency for International Development and at least the official heads of the Defense Department.

Its passage so angered the House's dwin-

dling coterie of foreign aid friends that the full aid bill nearly was scuttled in its entirety.

The final vote on the $2.2 billion bill was 176 to 163 and the close margin was attributed directly to the planes for Taiwan.

The bill still must be considered on the Senate side. The fate of the squadron for Taiwan will further hinge on foreign aid appropriations in the House and Senate. But the House action still was a considerable coup.

Rep. George Bush (R-Tex.) said later: "I wish I had known the administration was against it before I voted for it."

Pulling a rabbit out of the hat is not unknown in House floor maneuvering, but the Chiang Kai-shek squadron really started revving up just about a year ago.

Last November Rep. Otto E. Passman (D-La.), chairman of the House Foreign Aid Appropriations subcommittee, made his annual state visit to Taipei and was received by Generalissimo and Madam Chiang.

The United States had just granted South Korea an extra $100 million in military aid following increased activity by Communist North Korea that resulted in an assassination attempt against South Korean President Park, the capture of the U.S. spy ship Pueblo and stepped-up infiltration into South Korea. The $100 million included a new squadron of F-4 jet fighter planes.

Nationalist China's Chiang decided that with the improved Mig fighters Communist China was flying, he had as good reason as South Korea to get a new U.S. jet squadron.

"It was brought to my attention that they just felt that they should have a squadron and I'm a good listener," Passman said in an interview. "I think that whole part of the world is as hot as a firecracker. It was on that basis that I did some footwork."

Since the House Foreign Affairs Committee waited until this month to get the current fiscal year's foreign aid authorization bill on the House floor, Passman, understandably, had to do some running in place.

Meanwhile, another friend of the Chiangs, Rep. Robert L. F. Sikes (D-Fla.), a reserve major general and a key member of the House Defense Appropriations subcommittee, made his state visit to Taipei last August. Presumably Sikes also was told about the need for new jets.

MORGAN PERSUADED

A third friend of Nationalist China, Rep. L. Mendel Rivers (D-S.C.), chairman of the House Armed Services Committee, recently persuaded Rep. Thomas E. Morgan, chairman of the House Foreign Affairs Committee, to quietly insert a small observation in his committee's foreign aid report.

It read: "There is danger that the number and quality of aircraft in the Nationalist China inventory may not be adequate to cope with the new and sophisticated aircraft now appearing in increasing numbers, in the armed forces of Communist China."

Then Passman, Sikes and Rivers, with their Pentagon connections, urged some high-level Air Force telephone calls to House Minority Leader Gerald R. Ford (R-Mich.) to enlist his assistance.

"There must have been some help from the Pentagon because of Jerry Ford's role," Passman observed blandly. And then he warmed up: "I think the Congress must assume some responsibility. We're not supposed to be just rubber stamps on all the bureaucrats in Washington. When my country is at war, I'm going to support it. I think we should keep our muscle taut."

There still remained the matter of actually drafting the amendment. The day before the House's floor action, Rep. Sikes tried to have the staff of the House Foreign Affairs Committee do it. Rep. Clement E. Zablocki (D-Wis.), at that moment acting committee chairman, described Sikes' request as "a bit unusual since the matter never had come before the committee and Sikes wasn't even a committee member."

Rep. Passman then stepped in. Administration officials said he summoned some Pentagon officials to his office on the morning the bill was to be considered to help him draft the amendment which Sikes, later in the day, was to introduce.

"I asked them for some help if they believed in the amendment," Passman said later. "But not in the actual drafting. I knew all about that and just where to insert it in the bill."

Then, later in the afternoon debate, Rep. Sikes offered his amendment with these words: "If we have to give, let us give it to those we know are with us . . . In my opinion, Nationalist China is one of our best friends—if not our best friend—in that part of the world . . . This is just a drop in the bucket compared to the amounts of money that they require for even a minimum defense of the Republic of China."

THE "NEED" PARAGRAPH

In quick succession, Sikes was followed by Rivers and Passman and a platoon of their allies all "associating" themselves with the amendment. Rep. John J. Rooney (D-N.Y.) had the assignment of noting the "need" paragraph that Rep. Rivers had inserted in the House Foreign Affairs Committee report.

Rep. Passman, according to onlookers, then started whispering around the debating table: "If you want to save $200 million on the rest of the bill, you had better agree on this one."

Meanwhile, Minority Leader Ford also began lining up votes. Ford later said he had heard about the amendment only two days before—from Sikes—did some "independent checking of my own to very high-ranking responsible people in the administration" and became convinced that Chiang Kai-shek's jet squadron—which the administration hadn't sought—really was wanted.

Rep. H. R. Gross (R-Iowa), who ranks himself with Passman as the leading foreign aid opponent in the House, then jumped up.

"I believe the record ought to at least show that there were no hearings, no justification whatever—before the Foreign Affairs Committee . . . This is too much money to add to this bill without the slightest justification except the statements of the sponsors," Gross said.

Rep. Donald M. Fraser (D-Minn.), chairman of the Democratic Study Group, noted: "There is no credible evidence that the Communist Chinese have a capability of invading Taiwan. This free use of the taxpayers' money is the reason why our program gets into trouble."

After the vote in which the $54.5 million jet squadron authorization was approved—with no restrictive fixed-year for spending required—some of the Republican Congressmen in the Speaker's Lobby were advising a check with "the Watergate."

A Watergate Apartments penthouse is occupied by Anna Chan Chennault, widow of the Flying Tigers general and a Washington hostess who cultivates friends for Nationalist China.

"All I know was what I read in the papers," Mrs. Chennault said in a subsequent interview. "Congressman Passman was a very good friend of General Chennault's because they both come from Monroe, La., but I haven't seen him in many years. Our legislators develop their own judgment. I'm an American. Lots of people talk about Anna Chennault as a 'lobby for China.' I am the biggest lobby for America. I always try to bring about a better understanding."

For his part, Passman declared: "Mrs. Chennault? I didn't even know she was Vice President of Flying Tigers Airlines or living in Washington. She had no knowledge of this. Mrs. Chennault runs her business and I run mine."

The Senate reportedly will not go along with Chiang Kai-shek's jet aircraft amendment and, even if the matter should survive in conference with the House, the administration say it is determined to get around it.

But the implementing part of foreign aid is in the appropriations process, and this is where Rep. Passman for years has reigned supreme. He says the original administration request for $2.6 billion in economic and military aid should receive an actual appropriation of only around $1 billion. It is not clear whether his $200 million threat on the House floor meant adding or subtracting from his $1 billion target.

It is clear that the more that is added to military aid the less is available for economic aid.

Last year, Passman sent out word that the $30 million alloted to Nationalist China in military aid had better be raised by $6 million or the rest of the bill would be in jeopardy.

"We therefore did right by him and he did right by us in giving us the full appropriation on the military side", one government official disclosed.

This year, the Pentagon says it has no F4-D jet fighter squadron readily available, and doubts that $54.5 million would pay for one anyway.

But Passman said the Air Force's support "goes all the way to the top." The Louisiana congressman feels encouraged.

"I have the honor to chair a committee which gives me a little leverage," Passman said. "And even though I am a foe of foreign aid and voted against this overall bill as I always do, I'm going to do everything within my power for this little amendment."

[From the Washington Post, Nov. 27, 1969]

WHO SPEAKS TO CHIANG KAI-SHEK FROM WASHINGTON?

(By Stanley Karnow)

TAIPEI, November 26.—One of the key American problems here is the question of who speaks for the United States in its relations with President Chiang Kai-shek's Chinese Nationalist government.

This problem was underlined last week when the House of Representatives took the initiative of adding $54.5 million to the foreign aid bill to provide the Nationalists with a squadron of F-4D fighter aircraft.

It has also been dramatized over the past year or more by divergent approaches to the Chiang regime by State Department officials and U.S. military advisers stationed on this island bastion of Taiwan.

As a consequence, Chiang and his associates have been encouraged to manipulate splits within the U.S. establishment to their own advantage in two ways.

First, they have increased their lobbying among congressmen and other politicians sympathetic to their cause in an attempt to make their influence felt in Washington.

Moreover, they are apparently playing on rivalries within the U.S. mission here, which has been sharply divided between civilian and military factions, each voicing different American attitudes towards the Nationalists.

This situation transcends the narrow issue of the U.S. commitment to the Chiang government. For U.S. policy and practice here is intimately linked to the broader question of potential American relations with Communist China, which claims sovereignty over Taiwan.

As Secretary of State William Rogers and other administration spokesmen have emphasized, the United States is striving to break its diplomatic deadlock with Peking. Undoubtedly anxious to subvert that effort, the Nationalists would like to see a buildup of U.S. forces here.

There is no evidence that the administration intends to enlarge the American mili-

tary presence here, which currently comprises some 10,000 men, most of them in logistical jobs related to the Vietnam war.

Until now, in fact, American military assistance to the Nationalists has been steadily declining, and is scheduled to end in about three years.

But this trend is being opposed, presumably with Nationalist inspiration, by certain members of Congress as well as U.S. military officials here. It is conceivable that this opposition could thwart administration hopes of edging closer to Peking.

The amendment to the foreign aid bill, which was introduced by Rep. Robert Sikes (D-Fla.), illustrates the ability of the Nationalists to stake what one observer here described as an "end run" around the administration.

The Nationalists had repeatedly requested F-4's, an aircraft equipped with sophisticated radar bombing devices, contending that they deserved to have the same model airplane delivered to South Korea and Israel.

But the Pentagon consistently rejected the Nationalist requests, partly on the grounds that the aircraft is too expensive and partly because its offensive capabilities do not conform to the strictly defensive nature of the U.S. commitment here.

When Sikes visited Taiwan in August, the Nationalists carried their case to him, and reportedly followed up that tactic by intensive lobbying among congressmen in Washington.

As a result, the House of Representatives amendment to the foreign aid bill came as a complete surprise to U.S. officials here. It remains to be seen, however, whether the amendment will survive the Senate.

Here in Taipei, meanwhile, the most articulate American advocate for the Nationalists has been Maj. Gen. Richard G. Ciccolella, who has eclipsed Ambassador Walter P. McConaughy since Ciccolella's arrival here nearly three years ago.

The head of the U.S. Military Assistance Advisory Group, Ciccolella has made no secret of his hawkish opinions, even though they sometimes seem to contravene administration policy. He is now in Washington and slated to testify before the Senate Foreign Relations Committee.

In a speech to an American club here in late 1967, he described those who favor negotiations with Communists as "basically weak and cowardly men who lack the moral and physical courage to stand up to aggressors and bullies."

In a Rotary Club speech here last February, he urged that the Paris peace talks be paralleled by stronger military pressures against the Communists. In the struggle against communism, he said, "there is no place for weaklings or cowards or compromisers or traditional diplomats."

Ciccolella's major achievement here has been to persuade the Nationalists to reduce the size of their armed forces, which number some 600,000 men. American advisers had unsuccessfully urged this for 20 years.

But, while Washington has favored the reduction of the Nationalist army to make it a more economical defensive force, Ciccolella seemingly had different motives, as he told a reporter last July:

"What the Nationalists need is an elite, well-armed and very mobile strike force. They will never defeat the Communists by sheer numbers."

At the same time, though he publicly subscribes to the cutback in U.S. military assistance to the Nationalists, Ciccolella is reported to have put forth a contrary argument in his private communications with the Pentagon.

Among other things, he is said to have recommended modernization of the Nationalist navy, a force that successive Washington administrations have tried to keep small to discourage offensive operations against Mainland China.

In addition, Ciccolella has urged the Pentagon to relocate the U.S. air bases on Okinawa to Taiwan. Under an agreement between President Nixon and Japanese Premier Sato signed last week, the United States will not be able to keep nuclear warheads on Okinawa after 1972.

While they have not publicly invited the United States to move the Okinawa bases here—possibly out of fear of being rebuffed—the Nationalists have been improving their military facilities as an inducement to the Pentagon to make the transfer.

For instance, they are lengthening the runways at Hsin Chu, an airfield south of this city. They have also reportedly offered to construct a new base near Hula Lien, on the eastern side of Taiwan.

To what extent Ciccolella and his aides have encouraged the Nationalists to believe that a U.S. buildup here is possible is not known.

But, in the view of observers familiar with its workings, one of the difficulties within the U.S. mission is that civilian American diplomats do not always know what their military associates are telling the Nationalists and vice versa.

The result is that the Nationalists tend to confide in the U.S. officials whose leaning approximate their own most closely. Accordingly, a tough anti-Communist like Ciccolella apparently had a higher stature here than State Department Representatives.

Some sources suggest that this may change next year, when Ciccolella is due to be transferred to Vietnam. Others submit, however, that a hard-line general is an asset here in order to maintain close relations with the Nationalists.

[From the Washington Post, Dec. 9, 1969]

HOUSE, SENATE PANELS CUT AID FUNDS

(By Warren Unna)

The House and Senate, in tandem operation, yesterday made additional drastic cuts in the Nixon administration's foreign aid bill.

On the House side, the full Appropriations Committee approved all of its foreign aid subcommittee recommendations by cutting the administration's original request for $2.2 billion in economic aid authorization to an actual funding of only $1.2 billion, and the administration's request for $425 million in military grant aid authorization to an actual funding of $404.5 million.

The total House foreign aid appropriations bill of $1.6 billion in economic and military aid—a slash of little over $1 billion from the administration's original request—now is scheduled for final action on the House floor today.

On the Senate side yesterday, the Foreign Relations Committee approved an authorization of $1.6 billion in economic aid and $325 million in military grant aid, hitting far harder on the military requests.

The full House on Nov. 20, had approved authorizations of $1.7 billion in economic aid and $454.5 million in military grant aid.

Chairman J. W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee said a committee majority outvoted him in his attempts to cut the military aid back even further—to $300 million—and eliminate the extra $50 million the administration seeks to compensate Spain for use of the U.S. military bases there.

On the House side, there was a similar defeat within the Appropriations Committee in an attempt to knock out $54.5 million to buy a new squadron of F4-D fighter planes for Nationalist China.

The planes were not requested by the administration in its foreign aid bill and White House, Pentagon, State Department and AID all are officially opposed to the grant.

However, yesterday it was learned that at least three high Pentagon officials have been secretly encouraging the grant.

Deputy Secretary of Defense David Packard, administration sources said, has twice tried to give the matter a boost and was sent an admonishing cable from Defense Secretary Melvin R. Laird, who was in Europe attending the NATO conference.

Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense in charge of military sales, reportedly submitted a top secret justification to the House foreign aid appropriations subcommittee headed by Rep. Otto E. Passman (D-La.). And Gen. John D. Ryan, Air Force Chief of Staff, also is reported to favor the Taiwan squadron despite contrary administration policy.

Here is how the Senate Foreign Relations Committee and House Appropriations Committee voted yesterday on the major foreign aid categories:

REQUESTED

[In millions]

		Senate	House
Development loans	$675.5	$350.0	$265.0
Supporting assistance	514.6	420.0	439.6
Technical assistance	463.1	371.1	313.8
Alliance for Progress	437.5	337.5	200.0
Administration expenses	54.2	50.0	53.5
Military grants	425.0	325.0	404.5

[From the Washington Post, Dec. 10, 1969]

AID BILL PASSED BY HOUSE—TAIWAN JETS APPROVED IN BITTER CLASH

(By Warren Unna)

The House last night voted a $1,650,000,000 foreign aid appropriation after adding $50 million in military help for South Korea and reaffirming a hotly contested $54.5 million jet fighter squadron to Nationalist China.

Opposition to the jet squadron was so bitter that the final vote on the over-all aid bill was a close 200 to 195.

The House also stipulated that U.S. economic aid should be cut off from any country trading with Communist China. Although the amendment's proponents said they didn't know which countries might be affected, there are several, including Pakistan and Tanzania.

"I suspect the China lobby is at work. This is what it reflects," said Rep. Jeffery Cohelan (D-Calif.), a member of the House Committee that prepared the bill.

The Nixon administration originally requested $2.2 billion in economic aid and $425 million in military aid. The House, in its funding action last night, approved a new low of $1.2 billion in economic aid, but $454.5 million in military aid—a $29.5 million increase over the administration request for fiscal 1970.

In Fiscal 1969, Congress appropriated $1.3 billion in economic aid and $375 million in military aid.

This year, there has been no Senate floor action. The foreign relations committee has approved $1.6 billion economic, $325 military aid.

Last night's House approval of the extra military aid for Nationalist China and South Korea came after a spirited debate that included use of "secret" and "top secret" Pentagon documents, all purporting to support the measures.

House Minority Leader Gerald Ford (R-Mich.) said that Defense Secretary Melvin R. Laird had secretly supported the Nationalist China jet squadron authorization on Nov. 20, when it first was introduced on the House floor.

Ford and House Majority Leader Carl Al-

bert (D–Okla.) both read last night from "secret" letters Laird had sent them supporting the extra $50 million to help South Korea modernize her counter-intelligence forces.

Rep. Otto E. Passman (D- La.), floor manager of the foreign aid appropriations bill, and Rep. John J. Rooney (D- N.Y.) already had brandished "top secret" Pentagon material which, according to Passman, indicated that Chiang Kai-shek's regime now was so threatened by Communist China it would need "almost $400 million immediately" in U.S. military aid.

The Passman-Rooney "top secret" material was written by Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military sales. According to Rep. Silvio Conte (R-Mass.), who was allowed to read the letters, they were addressed to Passman and began, "Per your telephone request . . ."

Neither the Nationalist China nor South Korea appropriations had been sought by the administration in its aid bill. Secretary of State William P. Rogers and AID Administrator John A. Hannah are known to feel the money is unnecessary and only reduces the amount of funds Congress might be prepared to make available for economic aid.

Rep. Edward P. Boland (D- Mass.) warned that the $54.5 million for the Nationalist China F4–D jet squadron was "only a down-payment" of what Congress eventually would have to approve since a squadron actually costs $108.1 million.

The Nationalist China-South Korea additions were sustained in three separate tallies, 113 to 77, 119 to 82 and, finally, 250 to 142.

In the final vote on the over-all aid bill, traditional foreign opponents joined the liberals in coming within five votes of defeating it.

The outcome represented a victory in leadership strategy. The $50 million in extra South Korean military aid originally had been proposed in the House Foreign Affairs Committee by Rep. William S. Broomfield (R-Mich.), passed as part of the foreign aid authorization last month, but then dropped by the House Appropriations Committee.

Unlike the South Korean measure, the Nationalist China money was approved by Passman's Appropriations subcommittee and therefore was included in yesterday's floor bill.

When Rep. Conte introduced an amendment to strike out the Nationalist China money, Bloomfield offered a "substitute amendment" reintroducing his South Korean money and locking the Nationalist China money in with it.

The threat of killing the whole foreign aid appropriations bill by angry opponents led Chairman George Mahon (D-Tex.) of the House Appropriations Committee to warn that any such action would block the flow of bills to the Senate and interfere with the House's hopes of not having to come back and work after Christmas.

Mr. HOLLAND. What the Senator has just said, has clearly borne out my statement, because he has questioned the ability of the House of Representatives to operate within its own rules. That is the point I am making. When we question that right, we are on very unsound ground.

Mr. FULBRIGHT. May I ask the Senator——

Mr. HOLLAND. Article I of the Constitution, section 5, paragraph 2 states—

Each House may determine the rules of its proceedings, . . .

And then it contains other words that do not have any relation to what we are discussing.

When the time comes that because we do not like their rules—I am not questioning what they have done has been under the rules—but when we say they have no right to operate under their rules, it will be a sad day. The Senator has not referred to the bill, although I had said, which is true, that we have repeatedly done the very same thing ourselves in connection with other appropriation bills. For one, the appropriation bill so ably handled by the distinguished Senator from Washington, the Labor-HEW bill. We have been perfectly willing to place items in that bill that went beyond the authorization. We have sinned. We have sinned as often as they have, if the Senator thinks this is sinning. But the point I am making in the first instance is that we are thoroughly off on our own rights in questioning the House in its operations under its own rules, and particularly when we do exactly the same thing ourselves.

Mr. HANSEN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. HANSEN. Mr. President, I believe that the Senate has just witnessed again our reasons for the great reluctance to see the absence of the very distinguished Senator from Florida from this Chamber when we are in session because the logic, and the good reasoning he presents to us reminds us anew of the extremely fine contribution he has made to this body, and how much we are the losers when he is not able to be here.

Mr. HOLLAND. I thank the Senator from Wyoming for his kind remarks. I wish I could merit the nice things he says.

Mr. McGEE. Mr. President, will the Senator form Florida yield?

Mr. HOLLAND. I yield.

Mr. McGEE. Since I have not been in this body for a great number of years—only 11— I should like to ask the distinguished Senator from Florida a question. During the countless years that he has served, would it be his judgment that on other occasions the Senate permitted this action when we favored a measure, but, if we opposed a measure, then we became sanctimonious about the principle involved. Would that be stating it correctly?

Mr. HOLLAND. Well, the word "sanctimonious" may overstate it a little bit—[laughter]—but on the issue of his statement, I agree completely with the Senator from Wyoming.

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

Mr. HOLLAND. I yield.

Mr. MANSFIELD. Mr. President, may I say in extenuation, that I did not even know there was such a procedure. I hate to profess my ignorance, but until earlier this week——

Mr. HOLLAND. If the Senator had been active in his assignments on the Appropriations Committee, he would have found that out a long time ago. Of course, he has not been able to do that, and I do not criticize him for it. As majority leader, he could not attend the working meetings of the Appropriations Committee—[Laughter] or attend the conference committees because of his responsibilities as majority leader. But it has been long established practice in both Houses, under the rules, and there is no way that this can be denied.

Mr. MANSFIELD. Let me contiue and accept the rebuke——

Mr. HOLLAND. This is not a rebuke.

Mr. MANSFIELD. It is well deserved. But it does not do anyone any harm to profess ignorance when they are ignorant. I was ignorant of this particular aspect of the relationship of appropriation bills to legislative authorizations, until it came out in the open the other day. But that is no excuse.

May I say that this is no occasion for smiling. This is no occasion to become angry. This is no occasion to become personal.

No one has won a victory tonight. In my opinion the U.S. Senate and its committee system have.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor. The Senate will please come to order.

Mr. HOLLAND. I am glad that the distinguished majority leader does derive satisfaction from our action. I wish I could join him in that concluding item——

Mr. MANSFIELD. I said the Senate, not myself.

Mr. HOLLAND. He has a right to his opinion—I am sorry he is leaving the Chamber——

Mr. MANSFIELD. I am not leaving. [Laughter.] If the distinguished Senator will yield to me further, I think that he has misinterpreted my remarks. I derive no personal pleasure or satisfaction out of what has happened. What I was saying was that this is in effect a great day for the Senate because we have reinforced that system under which this institution functions. Everyone should know how important that is to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for his kind reference to me. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. I am not professing ignorance in this particular field but I am professing, maybe, a lack of memory.

Is it not true—I want to ask this question—that of course the Senate can appropriate money that it has authorized whether the House has come up to that figure or not. We often do that. The House can appropriate money that it has authorized, even though the two figures might be different in conference; but I do not know of any occasion—I do not recall any, and I have been on the Appropriations Committee a long time—where, when we appropriated money and there has been no authorization, final and complete authorization, we always put a proviso in that this money shall not be spent or appropriated until the authorization becomes law. I do not recall any occasion.

Mr. HOLLAND. I do not want to burden my memory except to say—and the Senator will recall this—we have fre-

quently, when he presided over the Independent Offices Subcommittee, put in items to staff the executive committees and boards appointed by 1600 Pennsylvania Avenue. There is one such item placed in the foreign aid bill, and no Senator raised any question about it at all.

With a little study, I could mention hundreds of items in the brief time I have been in the Senate which have been like that, because we have followed that practice repeatedly. To say we have to have authorizing legislation every time we put in an item which became necessary——

Mr. MAGNUSON. I would like to know——

Mr. HOLLAND. Just a minute. I have the floor. Just as soon as I get through with my statement, I shall be glad to yield.

Mr. MAGNUSON. I do not know of any time when money has been spent that has not been authorized.

SEVERAL SENATORS called for order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. Let me finish my statement. If we had to authorize everything that goes in these complex bills, we would have more authorization bills than we have private or public bills, because we have many items in the appropriation bills which are not authorized, and there is no necessity to authorize them, because they have to do with small matters, as a rule, and sometimes large matters. The Senator will not deny that we have had many such occasions.

Now I will yield to the most knowledgeable Senator.

The PRESIDING OFFICER. The Chair requests that we suspend until we get a message from the House of Representatives.

Mr. HOLLAND. I am glad to yield for that purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 51) to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3016) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the amendment of the House to the joint resolution (S.J. Res. 154) to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

Mr. MAGNUSON. There is a good example. We waited for that authorization.

FOREIGN ASSISTANCE APPROPRIATIONS, 1970—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. Mr. President, the able chief clerk of the Appropriations Committee has just reminded me of an item I was about to forget. We appropriated $4 billion in 1951 for foreign assistance without having any authorization. It was included in the bill, and it became law. Most of it, or perhaps all of it, was spent.

We could find many such items. I think it is useless to pursue this, because anyone who has worked on the Appropriations Committee and really has done his work there would not question it. I see here Members who served in the House. They know what the rules of the House are. They know I have correctly stated what has gone on in the House during the life of the Republic. There is no use in the world for us to bark at the wind by saying we are not going to consider any matters not in an authorization bill, when we frequently include such items on our own initiative, and when we see such action every day at the initiative of the other body, operating under its rules.

Now I yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I want to say that I hesitated to vote against the majority leader on the last motion he made because I do not see how the conferees can carry out their instructions since most of the money that has not been authorized has been locked into the bill. In other words, the House provided $11.6 million to construct schools in Israel and other places. That is locked in the bill. It is not in conference. Particularly that is true of the $50 million for Korea. That came from the House. True, it is unauthorized, but we locked it in by voting for it. So how will the conferees who will be appointed, on the motion to table, carry out those instructions?

Mr. HOLLAND. I am glad the Senator raised those two points. The provision for Korea was voted on the Senate floor. It was not authorized by the Senate. The provisions for numerous schools, some of them were not authorized, but we voted for them in this bill, and they were locked into the bill.

I see my distiguished friend from New Mexico indicating that he remembers these items.

So it comes down to this: The real rule we are talking about here is that when the House, in following its rules, puts in something that has not been authorized that we like and appreciate, that is fine, that is legal, that is constitutional; but when they put in something which we do not like and was not authorized and we do not want it, then, our good friends say, "That is all wrong."

We have a right to say whether we like or do not like any item that is there, whether it is authorized or not; but it is beyond question that in this bill and in practically every bill in the area of appropriations, we are running upstream against the principle announced by the distinguished majority leader—which is not a principle at all, because we have not followed it and do not propose to. We have not followed it in our own practice, and we recognize the House's departure from it whenever its view happens to disagree with ours.

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

Mr. HOLLAND. I yield.

Mr. PELL. I commend the Senator for the statement that the rules of the other body are no concern of ours, but I am amongst the majority, I guess, in this body who thought the authorizing committees—and I am proud to serve on them—could always set a ceiling; perhaps not a floor, but a ceiling. When I was educated yesterday to the fact that that was not so, I was puzzled. I am sure Senators share the view that all committees are relatively equal; that, to use the analogy of the Senator from Vermont, there is no presidium committee that can go above the ceiling and go below the floor.

My question basically is, however, if there is one committee, like a presidium, above all other committees, the only way this can be straightened out or changed is by changing the rule. Is that correct?

Mr. HOLLAND. It certainly is not correct. The only way it can be straightened out is to have a majority of the Senate vote against any item it wants discarded, whether it comes from the committee, or the House, or is offered here on the floor. We have that right and we can, by majority, strike it out. But when anybody says we are not operating in the antithesis of the principle announced by the majority leader—and unfortunately approved by a majority vote of the Senate—they do not know what they are saying. We do it every day when we pass appropriation bills. I am sure the Senator knows I know what I am talking about.

Mr. PELL. True. The only thought I throw out is that perhaps, if the rules are not satisfactory, the leadership would consider the matter of proposing a change of rule to that effect.

Mr. HOLLAND. Does the Senator mean a rule to state that we are not going to recognize the rules of the House?

Mr. PELL. No.

Mr. HOLLAND. That is what it amounts to.

Mr. PELL. No; that the ceiling could not go above the amount set by the authorization committee.

Mr. HOLLAND. The House has equal jurisdiction with us. I would never be a party, by my voice or vote, that says anything that indicates the House does not have a constitutional right and duty to announce its rules and to operate under them. I would never question that. I do not believe thinking Senators, after they have gotten through the Christmas holidays and have gotten a little more

benevolent in their attitude toward life, will retain that attitude. I wanted this stated for the RECORD.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Florida still has the floor.

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

Mr. HOLLAND. I yield.

Mr. HART. Has the military authorization bill become law?

Mr. HOLLAND. I think so. The military authorization bill does not begin to cover everything, by any manner or means, in the appropriation law, but it became the law. Does the Senator think the military authorization bill begins to cover everything in the $70 billion Defense appropriation bill?

Mr. HART. My question will indicate what my curiosity is.

Does the law, namely, the military authorization, fix a figure for military aid below the figure that the Senator now tells us, as a matter of principle, either House can ignore?

Mr. HOLLAND. That is something I could not answer.

Mr. HART. This is a question that bothers some of us. I would like an answer.

Mr. HOLLAND. I am not familiar with the authorization.

Mr. HART. Well, it is the law, and I am just wondering if we can assign, on the part of either House, the right to ignore it.

Mr. HOLLAND. As in any field, an authorization is prima facie evidence for every item in it to be included in the appropriation bill, but it by no means excludes either House from putting in other items within their rules. They do it, and we do it. I doubt if the Senator could find an appropriation bill passed in the last 25 years that does not diverge from the principle the Senate has just so piously announced.

Mr. HART. Perhaps we can get an answer to what effect passing a law that fixes a military aid ceiling has, if any.

Mr. HOLLAND. My dear friend probably thinks all the items in a military appropriation bill are included within the two authorization bills which we pass each year; that is, for construction and for procurement. The Senator from Mississippi, who knows much more about this field than I do, knows that we have numerous salaries that have to be paid; for example, included within the appropriation bill, that are not in the authorization bill, and that we have numerous other items that are included within the bill. I have never seen a military authorization bill which began to come up, in size, to the military appropriation bill.

I shall be happy to yield to my distinguished friend from Mississippi for any correction he wishes to make of the statement I have made, but I am sure that the total of our two authorization bills is not more than half of the full amount, or something like half of the full amount, of the appropriation bill.

I yield to the Senator from Michigan.

Mr. HART. I wonder if the Senator from Florida would include in that question the distinction between items which are enumerated, for which a ceiling is fixed, the generic group for which a ceiling is fixed, and one where there is simply a ceiling under which the pot and the kettle can be thrown in.

Mr. HOLLAND. No ceiling has ever been fixed at $70 billion for the Defense bill. Of course, our appropriation bill, to my recollection, is somewhere in the neighborhood of that figure. As I recollect, it went to the conferees a little over $70 billion, and came back a little under $70 billion. Am I correct in that?

Mr. STENNIS. The large appropriation bill passed the Senate, I think, at $69.6 billion.

Mr. HOLLAND. That is the conference bill.

Mr. STENNIS. Just a brief answer to the question of the Senator from Michigan.

Our authorization bill for our forces, the U.S. military forces, is only a part of the items which have to be authorized. But we do have a specific law that requires missiles, tanks, research and development, planes, submarines, and ships, to be authorized; and that was the bill that was under such long debate, and totaled about $20 billion, as Senators will remember, or a little over. But the appropriation bill ran close to $70 billion.

The difference is in operational matters, maintenance, salaries, and all the items of that kind. We do not require authorization of certain small arms and other matters. It is the major hardware, and research and development, for which authorization is required.

There is a separate authorization, as a separate military authorization bill, for military construction. There is still another military authorization bill now for foreign military aid. That goes to the Committee on Foreign Relations with the exception of one item: Southeast Asia funds are authorized in the first bill that I mentioned. That is, the hardware is. It was a relatively small amount. Also, the operation money is authorized there for that war. I mean the aid to South Korea.

But the main thing is the big authorization bill that we had the long debate over, and then the foreign relations bill.

Mr. HART. Mr. President, I thank the Senator from Florida. I think we have reached a point where we are including three or four bills in addition to the one I am trying to get clarification for myself on; namely, the bill that is before us, on the business of foreign aid.

As I gather, assuming the passage of a foreign aid authorization bill constitutes the enactment of a law, the rules of neither House can ignore the law. My question is: Have we ignored the law? Do we propose to ignore the law, if we now appropriate a sum in excess of the specific maximum sum provided for by the earlier enacted law?

As I understand it, in the case of military aid in the Foreign Aid authorization and appropriation bills, we have by law said it shall not exceed $350 million, in the authorization bill. We are now told that either House, by some rule, can say, "To heck with that, we are going to give them $405 million." What is the effect of the earlier enacted law? That is what I am trying to find out.

Mr. HOLLAND. Well, Mr. President, the earlier enacted law sets a ceiling on various individual items. It does not pretend to set a ceiling on the total amount, as a rule.

Mr. HART. Here is an item: American schools and hospitals.

Mr. HOLLAND. That is authorized.

Mr. HART. It authorizes a sum lower than the report of the conferees with respect to that specific sum. That is my question; how can you do it?

Mr. HOLLAND. The way you can do it is that you have two items for schools in there, one of which is authorized and the other is not authorized. There are a number of schools in there that are not authorized. The Senator will find them even in different places in the bill. He will find them not recited in the bill as to those that are authorized, but listed in the report; but he will find them listed in the bill itself, for those that are not authorized and for which the Senate gave its agreement, and locked them in, and for which the conference committee has locked them up as far as this conference report is concerned.

We had a mandate from the Senate, by its vote, to include them in the conference report if we were able to obtain consent of the House conferees.

This is not unusual. It happens in practically every appropriation bill. That is the point. I do not pretend to know, by a great deal, all about this appropriation field, but I do know that this has been happening in every appropriation bill of any size since I have been a member of this committee.

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

Mr. HOLLAND. I yield.

Mr. FULBRIGHT. I wish to compliment the Senator from Florida. He has been very frank. If he has no other fine characteristic—and, of course, he has many—one of his stronger characteristics is to deal frankly, with no disposition whatever to conceal or distort the facts; and I think what he has said, not only today but also the other day when we discussed this matter, has been very enlightening.

The PRESIDING OFFICER. Will the Senator suspend until we have order? The Senate will be in order. The Senator from Arkansas is trying to propound a question.

Mr. FULBRIGHT. My question is—and I think the Senator has made it fairly clear—that while as a matter of fact, under our system, the Appropriations Committee, if the appropriating bill is enacted last—which it usually is, by tradition—takes precedence over any authorization bill enacted before that time, if I understood the response we received from the General Accounting Office, the bill enacted last controls.

In other words, if instead of our enacting the authorization bill first, we waited until the appropriation bill was enacted, and then we came along and set ceilings on these items that were lower than the appropriation, those ceilings would control. Is that not true? The Comptroller General has adopted the principle that he acts on what is enacted last as the controlling one in any par-

ticular field; does the Senator agree with that?

Mr. HOLLAND. No; what the Comptroller General meant was that in considering appropriation bills, the bill enacted last was what controls the appropriation amounts. He has jurisdiction over the expenditure of funds, and his duty is to see whether the funds are expended in accordance with the appropriations made. That is his duty.

Mr. FULBRIGHT. Then is the Senator saying that the authorization bill has no effect whatever in law, that it is a nullity?

Mr. HOLLAND. I certainly am not making any such statement.

Mr. FULBRIGHT. Then what is the net effect?

Mr. HOLLAND. Well, the Senator can put any interpretation on it he wishes, but in 99 cases out of 100, the Appropriations Committee and the group that makes up the budget stick by the authorization passed by Congress.

The Senator from Louisiana has already so clearly stated that we have items in the bill put in by the House which were not authorized, but were approved by the vote of the Senate.

I do not know how the Senator from Arkansas voted on it. However, it was done by a great majority of the Senate.

Mr. FULBRIGHT. I voted against the bill.

I think the Senator has rendered a fine service in enlightening the Senate. It was quite obvious from the other day that authorization bills did have some force of law. But now the Senator has made it clear that they do not. Is that a fair characterization?

Mr. HOLLAND. Certainly they are law. But they are not conclusive. And they are not final.

Congress does not have to approve any item in the committee report whether it is authorized or not. Frequently it knocks out authorized items.

Mr. President, I yield to the distinguished Senator from Maine.

The PRESIDING OFFICER. May we have order?

The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, I thank my distinguished and able colleague, the Senator from Florida, for yielding to me.

Mr. President, early this year, and in years before, there has been serious encroachment by committees into the jurisdiction of other committees.

This is of growing concern.

Tonight this issue has reached a climax.

Mr. President, I shall introduce a resolution calling for an inquiry and study of this growing encroachment on committee jurisdiction.

Mr. HOLLAND. Mr. President, I appreciate the suggestion of the distinguished Senator from Maine. I hope that we can go ahead and carry out her suggestion.

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

Mr. HOLLAND. I yield.

Mr. MILLER. Mr. President, I ask the Senator from Florida whether this may be helpful. The Senator from Michigan talked about the law. It is my understanding that we have been talking, not about the law, but about authorization bills that have been passed by one House or the other, or possibly by both.

I do not believe this has been signed into law yet. Perhaps that is one of the big questions concerning the Senator from Michigan.

Mr. HOLLAND. Mr. President, the Senator has a good point. The authorization bill was approved yesterday and has not been signed. But even if it had been signed, the fact is that there are items in the bill placed there by the House of Representatives under its rules and sent over here which we approved. There is not any doubt that that is the case.

It looks as if what we are saying is that as long as the House operates under its rules in such a way as to please us, we will accept that action and think it is a good operation. However, whenever it steps on our toes, we will not give to the House the right to operate under its rules.

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

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Mr. President, there came over from the House in the bill certain items that were not authorized.

Mr. HOLLAND. The Senator is correct.

Mr. McCLELLAN. Some of those items were for schools.

Mr. HOLLAND. The Senator is correct.

Mr. McCLELLAN. The Senate, however, voted to approve them, did it not, when it passed the bill?

Mr. HOLLAND. The Senator is correct.

Mr. McCLELLAN. We have now a vote of the Senate to instruct the conferees to take that out, and it is not even in conference. Am I correct?

Mr. HOLLAND. The Senator is correct.

Mr. McCLELLAN. How are the conferees going to comply? I just ask that question. That is the mess we are in. We have the Senate voting to take that out. It is in the bill. It is not and never was in conference. It is in the bill. And because there is one item in disagreement that is in the same category and the Senate votes to instruct the conferees to take it all out.

Mr. HOLLAND. The Senator is correct. And by that action the Senate has claimed it never followed such a practice itself, when it did follow it with reference to some particular items in this bill.

Mr. MONTOYA. Mr. President, will the Senator yield on that point?

Mr. HOLLAND. I yield.

Mr. MONTOYA. Mr. President, I would like to read the rule with respect to the point the Senator from Arkansas has raised. It is rule 27.2. It reads as follows:

> Conferees shall not insert in their report matter not committed to them by either house, nor shall they strike from the bill matter agreed to by both houses.

Mr. HOLLAND. The Senator is correct. That is the rule. And, following that rule, we followed the House on some of those matters that were not authorized. Then the conferees proceeded to go ahead and approved, because the Senate had given the conferees that mandate, some items we put in the bill which were not authorized. And the House conferees accepted them.

Mr. McCLELLAN. Mr. President, how can the conferees comply now with the Senate rules and with the instructions that are in absolutely irreconcilable conflict? How can the conferees comply?

Mr. HOLLAND. We cannot. But, as I have already said, I hope that Christmas will have a brainwashing effect on us and that when we come back we will see things clearly and see the monstrosity that we have created.

Mr. McCLELLAN. Mr. President, I served as a member of the conferees. I did not know I was a conferee until just before notice was given of the meeting.

I went to the chairman and told him I was opposed to the program, that I had voted against it for the past 15 years and would rather not serve.

He asked me to serve.

Those conferees who were there will remember that I simply acquiesced by keeping silent, very much so. And I did not sign the report because I intended to vote against the conference report.

I am opposed to the whole program.

Mr. President, I conclude by saying that maybe one good thing will come out of this. Maybe we can kill the whole foolish program.

Mr. HOLLAND. Mr. President, there were differences of opinion among the conferees. The Senator from Florida has not been in favor of all items for foreign aid, not by any means.

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

Mr. HOLLAND. I yield.

Mr. DODD. Mr. President, I raise a question which, I suppose, is in the nature of a parliamentary inquiry, although I do not see that we can do anything on it now.

As I understand the situation, the Senator from New Mexico has pointed out that what we have done here is in violation of the rules of the Senate.

My question is, Why did not the Presiding Officer instruct the Senate that the motion pending was in violation of the rules of the Senate?

I would like someone to tell me the answer to that question. We are here. We cannot know everything about this. That is why we have astute Parliamentarians. We have tolerant and prudent Presiding Officers, such as the present occupant of the chair. And here is a great occurrence on the Saturday night before Christmas. And we go through a terrific debate and violate the rules of the Senate.

Mr. HOLLAND. Mr. President, I do not think that any Presiding Officer—and we certainly have a distinguished one now—or any Parliamentarian is going to volunteer to a Senator, particularly a leader in the Senate, who makes a motion that he is on unconstitutional grounds.

I have never heard of a Presiding Officer taking such a course.

And I would commend the Presiding

Officer for not taking such a position, but instead letting the Senate work its will, which it has done. I am not complaining about that. I am stating that I hope we will come back on the 19th of January in better humor and better able to see what we have done.

Mr. McCLELLAN. Mr. President, at the conclusion of my remarks, I intended to say that as a consequence of what we had done here, I immediately went to the chairman of the committee and asked him not to submit my name again to serve on the conference because I had refused to serve.

Mr. HOLLAND. Of course, each of us was tempted to do that. I did not do it because I think we are bound to have some knowledge about this whole complex situation that ought to be at the disposition of the Senate. So far as the Senator from Florida is concerned, if the chairman of the committee wants him to serve, he is going to make any contribution he can, and he understands completely the attitude of the Senator from Arkansas. But the Senator from Florida wants the RECORD to show that the Senator from Arkansas, while generally saying nothing, did make some very valuable comments and suggestions and gave some excellent advice during the conference.

I yield the floor.

Mr. FULBRIGHT and Mr. MAGNUSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I want to make this point, a very brief one. I think it has been grossly overstated with regard to the instructions that we were given. Those instructions are based upon and apply only to those matters within the jurisdiction of the conference committee. Under the rules, those items which are not in conference are not in the jurisdiction of the conference committee.

It is perfectly clear that the instructions which the Senate voted are applicable only to those matters within the jurisdiction of the conference committee, which are the things in conference. Under no conditions are matters on which there is no disagreement ever within the jurisdiction of the committee. That is according to the rules of both houses. I do not think there is any disagreement about that.

The implication of the Senator from Florida—it is not only an implication but a statement—that we have committed a monstrosity is sheer nonsense, if I may be allowed to use that word in a most friendly manner; because the conferees are not seized, one might say, of those matters not in disagreement. The conference is appointed not to give approval or deal with those things about which there is no difference. The only items the conference has jurisdiction over are those about which there is a difference, and those items the Senator is talking about as being locked in are those about which there is no difference.

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

Mr. FULBRIGHT. The instructions do not apply to those matters about which the conference committee is not concerned.

Mr. HOLLAND. The Senate sweeps under the rug the things that it has done which violate the principle that is announced here and leaves to the conferees only a fixed amount of things, and the Senator knows that there were things in this bill not authorized.

Mr. FULBRIGHT. Those items are not in conference.

Mr. HOLLAND. But they were approved by the Senate.

Mr. FULBRIGHT. That is not in conference, either. That is double talk. To say that the instructions are a monstrosity is not correct at all.

I do not wish to belabor the matter. The Senator from Florida has given the Senate a great deal of valuable information. It is the first time in my 25 years in this body that any member of the Appropriations Committee has been frank enough to get up and say that the work of the authorizing committees is of very little significance; that it is tentative at best; that it certainly is not the law, and that the Appropriations Committee can do as it pleases and how it pleases; that it can put in anything it likes, and that is the law, and there is nothing you can do about it. I applaud the Senator for his candor. This is very educational for the Members of the Senate as well as for the public.

Many of us who spend our time on so-called legislative matters ought to know this. This is an enlightening development—and I certainly do not criticize the Senator from Florida or any other Member.

Less than 100 years ago, we did not have this division between legislative and appropriation functions. The same committee did the examination of a matter and approved it. I suspect that as a result of what we have learned here today, there may be a move to go back, perhaps, to the wisdom of our fathers and to have those committees which spend long hours investigating, examining witnesses, and passing on policy matters—and we thought we had been making significant decisions—participate in the appropriating process, too.

Only one-quarter of our Members have all the power to determine matters of significance. I am not trying to challenge the committee at all. All I am saying is that I suspect the other 75 Members will be suppliant to the committee and ask to share in the responsible exercise of power that is now confined to 24 Members of the Senate.

What the Senator from Florida has done is to give us a liberal education on the facts of the matter as to where the influence really is in the Senate and in the House.

With respect to the House, of course, he puts it in a different way. He says "the rules of the House." We are not interested in the rules of the House. It is the results we are interested in. It is what finally happens. When everything is cleared away and the bill is passed, what is the result? I could not care less what their rules are.

They have a situation in which they can go to the Rules Committee, and they can get any rule they like. They get a rule that prohibits any Member of that body from even offering an amendment. They get a rule that says this bill, being of the greatest importance, involving perhaps $50 billion or $70 billion, must be passed in 2 hours and with no amendments. They get closed rules; they get any kind of rules they like. They get rules suspending the rules. They get a rule out of the Rules Committee that suspends the rules of the House, and there is nothing any Member of the House can do. They have created a situation in which the Rules Committee and the Appropriations Committee can do anything they like. It does not matter what any other committee does.

The House Committee on Foreign Affairs has only one bill with which to deal. If you abolish the foreign aid bill—and when I say "foreign aid," it is only title I of this bill. This bill has four titles, I believe. The one we are really concerned with—the only one I have been concerned with—is title I. The Foreign Affairs Committee has only that bill. If it did not have that, there would be no reason for the committee to exist. So, naturally, they make a business of it. They spend most of the year working on it. This year they had innumerable hearings. They reported it only about 6 weeks ago. They rewrote the whole bill which the Senate committee refused to accept. We simply dealt with the items in existing law. But, in any event, we now find out their efforts did not amount to a hill of beans, that the year's work of the Foreign Affairs Committee of the House went down the drain when the Appropriations Committee acted.

That is the sum and substance of what the distinguished Senator from Florida has told us. I do not deny it. I think he is a hundred percent correct. I think this is the basis for which, as the Senator from Maine has said, we must take a new look at the whole structure of the Senate.

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

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. I thank the Senator for all the kind things he said. And may I say that it would be impossible for me to picture the distinguished Senator from Arkansas as a suppliant coming anywhere, because he is too fine an advocate and too highly educated a man and too aggressive in stating what he believes in—and I want him always to be that way.

The committee can recommend——

Mr. FULBRIGHT. Which committee?

Mr. HOLLAND. The Appropriations Committee.

The 100 Members of the Senate can always refuse to follow the committee's recommendations, whether those recommendations are on matters that are authorized or on matters that are not authorized. The full membership of the Senate does that repeatedly, and the Senator from Arkansas is completely within his rights in seeking to have cut out of any appropriations bill any item, whether authorized or not, that is reported by the committee. So it is the Senate and not its Appropriations Commit-

tee, nor its legislative committee, that in the last instance has the say and does the speaking for the Senate.

I would not want to go unchallenged the statement of my distinguished friend that the 24-member committee has or arrogates to itself any great authority. It does not have it. All we can do is recommend, after studying, and that is what we do; and we recommend mostly authorized items; I said awhile ago over 90 percent of the time—I think it is nearer 99 percent—the amounts recommended have been included in authorization bills.

We do not always stick to the exact amount. Sometimes we go over and sometimes we go under.

Mr. FULBRIGHT. That is right.

Mr. HOLLAND. The Senator has voted literally hundreds of times in his able career in the Senate for appropriation bills which were over the authorization bill. I think we all understand each other in perfectly good humor. I hope we will be in better humor when we return in January.

If anyone wants to consider changing the rules of the Senate so that we change also the rules of the House, I would be glad to see how he goes about it.

Mr. MAGNUSON. Mr. President, I rise to clarify the record. The Senator from Florida stated that hundreds of times we appropriate money over the authorization. He mentioned that in the Labor-HEW bill we appropriated money that was not authorized. I do not know that we did that in the bill, but if the Senator can show me I would like to see it.

Mr. HOLLAND. I would be glad to.

Mr. MAGNUSON. The Senator from Florida has clarified his position a little. I think that legally he might be correct but I would not want anyone to think that the Committee on Appropriations willy-nilly ignores authorizations.

Mr. HOLLAND. It does not.

Mr. MAGNUSON. It does not. We always put in the proviso:

Provided that the appropriation shall be available only on the enactment of the law of * * *

Whatever the legislation is.

Mr. HOLLAND. Yes, and there is in this bill an item——

Mr. MAGNUSON. I have not yielded the floor.

Mr. HOLLAND. There are two or three items there that are not authorized.

Mr. MAGNUSON. What I am trying to say is that the Senator from Florida made it a little clearer when he said that 99 percent of the time we stick with the authorization.

Mr. HOLLAND. Of course, we do.

Mr. MAGNUSON. When we have a bill like independent offices or Labor-HEW where there are hundreds of items there might be something in there, some small amount, but any time it gets into four figures the Senator will find it is asked, "Is this authorized?" I am sure the Senator has heard that asked many times. I have been on the Committee on Appropriations for a long time, longer than the Senator from Florida. We have both been on the committee perhaps too long.

The expert is in the Chamber, also. He has been on the committee for a long time. I would not want any implication that in the Committee on Appropriations we willy-nilly appropriate money hundreds of times which has not been authorized. We put the same proviso in nearly every bill we have. The best example was tonight when the House message came over and stated that the House authorized OEO. Our appropriation in HEW is condition on authorization. I hope we will not run into any implication of that sort. That is why I voted for the amendment. Otherwise we would be saying, "What is the use of having authorizations?"

Mr. FULBRIGHT. That is right.

Mr. MAGNUSON. We might just as well forget about them.

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

Mr. MAGNUSON. I yield.

Mr. DODD. What is the use, to perform the same function if you are going to have the appropriation? Why can it not all be done at once?

Mr. FULBRIGHT. It used to be that way.

Mr. MAGNUSON. When was it changed? It was not 100 years ago?

Mr. FULBRIGHT. The Parliamentarian, not the present Parliamentarian, said he thought it was about 1886 but he did not want to be held to that.

Mr. MAGNUSON. Maybe we could go back to that.

Mr. FULBRIGHT. I think it may be appropriate.

Mr. MAGNUSON. How many times have I heard in the Committee on Commerce what we see in this bill?

The Senator from Louisiana (Mr. ELLENDER) is an expert on these matters. I do not want the implication that the Committee on Appropriations goes around and says, "We do not care about authorizations; we are going to appropriate this or that."

I voted for this bill because I think it is time that it was determined whether we can legally do this. I think the Senator from Florida has a point. However, we had better adopt a policy. When the legislative committees work on something and decide on something that should be the ceiling.

I will say that 99 percent of the time what he said is true.

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

Mr. MAGNUSON. I yield.

Mr. HART. If the Commerce Committees of the two Houses in June pass a law and through the processes of Congress it becomes a law that there is authorized not to exceed $1 million for the operation of a department, and six or seven line items of functions, can the Committee on Appropriations in October come in and say, "We recommend x more dollars," and then somebody says, "Either House can go ahead on it." What effect would our action in June have? That is what I am trying to find out.

Mr. MAGNUSON. Legally if we appropriated more than that and the Senate approved of it, that is it.

Mr. HART. Is it repealed by implication of the June action? Is that what we are saying to ourselves?

Mr. MAGNUSON. That is it, but we do not do it. If we approve of it, that is it. I do not think the Senate will approve of it.

Mr. HART. I have gotten a feeling from the discussion that what we said in June should not bother us in December.

Mr. MAGNUSON. I do not think the Committee on Appropriations wants to do that and go hog wild. They do not do that. I do know how many billions of dollars we have appropriated in the last 15 years, but I guess there would not be one-tenth of 1 percent of that amount that was over the authorization.

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

Mr. MAGNUSON. I yield.

Mr. HOLLAND. I already mentioned the $4 billion that was appropriated and not authorized in the Foreign Assistance Act.

Mr. MAGNUSON. What was that?

Mr. HOLLAND. The Foreign Assistance Act in 1951.

Mr. MAGNUSON. But still I venture to say that it would not be more than one-tenth of 1 percent. But if both Houses approve, no one can sue us or put us in jail. The bill goes down to the Treasury and they say to pay it and it is paid.

I think this debate has brought out some very important matters. Maybe we should take a long look at this matter to see what we can do about it.

Mr. FULBRIGHT. The Senator has told us the facts of life.

Mr. MAGNUSON. According to the Magnuson plan we should have a fiscal year and only appropriate what is authorized.

Mr. ELLENDER. Mr. President, I am in agreement that the debate that was had here for the last 2 hours has been very educational. I am very hopeful that some rules and regulations can be worked out between the Senate and the House.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, there will be no further rollcall votes tonight, no further votes, and no further business. But so that everyone will be sure, I make the following request.

ORDER FOR ADJOURNMENT TO MONDAY, DECEMBER 22, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until noon on Monday next.

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

APPROPRIATION BILLS, 91ST CONGRESS, FIRST SESSION

Mr. ELLENDER. Mr. President, I asked the clerk of the Appropriations Committee to make a summary of all of

the appropriation bills enacted by Congress, which would include those in conference. I did this in order to give an idea to the Senate of how much has been appropriated and a comparison of the amounts agreed to with the budget estimates for each bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of all appropriation bills handled during the first session of the 91st Congress.

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

[SENATE APPROPRIATIONS COMMITTEE PRINT]

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 91ST CONG., FIRST SESS., AS OF DEC. 20, 1969

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Budget requests considered by House	Approved by House	Budget requests considered by Senate	Approved by Senate	Amounts agreed to in conference	(+) or (—), conference amounts compared with budget requests to Senate
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Bills for fiscal 1970:						
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,272,332,000	$2,314,714,000	$2,280,195,000	$2,276,232,000	—$38,482,00
(Memoranda: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,779,345,000)	(8,821,727,000)	(8,787,208,000)	(8,783,245,000)	(—38,482,000)
2. Agriculture (H.R. 11612)	6,967,562,050	6,806,655,000	7,237,562,050	7,642,797,650	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,380,413,600	14,909,089,000	15,512,969,600	[2]14,985,449,000	15,111,870,500	—401,099,100
(Fiscal year 1970 amounts only)	(15,205,413,600)	(14,734,089,000)	(15,337,969,600)	[2](14,985,449,000)	(15,111,870,500)	(—226,099,100)
4. Interior (H.R. 12781)	1,390,096,500	1,374,286,700	1,390,856,500	1,382,766,900	1,380,375,300	—10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,335,634,200	2,475,704,600	2,382,354,700	2,354,432,700	—121,271,900
6. Labor-HEW (H.R. 13111)	16,495,237,700	17,573,602,700	19,834,125,700	21,363,391,700	19,747,153,200	[4]—86,972,500)
(Fiscal year 1970 amounts only)	(16,495,237,700)	(17,573,602,700)	(18,608,125,700)	(20,245,811,700)	(19,747,153,200)	[4](+1,139,027,500
7. Legislative (H.R. 13763)	311,374,273	284,524,057	372,152,949	342,310,817	344,326,817	—27,826,130
8. Public works (and AEC) (H.R. 14159)	4,203,978,000	4,505,446,500	4,203,978,000	4,993,428,500	4,756,007,500	+552,029,502
9. Military construction (H.R. 14751)	1,917,300,000	1,450,559,000	1,917,300,000	1,603,446,000	1,560,456,000	—356,844,000
10. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,095,019,630	2,090,473,630	2,147,152,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,875,019,630)	(1,840,473,630)	(1,947,152,630)	(1,929,738,630)	(+89,265,000)
11. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	188,691,000	228,842,000	173,547,000	168,510,000	—60,332,000
(District of Columbia funds)	(751,575,300)	(683,106,300)	(752,944,300)	(657,064,600)	(650,249,600)	(—102,694,700)
12. Defense (H.R. 15090)	75,278,200,000	69,960,048,000	75,278,200,000	69,322,656,000	69,640,568,000	—5,637,632,000
13. Foreign assistance (H.R. 15149)	3,679,564,000	2,608,020,000	3,679,564,000	2,718,785,000	2,558,910,000	—1,120,654,000
14. Supplemental (H.R. 15209)	298,547,261	244,225,933	314,597,852	296,877,318	278,281,318	—36,316,534
Total, these bills—						
As to fiscal 1970	132,607,007,614	126,213,133,720	135,200,040,881	130,317,578,215	129,595,765,115	—5,604,275,766
As to fiscal 1971	425,000,000	395,000,000	1,651,000,000	1,317,580,000	214,000,000	—1,437,000,000
Total, 1970 bills including 1971 amounts	133,032,007,614	126,608,133,720	136,851,040,881	131,635,158,215	129,809,765,115	—7,041,275,766
Bills for fiscal 1969:						
1. Unemployment compensation (H.J. Res. 414)	$36,000,000	$36,000,000	$36,000,000	$36,000,000	$36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[3]1,000,000,000	[3]1,000,000,000	[3]1,000,000,000	[3]1,000,000,000	[3]1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,364,006,956	3,783,212,766	4,814,305,334	4,459,669,644	4,352,357,644	—$461,947,690
Release of reserves (under Public Law 90-364)	(82,463,000)	(82,766,000)	(79,999,000)	(80,230,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,400,006,956	4,819,212,766	5,850,305,334	5,495,669,644	5,388,357,644	—461,947,699
Cumulative totals for the session	138,432,014,570	131,427,346,486	142,701,346,215	137,130,827,859	135,198,122,759	—7,503,223,456

[1] In round amounts, the revised (April) budget for fiscal 1970 tentatively estimated total new budget (obligational) authority for 1970 at $219,600,000,000 gross ($205,900,000,000 net of certain offsets made for budget summary purposes only), of which about $80,700,000,000 would become available, through so-called permanent authorizations, without further action by Congress, and about $138,900,000,000 would require "current" action by Congress (mostly in the appropriation bills). Also, the April review of the budget contemplates budget requests for advance fiscal 1971 funding in 4 items totaling $1,661,000,000.

[2] Reflects reduction of $175,000,000 for Appalachian highway program for 1970 and $175,000,000 for advance funding for 1971. Authorization act provided for contract authority in lieu of new obligational authority, with payments for liquidation to be appropriated later.

[3] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

[4] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA title I for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000, from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

Mr. ELLENDER. Mr. President, among other things, the table shows new obligational authority totaling $135,198,122,759 made available during this session. The amount is $7,503,223,456 below the budget estimates submitted to the Senate. Included in this total reduction under the budget is an item of $1,226 million advance funding for fiscal year 1971 for Elementary and Secondary Education Act which was denied by the Congress.

The figures listed above include the conference agreement on the Labor-HEW bill. The President has informed the Congress that he intends to veto this bill. Following notification to the Congress of the President's intention of vetoing the bill, the Senate included in the Supplemental Appropriation bill a continuing resolution to permit the Departments and agencies, for which there are no appropriations enacted, to continue operations through January 30, 1970. Under these circumstances, the Congress has deferred action on the conference report on the Labor-HEW bill until Congress returns in January.

Mr. President, with respect to all these appropriations, the figures will not be changed very much, depending on what the conferees will do on the foreign aid bill, but the total amount will be under the budget by at least $7½ billion.

ADJOURNMENT UNTIL MONDAY, DECEMBER 22, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 7 o'clock and 23 minutes p.m.) the Senate adjourned, until Monday, December 22, 1969, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate, December 20, 1969:

NATIONAL HIGHWAY SAFETY BUREAU

Douglas William Toms, of Washington, to be Director of the National Highway Safety Bureau.

DEPARTMENT OF DEFENSE

Gardiner Luttrell Tucker, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. James W. Wilson, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Rear Adm. Eugene P. Wilkinson, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Arnold F. Schade, U.S. Navy, for appointment as Navy senior member of the Military Staff Committee of the United Nations, pursuant to title 10, United States Code, section 711.

IN THE ARMY

The nominations beginning Arthur C. Harris, Jr., to be lieutenant colonel, and ending Juan G. Santiago Rijos, to be second lieutenant, which nominations were received by

the Senate and appeared in the CONGRESSIONAL RECORD on December 8, 1969.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Thomas D. McKiernan, to be a consular officer of the United States of America, and ending Mitchell Styma, to be consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 10, 1969.

U.S. ATTORNEY

James L. Browning, Jr., of California, to be U.S. attorney for the northern district of California for the term of 4 years.

U.S. MARSHALS

Lee R. Owen, of Arkansas, to be U.S. marshal for the western district of Arkansas for the term of 4 years.

Lynn A. Davis, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Saturday, December 20, 1969*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

For unto you is born this day a Saviour, which is Christ the Lord.—Luke 2: 11.

As the Christmas season approaches, our hearts soften in the glow of the love and light that shines so brightly still from the manger of Bethlehem. Cause this blessed influence not only to soften our hearts but to cleanse them of sin and selfishness and to strengthen them for the tasks and duties of this all-important hour. Help Christ and His way of life and peace be in the center of our hearts and not crowded into a corner. Bowing now in the presence of our living Lord, give us reverence for Thee and the life entrusted to us. Help us to dedicate ourselves to honesty in speech and thought. Nourish in us the desire to seek and find the truth about our world, about ourselves, and above all about Thee. May there be no lowering of our highest Christmas standards as we celebrate the birth of Jesus, but rather an exalting of them during this holiday season.

Enable us to respond at this Christmas season with love for the loveless, hope for the hopeless, and the joy the world can neither give nor take away.

Now we pray especially for the Members of this 91st Congress as they approach the end of this session. After months of labor and struggle with most important matters, many are weary—give them rest. Some are anxious and troubled—give grace sufficient for every need. Some are tempted—give strength to resist and overcome.

Thou hast been our dwelling place in all generations and our sure defense today. Whether here or elsewhere, abide in us all and give us Thy peace. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 764. Joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

H. Con. Res. 473. Concurrent resolution authorizing the Clerk of the House to make a correction in the enrollment of the bill (H.R. 14751).

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14580) entitled "An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14751) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14794) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes."

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. 1933. An act to provide for Federal railroad safety, hazardous materials control and for other purposes.

The message also announced that the Senate agrees to the amendments of the House with an amendment of a joint resolution, of the Senate, of the following title:

S.J. Res. 154. Joint resolution to authorize and request the President to proclaim the month of January of each year as National Blood Donor Month.

The message also announced that the Secretary be directed to return to the House of Representatives its message informing the Senate that the House had agreed to the amendments of the Senate to the bill (H.R. 9634) entitled "An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources," in compliance with a request of the House for the return thereof.

CALL OF THE HOUSE

Mr. DORN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 344]

Abbitt	Edwards, Calif.	May
Adams	Esch	Miller, Calif.
Alexander	Evins, Tenn.	Montgomery
Andrews, Ala.	Fallon	Morse
Ashbrook	Findley	Moss
Ashley	Fish	O'Neal, Ga.
Baring	Fisher	Ottinger
Bell, Calif.	Fulton, Tenn.	Pepper
Berry	Gallagher	Poage
Bevill	Goldwater	Powell
Blanton	Gray	Purcell
Bolling	Green, Oreg.	Quillen
Brasco	Griffiths	Rees
Brock	Hall	Reifel
Cahill	Halpern	Rostenkowski
Carey	Harrington	St Germain
Celler	Hastings	Sandman
Chisholm	Hays	Scheuer
Clancy	Hébert	Sisk
Clark	Jarman	Snyder
Clay	Jonas	Steiger, Ariz.
Collier	Kirwan	Stephens
Collins	Kleppe	Stokes
Conyers	Kluczynski	Sullivan
Corman	Landgrebe	Tunney
Cowger	Latta	Watkins
Cunningham	Lipscomb	Widnall
Dawson	Long, La.	Williams
Dent	Lowenstein	Wilson, Bob
Derwinski	Lukens	Wright
Diggs	McClory	Wydler
Eckhardt	Martin	Zion

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute.)

Mr. NICHOLS. Mr. Speaker, on Monday, December 15, when the House unanimously passed H.R. 15095, I was unavoidably absent from the Chamber attending a meeting between a delegation from my district and an official of one of our Federal agencies. Had I been present, I would have joined my colleagues in voting for this bill. I would like